United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, MARCH 25, 2004 No. 39

House of Representatives

The House met at 10 a.m.

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

Lord, You have told us: ''The greatest among you is the one who serves the rest.''

Your glory, O God, stands in contrast to the glory people seek from other people.

People seek glory by moving upward, some ladder of success, fame or fortune.

You, Lord God, always reveal Your glory by moving downward as in creation or in revealing Your name or love to others.

This downward spiral must then become the deepest reason for living in solidarity with the poor, the alienated, the oppressed, children and the handicapped.

They are the ones in whom Your glory can be best manifested. Show us the way, O Lord, the way to salvation, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KIND 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain 10 1-minute speeches on each side.

HOW MUCH WOULD AMERICANS PAY WITHOUT TAX RELIEF?

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

Mr. PITTS. Mr. Speaker, in the year 2001, 2002, and 2003, we gave the American people tax breaks. How much more would American families pay without this tax relief? If none of this tax relief had become law, in 2004, 111 million Americans would be paying an average of $1,586 more in taxes; 81 million women would be paying an average of $1,878 more in taxes; 49 million married couples would pay, on average, $2,602 more in taxes.

Mr. Speaker, 43 million families with children would be paying an average of $2,000 more in taxes; 11 million single women with children would be paying an average of $921 more in taxes; 14 million elderly individuals would be paying an average of $1,883 more in taxes; 25 million small businesses would be paying an average of $3,000 more in taxes; and nearly 5 million individuals and families who currently have no income tax liability would become subject to the income tax. The numbers speak for themselves.

FUNDRAISING FOR GALLAUDET UNIVERSITY

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

Mr. KIND. Mr. Speaker, we had our own form of March madness last night, and I am here to gloat, I mean to report, that the Democratic Slamming Dunking Donkeys defeated the Fighting Elephants by a one point blowout margin. It came down to a last-minute shot by our rookie and MVP, the gentleman from Ohio (Mr. RYAN), and it was all for a good cause, Gallaudet University, to raise funds for a wonderful university for the deaf and hearing impaired.

Mr. Speaker, I want to commend my Republican counterparts under the leadership of the gentleman from Ohio (Coach OXLEY). It was 1991 when the Democrats last won the game. The Republicans have learned to be very gracious winners, and now they are learning to be very gracious losers, and the Democrats appreciate that.

There were, however, 7 seconds remaining in the game, and some of us feared the gentleman from Ohio (Coach OXLEY) would figure out a way to keep the clock running for another 3 hours until he determined he agreed with the final outcome.

Mr. Speaker, it was a lot of fun, and it was good to see in the midst of a heated budget debate we could come together for some fun and camaraderie, and raise money for a good cause.

BUDGET RESPONSIBILITY

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

Mr. WILSON of South Carolina. Mr. Speaker, I urge my colleagues to support the Republican budget carefully crafted by the gentleman from Iowa (Mr. NUSSLE) for fiscal year 2005, because it is a responsible plan that sets clear priorities.

As we fight the war on terrorism, we will make sure we have the tools that we need to fight the enemy abroad and protect our homeland. Defense spending has increased 7.1 percent, and homeland security has increased 9.5 percent.

Additionally, we are committed to continuing the policies of economic recovery through job creation. The budget allows for making tax cuts, like the marriage penalty and child deduction, permanent so American families can keep more of their own hard-earned money.

☐ 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.

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Finally, we are going to cut the deficit in half in 4 years by holding the line on nondefense and nonhomeland security, and by eliminating waste, fraud and abuse. We must be better managers of the taxpayers' money, and this budget will be a positive step in the right direction.

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

EUROPEAN COMMISSION DECISION UNDERMINES SETTLEMENT

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

Mr. BAIRD. Mr. Speaker, the European Commission's antitrust investigation of Microsoft offered an opportunity to complement the recent U.S. settlement reached with the software corporation. Unfortunately, the Commission's ruling undermines the U.S. settlement and signals potential danger for the technology sector and for consumers at home and abroad.

The Commission's ruling will impose drastic anticompetitive penalties on Microsoft, including a requirement that Microsoft sell a degraded version of its Windows software without a media player. Microsoft is already subject to a tough regulatory framework that promotes competition and innovation, and European consumers and companies continue to enjoy the benefits of this framework.

The Commission's ruling, however, will now subject Microsoft to a new and contradictory set of regulations. The negative impact of this ruling will also extend far beyond the U.S. information technology industry as a whole. Competition authorities in other countries may now decide to follow the Commission's lead and reject longstanding principles of international comity, beginning a chain of second-guesses and doubts surrounding the U.S. in matters involving U.S. companies.

For all these reasons, I strongly urge our administration to use every available resource to ensure that the European Commission reconsider its current strategy and redouble its efforts to resolve this dispute in a manner that complements rather than undermines the U.S. settlement and which offers improved computer software, not dismembered operating systems with less efficient platforms for consumers and businesses worldwide.

UNFUNDED LIABILITIES

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

Mr. SMITH of Michigan. Mr. Speaker, today is going to be a good debate on the budget. We are going to hear suggestions, maybe from both sides of the aisle, certainly from the Democrats, that we do not spend enough in this budget.

The reason I am supporting this budget is because it is probably the most frugal budget spending increase we have had since 1996. There is a weakness in this budget that some day we are going to have to face up to, and that is unfunded liabilities. The day before yesterday, the Medicare and Social Security trustees estimated that the unfunded liabilities for those programs are $71 trillion. What that means is, in 15 years, we are going to have to use 28 percent of the general fund revenue to make up the difference between our promises and the tax funds coming in for Social Security and Medicare.

Mr. Speaker, we have got to deal with the entitlement programs if we are not going to leave our kids and our grandkids with a huge debt.

SUPPORT DEMOCRATIC SUBSTITUTE ON BUDGET RESOLUTION

(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, today this Congress will debate a budget resolution which I believe captures the hopes and aspirations and dreams of America. However, it is a tragedy that my friends on the other side of the aisle would seek to put a spear in the hearts of those who seek an opportunity.

The AMVETS, the Disabled American Veterans, Paralyzed Veterans, and Veterans of Foreign Wars of the United States said the passage of the Republican budget resolution as presented would be a disservice to these men and women who have served this country and are currently serving in Iraq, Afghanistan and around the world in our fight against terrorism.

I support the Democratic substitute which realizes that we must have full funding of homeland security, and I support the Congressional Black Caucus' budget resolution that recognizes we must have full funding of Leave No Child Behind. Anyone who listened to the testimony in the 9/11 hearing knows that the war against terrorism has not yet even been started sufficiently.

Mr. Speaker, I want hopes and dreams and aspirations of Americans to be vested in a budget resolution that respects them and not disrespects them.

AMERICAN JUDGES SHOULD ENFORCE AMERICAN LAWS

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

Mr. SMITH of Texas. Mr. Speaker, the Supreme Court's recent use of foreign law as a precedent in several cases is disturbing. This judicial activism threatens our Nation's sovereignty. For example, in a capital punishment case, a justice cited the Supreme Court of Zimbabwe as precedent.

Zimbabwe is led by a brutal dictator, Robert Mugabe. According to a State Department official, ''He has succeeded in reducing a once-promising nation with a bright future to a state of ruin, desolation, and isolation.''

I hope the Supreme Court in the future will not seek guidance from the Supreme Court of Zimbabwe anytime again. Our judges should enforce American laws and the United States Constitution, not the laws and legal precedents of other countries.

Mr. Speaker, also, the Subcommittee on Constitutional Law is holding a hearing on this very subject right now.

BIPARTISAN EFFORTS NEEDED TO REDUCE FEDERAL DEFICIT

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

Mr. INSLEE. Mr. Speaker, we need to be in a bipartisan fight against the Federal deficit. One of the tools we have in fighting the Federal deficit is called the pay-as-you-go rule, and it is a tool that works very, very well because when the pay-as-you-go rule is in effect, any Member of Congress, Democrat or Republican, if they are going to propose a new spending or a new tax cut, they are required to show how they are going to pay for it. This is common sense.

Unfortunately, my colleagues on the Republican side of the aisle refuse to apply this common-sense rule that was effective during the 1990s in reducing the Federal deficit.

Now, there is one thing we ought to be able to agree on, when you are in a fight, it does not make sense to tie one hand behind yourself. And the Republicans are tying one hand behind us, and the pay-as-you-go rule is going to be the pay-as-you-gone rule. I am disappointed that my Republican colleagues are taking a dive against the Federal deficit.

□ 1015

MEDICAL LIABILITY CAPS NEEDED

(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, a year ago this House passed some meaningful legislation, H.R. 5, which would limit medical liability. Unfortunately, Mr. Speaker, that good legislation has languished on the other side of the Capitol. The reason this is important is because it continues to affect States throughout the country. My State of Texas actually enacted caps on noneconomic damages last September. That was a good thing down in Texas,

but the reality is there are places in the country that are still adversely affected.

I went through Nome, Alaska, last summer coming back from ANWR. One of the OB doctors there said, boy, I hope you get that done because we need an anesthesiologist here and we cannot afford the liability premiums. I said, How do you do obstetrics without an anesthesiologist? He said, If someone needs a C-section, we put them on a plane to Anchorage. Anchorage is an hour and a half away, and I am given to understand there is bad weather from time to time in Nome, Alaska. I fail to see how we are furthering the cause of patients' safety by allowing this situation to continue.

Mr. Speaker, fortunately we have a President right now who will sign medical liability if we will get that bill passed. I am not supposed to mention the name of his opponent, but I do not believe his opponent will do that because he has either been absent or voted ''no'' when that has come up in the Senate.

HOW PHYSICIANS WILL BENEFIT FROM NEW PRESCRIPTION DRUG LEGISLATION

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

Mr. SHIMKUS. Mr. Speaker, I rise today to talk about the Medicare prescription drug bill and one of the other great benefits that has come to our Nation, and that has been in the physician payment arena.

First, this law will block the impending physician payment cuts that were scheduled for 2004 and 2005, as well as give physicians increases of 1.5 percent for the next 2 years. In Illinois where we are losing physicians because of medical malpractice issues, having a provision that keeps doctors in Illinois is very, very critical. As a result of overturning the cuts and increasing the payments, Illinois stands to keep 400 million for Illinois physicians and the patients they serve. The geographic payment adjuster has been set at 1.0 in 2004 through 2006, which affects how physicians are paid in different regions of the country. The agreement also provides for physician scarcity bonus payments from 2005 to 2007. These grants go to those who practice in areas where there is a shortage of physicians.

Mr. Speaker, there is a shortage of physicians in Illinois because of medical malpractice, and physicians are leaving the State. At least in the Medicare prescription drug bill, there is help for keeping some of those.

TAX RELIEF FOR FAMILIES AND SMALL BUSINESSES

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

Mr. REHBERG. Mr. Speaker, this spring as we complete another tax season, families and small businesses have reason to celebrate. Thanks to our $350 billion tax relief bill which the President signed into law last year, working taxpayers are getting back more of their hard-earned money. Families now have more money to put food on the table, pay their mortgages, and pick up school supplies for their kids. These families know the truth about taxes, that it is their money, not Washington's money. Letting them keep their money has helped put the economy back on track. This relief has given families and working taxpayers a smaller tax bite, an increase in the child credit to $1,000, and yet another reduction in the marriage penalty. No wonder families this year have reason to celebrate.

I am happy to report for the first time in a long while unemployment is down in my home State of Montana. Montana's jobless rate is now just 4.6 percent. Why? Because government does not create an economy, businesses do, one job at a time.

BUDGET RESOLUTION

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

Mr. PORTMAN. Mr. Speaker, I rise today to say I am looking forward to voting on the budget later today. This budget is a good document because it does what we know works to get the deficit under control. First, it restrains spending, extremely important. Second, it allows the economy to continue to grow, as my friend from Montana just talked about, by not raising taxes on the American people. Significantly, the budget also provides for the prescription drug benefit this Congress passed late last year. After spending 5 years talking about it, a lot of rhetoric, a real political football, we finally on a bipartisan basis provided prescription drug benefits in a meaningful way.

What numbers will we be relying on in the budget? We will rely on the Congressional Budget Office, as under the rules of the House we are required to do. There has been a lot of discussion about what numbers we should use. Of course we are going to use the Congressional Budget Office as we must. There are other estimates out there. Some may be right, some may be wrong; but this Congress is doing the right thing by providing a prescription drug benefit and providing under the rules of the House for the right estimate of those costs.

HEALTH SAVINGS ACCOUNTS

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

Mr. CHOCOLA. Mr. Speaker, one of the most important issues that we face as a Nation today domestically is the rising cost of health care. The most effective way to address that issue is to return more ownership and control of health care coverage. That is exactly what the health savings accounts created under the bipartisan Medicare bill do. HSAs are portable accounts that allow individuals to save and withdraw tax-free dollars for their health care needs and medical expenses not covered by their insurance. Individuals own the accounts and the savings can be carried over year after year and from job to job, and people can build wealth into their retirement.

By offering individuals ownership and control of their health care coverage, we return control to the patients; and that is exactly where it should be. Mr. Speaker, I applaud my colleagues who have voted to support the bipartisan Medicare bill which will help reduce medical expenses and improve the health care system in America.

BUDGET RESOLUTION FOR FISCAL YEAR 2005

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

Ms. PRYCE of Ohio. Mr. Speaker, as we consider the budget today, my colleagues on the other side of the aisle will talk about their budget for America, which includes repealing tax cuts we fought so hard for. But their quote-unquote repeal is nothing more than job-killing tax increases on American workers. Period. Their alleged ''plan'' would blow America's economic engine. It would be like hitching a heavy trailer to the back of a motor scooter. I cannot think of a better way to turn it into a dead weight, a useless vehicle that would take us nowhere. Job-destroying tax increases are like a trailer full of bricks that will stop this economy dead in its tracks.

Mr. Speaker, let us pass a budget that strengthens our national defense, a budget that grows our economy, a budget that creates jobs, a budget that will get rid of Washington waste and excessive spending. We have that opportunity today, Mr. Speaker. Let us take advantage of it.

PROVIDING FOR FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 393, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009. No further general debate shall be in order. The concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considererd as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 574 is a structured rule providing for the consideration of the Concurrent Resolution on the Budget for fiscal year 2005. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. The rule waives all points of order against the amendments printed in the report, except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment.

The rule further provides, upon the conclusion of consideration of the concurrent resolution for amendment, for a final period of general debate not to exceed 10 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Budget. Finally, the rule permits the chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency and provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption.

Mr. Speaker, the Concurrent Budget Resolution for Fiscal Year 2005, H. Con. Res. 393, provides for $2.4 trillion in total Federal spending for the next fiscal year and sets us on course to cut the deficit in half in 4 years. The resolution provides for total discretionary spending of $818.736 billion in fiscal year 2005. Discretionary defense spending is at the President's requested level of $402 billion. The resolution also accommodates the President's requested increase in homeland security, minus a 0.5 percent efficiency savings. Non-defense, non-homeland security spending is held level for fiscal year 2005. The resolution also responsibly provides for up to $50 billion in fiscal year 2005 for additional costs related to operations in Afghanistan and in Iraq. Total veterans spending is increased by $1.2 billion for the next fiscal year, and the resolution does not include any of the fees proposed in the administration's budget.

It should be noted, also, Mr. Speaker, that no new mandatory spending is provided for in this resolution. Reconciliation instructions are included directing the Committee on Ways and Means to report a bill by October 1 that prevents a tax increase over the next 5 years. Without a change in the law, expiring provisions in the 2001 and 2003 tax relief bills would result in a tax increase on Americans beginning next year. The resolution also accommodates changes needed to write permanently into law the $1,000 child tax credit, the marriage penalty relief, and setting the lowest income tax bracket at 10 percent. Additional reconciliation instructions direct five House committees to report bills by July 15 of this year to eliminate $13.2 billion in waste, fraud, and abuse from government programs over the 5 years of this resolution.

Mr. Speaker, as a member of both the Rules and Budget Committees, I would like to congratulate Chairman DREIER on a fair rule allowing for open debate and Chairman NUSSLE for producing a budget that is focused on defense, economic growth, and our Nation's long history as a land of opportunity. Simply put, Mr. Speaker, this budget is about securing America, creating jobs, and responsible planning. American families do not have unlimited bank accounts.

□ 1030

They have budgets, and they prioritize how they spend and save their money. The Federal Government must set budgets and prioritize spending as well.

This budget continues our commitment to defense and homeland security as the Federal Government's number one responsibility, just as our Founding Fathers intended. It provides for increased funding to help secure America's borders, defend against biological attacks, protect our critical infrastructure, and train and equip our first responders. And it takes a comprehensive, responsible approach to protecting our Nation, winning the war on terror and preparing our military for future security threats and challenges.

Mr. Speaker, by avoiding tax increases and protecting the child tax credit and relief from the marriage tax penalty and relief for lower-income workers, our budget continues the policies that are helping our economy to recover.

Our economy is growing, not as fast as I would like, but it is headed in the right direction, and we need to keep it on track that way. Raising taxes would stop this growth dead in its tracks.

I believe in balanced budgets, Mr. Speaker, and I am proud to have served in the House when Republicans produced the first balanced budget in 40 years. But I do not believe in balancing the budget by simply shifting the burden to American workers, families, and business owners in the form of tax increases. Our budget is focused on allowing the Committee on Appropriations to make the responsible spending choices and fund the highest priorities within the overall framework established by this resolution.

We provide for full funding of the Medicare law to provide seniors help in paying for their prescription drugs for the first time ever. We continue the yearly increases in education spending and fund the No Child Left Behind Act so that our children are better prepared for the future, and we provide an additional $1.2 billion for veterans' health care.

Mr. Speaker, I recently returned from Iraq, and that trip served as a close-up reminder of the hard work and sacrifices made by those who serve in the Armed Forces. We made our promises to veterans, and those promises must be kept. Our budget provides for these priorities, strengthens our defense, and puts us on track to cut the deficit in half in the next 4 years, with declining deficits in the future, and is accomplished without raising taxes on the American people.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying resolution.

Mr. Speaker I reserve the balance of my time

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

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

Mr. FROST. Mr. Speaker, Economics 101 tells us that if we spend more than we make, we quickly find ourselves in a hole. And as the gentleman from Texas (Mr. STENHOLM) often says when asked about the Federal deficit, the first thing we have to do when we find ourselves in a hole is stop digging. Well, Mr. Speaker this country has been digging for 3 straight years, and the result is a very, very deep hole.

Three years ago we projected a surplus of $432 billion for fiscal year 2005. But the Republican budgets of the past 3 years have changed a few things. We now face a deficit of $521 billion this year; a debt accumulation of $1.2 trillion over the last year, this year, and the next; and deficits will continue as far as our forecasts go. That is a dangerous trend, Mr. Speaker, and I will tell the Members why.

Budget deficits and the ensuing debt are bad for the economy. That is a view that almost all economists share. The current chairman of President Bush's Council of Economic Advisers, Harvard Professor Gregory Mankiw, even agrees. As a matter of fact, I have right here his well-known and respected 1998 economics textbook, ''Principles of Economics.'' In it, Professor Mankiw wrote about what he called ''. . . the most basic lesson about budget deficits,'' that when a government runs a budget deficit, investment falls and the economy's growth rate is reduced.

This is a very important point to understand, Mr. Speaker, that the budget deficit can really harm the economy, especially since the jobs outlook for the 8.2 million unemployed is getting worse, not better. The latest Labor Department numbers show the average length of unemployment is now up to 20.3 weeks, the longest duration of unemployment in 20 years. Coupled with the administration's refusal to extend unemployment benefits, the situation for the jobless looks bleak and unlikely to improve.

It did not have to be that way, Mr. Speaker. Our Nation's surpluses were meant to shore up Social Security for the retiring baby boom generation and pay down the national debt. This may sound familiar to anyone who may be listening to the debate today, and it should. Mr. Speaker, for the third year in a row, this House is considering a budget that makes deep funding cuts to our national priorities while at the same time it drives America deeper and deeper into debt.

There is only one way to dig ourselves out of this hole now, Mr. Speaker: by working together, as a national family, to restore fiscal responsibility. That is how families across the country operate. They take an honest look at their expenses, their debts, and their income, and then they sit down at the kitchen table and work it out.

That is what Democrats have tried to do repeatedly with the Federal budget. We have repeatedly urged Republicans to forget politics as usual and join us in a bipartisan budget plan that does not bankrupt our grandchildren.

Last year, Democrats offered a budget that would have saved our Nation and our grandchildren almost $1 trillion in debt over 10 years. I need to repeat that, Mr. Speaker. The budget Democrats proposed last year cost almost $1 trillion less over 10 years than the Republican budget. That is a phenomenal number, but not one Republican Member of this House voted for that bill, not one.

Mr. Speaker, despite their rhetoric, Republicans do not want to deal with the problem of the deficit. They would rather hide behind budget gimmicks and accounting tricks to hide the true cost of their agenda.

The budget that is before us today does not reflect the fiscal reality of our Nation today, Mr. Speaker. That is because it omits a number of large expenditures that are sure to exist, including funding for the war in Iraq after fiscal year 2005 and the cost of making the President's tax cuts permanent, a goal that Republicans have repeatedly advocated, but which is conspicuously missing from their budget. Republicans also assume billions of dollars in unspecified cuts that will never be enacted.

At best, the Republican budget will dig our Nation deeper into debt, leaving us with a $377 billion deficit in 2005, spending the entire $1 trillion Social Security surplus from 2005 to 2009, and leaving America with deeper deficits far into the future. It is an irresponsible proposal brought to us by the leadership of the Republican Party.

Mr. Speaker, I am getting sick and tired of this. The American people deserve better, and they expect that Congress will act in their best interest, not spend the Social Security surplus and burden their grandchildren with debt. I believe that America deserves better than this partisan misleading and divisive resolution. That is why today, Mr. Speaker, I will vote in favor of the Democratic budget alternative.

The Democratic budget resolution will provide real fiscal discipline, with a balanced budget over 10 years, by extending pay-as-you-go rules to both spending and tax cuts and by offsetting the cost of tax cuts through reform measures such as closing costly loopholes and eliminating abusive tax shelters. There are no tricks, no gimmicks, and no hidden costs.

The Republican budgets of the past 3 years have clearly led America in the wrong direction. And what do we have to show for 3 years of fiscal mismanagement, 2.9 million fewer jobs, paltry funding for education, health care, and other national priorities, and a $1.2 trillion debt for our grandchildren to pay. The budget resolution before us today will only compound these problems.

If Members of Congress are really serious about reducing the debt, they would vote today for the Democratic budget alternative. Democrats have put together an honest proposal to reduce the deficit, invest in our Nation, and restore fiscal responsibility in the budget process. It is the right and responsible vote to make for this country, its economy and its people. And that is why I urge my colleagues to join me in voting for the Democratic budget alternative.

The American people deserve no less.

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

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank my friend from Texas for yielding me this time.

Mr. Speaker, I rise today in opposition to this restrictive rule and to the underlying budget.

Yesterday I offered two amendments in the Committee on Rules. By the way, both of these were job amendments. One of these amendments would have increased funding for the Army Corps of Engineers, which is woefully underfunded in this budget before us. The other amendment would have protected families and communities throughout the West by providing the necessary funding for hazardous fuel reduction programs.

What the hazardous fuel reduction program does is it helps stop all of those horrible forest fires we were having in the West, it protects communities, it protects homes and it protects healthy trees so that they can be logged. And at the same time it also provides jobs.

When we look at cutting the Corps of Engineers' budget, what does that budget do? Why would we increase it? It is the budget, it is the organization that dredges all of my coastal communities that keeps those communities alive. It provides transportation, water transportation for over $1 trillion worth of goods in this country.

Neither of those amendments, or many others, were allowed under this rule.

My home State of Oregon has the highest unemployment in the country, and our coastal communities have been very hard hit by the economic downturn. These communities depend on fishing and tourism, and without dredging and other harbor safety measures undertaken by the Army Corps of Engineers, these industries would be further devastated. This budget sets the wrong priorities for our Nation, and I encourage my colleagues to oppose this rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I advise the gentleman from Texas that I have no further requests for time, and if he is prepared to yield back his time, I am certainly prepared to yield back my time. Perhaps the 6 hours of debate took all the steam out of what we have been talking about here.

Mr. FROST. Mr. Speaker, I advise the gentleman that we do have some speakers and one is here currently.

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

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the committee.

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

Mr. Speaker, budgets are about priorities, and I believe that the priorities outlined in the Republican budget plan are not the priorities of the people of this country.

This Republican budget is a blueprint to protect tax cuts for the wealthy at the expense of everything else. I disagree very strongly with the approach being taken by the Republican leadership. This budget plan is bad for America. It is bad for our most vulnerable citizens. It is bad for our economy. It is bad for our war on terrorism, and it is bad for our future. The Republican budget resolution will inflict terrible damage on American families.

This budget cuts $358 million from health programs in the year 2005. It cuts environmental protection programs by $6.4 billion over 5 years. It fails to provide needed funding for veterans' health care. It underfunds homeland security programs. It fails to include the promised funding for No Child Left Behind. It makes college more expensive for our families by freezing the maximum Pell grant and cutting funding for Perkins loans.

I am also dismayed that this budget fails to provide adequate funding for our food aid programs around the world. Winning the war on terrorism will take more than dropping bombs on people. Food aid is one of the best things we can do to boost the image of the United States in other countries. It is a way to win friends and to demonstrate to the world what we are for. This budget goes in exactly the opposite direction, and it is wrong.

And it is outrageous that the Republican leadership refuses to talk straight with the American people about the issue of the budget deficit. For better or worse, the budget resolutions presented in this House have become partisan documents. As I said, perhaps better than anything else, these budgets reflect the priorities of the two parties.

I understand that, for the most part, the Republican leadership believes that every problem can be solved by throwing bigger and bigger tax cuts at the wealthiest Americans and corporations. But it used to be that the Republican Party also stood for fiscal responsibility.

I am a liberal Democrat, but I must say that I learned a lot during the debates of the 1980s and early 1990s. I learned that controlling the deficit is not only important to a strong economy, it is essential. And I give a lot of credit to some of the people on the other side of the aisle and especially to the Blue Dog Democrats, who were among the first to bang the drum of deficit reduction.

What happened to the Republican Party? Where have all those people gone who used to care about the deficit? This Republican budget resolution will increase the deficit by $247 billion over the next 5 years. I have to believe that whether one is a liberal or a moderate or a conservative, they will find this budget fiscally irresponsible.

□ 1045

And it has huge consequences, not only for future generations, but also for the most important task of this generation: winning the global war on terrorism. It becomes harder and harder to take the offensive against terrorism when we are mired in debt, and the Committee on the Budget refuses to include any budget process reform like the so-called pay-as-you-go rules to deal with the problem.

Now we are told that how we pay for things is a separate discussion, and we will have a debate on pay-as-you-go mechanisms next week or the week after or a month later or whenever. Well, that makes no sense. Imagine if you said, I want to buy a $1 million house today, but I will figure out how to pay for it next month; the bank would throw you out on the street. But that is the way the Republican leadership has chosen to operate.

By contrast, the Democratic budget proposal offers real budget enforcement rules. In fact, all of the alternative proposals do so: restoring pay-as-you-go rules to both spending and tax cuts. We provide for a strong defense in homeland security, including putting our troops first. We keep our commitment on No Child Left Behind, fund veterans health programs, health care, environmental protection, and housing; and Democrats target our tax relief to people who need it the most, those in the middle, including extending the child tax credit and marriage penalty relief.

Mr. Speaker, as I said, budgets are about priorities, and the Republican budget proposal before us has the wrong priorities for America. It is that simple. I urge my colleagues to defeat the Republican budget and to support a more thoughtful and realistic approach, and I would also urge my colleagues to vote ''no'' on the rule.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, last week the Committee on the Budget reported out a budget that failed to address one of the most critical problems facing our Nation, and that is our national debt. I offered an amendment in committee that would have included the pay-go rules in that budget, pay-go on both revenue and spending legislation. It was defeated, sadly, on a straight party-line vote. Not one single Republican supported it, not even those who had previously and publicly said that they supported extending pay-go to both revenue and spending.

Yesterday I brought the same amendment to the Committee on Rules; and, again, the majority voted against the extension of the pay-go rules. And in doing so, they denied this House the opportunity to debate one of the most successful budget enforcement mechanisms that we have at our disposal.

Today we are over $7 trillion in debt. By the chairman's own numbers, we will be over $10.4 trillion in debt by the year 2009. Pay-go would allow us to rein in control over our debt and our deficits. Pay-go would mandate that we actually pay for the legislation that we pass. Pay-go would force the Congress to recognize that there are fiscal consequences to our actions. That is a wake-up call that we desperately need because, lately, Congress has been pretending that there are no consequences. We have been spending more than we have. We have been cutting taxes with abandon. We have squandered a $256 billion surplus like it was monopoly money. Unfortunately, there is no such thing as a get-out-of-debt-free card, we cannot pass go, and we cannot collect $7 trillion.

Now, our surpluses are gone and our deficits are predicted to be $521 billion, a $700 billion reversal in just 3 short years. That is not a surprise. We have been living far beyond our means, and a deficit explosion was the inevitable result.

The surprise is that some folks still do not believe it is a problem, and it is the unwillingness of these few people to acknowledge this problem that is preventing the rest of us from fixing the problem.

Our colleagues in the Senate get it. They see that a $521 billion deficit does matter. They realize that it is not a good idea to finance tax cuts and spending increases by letting places like China, Japan, and the OPEC nations buy almost $800 billion of our debt. They understand that their voters did not send them here to come up with fancy budget tricks that amount to little more than shell games and smoke and mirrors. Our colleagues in the Senate voted by a bipartisan majority to include an amendment identical to mine in their budget resolution: pay-go on both tax and spending legislation. The House needs to do the same.

Mr. Speaker, we need to hold ourselves to the same budgeting standards that we hold every family in this country. Whether we are increasing spending or decreasing revenue, we need to pay for it. We need to pay as we go.

Mr. Speaker, I urge my colleagues to vote ''no'' on this fiscally irresponsible rule.

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

Mr. Speaker, the Committee on the Budget had a very extensive markup

session; I think we had roll call votes on something like 25 particular items to add to the budget in particular areas. So we had a vigorous debate on that. Yesterday, in the Committee on Rules, there was again vigorous debate on the amendments that were offered.

It has always been the tradition when we deal with the budget document, which I might add is the broad blueprint for our appropriation process that is coming up later on, but it has always been the tradition when we do the budget document that the amendments that we make in order are full substitutes.

The gentleman spoke about his concern of the pay-go issue, and one of the substitutes that we made in order, the ranking member of the Committee on the Budget substitute, the gentleman from South Carolina (Mr. SPRATT), has precisely that issue within the substitute. So we will have a vigorous debate on that. The Committee on Rules made in order 40 minutes for each of those substitutes. I might add that three of the substitutes that we made in order come from the other side of the aisle, and one of those substitutes comes from our side of the aisle.

So we will, I think, have a vigorous debate on the issue that the previous speaker just brought up, and I think it will be a healthy debate; and then we will let the will of the House make that determination.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I would just like to point out to the gentleman from Washington, my friend, that, first of all, the Blue Dog budget has the pay-go provision in it. It would just make for a much more vigorous and a much more honest debate if we could, in fact, debate the very simple and basic idea that we pay for our bills; we do not just pass bills, we pay for them.

The fact of the matter is there is not one of us on either side of this aisle that could go back home and make that argument to our constituents where we would not understand that. They are not interested in the political inside-the-beltway mumbo jumbo; they know that we need to pay our bills, pay as we go, and that should be before this House to debate.

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

Mr. Speaker, I urge Members to oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to vote on the Thompson-Moore pay-as-you-go amendment. This amendment would require that any new mandatory spending or tax cuts must be paid for. Mr. Speaker, the amendment was offered in the Committee on Rules last night, but was defeated on a straight party-line vote.

For some reason, the Republican leadership is afraid to allow Members the opportunity to vote on this responsible and reasonable proposal. Three years ago the budget deficit was shrinking and the economy was robust and growing; but, as Members have stated today, the leadership of the Republican Party has turned a balanced budget into record deficit spending. And here they go again, pushing a dangerous budget that will spiral the deficit out of control.

Well, Mr. Speaker, I just do not see how we can continue this reckless, unchecked growth in our national debt. I believe deficit spending is a serious threat to our economy. The numbers are so high and out of control, they have almost lost their full impact. Republicans are throwing trillions of dollars around like it is pocket change. But it is not pocket change, Mr. Speaker; it is a staggering number, and it can crush any chance our Nation has of an economic recovery.

We must put something in place to halt the out-of-control deficit, and I think the Thompson-Moore pay-as-you-go amendment is a step in the right direction. A ''no'' vote on the previous question will let the American people know once and for all which Members stand in favor of reduced deficits, responsible spending, and fiscal restraint.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials at this point in the RECORD, and I urge Members to vote ''no'' on the previous question.

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

There was no objection.

PREVIOUS QUESTION FOR RULE FOR H. RES. 574, H. CON. RES. 393—FY05 CONCURRENT BUDGET RESOLUTION

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order without intervention of any point of order as though printed as the first amendment in the report of the Committee on Rules if offered by Representative Thompson of California or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

Sec. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H. CON. RES. 393, AS REPORTED, OFFERED BY MR. THOMPSON OF CALIFORNIA

At the end of title IV, add the following new section:

SEC. ___. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any of the following periods:

(1) The first year covered by the most recently adopted concurrent resolution on the budget.

(2) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(b) DIRECT-SPENDING LEGISLATION.—

(1) DEFINITION.—For purposes of this section and except as provided in paragraph (2), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) EXCLUSION.—For purposes of this section, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume to just remind Members that the Committee on Rules made in order three substitutes, and I erred when I said the Spratt amendment was only for 40 minutes; it is actually for 60 minutes. The other ones are for 40 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in opposition to this closed rule and the underlying resolution. Yesterday afternoon, 35 amendments were offered during the Rules Committee hearing. Democrats offered amendments to increase funding for the No Child Left Behind Act, veterans' healthcare, job training programs, environmental cleanups, military survivor benefits, port security, first responders, affordable housing, and many other important domestic priorities.

However, of the 35 amendments offered, only 4 are made in order by this rule. As the current chairman of the Rules Committee once said, ''If a rule isn't open, then it's closed.'' By the definition of the gentleman from California, this rule is closed, and I oppose it.

As my colleagues have already noted, we live in a trying time when fiscal constraints are overwhelming. The ongoing costs associated with an unprovoked war in Iraq have only added to the Bush recession, which the National Bureau for Economic Research has noted first began in March 2001. Our problems were exacerbated when the Bush tax cuts were signed into law. These tax cuts squandered raging surplus and have driven America's economy into the ground.

The Republican budget proposal is a reckless disregard of the obvious. It further increases our deficit and abandons the social contract this body has signed with the American people.

The Republican budget neglects America's children, seniors, and veterans. It underfunds our domestic priorities by billions, including veterans benefits, our education system, and perhaps most importantly during this dangerous time in history, homeland security.

To pay for their tax cuts, Republicans lay the groundwork for $2.2 billion in cuts to the Medicaid program. With these cuts, states will

be forced to cover shortfalls in Federal commitments. At the same time, millions of America's poorest will find themselves homeless and uninsured with nobody to turn to.

Making a bad budget worse, the Republican proposal has the audacity to suggest that spending in Iraq will not be necessary beyond the upcoming fiscal year. Nothing could be further from the truth. This budget is as dishonest as the President's claims which got us into Iraq in the first place.

Even though I will oppose their budget, at the least the Republic Study Committee is honest about what it's doing.

Consideration of the budget resolution provides both parties with the opportunity to outline their priorities. Democrats will come to the floor today and offer our priorities to the American people. Our proposal is fiscally and socially responsible, while maintaining all of our international and domestic commitments.

Over the next 5 years, the Democratic budget provides nearly $10 billion more than Republicans for appropriated education programs, $6.6 billion more for veterans' programs, and $5 billion more for homeland security.

We provide a realistic short- and long-term outlook for America's budget, and we ensure that domestic spending remains consistent with the costs of inflation. Democrats do all of this at the same time we balance the budget and cut the deficit.

Additionally, Members of the Congressional Black Caucus will offer our own budget. Our proposal is equally responsible and realistic. With increases in funding for America's schools, veterans, healthcare, and job training programs, the CBC budget reflects the conscious of the American people.

Mr. Speaker, today's debate is far less about politics than it is about priorities. After 6 hours of debate on the majority's budget proposal, it is clearer than ever: Republican priorities are not American priorities.

I urge my colleagues to oppose the rule and the underlying resolution, and vote "yes" on all Democratic substitutes.

Mr. LINDER. Mr. Speaker, I rise in support of this rule. I urge all of my colleagues on both sides of the aisle to join me in supporting House Resolution 574, which provides for the consideration of the fiscal year 2005 budget resolution. H. Res. 574 is a fair, traditional rule for consideration of the annual budget resolution. The Rules Committee listened to hours of testimony yesterday and we have focused on making in order a selection of amendments submitted in the nature of a substitute. The rule before the House today provides for the consideration of four amendments in the nature of a substitute—three of which are Democrat substitutes—including the Blue Dog budget, the Congressional Black Caucus budget, the Democrat Leadership's and the Republican Study Committee budget.

With respect to H. Con. Res. 393, the underlying resolution, I want to commend Mr. NUSSLE, chairman of the Budget Committee, for all of his effort in bringing this very carefully-balanced resolution to the House floor. This budget reflects our commitment to the Nation's principles of strength, growth, and opportunity—to fund our Armed Forces and protect the people of the United States; to create jobs and strengthen the American economy; and to strengthen the foundation of this Nation that provides all Americans with unlimited opportunities, all while ensuring long-term fiscal responsibility.

H. Con. Res. 393 is an important step in the right direction toward balancing the budget. This resolution is designed to cut the deficit in half over the next 4 years. In addition, it protects President Bush's 2001 and 2003 tax relief proposals in order to ensure that the economy will keep moving forward and create more jobs.

The Budget Committee's resolution is in line with President Bush's FY 2005 budget request and seeks to hold the line on higher spending for most domestic discretionary programs, while increasing defense and homeland security spending to protect our citizens.

Once the budget resolution is passed, our next challenge is making sure that the 13 regular FY 2005 appropriations bills are within this budget's limits. It is extremely important for Congress to ensure our fiscal policy is sound in order to allow the Federal Reserve to maintain its current monetary policies, which can collectively serve to encourage job creation and growth in the economy.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed to debate the four substitute amendments as well as H. Con. Res. 393.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on: adopting House concurrent resolution 574, if ordered; H.R. 3786, H.R. 2993, and H.R. 254.

The vote was taken by electronic device, and there were—yeas 222, nays 201, not voting 10, as follows:

[Roll No. 84]

YEAS—222

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

NAYS—201

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Abercrombie
Boehner
Clay
Davis (IL)
Hoeffel
McInnis
Pence
Price (NC)
Tauzin
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The Chair is advised that some of the voting stations may have been reset during this vote. Members should take care to confirm their vote, and the voting machines will be kept open until Members have a chance to vote and to confirm their vote.

□ 1123

Mr. ROTHMAN, Ms. MCCARTHY of Missouri, Mr. WYNN, Ms. WOOLSEY, Mrs. CAPPS, Mr. GEPHARDT, Mr. FATTAH, Mrs. JONES of Ohio, Ms. ESHOO, Ms. CORRINE BROWN of Florida, and Messrs. BERRY, BALLANCE, CONYERS, ENGEL and WEXLER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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. 2584. An act to provide for the conveyance to the Utrok Atoll local government of decommissioned National oceanic and Atmospheric Administration ship, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1218. An act to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program.

S. 2231. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 94 (One Hundred Eighth Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies—

the Senator from Tennessee (Mr. FRIST),

the Senator from Mississippi (Mr. LOTT), and

the Senator from Connecticut (Mr. DODD).

The message also announced that pursuant to section 1501(b)(1)(C), title XV of Public Law 108–136, the Chair, on behalf of the Majority Leader, appoints the following individual to serve on the Veterans' Disability Benefits Commission:

Mr. Charles Joeckel of Washington, DC.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3786.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3786, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 2, not voting 9, as follows:

[Roll No. 85]

YEAS—422

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus

Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Duncan
Paul

NOT VOTING—9

Abercrombie
Clay
Cox
Davis (IL)
Hoeffel
McInnis
Pence
Price (NC)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1132

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2993.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 2993, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 14, not voting 8, as follows:

[Roll No. 86]

YEAS—411

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

NAYS—14

Collins
Cubin
Culberson
Deal (GA)
Everett
Goss
Kingston
Miller (FL)
Miller, Gary
Norwood
Putnam
Royce
Taylor (NC)
Thornberry

NOT VOTING—8

Abercrombie
Clay
Hobson
Hoeffel
Johnson (CT)
McInnis
Pence
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1142

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 254, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 48, not voting 8, as follows:

[Roll No. 87]

YEAS—377

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Burton (IN)
Buyer

Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—48

Bartlett (MD)
Bishop (UT)
Blackburn
Brown-Waite, Ginny
Burgess
Chabot
Collins
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Goode
Goodlatte
Gutknecht
Hayes
Hayworth
Hoekstra
Hostettler
Isakson
Jenkins
Jones (NC)
King (IA)
Lewis (KY)
Miller (FL)
Moran (KS)
Musgrave
Norwood
Otter
Paul
Pearce
Platts
Ramstad
Rogers (KY)
Sensenbrenner
Shadegg
Sherwood
Shuster
Smith (MI)
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Toomey

NOT VOTING—8

Abercrombie
Clay
Gutierrez
Hoeffel
Manzullo
McInnis
Pence
Tauzin

□ 1150

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

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.

DOMINICAN REPUBLIC FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–178)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107–210; the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a free trade agreement (FTA) with the Government of the Dominican Republic.

This agreement will create new opportunities by eliminating barriers to trade with the Dominican Republic, the largest economy in the Caribbean Basin. At the same time, it will help bring to the Dominican Republic expanded economic freedom and opportunity, and it will provide an opportunity for regional stability, democracy, and economic development through closer ties of commerce, investment, and friendship.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of entering into an agreement with the Dominican Republic. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 24, 2004.*

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 393.

□ 1150

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009, with Mr. LATOURETTE (Chairman pro tempore) in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 24, 2004, all time for general debate pursuant to that order had expired.

Pursuant to House Resolution 574, no further general debate is in order and the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 393 is as follows:

H. CON. RES. 393

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

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for members of the Armed Forces in Iraq and Afghanistan.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

Sec. 301. Deficit-neutral reserve fund for health insurance for the uninsured.
Sec. 302. Deficit-neutral reserve fund for the Family Opportunity Act.
Sec. 303. Deficit-neutral reserve fund for Military Survivors' Benefit Plan.
Sec. 304. Reserve fund for pending legislation.

Subtitle B—Contingency Procedure

Sec. 311. Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 404. Application and effect of changes in allocations and aggregates.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,272,966,000,000.
Fiscal year 2005: $1,457,215,000,000.
Fiscal year 2006: $1,619,835,000,000.
Fiscal year 2007: $1,721,568,000,000.
Fiscal year 2008: $1,818,559,000,000.
Fiscal year 2009: $1,922,133,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2004: −$179,000,000.
Fiscal year 2005: $19,919,000,000.
Fiscal year 2006: $34,346,000,000.
Fiscal year 2007: $33,376,000,000.
Fiscal year 2008: $27,231,000,000.
Fiscal year 2009: $30,927,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,952,700,000,000.
Fiscal year 2005: $2,010,338,000,000.
Fiscal year 2006: $2,071,186,000,000.
Fiscal year 2007: $2,193,395,000,000.
Fiscal year 2008: $2,311,770,000,000.
Fiscal year 2009: $2,431,782,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,911,235,000,000.
Fiscal year 2005: $2,007,926,000,000.
Fiscal year 2006: $2,083,910,000,000.
Fiscal year 2007: $2,169,446,000,000.
Fiscal year 2008: $2,277,071,000,000.
Fiscal year 2009: $2,393,946,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: $638,269,000,000.
Fiscal year 2005: $550,711,000,000.
Fiscal year 2006: $464,075,000,000.
Fiscal year 2007: $447,878,000,000.
Fiscal year 2008: $458,512,000,000.
Fiscal year 2009: $471,813,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,436,000,000,000.
Fiscal year 2005: $8,087,000,000,000.
Fiscal year 2006: $8,675,000,000,000.
Fiscal year 2007: $9,244,000,000,000.
Fiscal year 2008: $9,823,000,000,000.
Fiscal year 2009: $10,419,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,385,000,000,000.
Fiscal year 2005: $4,775,000,000,000.
Fiscal year 2006: $5,060,000,000,000.
Fiscal year 2007: $5,312,000,000,000.
Fiscal year 2008: $5,560,000,000,000.
Fiscal year 2009: $5,807,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2009 for each major functional category are:

(1) National Defense (050):

Fiscal year 2004:
(A) New budget authority, $461,544,000,000.
(B) Outlays, $451,125,000,000.
Fiscal year 2005:
(A) New budget authority, $419,634,000,000.
(B) Outlays, $447,114,000,000.
Fiscal year 2006:
(A) New budget authority, $442,400,000,000.
(B) Outlays, $439,098,000,000.
Fiscal year 2007:
(A) New budget authority, $464,000,000,000.
(B) Outlays, $445,927,000,000.
Fiscal year 2008:
(A) New budget authority, $486,149,000,000.
(B) Outlays, $465,542,000,000.
Fiscal year 2009:
(A) New budget authority, $508,369,000,000.
(B) Outlays, $487,186,000,000.

(2) Homeland Security (100):

Fiscal year 2004:
(A) New budget authority, $29,559,000,000.
(B) Outlays, $24,834,000,000.
Fiscal year 2005:
(A) New budget authority, $34,102,000,000.
(B) Outlays, $29,997,000,000.
Fiscal year 2006:
(A) New budget authority, $33,548,000,000.
(B) Outlays, $33,298,000,000.
Fiscal year 2007:
(A) New budget authority, $35,160,000,000.
(B) Outlays, $35,635,000,000.
Fiscal year 2008:
(A) New budget authority, $36,520,000,000.
(B) Outlays, $36,979,000,000.
Fiscal year 2009:
(A) New budget authority, $40,420,000,000.
(B) Outlays, $38,401,000,000.

(3) International Affairs (150):

Fiscal year 2004:
(A) New budget authority, $43,604,000,000.
(B) Outlays, $29,281,000,000.
Fiscal year 2005:
(A) New budget authority, $26,529,000,000.
(B) Outlays, $32,848,000,000.
Fiscal year 2006:
(A) New budget authority, $27,776,000,000.
(B) Outlays, $30,017,000,000.
Fiscal year 2007:
(A) New budget authority, $27,927,000,000.
(B) Outlays, $26,714,000,000.
Fiscal year 2008:
(A) New budget authority, $28,077,000,000.
(B) Outlays, $25,323,000,000.
Fiscal year 2009:
(A) New budget authority, $28,228,000,000.
(B) Outlays, $25,099,000,000.

(4) General Science, Space, and Technology (250):

Fiscal year 2004:
(A) New budget authority, $22,822,000,000.
(B) Outlays, $21,897,000,000.
Fiscal year 2005:
(A) New budget authority, $22,813,000,000.
(B) Outlays, $22,453,000,000.
Fiscal year 2006:
(A) New budget authority, $22,927,000,000.
(B) Outlays, $22,683,000,000.
Fiscal year 2007:
(A) New budget authority, $23,042,000,000.
(B) Outlays, $22,743,000,000.
Fiscal year 2008:
(A) New budget authority, $23,157,000,000.
(B) Outlays, $22,763,000,000.
Fiscal year 2009:
(A) New budget authority, $23,274,000,000.
(B) Outlays, $22,863,000,000.

(5) Energy (270):

Fiscal year 2004:
(A) New budget authority, $2,323,000,000.
(B) Outlays, $59,000,000.
Fiscal year 2005:
(A) New budget authority, $2,863,000,000.
(B) Outlays, $1,201,000,000.
Fiscal year 2006:
(A) New budget authority, $2,604,000,000.
(B) Outlays, $1,397,000,000.
Fiscal year 2007:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $1,040,000,000.
Fiscal year 2008:
(A) New budget authority, $2,629,000,000.
(B) Outlays, $662,000,000.
Fiscal year 2009:
(A) New budget authority, $2,285,000,000.
(B) Outlays, $891,000,000.

(6) Natural Resources and Environment (300):

Fiscal year 2004:
(A) New budget authority, $32,021,000,000.
(B) Outlays, $30,210,000,000.
Fiscal year 2005:
(A) New budget authority, $31,212,000,000.
(B) Outlays, $30,868,000,000.
Fiscal year 2006:
(A) New budget authority, $31,568,000,000.
(B) Outlays, $31,911,000,000.
Fiscal year 2007:
(A) New budget authority, $31,897,000,000.
(B) Outlays, $32,153,000,000.
Fiscal year 2008:
(A) New budget authority, $32,101,000,000.
(B) Outlays, $32,128,000,000.
Fiscal year 2009:
(A) New budget authority, $32,777,000,000.
(B) Outlays, $32,804,000,000.

(7) Agriculture (350):

Fiscal year 2004:
(A) New budget authority, $19,908,000,000.
(B) Outlays, $18,434,000,000.
Fiscal year 2005:
(A) New budget authority, $21,087,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2006:
(A) New budget authority, $23,374,000,000.
(B) Outlays, $22,310,000,000.
Fiscal year 2007:
(A) New budget authority, $24,278,000,000.
(B) Outlays, $23,199,000,000.
Fiscal year 2008:
(A) New budget authority, $24,042,000,000.
(B) Outlays, $22,957,000,000.
Fiscal year 2009:
(A) New budget authority, $24,903,000,000.
(B) Outlays, $23,956,000,000.

(8) Commerce and Housing Credit (370):

Fiscal year 2004:
(A) New budget authority, $17,077,000,000.
(B) Outlays, $12,748,000,000.
Fiscal year 2005:
(A) New budget authority, $10,792,000,000.
(B) Outlays, $5,782,000,000.
Fiscal year 2006:
(A) New budget authority, $10,242,000,000.
(B) Outlays, $6,842,000,000.
Fiscal year 2007:
(A) New budget authority, $9,727,000,000.
(B) Outlays, $4,769,000,000.
Fiscal year 2008:

(A) New budget authority, $9,705,000,000.
(B) Outlays, $3,190,000,000.
Fiscal year 2009:
(A) New budget authority, $9,580,000,000.
(B) Outlays, $2,740,000,000.
(9) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $62,937,000,000.
(B) Outlays, $59,280,000,000.
Fiscal year 2005:
(A) New budget authority, $65,021,000,000.
(B) Outlays, $61,988,000,000.
Fiscal year 2006:
(A) New budget authority, $66,075,000,000.
(B) Outlays, $64,204,000,000.
Fiscal year 2007:
(A) New budget authority, $68,263,000,000.
(B) Outlays, $66,131,000,000.
Fiscal year 2008:
(A) New budget authority, $69,578,000,000.
(B) Outlays, $67,545,000,000.
Fiscal year 2009:
(A) New budget authority, $70,445,000,000.
(B) Outlays, $68,452,000,000.
(10) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $13,758,000,000.
(B) Outlays, $15,443,000,000.
Fiscal year 2005:
(A) New budget authority, $11,867,000,000.
(B) Outlays, $14,233,000,000.
Fiscal year 2006:
(A) New budget authority, $11,655,000,000.
(B) Outlays, $12,484,000,000.
Fiscal year 2007:
(A) New budget authority, $11,715,000,000.
(B) Outlays, $11,616,000,000.
Fiscal year 2008:
(A) New budget authority, $11,692,000,000.
(B) Outlays, $11,392,000,000.
Fiscal year 2009:
(A) New budget authority, $11,752,000,000.
(B) Outlays, $11,510,000,000.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $89,463,000,000.
(B) Outlays, $86,405,000,000.
Fiscal year 2005:
(A) New budget authority, $92,523,000,000.
(B) Outlays, $90,492,000,000.
Fiscal year 2006:
(A) New budget authority, $93,596,000,000.
(B) Outlays, $92,878,000,000.
Fiscal year 2007:
(A) New budget authority, $94,243,000,000.
(B) Outlays, $93,365,000,000.
Fiscal year 2008:
(A) New budget authority, $94,738,000,000.
(B) Outlays, $93,975,000,000.
Fiscal year 2009:
(A) New budget authority, $95,366,000,000.
(B) Outlays, $94,685,000,000.
(12) Health (550):
Fiscal year 2004:
(A) New budget authority, $236,822,000,000.
(B) Outlays, $235,551,000,000.
Fiscal year 2005:
(A) New budget authority, $245,095,000,000.
(B) Outlays, $244,936,000,000.
Fiscal year 2006:
(A) New budget authority, $252,639,000,000.
(B) Outlays, $252,495,000,000.
Fiscal year 2007:
(A) New budget authority, $266,117,000,000.
(B) Outlays, $265,196,000,000.
Fiscal year 2008:
(A) New budget authority, $284,970,000,000.
(B) Outlays, $284,222,000,000.
Fiscal year 2009:
(A) New budget authority, $304,034,000,000.
(B) Outlays, $303,460,000,000.
(13) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $269,567,000,000.
(B) Outlays, $268,759,000,000.
Fiscal year 2005:
(A) New budget authority, $288,166,000,000.
(B) Outlays, $289,126,000,000.
Fiscal year 2006:
(A) New budget authority, $322,974,000,000.
(B) Outlays, $322,549,000,000.
Fiscal year 2007:
(A) New budget authority, $362,759,000,000.
(B) Outlays, $363,016,000,000.
Fiscal year 2008:
(A) New budget authority, $387,838,000,000.
(B) Outlays, $387,858,000,000.
Fiscal year 2009:
(A) New budget authority, $414,278,000,000.
(B) Outlays, $413,853,000,000.
(14) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $329,744,000,000.
(B) Outlays, $336,074,000,000.
Fiscal year 2005:
(A) New budget authority, $337,318,000,000.
(B) Outlays, $341,716,000,000.
Fiscal year 2006:
(A) New budget authority, $335,387,000,000.
(B) Outlays, $339,098,000,000.
Fiscal year 2007:
(A) New budget authority, $340,140,000,000.
(B) Outlays, $342,945,000,000.
Fiscal year 2008:
(A) New budget authority, $352,809,000,000.
(B) Outlays, $355,046,000,000.
Fiscal year 2009:
(A) New budget authority, $361,830,000,000.
(B) Outlays, $363,465,000,000.
(15) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $13,396,000,000.
(B) Outlays, $13,396,000,000.
Fiscal year 2005:
(A) New budget authority, $15,094,000,000.
(B) Outlays, $15,094,000,000.
Fiscal year 2006:
(A) New budget authority, $16,589,000,000.
(B) Outlays, $16,589,000,000.
Fiscal year 2007:
(A) New budget authority, $18,049,000,000.
(B) Outlays, $18,049,000,000.
Fiscal year 2008:
(A) New budget authority, $19,988,000,000.
(B) Outlays, $19,988,000,000.
Fiscal year 2009:
(A) New budget authority, $21,989,000,000.
(B) Outlays, $21,989,000,000.
(16) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, $61,179,000,000.
(B) Outlays, $59,858,000,000.
Fiscal year 2005:
(A) New budget authority, $70,536,000,000.
(B) Outlays, $68,563,000,000.
Fiscal year 2006:
(A) New budget authority, $68,501,000,000.
(B) Outlays, $67,597,000,000.
Fiscal year 2007:
(A) New budget authority, $66,621,000,000.
(B) Outlays, $66,007,000,000.
Fiscal year 2008:
(A) New budget authority, $69,842,000,000.
(B) Outlays, $69,459,000,000.
Fiscal year 2009:
(A) New budget authority, $70,506,000,000.
(B) Outlays, $70,106,000,000.
(17) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, $29,932,000,000.
(B) Outlays, $30,103,000,000.
Fiscal year 2005:
(A) New budget authority, $30,139,000,000.
(B) Outlays, $30,025,000,000.
Fiscal year 2006:
(A) New budget authority, $27,430,000,000.
(B) Outlays, $28,036,000,000.
Fiscal year 2007:
(A) New budget authority, $27,480,000,000.
(B) Outlays, $27,744,000,000.
Fiscal year 2008:
(A) New budget authority, $27,616,000,000.
(B) Outlays, $27,540,000,000.
Fiscal year 2009:
(A) New budget authority, $27,755,000,000.
(B) Outlays, $27,621,000,000.
(18) General Government (800):
Fiscal year 2004:
(A) New budget authority, $23,806,000,000.
(B) Outlays, $24,540,000,000.
Fiscal year 2005:
(A) New budget authority, $17,198,000,000.
(B) Outlays, $17,916,000,000.
Fiscal year 2006:
(A) New budget authority, $17,419,000,000.
(B) Outlays, $17,392,000,000.
Fiscal year 2007:
(A) New budget authority, $17,573,000,000.
(B) Outlays, $17,401,000,000.
Fiscal year 2008:
(A) New budget authority, $17,230,000,000.
(B) Outlays, $17,075,000,000.
Fiscal year 2009:
(A) New budget authority, $17,383,000,000.
(B) Outlays, $17,044,000,000.
(19) Net Interest (900):
Fiscal year 2004:
(A) New budget authority, $240,471,000,000.
(B) Outlays, $240,471,000,000.
Fiscal year 2005:
(A) New budget authority, $270,698,000,000.
(B) Outlays, $270,698,000,000.
Fiscal year 2006:
(A) New budget authority, $318,909,000,000.
(B) Outlays, $318,909,000,000.
Fiscal year 2007:
(A) New budget authority, $364,463,000,000.
(B) Outlays, $364,463,000,000.
Fiscal year 2008:
(A) New budget authority, $398,574,000,000.
(B) Outlays, $398,574,000,000.
Fiscal year 2009:
(A) New budget authority, $427,464,000,000.
(B) Outlays, $427,464,000,000.
(20) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,850,000,000.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $250,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$47,233,000,000.
(B) Outlays, −$47,233,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,349,000,000.
(B) Outlays, −$52,475,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,427,000,000.
(B) Outlays, −$54,477,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,642,000,000.
(B) Outlays, −$63,767,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,485,000,000.
(B) Outlays, −$66,147,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,856,000,000.
(B) Outlays, −$59,893,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE.—(1) Not later than July 15, 2004, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those

recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $110,000,000 in outlays for fiscal year 2005 and $371,000,000 in outlays for the period of fiscal years 2005 through 2009.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE: INSTRUCTION TO PROVIDE FAIRNESS IN FEDERAL WORKERS COMPENSATION.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $5,000,000 in outlays for fiscal year 2005 and $43,000,000 in outlays for the period of fiscal years 2005 through 2009.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $410,000,000 in outlays for fiscal year 2005 and $2,185,000,000 in outlays for the period of fiscal years 2005 through 2009.

(D) COMMITTEE ON GOVERNMENT REFORM: INSTRUCTION TO INCREASE RESOURCES TO AUTHORIZE INFORMATION SHARING TO ALLOW FEDERAL BENEFIT PROGRAMS LIMITED ACCESS TO FEDERAL AND STATE ADMINISTRATIVE DATA TO VERIFY ELIGIBILITY.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $170,000,000 in outlays for fiscal year 2005 and $2,365,000,000 in outlays for the period of fiscal years 2005 through 2009.

(E) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit by $1,126,000,000 for fiscal year 2005 and $8,269,000,000 for the period of fiscal years 2005 through 2009.

(b) SUBMISSION PROVIDING FOR THE EXTENSION OF EXPIRING TAX RELIEF.—(1) The House Committee on Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $13,182,000,000 for fiscal year 2005 and by not more than $137,580,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal years 2005 though 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides medicaid coverage for children with special needs (the Family Opportunity Act), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS' BENEFIT PLAN.

In the House, if the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases survivors' benefits under the Military Survivors' Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral resulting from a change other than to discretionary appropriations in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR PENDING LEGISLATION.

In the House, for any bill, including a bill that provides for the safe importation of FDA-approved prescription drugs or places limits on medical malpractice litigation, that has passed the House in the first session of the 108th Congress and, after the date of adoption of this concurrent resolution, is acted on by the Senate, enacted by the Congress, and presented to the President, the chairman of the Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect any resulting savings from any such measure.

Subtitle B—Contingency Procedure

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $41,569,000,000,

(2) for fiscal year 2005: $42,657,000,000,

(3) for fiscal year 2006: $43,635,000,000,

(4) for fiscal year 2007: $45,709,000,000,

(5) for fiscal year 2008: $46,945,000,000, or

(6) for fiscal year 2009: $47,732,000,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2006 or 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 402. EMERGENCY LEGISLATION.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

SEC. 403. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 404. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

The CHAIRMAN pro tempore. No amendment to the concurrent resolution is in order except the amendments printed in House Report 108–446. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

After conclusion of consideration of the concurrent resolution for amendment, there shall be a final period of general debate which shall not exceed 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

It is now in order to consider amendment No. 1 printed in House Report 108–446.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 1 OFFERED BY MR. CUMMINGS

Mr. CUMMINGS. Mr. Chairman, as the designee of the gentleman from Virginia (Mr. SCOTT) and pursuant to the rule, I offer an amendment in the nature of a substitute.

The Chairman pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 1 offered by Mr. CUMMINGS:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate levels for fiscal years 2006 through 2009 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,492,715,000,000.
Fiscal year 2006: $1,656,735,000,000.
Fiscal year 2007: $1,760,168,000,000.
Fiscal year 2008: $1,857,859,000,000.
Fiscal year 2009: $1,963,833,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2005: $15,581,000,000.
Fiscal year 2006: $2,554,000,000.
Fiscal year 2007: $5,224,000,000.
Fiscal year 2008: $12,069,000,000.
Fiscal year 2009: $10,773,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,040,121,000,000.
Fiscal year 2006: $2,099,869,000,000.
Fiscal year 2007: $2,221,225,000,000.
Fiscal year 2008: $2,338,667,000,000.
Fiscal year 2009: $2,457,855,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,022,269,000,000.
Fiscal year 2006: $2,111,755,000,000.
Fiscal year 2007: $2,196,982,000,000.
Fiscal year 2008: $2,303,025,000,000.
Fiscal year 2009: $2,419,950,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: −$529,554,000,000.
Fiscal year 2006: −$455,020,000,000.
Fiscal year 2007: −$436,814,000,000.
Fiscal year 2008: −$445,166,000,000.
Fiscal year 2009: −$456,117,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2005: $8,066,000,000,000.
Fiscal year 2006: $8,645,000,000,000.
Fiscal year 2007: $9,204,000,000,000.

Fiscal year 2008: $9,770,000,000,000.
Fiscal year 2009: $10,351,000,000,000.
(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:
Fiscal year 2005: $4,754,000,000,000.
Fiscal year 2006: $5,030,000,000,000.
Fiscal year 2007: $5,272,000,000,000.
Fiscal year 2008: $5,507,000,000,000.
Fiscal year 2009: $5,739,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2009 for each major functional category are:
(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $408,486,000,000.
(B) Outlays, $439,979,000,000.
Fiscal year 2006:
(A) New budget authority, $430,694,000,000.
(B) Outlays, $428,774,000,000.
Fiscal year 2007:
(A) New budget authority, $451,728,000,000.
(B) Outlays, $434,219,000,000.
Fiscal year 2008:
(A) New budget authority, $473,293,000,000.
(B) Outlays, $453,061,000,000.
Fiscal year 2009:
(A) New budget authority, $494,923,000,000.
(B) Outlays, $473,956,000,000.
(2) Homeland Security (100):
Fiscal year 2005:
(A) New budget authority, $36,531,000,000.
(B) Outlays, $31,552,000,000.
Fiscal year 2006:
(A) New budget authority, $35,902,000,000.
(B) Outlays, $35,421,000,000.
Fiscal year 2007:
(A) New budget authority, $37,628,000,000.
(B) Outlays, $38,004,000,000.
Fiscal year 2008:
(A) New budget authority, $39,083,000,000.
(B) Outlays, $39,478,000,000.
Fiscal year 2009:
(A) New budget authority, $43,264,000,000.
(B) Outlays, $41,148,000,000.
(3) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $28,329,000,000.
(B) Outlays, $33,616,000,000.
Fiscal year 2006:
(A) New budget authority, $29,585,000,000.
(B) Outlays, $31,282,000,000.
Fiscal year 2007:
(A) New budget authority, $29,745,000,000.
(B) Outlays, $28,258,000,000.
Fiscal year 2008:
(A) New budget authority, $29,904,000,000.
(B) Outlays, $27,036,000,000.
Fiscal year 2009:
(A) New budget authority, $30,064,000,000.
(B) Outlays, $26,925,000,000.
(4) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $22,822,000,000.
(B) Outlays, $22,458,000,000.
Fiscal year 2006:
(A) New budget authority, $22,936,000,000.
(B) Outlays, $22,691,000,000.
Fiscal year 2007:
(A) New budget authority, $23,051,000,000.
(B) Outlays, $22,752,000,000.
Fiscal year 2008:
(A) New budget authority, $23,166,000,000.
(B) Outlays, $22,772,000,000.
Fiscal year 2009:
(A) New budget authority, $23,283,000,000.
(B) Outlays, $22,872,000,000.
(5) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,863,000,000.
(B) Outlays, $1,201,000,000.
Fiscal year 2006:
(A) New budget authority, $2,604,000,000.
(B) Outlays, $1,397,000,000.
Fiscal year 2007:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $1,040,000,000.
Fiscal year 2008:
(A) New budget authority, $2,629,000,000.
(B) Outlays, $662,000,000.
Fiscal year 2009:
(A) New budget authority, $2,285,000,000.
(B) Outlays, $891,000,000.
(6) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $31,460,000,000.
(B) Outlays, $31,032,000,000.
Fiscal year 2006:
(A) New budget authority, $31,817,000,000.
(B) Outlays, $32,120,000,000.
Fiscal year 2007:
(A) New budget authority, $32,147,000,000.
(B) Outlays, $32,385,000,000.
Fiscal year 2008:
(A) New budget authority, $32,353,000,000.
(B) Outlays, $32,368,000,000.
Fiscal year 2009:
(A) New budget authority, $33,030,000,000.
(B) Outlays, $33,056,000,000.
(7) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $21,246,000,000.
(B) Outlays, $20,632,000,000.
Fiscal year 2006:
(A) New budget authority, $23,534,000,000.
(B) Outlays, $22,461,000,000.
Fiscal year 2007:
(A) New budget authority, $24,439,000,000.
(B) Outlays, $23,354,000,000.
Fiscal year 2008:
(A) New budget authority, $24,203,000,000.
(B) Outlays, $23,113,000,000.
Fiscal year 2009:
(A) New budget authority, $25,065,000,000.
(B) Outlays, $24,112,000,000.
(8) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $10,792,000,000.
(B) Outlays, $5,782,000,000.
Fiscal year 2006:
(A) New budget authority, $10,242,000,000.
(B) Outlays, $6,842,000,000.
Fiscal year 2007:
(A) New budget authority, $9,727,000,000.
(B) Outlays, $4,769,000,000.
Fiscal year 2008:
(A) New budget authority, $9,705,000,000.
(B) Outlays, $3,190,000,000.
Fiscal year 2009:
(A) New budget authority, $9,580,000,000.
(B) Outlays, $2,740,000,000.
(9) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $65,121,000,000.
(B) Outlays, $62,069,000,000.
Fiscal year 2006:
(A) New budget authority, $66,176,000,000.
(B) Outlays, $64,304,000,000.
Fiscal year 2007:
(A) New budget authority, $68,364,000,000.
(B) Outlays, $66,232,000,000.
Fiscal year 2008:
(A) New budget authority, $69,680,000,000.
(B) Outlays, $67,646,000,000.
Fiscal year 2009:
(A) New budget authority, $70,547,000,000.
(B) Outlays, $68,554,000,000.
(10) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $12,230,000,000.
(B) Outlays, $14,322,000,000.
Fiscal year 2006:
(A) New budget authority, $12,020,000,000.
(B) Outlays, $12,667,000,000.
Fiscal year 2007:
(A) New budget authority, $12,082,000,000.
(B) Outlays, $11,906,000,000.
Fiscal year 2008:
(A) New budget authority, $12,060,000,000.
(B) Outlays, $11,725,000,000.
Fiscal year 2009:
(A) New budget authority, $12,122,000,000.
(B) Outlays, $11,860,000,000.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $111,283,000,000.
(B) Outlays, $96,270,000,000.
Fiscal year 2006:
(A) New budget authority, $112,450,000,000.
(B) Outlays, $111,918,000,000.
Fiscal year 2007:
(A) New budget authority, $113,191,000,000.
(B) Outlays, $112,380,000,000.
Fiscal year 2008:
(A) New budget authority, $113,781,000,000.
(B) Outlays, $112,103,000,000.
Fiscal year 2009:
(A) New budget authority, $114,504,000,000.
(B) Outlays, $113,755,000,000.
(12) Health (550):
Fiscal year 2005:
(A) New budget authority, $246,371,000,000.
(B) Outlays, $245,453,000,000.
Fiscal year 2006:
(A) New budget authority, $253,921,000,000.
(B) Outlays, $253,550,000,000.
Fiscal year 2007:
(A) New budget authority, $267,406,000,000.
(B) Outlays, $266,377,000,000.
Fiscal year 2008:
(A) New budget authority, $286,265,000,000.
(B) Outlays, $285,496,000,000.
Fiscal year 2009:
(A) New budget authority, $305,336,000,000.
(B) Outlays, $304,756,000,000.
(13) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $288,166,000,000.
(B) Outlays, $289,126,000,000.
Fiscal year 2006:
(A) New budget authority, $322,974,000,000.
(B) Outlays, $322,549,000,000.
Fiscal year 2007:
(A) New budget authority, $362,759,000,000.
(B) Outlays, $363,016,000,000.
Fiscal year 2008:
(A) New budget authority, $387,838,000,000.
(B) Outlays, $387,858,000,000.
Fiscal year 2009:
(A) New budget authority, $414,278,000,000.
(B) Outlays, $413,853,000,000.
(14) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $343,018,000,000.
(B) Outlays, $345,412,000,000.
Fiscal year 2006:
(A) New budget authority, $341,115,000,000.
(B) Outlays, $343,990,000,000.
Fiscal year 2007:
(A) New budget authority, $345,897,000,000.
(B) Outlays, $348,565,000,000.
Fiscal year 2008:
(A) New budget authority, $358,595,000,000.
(B) Outlays, $360,817,000,000.
Fiscal year 2009:
(A) New budget authority, $367,645,000,000.
(B) Outlays, $369,265,000,000.
(15) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,094,000,000.
(B) Outlays, $15,094,000,000.
Fiscal year 2006:
(A) New budget authority, $16,589,000,000.
(B) Outlays, $16,589,000,000.
Fiscal year 2007:
(A) New budget authority, $18,049,000,000.
(B) Outlays, $18,049,000,000.
Fiscal year 2008:
(A) New budget authority, $19,988,000,000.
(B) Outlays, $19,988,000,000.
Fiscal year 2009:
(A) New budget authority, $21,989,000,000.
(B) Outlays, $21,989,000,000.
(16) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $79,255,000,000.
(B) Outlays, $76,205,000,000.

Fiscal year 2006:
(A) New budget authority, $77,264,000,000.
(B) Outlays, $76,140,000,000.
Fiscal year 2007:
(A) New budget authority, $75,427,000,000.
(B) Outlays, $74,678,000,000.
Fiscal year 2008:
(A) New budget authority, $78,692,000,000.
(B) Outlays, $78,211,000,000.
Fiscal year 2009:
(A) New budget authority, $79,401,000,000.
(B) Outlays, $78,942,000,000.
(17) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $31,874,000,000.
(B) Outlays, $31,445,000,000.
Fiscal year 2006:
(A) New budget authority, $29,174,000,000.
(B) Outlays, $29,663,000,000.
Fiscal year 2007:
(A) New budget authority, $29,232,000,000.
(B) Outlays, $29,426,000,000.
Fiscal year 2008:
(A) New budget authority, $29,377,000,000.
(B) Outlays, $29,264,000,000.
Fiscal year 2009:
(A) New budget authority, $29,525,000,000.
(B) Outlays, $29,388,000,000.
(18) General Government (800):
Fiscal year 2005:
(A) New budget authority, $17,198,000,000.
(B) Outlays, $17,916,000,000.
Fiscal year 2006:
(A) New budget authority, $17,419,000,000.
(B) Outlays, $17,392,000,000.
Fiscal year 2007:
(A) New budget authority, $17,573,000,000.
(B) Outlays, $17,401,000,000.
Fiscal year 2008:
(A) New budget authority, $17,230,000,000.
(B) Outlays, $17,075,000,000.
Fiscal year 2009:
(A) New budget authority, $17,383,000,000.
(B) Outlays, $17,044,000,000.
(19) Interest (900):
Fiscal year 2005:
(A) New budget authority, $270,331,000,000.
(B) Outlays, $270,331,000,000.
Fiscal year 2006:
(A) New budget authority, $317,882,000,000.
(B) Outlays, $317,882,000,000.
Fiscal year 2007:
(A) New budget authority, $362,839,000,000.
(B) Outlays, $362,839,000,000.
Fiscal year 2008:
(A) New budget authority, $396,309,000,000.
(B) Outlays, $396,309,000,000.
Fiscal year 2009:
(A) New budget authority, $424,487,000,000.
(B) Outlays, $424,487,000,000.
(20) Allowances (920):
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,850,000,000.
Fiscal year 2006:
(A) New budget authority, $—.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $—.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $—.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $—.
(B) Outlays, $250,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$52,349,000,000.
(B) Outlays, $−52,475,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,427,000,000.
(B) Outlays, −$54,477,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,642,000,000.
(B) Outlays, −$63,767,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,485,000,000.
(B) Outlays, −$66,147,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,856,000,000.
(B) Outlays, −$59,893,000,000.

The CHAIRMAN pro tempore. Pursuant to House Resolution 574, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Iowa (Mr. NUSSLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CUMMINGS).

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

I am proud to introduce the Congressional Black Caucus 2005 fiscal year budget alternative. Our theme and philosophy for the CBC 2005 budget alternative is ''Investing in America's Future, Restoring Fiscal Responsibility and Fulfilling Our Shared Sacrifice.''

Before we begin, I want to thank the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Georgia (Ms. MAJETTE), the gentleman from Alabama (Mr. DAVIS), and all the Congressional Black Caucus members on the Committee on the Budget and the entire Congressional Black Caucus for their diligent work in putting this budget together. The Congressional Black Caucus thought it vitally important that we provide a Federal budget that goes to the center of people's lives.

Contrary to the rosy picture painted by the President, the majority of Americans are hurting under the Bush administration's fiscal policies.

Over 40 million Americans are without health insurance. Almost 9 million Americans woke up this morning without a job, and thousands of those individuals have become discouraged by the stagnant economy and have given up looking for work. Most alarming, Mr. Chairman, the American dream of a quality education remains out of reach for millions of children and families. The Congressional Black Caucus budget alternative answers all of these pressing issues and at the same time places our Nation back on the path of fiscal responsibility and accountability.

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

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

Just to start off the debate, we are obviously very interested in hearing what the Congressional Black Caucus has to offer. While we may disagree on the specifics, the caucus has almost every year provided its full alternative budget. As the chairman of the Committee on the Budget, I respect the fact that they would do so. I am going to oppose it, I respectfully oppose it; but I certainly appreciate the fact that the caucus would come forth with a full budget proposal. We look forward to hearing the debate as a proponent.

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

Mr. CUMMINGS. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT), distinguished member of the Committee on the Budget.

Mr. SCOTT of Virginia. I thank the gentleman for yielding me this time.

Mr. Chairman, the Congressional Black Caucus alternative budget is committed to making America more secure by investing in our homeland security, equipping our troops, and caring for our veterans. It also adds to our security by funding initiatives such as the COPS program, local law enforcement block grants, and juvenile crime prevention programs. The CBC alternative builds for America's future and addresses domestic challenges our country faces. It fully funds No Child Left Behind, provides funds for school construction, and increases funding for other education and job-training programs. The CBC alternative also provides funding for the minority health initiative, health insurance for the uninsured, supports child nutrition programs, funds job creation programs under the SBA, and extends unemployment insurance benefits.

The funding for these important domestic needs comes from two sources: one, a reduction in the tax cuts from 2001 and 2003 for individuals whose gross income exceeds approximately $200,000; and the closing of tax loopholes, abusive shelters, and methods of tax avoidance. These funds total an estimated $35.5 billion in fiscal year 2005 and are used for the domestic spending and deficit reduction parts of the budget.

The funding for urgent homeland security needs, veterans programs and benefits, and additional support for the troops in Iraq comes from two sources: a $9.2 billion reduction in ballistic missile defense and $3.6 billion from instances of fraud, waste and abuse within the Department of Defense such as defense contractor overcharges. Some of these funds have been reallocated to protect our troops in Iraq by providing them with bulletproof vests, vehicle armor, personal support equipment, night-vision goggles and radio jammers to protect personnel and vehicles from improvised explosive devices.

Another portion of these funds is allocated to address vital homeland security needs, including rail and port security grants, cargo screening equipment, first responders, communications systems for first responders, Federal air marshals, and the Centers for Disease Control. The remainder of these funds are used to restore cuts in veterans health care and provide enhanced benefits to our veterans in survivor benefits, medical and prosthetic research, long-term care, mental health care and GI bill benefits. The alternative budget also eliminates the disabled veterans tax. We believe that the sum of all of these initiatives will make us more secure as a Nation.

At the same time that we invest in America and our future, the CBC alternative recognizes that we cannot place the burden of our choices on our children and grandchildren. A top priority

of the CBC is to address the exploding deficit. The CBC alternative budget therefore reduces the deficit by $70 billion compared to the House majority's budget over the next 5 years. This fiscal responsibility is rewarded with a reduction of $8 billion in interest payments over that same period of time compared to the House majority's budget. Members of the CBC have worked tirelessly to create a budget that is fiscally responsible and recognizes the needs of the American people. It is a sound budget that protects and promotes the best interests of America.

Mr. NUSSLE. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Georgia (Ms. MAJETTE).

Ms. MAJETTE. I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to offer this substitute with my colleagues from the Congressional Black Caucus. In crafting this alternative budget, we were faced with the reality that the President's fiscal policies of the last 4 years have squandered the surplus and pushed the debt sky high. We find ourselves with a pressing need to reduce the deficit now. We owe it to our children and grandchildren. Therefore, what this budget alternative does is to allocate our limited national resources to our shared national priorities. This is a budget that every Member of this body can support. Those programs receiving increased funding in this budget are truly shared priorities that address our Nation's biggest challenges.

□ 1200

The first challenge that our Nation faces is the lack of an available job for every willing worker, and Chairman Greenspan testified that we are graduating too few skilled workers and that our students are languishing at a low skill level. That is why the largest increase in spending in this budget over the Republican bill is in education.

First and foremost, the CBC budget would fully fund No Child Left Behind at the authorized level. In addition, this budget devotes additional resources to Head Start, IDEA, Pell grants, and job training programs. This budget also stimulates our economy by funding vital programs that help small businesses, including the Small Business Administration's 7(a) program, microloans, and the Manufacturing Extension Partnership. It is essential that we assist small businesses in their efforts to create more jobs. The CBC budget offsets this additional funding by repealing the tax cuts for Americans making over $200,000 a year and by closing corporate loopholes.

The second priority realized in the CBC budget is need to provide for a strong national defense and to support our troops and veterans. The CBC budget provides money to better armor the Humvees that carry our troops and to buy body armor for every soldier in the field, and it keeps our promises to our veterans. We will continue to care for them, and this budget allocates almost $9 billion in additional funding above what the Republican majority would devote to our veterans.

These defense, homeland security, and veterans assistance priorities will be paid for simply by redirecting funds from the failed missile defense system and by recouping money that Halliburton has overcharged the American taxpayers.

I urge all of my colleagues to support the passage of the CBC budget as it reduces the deficit today and meets our most pressing needs while protecting us for the future.

Mr. CUMMINGS. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first let me thank the chairman for his leadership. I thank the gentleman from Virginia (Mr. SCOTT) for his leadership in working to make a budget, presenting to this body a real and progressive alternative for us.

Mr. Chairman, during this debate and also for many weeks now, we have made a clear case for why and how the Republican budget sacrifices our children, our seniors, our security, our environment, our economy. They do this in order to advance special interest, money interest, and to promote tax breaks for the wealthy. The Republican budget does not fulfill our most fundamental requirement of providing for the common defense; the Congressional Black Caucus budget does. $9 billion for ballistic missile defense does not provide for that defense. It diverts terribly scarce resources into a program that really does not meet our own most urgent security needs and probably will not work anyway.

Let us be clear, ballistic missile defense would not have prevented September 11, and the approach taken in the Republican budget will not prevent its recurrence.

The CBC alternative budget more than fulfills our fundamental requirement of providing for the common defense. Instead of continuing to give Halliburton a license to steal, that is about $3 million a year, our budget furthers our commitment to our veterans who are returning home from war, and they deserve the economic security and health care that they were promised. Instead of throwing billions of dollars, billions of good money, on a bad missile defense system, our budget invests in our own security by giving increased homeland security resources, job training, health care, education, housing. We have a budget that provides for housing and education, HIV/AIDS services and prevention, and foreign aid.

So I am very proud to support this budget which invests in our future rather than bankrupting our children. That is the choice really that we have today. So I urge all Members to support this budget.

And, again, I congratulate the Congressional Black Caucus for their fine work.

Mr. CUMMINGS. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I support the CBC substitute because it steps up to the needs of key education programs.

The Republican budget includes meager increases for important programs like No Child Left Behind; the Individuals with Disabilities Education Act, IDEA; and Pell grant funding. Without the additional funding provided by the CBC budget, these programs cannot serve eligible students who are relying on them, relying on them for the education they need, the education they deserve to become self-sufficient adults who contribute to America.

The Republican budget proposal shortchanges No Child Left Behind by $9.4 billion. It does not come close to meeting the Federal promise to fund 40 percent of the costs of IDEA, and it shortchanges the 5.3 million low-income college students who rely on Pell grants to access their higher education training. The CBC budget improves funding for all of these programs without increasing the Federal deficit like the Republican budget would.

The CBC budget adds up for all Americans, and I urge my colleagues to adopt it.

The Republican budget includes only meager increases for important programs like No Child Left Behind, the Individuals With Disabilities Education Act (IDEA), and Pell grant funding.

Without the additional funding provided in the CBC budget, these programs cannot serve eligible students who are relying on them for the education they need and deserve to become self-sufficient adults who contribute to America.

The Republican budget proposal shortchanges No Child Left Behind by $9.4 billion; it doesn't come close to meeting the Federal promise to fund 40 percent of the cost of IDEA; and it shortchanges the 5.3 million low-income college students who rely on Pell grants to access higher education.

The CBC budget improves funding for these programs without increasing the Federal deficit like the Republican budget does.

Mr. CUMMINGS. Mr. Chairman, I yield 1¼ minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the chairman for yielding me this time. And I also want to commend the Congressional Black Caucus for putting together this budget, a budget which recognizes that reentry of individuals coming out of correctional institutions as one of the great needs and one of the great problems that exist in our society.

Unfortunately, the President's budget takes away from justice programs that would facilitate the reentry of these individuals. The Congressional Black Caucus budget restores those programs to help the 640,000 people who

come out of jails and prisons each year to find their way back into meaningful participation in society. And for that reason I strongly support the Congressional Black Caucus budget.

Mr. Chairman, I have always been told that budgets are a way of expressing one's positions and priorities in real dollars and cents; therefore, when we look at the Bush budget, one experiences mixed emotions, emotions that suggest concurrence that we need a strong defense budget, we need serious resources to fight terror and we do indeed need to provide for Homeland Security.

However, as we fight the war against terrorism, we also need to fight against illiteracy, poverty, hunger, malnutrition, poor health, inadequate housing, and environmental protection. We need to try and make sure that there is money to tackle correction reform, money to make education, rehabilitation and training viable in parts of our correctional system. We need money to help re-integrate ex-offenders back into normal life, otherwise, we keep sending them back to prison, thereby, costing the taxpayers money. Monies we should not have to spend especially, when we help them to become self-sufficient.

During the State of the Union Address in January, President Bush said, "600,000 inmates will be released from prison back into society" this year, and these Americans are in need of help. Many of these individuals are never able to find a decent place to live; cannot access various entitlement programs such as public housing, Pell grants, and, in some instances, food stamps; and are oftentimes denied employment because of their past criminal convictions. There is little wonder that 52 percent of these individuals end up back in jail. President Bush articulated the need for education, job training and housing well when he said "America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life."

The Republican's budget cuts criminal justice and crime control programs for fiscal year 2005 by $494 million and continues to increase cuts for fiscal years 2006 through 2009 by $4.2 billion. I am concerned about the Republican's budget not adequately addressing certain issues within the criminal justice system that pertain to the Justice Assistance Grant Program which is cut by $468 million, Local Law Enforcement Block Grant Program cut by $219 million, Department of Justice reentry program to help facilitate individuals with felony convictions back into normal community life is cut by $300 million and the Edward Byrne Memorial grant programs used to fight drugs in our communities is cut by $477 million. This budget plan is unfair, unjust and fiscally irresponsible. It shortchanges the domestic needs of our country.

Mr. CUMMINGS. Mr. Chairman, I yield 1¼ minutes to the distinguished gentleman from California (Mr. HONDA) and chair of the Asian-Pacific Caucus.

Mr. HONDA. Mr. Chairman, I thank the chairman of the CBC for yielding me this time.

Mr. Chairman, I rise today to express my strong opposition to the House Republican budget resolution and a hardy support for the Congressional Black Caucus's alternative budget.

As a former teacher and a principal, I understand how important quality education is for all Americans. Unfortunately, the Republican budget fails to fund this national priority of public education. Republicans leave the No Child Left Behind Act $9.4 billion short of promised levels. They shortchange the title I funding by $7.2 billion, denying nearly 5 million disadvantaged children of educational services. The Republican budget freezes the maximum Pell grants for the third year in a row, while college tuitions continue to rise.

However, on the other hand, the CBC budget fully funds the No Child Left Behind Act, fully funding the promise Congress made to our Nation's schools. The CBC alternative also funds school construction to provide safe and quality learning environments.

Mr. Chairman, our national budget should be like our family budget, a reflection of our priorities and values. It should be a budget based on making the right choices. Do we make room for more expensive tax cuts or provide quality education for our Nation's students?

I believe our choice is clear. Please support the CBC's alternative budget.

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

First and foremost, let me say that obviously we do not agree with some of the facts and figures laid out by my friends on the other side in their criticism of not only the Republican budget, which is the base bill here, but also the President's budget.

Mr. Chairman, be that as it may, in good comity with my colleagues, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Maryland (Mr. CUMMINGS) and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from Maryland would now have 17¼ minutes.

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

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH) for a statement.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from Iowa for yielding me this time.

I think we have got to be very careful about increasing taxes. There are so many needs out there that it is easy to suggest that we should spend more money. But reflecting on the actuaries' report that came out the day before yesterday for Social Security and Medicare it is bad news. They are now suggesting that if we do not deal with these unfunded liabilities, where the promises are over and above the revenues coming in, we have a future that is going to be very disastrous and complicated.

Their estimate is that in 15 years, it is going to take 28 percent of our current general fund budget to cover the difference between the taxes coming in for Social Security and Medicare and what is needed to fulfill the promises we have made. In 25 years, it is going to take over 50 percent of the general fund budget, to cover those two programs.

We cannot just continue to increase taxes. We have to start controlling the growth in government and the amount of revenue we are taking out of the pockets of the American people.

Mr. CUMMINGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the first vice chair of the Congressional Black Caucus.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

Let me just say to my good friend that the Congressional Black Caucus budget is based upon shared sacrifice. In fact, we do provide 30.5 billion in additional program dollars, but we also provide nearly $5 billion towards deficit reduction, shared sacrifice, Mr. Chairman.

Let me just say this. We realize that we have to protect the most vulnerable. So we protect the child care tax credit, the elimination of the marriage penalty, and the 10 percent tax bracket, but what we do say is that we rescind the tax cuts in 2001 and 2003 to those making more than $200,000. That is shared sacrifice.

What I am concerned about is, we provide $2.4 billion for homeland security and we give $900 million to first responders and COPS programs. Does anybody realize that we are closing six fire stations in New York City? Does anybody realize the burden that is being placed on police and fire in our local communities who are not being reimbursed when they elevate the threat level?

We are giving to the veterans $8.7 billion so that the veterans hospitals like the ones included in my district can remain open and provide care for those making $30,000 and above. And, yes, having received the National Urban League's Black Progress and the complexity of Black Progress, we are trying to cut into the unequal education system that shows that 52 percent of African Americans are beneath those in the white community.

It is important, Mr. Chairman, that we have shared sacrifice. I rise to support the Congressional Black Caucus budget because it provides a roadmap for America.

FISCAL RESPONSIBILITY

Provides $30.5 billion additional dollars for vital programs.

Provides nearly $5 billion towards deficit reduction.

Extends unemployment benefits through June.

OFFSETS TO CREATE REVENUE

Rescinds tax cuts from 2001 and 2003 for individuals making more than $200,00 in gross income.

Raises further revenue by closing tax loopholes, abusive shelters, and methods of tax avoidance.

CBC Budget protects the child-care tax credit, the elimination of the marriage penalty and the 10 percent tax bracket.

Reduces funding for the Ballistic Missile Defense program.

EDUCATION

CBC Budget adds $18.7 billion in education spending to the budget.

CBC Budget is the only budget being offered that fully funds No Child Left Behind at the full $9.4 billion.

Provides nearly $2 billion for Pell Garnts to raise grant amount to $4,500.

Provides $2 billion for School Construction and an additional $2 billion for Job Training, Vocational Education, Adult Education.

HOMELAND SECURITY

CBC Budget provides an additional $2.4 billion in Homeland Security spending.

Provides $900 million for First Responders including the COPS Program and Citizen Corps.

Provides $566 million for Port Security grants and an additional $250 million for Rail Security.

VETERANS

CBC Budget provides an additional $8.7 billion in Veterans program spending.

Provides $1.25 billion to fund Veterans Health Care.

Provides $3.6 billion to fund the Montgomery GI Bill.

Provides $2.5 billion and $25 billion over ten years to help eliminate the tax on disabled veterans known as concurrent receipts.

Mr. CUMMINGS. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from the great State of Florida (Ms. CORRINE BROWN), the second vice chair of the Congressional Black Caucus.

Ms. CORRINE BROWN of Florida. Mr. Chairman, President Bush is cutting funds for veterans' medical care in 2005. CBO has stated that the amount the President is providing is 257 million below what is needed to maintain purchasing power at the 2004 levels. The Secretary of Veterans Affairs has testified that he sought $1.2 billion more than what the President provided. The President's 2005 budget is a perfect example of how the Bush administration is failing to treat our veterans with the respect that they have earned.

It is mind-blowing to me that the Bush administration is going to make the trillion dollar deficit they created even worse by keeping the tax cuts it has given to the wealthy.

□ 1215

Americans deserve to have a President who looks out for the interests of the Nation as a whole, not just for the elite few.

In conclusion, Mr. Chairman, the Republican budget is not adequate to meet the needs of 25 million of our Nation's finest individuals. President Bush needs to start walking the walk if he is going to talk the talk. Wearing a flight suit and landing on a carrier does not take care of the needs of former and current members of our Nation's military.

Mr. CUMMINGS. Mr. Chairman, we are supported tremendously by the Hispanic Caucus and certainly the Asian Pacific Caucus, and we are very pleased to yield 1½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I would like to thank the distinguished chairperson of the Black Caucus, the gentleman from Maryland (Mr. CUMMINGS), for yielding me this time; and I rise to support the alternative Progressive Caucus and Black Caucus budget that is before us today.

The Republican majority refuses to finance priorities that are most important to working families in America. They lack any support for guaranteed health care, jobs, and a clean environment. The House Republican budget will severely damage our Nation's health care system by cutting $2.2 billion over the next 5 years in Medicaid and SCHIP programs; and in my State of California, 6.5 million people will be affected by those cuts. Mr. Chairman, 51 million Americans currently rely on the Medicaid program.

While President Bush has been in office, in fact, we have lost over 3 million jobs. In my district alone, we lost 20,000. This Republican budget denies an opportunity to provide jobs, 500,000 new jobs in infrastructure development. And on top of that, they cut back on EPA funding 7 percent across the board. That means dirty water, dirty air, and a dirty environment.

This Progressive and Black Caucus budget fully funds Leave No Child Behind, it doubles Federal funding for Historically Black Colleges and Hispanic Serving Institutions, it increases Pell grants to college students, and it increases funding for the COPS program, community policing grants. The Republican budget ignores the needs of working families.

Mr. Chairman, I urge my colleagues to support the Progressive and Black Caucus alternative budget.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), a member of the committee.

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

Mr. WICKER. Mr. Chairman, this is an instructive debate, and the debates that we will have throughout the day and on into the evening will be instructive because they will point up the stark differences in the two philosophies which exist here in this House of Representatives and in this Congress.

I oppose the CBC budget because it increases spending by almost $30 billion in the first year. In the face of this increased spending, it proposes to reduce the deficit. Now, how does it do that? It does so by increasing taxes by over $35.5 billion in the first year.

Now, Mr. Chairman, I have been in this House for 10 years. Previous to that, in the early 1980s, I was a staffer here for the House of Representatives. I am proud to have served here in both capacities. It is okay to have differences in philosophy. That is what makes democracy count, and it is a good thing. This substitute and this debate today does point out the difference that I have seen over time.

If we look down through history and if we look at all of the debates that we will have today, basically, when the Democrats propose a budget, they propose increased spending and increased taxes. When the Republicans propose a budget, we try to hold the line on spending, as this budget does, and to have a lower tax burden on the American people; and this debate today will point that out very, very distinctly.

Now, I would like to draw my colleagues' attention, Mr. Chairman, to a couple of charts. The Republican majority, since fiscal year 1996, has certainly been generous with those Departments that we have tried to invest in: a 156 percent increase in education spending, a 109 percent increase in HHS spending, a 48 percent increase in defense spending. Then, one area that is particularly near and dear to my heart—the NIH—the National Institutes of Health, during this Republican Congress, we have doubled the investment in research and health; and then even after we did that, we increased the investment a little more. So we have, I think, been very generous. But for some people in this House, and some people in this town, there is never enough spending. I submit there is just a point where we have to draw the line, we are going to try to be reasonable in what we have spent, and being generous ought to be enough.

We are coming out of recession, Mr. Chairman. At a time when we are coming out of recession, the last thing we need to do is to do what this substitute asks, and that is to raise taxes on the American people. Please vote ''no'' on this substitute.

Mr. CUMMINGS. Mr. Chairman, I yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS), a member of the Committee on the Budget.

Mr. DAVIS of Alabama. Mr. Chairman, a lot of us on the Congressional Black Caucus and a lot of us who sit on this side of the aisle are used to being called ''tax and spend liberals.'' It is a mantra that our friends on the other side throw around a lot. I do not know about the gentleman from Maryland, but if it makes you a liberal to stand for full funding for No Child Left Behind, and if it makes you a liberal to stand up for a revitalized Federal commitment to Medicaid, if it makes you a liberal to care about the plight of some of our children and some people who are living in public housing, I know some of us who are willing to wear that tag.

We hear a lot of talk during this debate about the tough choices that the Republican majority want to make. I have heard a lot of speakers come to the well of this House and say, we have

to be courageous, we have to make these tough spending cuts.

I do not think it is courageous, I say to the gentleman, to cut $5 billion over the next 5 years in income subsistence programs at a time when so many children are falling back into poverty. I do not think it is courageous to cut $1 billion from Medicaid when States like my State and the gentleman's State are struggling to draw down the limited Federal dollars that are available. I do not think it is courageous to pare back benefits for veterans. I am so tired, as I know the gentleman from Maryland is, of what is cold blooded being passed off as courageous on the floor of this House.

We do need a different set of priorities for America. And all of the Democratic budgets today, the Congressional Black Caucus budget, the Blue Dog budget, and the Democratic Caucus budget, have one thing in common: we make tough fiscal choices. We try to get a handle on this deficit, and we do it on the firmest foundations of our American values.

It may very well be that we are vulnerable to the allegation that we are walking away from tax cuts for some; but some of us on this side of the aisle are willing to walk away from tax cuts for millionaires, because I close on this reality: the middle-income Americans in this country are getting about $217 a year out of this tax cut. The average person in my district is getting between $25 and $40 a month. This tax cut that our friends and our adversaries embrace so wholeheartedly disproportionately favors those who are already powerful.

In conclusion, their budget does not speak to the best of our values. Our budget does, and I encourage all of our Democrats today to support all three of these budgets.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute just to respond.

Mr. Chairman, first of all, as I said in our opening, I respect the fact that we are putting our values on the table. I have enormous respect for that. But let me just at least respond to the gentleman with regard to what he just said about taxes.

Most provisions that they are talking about, that they talk about as being tax cuts for the rich or tax increases on the rich, we have to remember that the bracket they are talking about, 90 percent of small businesses, which are the job creators in my district, in Manchester, Iowa, and it is true for all small businesses; small businesses owned by women, small businesses owned by minorities, small businesses all together, are paying this top rate, and 80 percent of the increase on taxes on this top rate would be borne by small businesses. Two-thirds of the income tax filers in the top income tax bracket have small business income. If we want to create jobs, why would we tax the job creators? That is what we are talking about.

And I respect the fact my Democrat colleagues admit they are taxers and spenders, but do not tax the job creators.

Mr. CUMMINGS. Mr. Chairman, I yield 15 seconds to the gentleman from Alabama (Mr. DAVIS) to respond.

Mr. DAVIS of Alabama. Mr. Chairman, let me say this to the esteemed chair of the committee: 36 percent of small business owners in this country will get virtually no tax relief under this bill. The overwhelming majority of sole proprietors will only get very small relief under this bill. We can talk all we want to about the tax cuts. The reality is that for small business owners, it will have very little impact.

Mr. CUMMINGS. Mr. Chairman, I yield 1½ minutes to the very distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to applaud our chairman, the gentleman from Maryland (Chairman CUMMINGS), and also the gentleman from Virginia (Mr. SCOTT) for this budget. I join them and my colleagues in strong opposition to the Republican budget.

On November 6 of last year, we introduced the Health Care Equality and Accountability Act of 2003 with the Democratic leadership in this House and the Senate. Today I am here to assure my colleagues that that was not just a message bill. The CBC budget seeks to meet the needs of people of color in this country, the health care needs, as well as other needs, who have been left behind for so long.

Mr. Chairman, giving taxes breaks to the wealthy cannot be a priority of this country when our people are sick, disabled, and dying and do not have access to healing and lifesaving care. So our budget reauthorizes funds to the Office of Minority Health, the Indian Health Service, Health Professions and other programs that reach out to and bring wellness to our communities. It supports our teaching and safety net hospitals and other facilities, and fully funds Medicaid.

This is not increasing taxes; this is stopping corporate giveaways, giveaways to the wealthy, and investing in the strength of this country: our people.

Dr. Martin Luther King said, ''Of all forms of inequality, injustice in health care is the most shocking and inhumane.'' We agree. And with the CBC budget, we continue our work to correct that injustice, to restore health as a right, and to heal America.

We urge our colleagues to vote ''yes'' on the Congressional Black Caucus budget.

Mr. CUMMINGS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, once again the CBC budget makes education the highest priority. We are requesting an increase of $18.5 billion for education funding. The CBC understands that at the heart of our efforts to improve homeland security, at the heart of our efforts for leadership in the world, at the heart of our efforts to improve the economy is education. Everybody always seems to forget that.

The CBC is the only alternative budget, for example, with funds for school construction. This Congress blindly continues to ignore the need for school construction, school modernization, and school repairs.

This administration proposes to spend billions of dollars to build schools in Iraq, while it has placed zero in the budget to build public schools here in America. Nearly every Member of Congress has one outrageous situation in their district, at least, where there is a great obvious need for school repair, school modernization, or school construction; every Member beyond the Congressional Black Caucus members.

There is a lot of hypocrisy in the Republican position on school construction. There is an argument that the Federal Government should not be involved in school construction. On the other hand, there is some money in this budget for the construction of charter schools. Charter schools are an exception because, ideologically, this administration agrees with that.

So I urge my colleagues to vote for the Congressional Black Caucus budget because it is the only budget which understands that for homeland security and for all we want to do in America, education must come first.

Mr. CUMMINGS. Mr. Chairman, I yield 1¾ minutes to the gentleman from Texas (Mr. LAMPSON).

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

Mr. LAMPSON. Mr. Chairman, I too rise to oppose this Republican budget. My concerns are the tax cuts and the costs that our citizens will face because of them.

This budget ignores the needs of many of the folks that work in the petrochemical industry, particularly of Southeast, but of any manufacturing activity on any waterway in our country.

Cutting taxes and government spending foolishly ignores maintenance of some of our highways of commerce for many industries, and even our military. This budget provides half the amount needed to keep our navigable waterways open.

Recently, one of the channels in my district shoaled up and caused ships to begin to hit bottom and, therefore, having to lighten their loads. The ship traffic increased going to the plants. It began to cost not only the Coast Guard more to protect them, but also the plants themselves were losing significant profits. One company was paying $75,000 a day. That, too, could be considered a tax of us not doing our business in the right way.

□ 1230

This budget lowers the Corps of Engineers' budget from 72 percent of its needs to 50 percent of its needs. And the Corps is now notifying these companies using those ship channels that they are going to be facing even additional operating costs if Congress does not provide the money to keep our water highways open. And that is the same thing that we will be facing as a military as we, through strategic ports including the one I just spoke of with the shoaling, does not have the ability to send the equipment to Iraq for our young men and women who are fighting diligently there on our behalf.

These are some of the reasons why this needs to be reconsidered. What logic can there be behind cutting our ability to grow our economy by cutting our own infrastructure? Let us get our fiscal house in order so that working families and our Nation's security do not become the casualty of this budget debate.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Maryland (Mr. CUMMINGS) has 5½ minutes remaining.

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

Mr. Chairman, I want to take a moment to simply thank many people who worked on this, including certainly the gentleman from Virginia (Mr. SCOTT) who has spent a phenomenal amount of time on this along with the gentleman from Alabama (Mr. DAVIS), the gentlewoman from Georgia (Ms. MAJETTE), and others who have just for the last month or so spent countless hours.

I also want to take the time out to recognize our staff, certainly Paul Brathwaite, the policy director of the Congressional Black Caucus, Lee Perselay and Alana Fisher, Michael Goodman and Norman Meyer, and so many others who gave so much of their time, their blood, their sweat, and their tears because they want to see a better budget and they want to see America do better.

Therefore, Mr. Chairman, at this juncture, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Budget.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me time. I also thank the chairman of the committee for his consideration in yielding us time.

The Congressional Black Caucus alternative is committed to making America more secure. It invests in homeland security, especially for Federal air marshals, CDC, port security grants. It equips our troops with such equipment as reinforced trucks to protect from the landmines, the radio jammers that protect from long distance bombing. It also protects our veterans. The underlying budget includes an increase in veterans health, but unfortunately not enough of an increase in veterans health to maintain present services.

The veterans committee has indicated that $2.5 million is necessary. This, the underlying budget, does not include $2.5 million. Our budget does. It adds to security with COPS, local police on the beat, law enforcement block grants, juvenile crime prevention. It invests in our future. No Child Left Behind is fully funded in the Congressional Black Caucus budget.

We provide school construction funds, health initiative and job creation programs. The economic policy of this administration has failed and lost 3 million jobs. You cannot blame that on 9–11 because you have to go back to Harry Truman, past the Korean War, past the Vietnam War, past the last Persian Gulf War to find an administration with a 3 million job loss.

This budget invests in job creation. I will admit we have to make some tough choices. Those with incomes over $200,000 may not enjoy a continuation of the tax cuts under the original budget. But those are the tough choices made. And we have priorities. Do we fund missile defense, or do we fund port security grants? These are the tough choices that are made.

After we have made those tough choices, we look up and have a deficit $70 billion lower compared to the Republican budget, $8 billion reduction in interest payments alone.

This is a fiscally responsible budget. It invests in the appropriate values of the Nation, and I would hope that it would be the pleasure of the House to adopt the CBC budget.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. CUMMINGS) has 2 minutes remaining. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining.

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

I too want to thank the chairman of the committee for yielding and giving us the additional 10 minutes. We really appreciate it.

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

Mr. CUMMINGS. I yield to the gentleman from Iowa.

Mr. NUSSLE. I have no further speakers other than myself and I belive I have the right to close and so I am prepared to close when the gentleman is.

Mr. CUMMINGS. Reclaiming my time, I am closing now.

Mr. Chairman, again, we thank the gentleman.

The gentleman from Virginia (Mr. SCOTT) said it and the members of Congressional Black Caucus said it quite well. What we are addressing here and the reason we called our budget ''Investing in America While Ensuring Fiscal Responsibility'' is that we believe very strongly in a balanced budget. We believe very strongly that we must address the issues of terrorism. It is very significant and very important to us. But at the same time, we do believe that we need to take care of Americans right here at home.

Many of our members in the Congressional Black Caucus look at our schools, and we are extremely concerned. That is why we spent a phenomenal amount of time and put a lot of emphasis on No Child Left Behind to make sure that it is properly funded, because we want those children to have a future.

I have often said that our children are the living messages we send to a future we will never see. We want to make sure they go into that future well educated, well prepared, and well ready to take on the many opportunities that will be before them. We also make sure that we secure funding for initiatives such as the COPS program because we realize that our neighborhoods have to be safe in order for people to live the best lives that they can.

Again, we look at the budget from the standpoint of this, and it is a very simple thing, Mr. Chairman. It simply is that we have one life to live. This is no dress rehearsal, and this so happens to be that life. It is our belief that the balance that we have provided in our budget is a much better alternative than the budget that the other side has presented and the President's.

Mr. Chairman, I urge Members to vote for the Congressional Black Caucus' ''Investing in America While Ensuring Fiscal Responsibility'' budget.

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

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining.

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

Mr. Chairman, first, as I did when I opened, I do very much respect the job that has been done by the Congressional Black Caucus in presenting a budget. It is very difficult to do that. I know that just because I have the responsibility of putting together the majority budget, and it is not an easy task. And so I appreciate the job that was done. We simply disagree, and we do so very respectfully.

The title of the budget is ''Investing in America,'' and we just happen to believe that the best investors in America are Americans, not the government. We believe that individuals and families make much better decisions about spending their money than the government can for them. And so the reason why we believe that increasing taxes would be wrong or increasing spending at this time and the dramatic way that you go about that in your budget would just not be the right recipe at this time or the right blueprint as we move forward.

A couple of things that I just want to point out to my colleagues who are coming over and getting ready to vote.

The first is that the substitute offered by the Congressional Black Caucus raises taxes. It raises $35 billion of

taxes in 2005 alone and $192 billion over 5 years. And the way that it raises taxes is on small business; and that is, in my estimation, the wrong recipe at the wrong time when our economy is just poised to begin job creation. Ninety percent of small businesses pay taxes at the rate that they want to increase. More than 80 percent of the increase in taxes on the top rate will be borne by small business. Two-thirds of the income tax filers in the top income tax rate have small business income.

Small businesses represent more than 99 percent of all the employers in this country. And at the exact moment when the economy is poised after 6 months of the largest growth in 20 years, we cannot allow a tax increase to occur on those small businesses because they are the risk-takers, the entrepreneurs, the innovators in America. It is not government.

The innovation is happening outside of Washington, D.C., not inside the Beltway. And we need to encourage that.

I also just want to mention that tax cuts are not to blame for everything. We have heard a lot of people come to the floor today claiming that tax cuts cause the deficit, that tax cuts are the bane of our existence. Let me remind you that tax cuts, as you can see here, represent this white area right above here. This white line. And tax cuts would not have gotten us into deficit. It is spending. It is spending. It is spending that gets us into deficit as well as a downturn in the economy.

So two things that we cannot do, kill the economy or continue increases in spending. Second thing is that I believe the substitute spends too much money. Let me tell you what I mean by that.

Even before you ask us to adopt your budget, look at the large increases of spending that we are talking about. So before anyone comes to the floor yet again today and says somehow that we are cutting this, we are cutting that, we are gouging this, we are gouging that, my goodness we are spending a lot of money out here. In fact, if you want to look at this a little different way, this is the bar chart way. In the last 3 years total growth has been 6 percent. That is enough. We have enough spending. We do not need new taxes.

Please reject, respectfully, the Congressional Black Caucus budget.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to this resolution and in support of the Democratic and Congressional Black Caucus alternatives.

You would think that after 3 years of Bush budgets and Bush tax cuts, there is enough evidence to suggest that the people who benefited from 3 years of tax cuts are not producing jobs for the rest of working America. The sponsors of the Republican budget resolution look at economic growth and ignore stagnant job creation. That is why they try to convince working Americans to stay the course.

In the last 3 years, similar budgets have cost the economy 3 million jobs. Unemployment in my State of Michigan stands at 6.6 percent, the second largest number of unemployed citizens in the country. Unemployment among African-Americans stands at 9.8 percent.

Only 21,000 jobs were created in February, and not one was created by the private sector. If the economy continues to perform at last month's rate, it would take 9 years to recover all the jobs lost in the last three Bush budgets. This record would earn him the distinction of having the worst job creation record since the Great Depression.

The Republican budget resolution does nothing about deficits. It produces deficits each and every year of the life of the resolution and beyond. The Republican budget provides no blueprint to bring the budget into balance, and this document refuses to show how large the deficits will be in the out years beyond 2009.

Three years ago, the President told us we would see a $5.6 trillion surplus. He used that projection to justify $1.3 trillion in tax cuts. Now the surpluses have disappeared and if you project out 10 years to 2014, the deficits generated are estimated at $5.5 trillion. That is a swing of $10 trillion in tax cuts. Now the surplus have disappeared and if you project out 10 years to 2014, the deficits generated are estimated at $5.5 trillion. That is a swing of $10 trillion. If tax cuts are appropriate when we have surpluses, why are they appropriate when we have record deficits?

Three years ago, the Republican majority talked about putting Social Security and Medicare funds in a lock box. Now they are planning to spend the entire trillion dollar Social Security surplus from 2005 to 2009. The price we are paying for the Bush tax cuts is ultimately the dismantling of Social Security and Medicare as we know it.

With respect to education, the Republican budget underfunds No Child Left Behind by $8.8 billion, continuing the pattern of underfunding education programs. With 3.8 million women looking for work, the Republican budget does nothing to create good paying jobs or improve access to health care.

That is the result of 3 years of Bush budgets, and we are promised more of the same.

If the Republicans were serious about the deficit, they would come up with a new economic strategy. This Republican budget promises more of the same. If the administration and its allies in Congress were serious about the deficit, they would follow the 1990 PAYGO model to make it impossible to enact any revenue, mandatory spending, or tax expenditure legislation unless there was an offset. But PAYGO in this Congress would apply only to spending, not to revenues. That is not a serious attempt to cut the deficit.

If you are satisfied with the job creation record of the last 3 years, then vote for the Republican budget resolution. If you are satisfied with the course of the economy, then vote for the Republican budget resolution. If you are satisfied with the lack of wage growth, then vote for the Republican budget resolution. If you want more of the same, then vote for this Republican budget resolution.

But if you want economic growth with job growth, look to the Democratic and CBC alternatives. If you really want to help school districts meet the mandates of No Child Left Behind, vote for the Democratic and CBC alternatives. If you want to protect Social Security and Medicare, vote for the Democratic and CBC alternatives. If you want to do something for veterans health care, vote for the Democratic and CBC alternatives.

Ms. WATSON. Mr. Chairman, I urge my colleagues to support the substitute amendment offered by Mr. SCOTT. This amendment would refocus our budget priorities back to where they should be during this time of war—to defeating terror and making America safer. This resolution would provide an additional $2½ billion for Homeland Security, with close to $1 billion of that amount going directly to our first responders—the fire, police, medical, and other emergency personnel who keep our neighborhoods safe. We've talked a lot over the past couple years about the new Homeland Security Department here in Washington. We need to remember that, in case of another attack on America, Homeland Security employees will not be the ones running into danger to save lives. Just as on September 11, it will be local paramedics, firefighters, police, and others. They deserve—we all deserve—to have Congress provide the resources to make sure they are prepared to protect us.

This substitute also includes increased funding for veterans and for our troops in the field. At a time when American forces are at war, Congress should be focused on providing our soldiers with what they need, rather than focusing attention on what wealthy executives need. This substitute budget closes tax loopholes and uses those funds to pay for body armor for soldiers and armor for their vehicles. I cannot be prouder than to vote for an amendment that would both punish tax dodgers and protect our soldiers.

But we need to focus not only on our current soldiers but also our former soldiers. I am proud to be supporting a substitute budget that provides adequate resources for veterans' health care. As we ask the men and women of the armed services to risk their lives for us, we need to show them that we will be there for them as they deal, in many cases for the rest of their lives, with injuries sustained in defense of the United States. I urge my colleagues to support this substitute budget, to make America's budget priorities match America's wartime needs.

Mr. SERRANO. Mr. Chairman, I rise today in strong opposition to H. Con. Res. 393, the Republican budget resolution. There are so many things wrong with this budget resolution and the President's budget request that I would not know how to even begin listing all of them. But I am especially concerned about how this budget hurts our Nation's low-income minority communities.

Instead of providing adequate funding for job creation, healthcare, education, and housing, House Republicans have instead ignored or cut funding in these areas to finance the President's ill-conceived tax cuts to the wealthy.

At a time when well over 3 million African-Americans and Hispanics are out of work, the President's budget proposes cuts to the Small Business Administration by $78 million, despite SBA's proven effectiveness in helping minority-owned businesses grow.

On education, the President's budget is devastating to programs designed to help minority students gain an even footing. It freezes funding for bilingual education, cuts funding for Head Start, and eliminates Even Start and dropout prevention programs. Only 17 percent

of African-Americans and 11 percent of Latinos have their college degrees, but this administration has frozen funding for Pell grants and cut funding for Perkins loans by nearly $100 million.

The misled priorities do not stop there. According to top level officials of the administration, the President's budget underfunds the Department of Veterans Affairs by $1.2 billion and falls short on veterans' health benefits. Furthermore, for nonveterans, the budget does nothing to address skyrocketing healthcare costs of low-income individuals.

Recklessly slashing or neglecting non-Homeland Security domestic discretionary spending, which comprises a mere one-sixth of the total budget, will not make a dent in the astronomical budget deficit that Republicans have proposed. That is why I support the substitute offered by the Congressional Black Caucus, which will not only restore funding to veterans and other domestic priorities, but also including funding for essential priorities such as local law enforcement, schools and job training.

Mr. Chairman, we in this body have an obligation to represent all Americans, not just the wealthiest ones. For that reason, I urge my colleagues to join me in opposing the Republican budget and supporting the CBC substitute, and if that fails, supporting the Democratic substitute, which is still vastly superior to the Republican resolution.

The CHAIRMAN pro tempore. All time for debate on this amendment in the nature of a substitute has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CUMMINGS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 302, not voting 12, as follows:

[Roll No. 88]

AYES—119

Ackerman
Baca
Baldwin
Ballance
Becerra
Berman
Bishop (GA)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—302

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—12

Abercrombie
Bonner
DeMint
Hoeffel
Linder
Lucas (KY)
McInnis
Pence
Price (NC)
Quinn
Tauzin
Wexler

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1310

Messrs. BURR, GALLEGLY, GUTKNECHT, MCCOTTER, RAMSTAD, and GONZALEZ changed their vote from ''aye'' to ''no.''

Mr. KENNEDY of Rhode Island changed his vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BONNER. Mr. Chairman, I was unavoidably detained in a meeting off the Hill and was not able to vote on the Cummings amendment, rollcall No. 88. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore (Mr. LATOURETTE). It is now in order to consider amendment No. 2 printed in House Report 108–446.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, as the designee of the gentleman from Indiana (Mr. HILL), I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the Nature of a Substitute No. 2 offered by Mr. STENHOLM:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate levels for fiscal years 2006 through 2014 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Homeland security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation.
Sec. 202. Submission of report on defense savings.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

Subtitle A—Reserve Funds

Sec. 301. Reserve fund for the costs of military operations in Iraq and Afghanistan.
Sec. 302. Reserve fund for health insurance for the uninsured.
Sec. 303. Adjustment for surface transportation.
Sec. 304. Reserve fund for permanent extension of tax cuts.
Sec. 305. Reserve fund for funding local law enforcement programs.
Sec. 306. Deficit-neutral reserve fund for Military Survivors' Benefit Plan.

Subtitle B—Enforcement

Sec. 311. Point of order against certain legislation reducing the surplus or increasing the deficit after fiscal year 2009.
Sec. 312. Application and effect of changes in allocations and aggregates.
Sec. 313. Discretionary spending limits in the house.
Sec. 314. Emergency legislation.
Sec. 315. Pay-as-you-go point of order in the House.
Sec. 316. Disclosure of effect of legislation on the public debt.
Sec. 317. Disclosure of interest costs.
Sec. 318. Dynamic scoring of tax legislation.
Sec. 319. Restrictions on advance appropriations.

Subtitle C—Increase in Debt Limit Contingent Upon Plan To Restore Balanced Budget

Sec. 321. Increase in debt limit.
Sec. 322. Review of budget outlook.

TITLE IV—SENSE OF CONGRESS AND SENSE OF HOUSE PROVISIONS

Sec. 401. Sense of Congress regarding budget enforcement.
Sec. 402. Sense of Congress on tax reform.
Sec. 403. Sense of the house on spending accountability.
Sec. 404. Sense of Congress regarding previously enacted tax legislation.
Sec. 405. Sense of Congress regarding a trigger mechanism for costs of prescription drug legislation.
Sec. 406. Sense of Congress regarding responsible funding for additional military end strength.
Sec. 407. Sense of the House regarding funding for the manufacturing extension partnership.
Sec. 408. Sense of the House regarding the conservation spending category.
Sec. 409. Sense of the House regarding the ouachita-black navigation project.
Sec. 410. Sense of the House on tax simplification and tax fairness.
Sec. 411. Sense of the House on LIHEAP.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,466,774,000,000.
Fiscal year 2006: $1,643,201,000,000.
Fiscal year 2007: $1,776,224,000,000.
Fiscal year 2008: $1,867,910,000,000.
Fiscal year 2009: $1,976,900,000,000.
Fiscal year 2010: $2,095,382,000,000.
Fiscal year 2011: $2,293,633,000,000.
Fiscal year 2012: $2,472,923,000,000.
Fiscal year 2013: $2,605,505,000,000.
Fiscal year 2014: $2,747,823,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $10,360,000,000.
Fiscal year 2006: $10,980,000,000.
Fiscal year 2007: −$21,280,000,000.
Fiscal year 2008: −$22,120,000,000.
Fiscal year 2009: −$23,840,000,000.
Fiscal year 2010: −$31,800,000,000.
Fiscal year 2011: −$12,040,000,000.
Fiscal year 2012: $11,500,000,000.
Fiscal year 2013: $12,500,000,000.
Fiscal year 2014: $14,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $1,962,161,000,000.
Fiscal year 2006: $2,064,882,000,000.
Fiscal year 2007: $2,190,409,000,000.
Fiscal year 2008: $2,294,184,000,000.
Fiscal year 2009: $2,424,272,000,000.
Fiscal year 2010: $2,521,850,000,000.
Fiscal year 2011: $2,645,018,000,000.
Fiscal year 2012: $2,721,044,000,000.
Fiscal year 2013: $2,846,992,000,000.
Fiscal year 2014: $2,972,679,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $1,981,499,000,000.
Fiscal year 2006: $2,075,659,000,000.
Fiscal year 2007: $2,166,368,000,000.
Fiscal year 2008: $2,259,452,000,000.
Fiscal year 2009: $2,386,165,000,000.
Fiscal year 2010: $2,497,928,000,000.
Fiscal year 2011: $2,626,458,000,000.
Fiscal year 2012: $2,695,976,000,000.
Fiscal year 2013: $2,827,312,000,000.
Fiscal year 2014: $2,952,585,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: −$514,726,000,000.
Fiscal year 2006: −$432,458,000,000.
Fiscal year 2007: −$390,144,000,000.
Fiscal year 2008: −$391,542,000,000.
Fiscal year 2009: −$409,264,000,000.
Fiscal year 2010: −$402,546,000,000.
Fiscal year 2011: −$332,825,000,000.
Fiscal year 2012: −$223,053,000,000.
Fiscal year 2013: −$221,807,000,000.
Fiscal year 2014: −$204,762,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2005: $8,048,800,000,000.
Fiscal year 2006: $8,605,200,000,000.
Fiscal year 2007: $9,116,400,000,000.
Fiscal year 2008: $9,629,000,000,000.
Fiscal year 2009: $10,162,300,000,000.
Fiscal year 2010: $10,691,800,000,000.
Fiscal year 2011: $11,150,200,000,000.
Fiscal year 2012: $11,514,300,000,000.
Fiscal year 2013: $11,872,500,000,000.
Fiscal year 2014: $12,215,400,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $4,737,200,000,000.
Fiscal year 2006: $4,990,100,000,000.
Fiscal year 2007: $5,184,900,000,000.
Fiscal year 2008: $5,365,500,000,000.
Fiscal year 2009: $5,550,200,000,000.
Fiscal year 2010: $5,714,800,000,000.
Fiscal year 2011: $5,796,100,000,000.
Fiscal year 2012: $5,758,600,000,000.
Fiscal year 2013: $5,712,900,000,000.
Fiscal year 2014: $5,643,900,000,000.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal year 2005 for Homeland Security are as follows:

(1) New budget authority, $34,102,000,000.
(2) Outlays, $29,997,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2005:
(A) New budget authority, $422,157,000,000.
(B) Outlays, $449,442,000,000.
Fiscal year 2006:
(A) New budget authority, $444,807,000,000.
(B) Outlays, $441,451,000,000.
Fiscal year 2007:
(A) New budget authority, $466,423,000,000.
(B) Outlays, $448,337,000,000.
Fiscal year 2008:
(A) New budget authority, $488,691,000,000.
(B) Outlays, $468,010,000,000.
Fiscal year 2009:
(A) New budget authority, $511,074,000,000.
(B) Outlays, $489,757,000,000.
Fiscal year 2010:
(A) New budget authority, $523,701,000,000.
(B) Outlays, $511,202,000,000.
Fiscal year 2011:
(A) New budget authority, $537,177,000,000.
(B) Outlays, $533,024,000,000.
Fiscal year 2012:
(A) New budget authority, $550,124,000,000.
(B) Outlays, $539,798,000,000.
Fiscal year 2013:
(A) New budget authority, $563,075,000,000.
(B) Outlays, $557,979,000,000.
Fiscal year 2014:
(A) New budget authority, $577,498,000,000.
(B) Outlays, $571,363,000,000.

(2) International Affairs (150):

Fiscal year 2005:
(A) New budget authority, $26,586,000,000.
(B) Outlays, $32,878,000,000.
Fiscal year 2006:
(A) New budget authority, $27,836,000,000.
(B) Outlays, $30,066,000,000.
Fiscal year 2007:
(A) New budget authority, $27,990,000,000.
(B) Outlays, $26,768,000,000.
Fiscal year 2008:
(A) New budget authority, $27,540,000,000.
(B) Outlays, $24,269,000,000.
Fiscal year 2009:
(A) New budget authority, $28,298,000,000.
(B) Outlays, $25,162,000,000.
Fiscal year 2010:
(A) New budget authority, $28,888,000,000.
(B) Outlays, $25,637,000,000.
Fiscal year 2011:
(A) New budget authority, $29,505,000,000.
(B) Outlays, $25,850,000,000.
Fiscal year 2012:
(A) New budget authority, $30,119,000,000.
(B) Outlays, $26,124,000,000.
Fiscal year 2013:
(A) New budget authority, $30,752,000,000.
(B) Outlays, $26,654,000,000.
Fiscal year 2014:
(A) New budget authority, $31,438,000,000.
(B) Outlays, $27,216,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2005:
(A) New budget authority, $23,418,000,000.
(B) Outlays, $22,975,000,000.
Fiscal year 2006:
(A) New budget authority, $23,557,000,000.
(B) Outlays, $23,263,000,000.
Fiscal year 2007:
(A) New budget authority, $23,696,000,000.
(B) Outlays, $23,352,000,000.
Fiscal year 2008:
(A) New budget authority, $23,369,000,000.
(B) Outlays, $23,040,000,000.
Fiscal year 2009:
(A) New budget authority, $23,980,000,000.
(B) Outlays, $23,525,000,000.
Fiscal year 2010:

(A) New budget authority, $24,484,000,000.
(B) Outlays, $23,988,000,000.
Fiscal year 2011:
(A) New budget authority, $25,005,000,000.
(B) Outlays, $24,357,000,000.
Fiscal year 2012:
(A) New budget authority, $25,531,000,000.
(B) Outlays, $24,813,000,000.
Fiscal year 2013:
(A) New budget authority, $26,084,000,000.
(B) Outlays, $25,340,000,000.
Fiscal year 2014:
(A) New budget authority, $26,641,000,000.
(B) Outlays, $25,878,000,000.
(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,344,000,000.
(B) Outlays, $707,000,000.
Fiscal year 2006:
(A) New budget authority, $2,189,000,000.
(B) Outlays, $1,024,000,000.
Fiscal year 2007:
(A) New budget authority, $2,214,000,000.
(B) Outlays, $649,000,000.
Fiscal year 2008:
(A) New budget authority, $2,305,000,000.
(B) Outlays, $373,000,000.
Fiscal year 2009:
(A) New budget authority, $1,903,000,000.
(B) Outlays, $489,000,000.
Fiscal year 2010:
(A) New budget authority, $1,823,000,000.
(B) Outlays, $563,000,000.
Fiscal year 2011:
(A) New budget authority, $1,891,000,000.
(B) Outlays, $609,000,000.
Fiscal year 2012:
(A) New budget authority, $1,963,000,000.
(B) Outlays, $917,000,000.
Fiscal year 2013:
(A) New budget authority, $2,040,000,000.
(B) Outlays, $875,000,000.
Fiscal year 2014:
(A) New budget authority, $2,112,000,000.
(B) Outlays, $1,296,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $31,386,000,000.
(B) Outlays, $31,061,000,000.
Fiscal year 2006:
(A) New budget authority, $31,758,000,000.
(B) Outlays, $32,104,000,000.
Fiscal year 2007:
(A) New budget authority, $32,104,000,000.
(B) Outlays, $32,357,000,000.
Fiscal year 2008:
(A) New budget authority, $33,445,000,000.
(B) Outlays, $33,541,000,000.
Fiscal year 2009:
(A) New budget authority, $33,007,000,000.
(B) Outlays, $33,024,000,000.
Fiscal year 2010:
(A) New budget authority, $33,755,000,000.
(B) Outlays, $33,852,000,000.
Fiscal year 2011:
(A) New budget authority, $34,502,000,000.
(B) Outlays, $34,099,000,000.
Fiscal year 2012:
(A) New budget authority, $35,242,000,000.
(B) Outlays, $34,664,000,000.
Fiscal year 2013:
(A) New budget authority, $36,046,000,000.
(B) Outlays, $35,149,000,000.
Fiscal year 2014:
(A) New budget authority, $36,945,000,000.
(B) Outlays, $36,008,000,000.
(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $22,066,000,000.
(B) Outlays, $21,184,000,000.
Fiscal year 2006:
(A) New budget authority, $24,129,000,000.
(B) Outlays, $22,981,000,000.
Fiscal year 2007:
(A) New budget authority, $25,066,000,000.
(B) Outlays, $23,941,000,000.
Fiscal year 2008:
(A) New budget authority, $25,126,000,000.
(B) Outlays, $24,061,000,000.
Fiscal year 2009:
(A) New budget authority, $25,985,000,000.
(B) Outlays, $25,138,000,000.
Fiscal year 2010:
(A) New budget authority, $25,980,000,000.
(B) Outlays, $25,164,000,000.
Fiscal year 2011:
(A) New budget authority, $25,963,000,000.
(B) Outlays, $25,142,000,000.
Fiscal year 2012:
(A) New budget authority, $25,885,000,000.
(B) Outlays, $25,078,000,000.
Fiscal year 2013:
(A) New budget authority, $25,888,000,000.
(B) Outlays, $25,038,000,000.
Fiscal year 2014:
(A) New budget authority, $25,854,000,000.
(B) Outlays, $25,031,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $11,000,000,000.
(B) Outlays, $4,677,000,000.
Fiscal year 2006:
(A) New budget authority, $10,457,000,000.
(B) Outlays, $5,749,000,000.
Fiscal year 2007:
(A) New budget authority, $9,944,000,000.
(B) Outlays, $4,380,000,000.
Fiscal year 2008:
(A) New budget authority, $10,206,000,000.
(B) Outlays, $3,485,000,000.
Fiscal year 2009:
(A) New budget authority, $9,878,000,000.
(B) Outlays, $3,106,000,000.
Fiscal year 2010:
(A) New budget authority, $10,084,000,000.
(B) Outlays, $3,279,000,000.
Fiscal year 2011:
(A) New budget authority, $10,191,000,000.
(B) Outlays, $3,317,000,000.
Fiscal year 2012:
(A) New budget authority, $10,375,000,000.
(B) Outlays, $3,631,000,000.
Fiscal year 2013:
(A) New budget authority, $10,547,000,000.
(B) Outlays, $3,659,000,000.
Fiscal year 2014:
(A) New budget authority, $10,727,000,000.
(B) Outlays, $3,693,000,000.
(8) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $71,941,000,000.
(B) Outlays, $68,861,000,000.
Fiscal year 2006:
(A) New budget authority, $73,370,000,000.
(B) Outlays, $71,492,000,000.
Fiscal year 2007:
(A) New budget authority, $75,962,000,000.
(B) Outlays, $73,350,000,000.
Fiscal year 2008:
(A) New budget authority, $75,620,000,000.
(B) Outlays, $70,450,000,000.
Fiscal year 2009:
(A) New budget authority, $78,843,000,000.
(B) Outlays, $78,841,000,000.
Fiscal year 2010:
(A) New budget authority, $72,791,000,000.
(B) Outlays, $75,860,000,000.
Fiscal year 2011:
(A) New budget authority, $73,594,000,000.
(B) Outlays, $77,265,000,000.
Fiscal year 2012:
(A) New budget authority, $74,432,000,000.
(B) Outlays, $78,863,000,000.
Fiscal year 2013:
(A) New budget authority, $75,290,000,000.
(B) Outlays, $80,531,000,000.
Fiscal year 2014:
(A) New budget authority, $76,188,000,000.
(B) Outlays, $82,165,000,000.
(9) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $14,999,000,000.
(B) Outlays, $16,540,000,000.
Fiscal year 2006:
(A) New budget authority, $14,950,000,000.
(B) Outlays, $15,594,000,000.
Fiscal year 2007:
(A) New budget authority, $15,183,000,000.
(B) Outlays, $15,462,000,000.
Fiscal year 2008:
(A) New budget authority, $15,433,000,000.
(B) Outlays, $15,565,000,000.
Fiscal year 2009:
(A) New budget authority, $15,872,000,000.
(B) Outlays, $15,749,000,000.
Fiscal year 2010:
(A) New budget authority, $16,189,000,000.
(B) Outlays, $16,247,000,000.
Fiscal year 2011:
(A) New budget authority, $16,517,000,000.
(B) Outlays, $15,978,000,000.
Fiscal year 2012:
(A) New budget authority, $16,846,000,000.
(B) Outlays, $16,159,000,000.
Fiscal year 2013:
(A) New budget authority, $17,196,000,000.
(B) Outlays, $16,450,000,000.
Fiscal year 2014:
(A) New budget authority, $17,542,000,000.
(B) Outlays, $16,750,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $93,036,000,000.
(B) Outlays, $90,735,000,000.
Fiscal year 2006:
(A) New budget authority, $94,241,000,000.
(B) Outlays, $93,398,000,000.
Fiscal year 2007:
(A) New budget authority, $94,993,000,000.
(B) Outlays, $94,109,000,000.
Fiscal year 2008:
(A) New budget authority, $91,712,000,000.
(B) Outlays, $91,285,000,000.
Fiscal year 2009:
(A) New budget authority, $96,342,000,000.
(B) Outlays, $96,213,000,000.
Fiscal year 2010:
(A) New budget authority, $98,169,000,000.
(B) Outlays, $96,894,000,000.
Fiscal year 2011:
(A) New budget authority, $100,198,000,000.
(B) Outlays, $98,961,000,000.
Fiscal year 2012:
(A) New budget authority, $102,177,000,000.
(B) Outlays, $101,088,000,000.
Fiscal year 2013:
(A) New budget authority, $104,292,000,000.
(B) Outlays, $103,091,000,000.
Fiscal year 2014:
(A) New budget authority, $106,398,000,000.
(B) Outlays, $105,176,000,000.
(11) Health (550):
Fiscal year 2005:
(A) New budget authority, $251,941,000,000.
(B) Outlays, $249,821,000,000.
Fiscal year 2006:
(A) New budget authority, $257,720,000,000.
(B) Outlays, $258,058,000,000.
Fiscal year 2007:
(A) New budget authority, $271,476,000,000.
(B) Outlays, $271,154,000,000.
Fiscal year 2008:
(A) New budget authority, $289,795,000,000.
(B) Outlays, $289,865,000,000.
Fiscal year 2009:
(A) New budget authority, $312,044,000,000.
(B) Outlays, $309,527,000,000.
Fiscal year 2010:
(A) New budget authority, $332,207,000,000.
(B) Outlays, $332,089,000,000.
Fiscal year 2011:
(A) New budget authority, $356,257,000,000.
(B) Outlays, $355,680,000,000.
Fiscal year 2012:
(A) New budget authority, $382,311,000,000.
(B) Outlays, $381,426,000,000.
Fiscal year 2013:
(A) New budget authority, $410,737,000,000.
(B) Outlays, $409,547,000,000.
Fiscal year 2014:
(A) New budget authority, $441,609,000,000.

(B) Outlays, $440,241,000,000.
(12) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $287,855,000,000.
(B) Outlays, $288,862,000,000.
Fiscal year 2006:
(A) New budget authority, $322,663,000,000.
(B) Outlays, $322,245,000,000.
Fiscal year 2007:
(A) New budget authority, $362,525,000,000.
(B) Outlays, $362,784,000,000.
Fiscal year 2008:
(A) New budget authority, $387,258,000,000.
(B) Outlays, $387,295,000,000.
Fiscal year 2009:
(A) New budget authority, $414,018,000,000.
(B) Outlays, $413,870,000,000.
Fiscal year 2010:
(A) New budget authority, $442,208,000,000.
(B) Outlays, $442,496,000,000.
Fiscal year 2011:
(A) New budget authority, $478,799,000,000.
(B) Outlays, $478,801,000,000.
Fiscal year 2012:
(A) New budget authority, $504,733,000,000.
(B) Outlays, $504,241,000,000.
Fiscal year 2013:
(A) New budget authority, $550,143,000,000.
(B) Outlays, $550,427,000,000.
Fiscal year 2014:
(A) New budget authority, $595,866,000,000.
(B) Outlays, $595,863,000,000.
(13) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $338,094,000,000.
(B) Outlays, $342,528,000,000.
Fiscal year 2006:
(A) New budget authority, $336,305,000,000.
(B) Outlays, $340,057,000,000.
Fiscal year 2007:
(A) New budget authority, $341,053,000,000.
(B) Outlays, $343,778,000,000.
Fiscal year 2008:
(A) New budget authority, $352,262,000,000.
(B) Outlays, $354,584,000,000.
Fiscal year 2009:
(A) New budget authority, $363,266,000,000.
(B) Outlays, $364,864,000,000.
Fiscal year 2010:
(A) New budget authority, $375,408,000,000.
(B) Outlays, $377,160,000,000.
Fiscal year 2011:
(A) New budget authority, $392,172,000,000.
(B) Outlays, $392,862,000,000.
Fiscal year 2012:
(A) New budget authority, $382,017,000,000.
(B) Outlays, $382,492,000,000.
Fiscal year 2013:
(A) New budget authority, $396,417,000,000.
(B) Outlays, $396,918,000,000.
Fiscal year 2014:
(A) New budget authority, $407,234,000,000.
(B) Outlays, $408,043,000,000.
(14) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,386,000,000.
(B) Outlays, $15,196,000,000.
Fiscal year 2006:
(A) New budget authority, $16,801,000,000.
(B) Outlays, $16,740,000,000.
Fiscal year 2007:
(A) New budget authority, $18,159,000,000.
(B) Outlays, $18,139,000,000.
Fiscal year 2008:
(A) New budget authority, $19,505,000,000.
(B) Outlays, $19,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,860,000,000.
(B) Outlays, $21,863,000,000.
Fiscal year 2010:
(A) New budget authority, $24,121,000,000.
(B) Outlays, $24,127,000,000.
Fiscal year 2011:
(A) New budget authority, $28,007,000,000.
(B) Outlays, $28,009,000,000.
Fiscal year 2012:
(A) New budget authority, $30,993,000,000.
(B) Outlays, $30,995,000,000.
Fiscal year 2013:
(A) New budget authority, $33,739,000,000.
(B) Outlays, $33,740,000,000.
Fiscal year 2014:
(A) New budget authority, $36,603,000,000.
(B) Outlays, $36,604,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $71,432,000,000.
(B) Outlays, $69,456,000,000.
Fiscal year 2006:
(A) New budget authority, $69,415,000,000.
(B) Outlays, $68,521,000,000.
Fiscal year 2007:
(A) New budget authority, $67,554,000,000.
(B) Outlays, $66,937,000,000.
Fiscal year 2008:
(A) New budget authority, $68,680,000,000.
(B) Outlays, $68,443,000,000.
Fiscal year 2009:
(A) New budget authority, $73,552,000,000.
(B) Outlays, $73,097,000,000.
Fiscal year 2010:
(A) New budget authority, $75,138,000,000.
(B) Outlays, $74,667,000,000.
Fiscal year 2011:
(A) New budget authority, $79,507,000,000.
(B) Outlays, $79,046,000,000.
Fiscal year 2012:
(A) New budget authority, $76,587,000,000.
(B) Outlays, $76,114,000,000.
Fiscal year 2013:
(A) New budget authority, $81,208,000,000.
(B) Outlays, $80,732,000,000.
Fiscal year 2014:
(A) New budget authority, $83,275,000,000.
(B) Outlays, $82,822,000,000.
(16) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $43,835,000,000.
(B) Outlays, $41,255,000,000.
Fiscal year 2006:
(A) New budget authority, $39,933,000,000.
(B) Outlays, $40,269,000,000.
Fiscal year 2007:
(A) New budget authority, $40,601,000,000.
(B) Outlays, $40,637,000,000.
Fiscal year 2008:
(A) New budget authority, $38,497,000,000.
(B) Outlays, $38,501,000,000.
Fiscal year 2009:
(A) New budget authority, $42,172,000,000.
(B) Outlays, $41,444,000,000.
Fiscal year 2010:
(A) New budget authority, $43,335,000,000.
(B) Outlays, $43,022,000,000.
Fiscal year 2011:
(A) New budget authority, $44,531,000,000.
(B) Outlays, $44,174,000,000.
Fiscal year 2012:
(A) New budget authority, $45,776,000,000.
(B) Outlays, $45,378,000,000.
Fiscal year 2013:
(A) New budget authority, $47,052,000,000.
(B) Outlays, $46,617,000,000.
Fiscal year 2014:
(A) New budget authority, $48,375,000,000.
(B) Outlays, $49,939,000,000.
(17) General Government (800):
Fiscal year 2005:
(A) New budget authority, $17,324,000,000.
(B) Outlays, $17,962,000,000.
Fiscal year 2006:
(A) New budget authority, $17,549,000,000.
(B) Outlays, $17,498,000,000.
Fiscal year 2007:
(A) New budget authority, $17,711,000,000.
(B) Outlays, $17,531,000,000.
Fiscal year 2008:
(A) New budget authority, $18,847,000,000.
(B) Outlays, $18,713,000,000.
Fiscal year 2009:
(A) New budget authority, $17,276,000,000.
(B) Outlays, $17,189,000,000.
Fiscal year 2010:
(A) New budget authority, $17,852,000,000.
(B) Outlays, $17,634,000,000.
Fiscal year 2011:
(A) New budget authority, $18,464,000,000.
(B) Outlays, $18,230,000,000.
Fiscal year 2012:
(A) New budget authority, $19,088,000,000.
(B) Outlays, $18,908,000,000.
Fiscal year 2013:
(A) New budget authority, $19,710,000,000.
(B) Outlays, $19,262,000,000.
Fiscal year 2014:
(A) New budget authority, $20,359,000,000.
(B) Outlays, $19,852,000,000.
(18) Interest (900):
Fiscal year 2005:
(A) New budget authority, $270,012,000,000.
(B) Outlays, $270,012,000,000.
Fiscal year 2006:
(A) New budget authority, $316,698,000,000.
(B) Outlays, $316,698,000,000.
Fiscal year 2007:
(A) New budget authority, $359,828,000,000.
(B) Outlays, $359,828,000,000.
Fiscal year 2008:
(A) New budget authority, $390,726,000,000.
(B) Outlays, $390,726,000,000.
Fiscal year 2009:
(A) New budget authority, $416,367,000,000.
(B) Outlays, $416,367,000,000.
Fiscal year 2010:
(A) New budget authority, $439,593,000,000.
(B) Outlays, $439,593,000,000.
Fiscal year 2011:
(A) New budget authority, $459,207,000,000.
(B) Outlays, $459,207,000,000.
Fiscal year 2012:
(A) New budget authority, $475,986,000,000.
(B) Outlays, $475,986,000,000.
Fiscal year 2013:
(A) New budget authority, $488,534,000,000.
(B) Outlays, $488,534,000,000.
Fiscal year 2014:
(A) New budget authority, $502,137,000,000.
(B) Outlays, $502,137,000,000.
(19) Allowances (920):
Fiscal year 2005:
(A) New budget authority, $49,853,000,000.
(B) Outlays, $24,703,000,000.
Fiscal year 2006:
(A) New budget authority, $302,000,000.
(B) Outlays, $18,298,000,000.
Fiscal year 2007:
(A) New budget authority, −$287,000,000.
(B) Outlays, $4,813,000,000.
Fiscal year 2008:
(A) New budget authority, −$301,000,000.
(B) Outlays, $699,000,000.
Fiscal year 2009:
(A) New budget authority, −$316,000,000.
(B) Outlays, −$316,000,000.
Fiscal year 2010:
(A) New budget authority, −$324,000,000.
(B) Outlays, −$324,000,000.
Fiscal year 2011:
(A) New budget authority, −$334,000,000.
(B) Outlays, −$334,000,000.
Fiscal year 2012:
(A) New budget authority, −$342,000,000.
(B) Outlays, −$342,000,000.
Fiscal year 2013:
(A) New budget authority, −$351,000,000.
(B) Outlays, −$351,000,000.
Fiscal year 2014:
(A) New budget authority, −$357,000,000.
(B) Outlays, −$357,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$52,505,000,000.
(B) Outlays, −$52,505,000,000.
Fiscal year 2006:
(A) New budget authority, −$59,798,000,000.
(B) Outlays, −$59,848,000,000.
Fiscal year 2007:
(A) New budget authority, −$61,787,000,000.
(B) Outlays, −$61,937,000,000.
Fiscal year 2008:
(A) New budget authority, −$64,532,000,000.
(B) Outlays, −$62,982,000,000.
Fiscal year 2009:
(A) New budget authority, −$61,150,000,000.

(B) Outlays, −$62,745,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,552,000,000.
(B) Outlays, −$65,222,000,000.
Fiscal year 2011:
(A) New budget authority, −$66,135,000,000.
(B) Outlays, −$67,820,000,000.
Fiscal year 2012:
(A) New budget authority, −$68,800,000,000.
(B) Outlays, −$70,355,000,000.
Fiscal year 2013:
(A) New budget authority, −$71,406,000,000.
(B) Outlays, −$72,881,000,000.
Fiscal year 2014:
(A) New budget authority, −$73,765,000,000.
(B) Outlays, −$75,135,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION.

(a) RECONCILIATION INSTRUCTION.—Not later than October 1, 2004, the House Committee on Ways and Means shall report a reconciliation bill that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $10,360,000,000 for fiscal year 2005, by not more than $45,900,000,000 for the period of fiscal years 2005 through 2009, and by not more than $51,740,000,000 for the period of fiscal years 2005 through 2014.

(b) SENSE OF THE HOUSE.—It is the sense of the House that in complying with the instructions set forth in subsection (a), the Committee on Ways and Means should provide middle-class tax relief by extending the provisions regarding the child tax credit, marriage penalty, and ten percent income tax bracket expiring in 2004 for one year, provide permanent estate tax relief for small business and family farms and ranches, and defer a portion of tax reductions for taxpayers within incomes over $200,000 a year until the budget is balanced.

(c) ADDITIONAL RECONCILIATION INSTRUCTION.—Not later than October 1, 2004, the House Committee on Ways and Means shall report a reconciliation bill that consists of changes in laws within its jurisdiction that is revenue neutral by—

(1) raising revenues by closing corporate tax loopholes, improving tax compliance, and making other tax changes; and

(2) utilizing these savings to provide additional tax relief to middle-class families and small businesses or make other tax changes to promote economic growth.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR THE COSTS OF MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) RESERVE FUND.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for the costs of military operations in Iraq and Afghanistan, then the chairman of the Committee on the Budget shall make the appropriate revisions to the allocations and other levels in this resolution by an amount not exceed $50,000,000,000 in new budget authority and the resulting outlays.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should submit a supplemental request for funding necessary for military and civilian operations in Iraq and Afghanistan through the end of the calendar year not later than June 30, 2004.

SEC. 302. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance or expands access to care for the uninsured (including a measure providing for tax deductions for the purchase of health insurance or other measures), increases access to health insurance through lowering costs, and does not increase the costs of current health insurance coverage, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of—

(1) for fiscal year 2005, $41,772,000,000; or

(2) for fiscal years 2005 through 2009, $207,293,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriately made available to such Fund for the applicable fiscal year caused by such legislation or previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,600,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2005 pursuant to subsection (a).

(2) For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,621,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a).

SEC. 304. RESERVE FUND FOR PERMANENT EXTENSION OF TAX CUTS.

In the House, notwithstanding section 311 of this resolution, if the Committee on Ways and Means reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that makes the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 permanent, and if the chairman on the Committee on the Budget certifies that the enactment of such legislation would not cause or increase a unified budget deficit in 2011 or any succeeding fiscal year covered by this resolution, then the chairman on the Committee on the Budget shall revise allocations to accommodate such legislation and make other necessary adjustments.

SEC. 305. RESERVE FUND FOR FUNDING LOCAL LAW ENFORCEMENT PROGRAMS.

In the House, if the House passes legislation reported by the Committee on Energy and Commerce providing for additional spectrum auctions, the Chairman of the Committee on the Budget may revise allocations for legislation providing increased funding for local law enforcement assistance by an amount that does not exceed the estimated increase in receipts from the spectrum auction legislation reported by the Committee on Energy and Commerce.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS' BENEFIT PLAN.

In the House, if the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases survivors' benefits under the Military Survivors' Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral resulting from a change other than to discretionary appropriations in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

Subtitle B—Enforcement

SEC. 311. POINT OF ORDER AGAINST CERTAIN LEGISLATION REDUCING THE SURPLUS OR INCREASING THE DEFICIT AFTER FISCAL YEAR 2009.

It shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that first provides new budget authority or a decrease in revenues for any fiscal year after fiscal year 2009 through fiscal year 2014 that would decrease the surplus or increase the deficit for any fiscal year.

SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 313. DISCRETIONARY SPENDING LIMITS IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any bill or joint resolution, or amendment thereto, that provides new budget authority that would cause the discretionary spending limits to be exceeded for any fiscal year.

(b) DISCRETIONARY SPENDING LIMITS.—In the House and as used in this section, the term ''discretionary spending limit'' means—

(1) with respect to fiscal year 2005, for the discretionary category: $_____ in new budget authority and $_____ in outlays;

(2) with respect to fiscal year 2006, for the discretionary category: $_____ in new budget authority and $_____ in outlays;

(3) with respect to fiscal year 2007, for the discretionary category: $_____ in new budget authority and $_____ in outlays;

as adjusted in conformance with subsection (c).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority. The chairman of the Committee on the Budget may also make appropriate adjustments for the reserve funds set forth in sections 201 and 202.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided and designated as an emergency requirement pursuant to section 314;

(B) an amount appropriated for military operations in Iraq as provided in section 301; and

(C) an amount provided for transportation under section 303.

(3) APPLICATION OF ADJUSTMENTS.—The adjustments made for legislation pursuant to paragraph (1) shall—

(A) apply while that legislation is under consideration;

(B) take effect upon the enactment of that legislation; and

(C) be published in the Congressional Record as soon as practicable.

(4) APPLICATION OF THIS SECTION.—The provisions of this section shall apply to legislation providing new budget authority for fiscal years 2003 through 2005.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2)(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

SEC. 314. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—If a provision of direct spending or receipts legislation is enacted or if appropriations for discretionary accounts are enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be designated as an emergency requirement for the purpose of this resolution.

(b) DESIGNATIONS.—

(1) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under subsection (a), the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are that the expenditure or tax change is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR USE OF DESIGNATION.—When an emergency designation is proposed in any bill, joint resolution, or conference report thereon, the committee report and the statement of managers accompanying a conference report, as the case may be, shall provide a written justification of why the provision meets the criteria set forth in paragraph (2).

(c) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' means any provision of a bill, joint resolution, amendment, motion or conference report that provides direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) SEPARATE HOUSE VOTE ON EMERGENCY DESIGNATION.—(1) In the House, in the consideration of any measure for amendment in the Committee of the Whole containing any emergency spending designation, it shall always be in order unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such emergency spending designation from the portion of the bill then open to amendment.

(2) The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of House of Representatives a separate item identifying all waivers of points of order relating to emergency spending designations, listed by bill or joint resolution number and the subject matter of that measure.

(e) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines described in subsection (b).

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE AND HOMELAND SECURITY SPENDING.—Subsection (d) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category and for homeland security programs.

SEC. 315. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is

defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget;

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; or

(C) any legislation for which an adjustment is made under section 301.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in revenues or direct spending assumed by such resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) APPEALS.—Appeals in the House from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2)(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

(e) SUNSET.—This section shall expire on September 30, 2009.

SEC. 316. DISCLOSURE OF EFFECT OF LEGISLATION ON THE PUBLIC DEBT.

Each report of a committee of the House on a public bill or public joint resolution shall contain an estimate by the committee of the amount the public debt would be increased (including related debt service costs) in carrying out the bill or joint resolution in the fiscal year in which it is reported and in the 5-fiscal year period beginning with such fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years).

SEC. 317. DISCLOSURE OF INTEREST COSTS.

Whenever a committee of either House of Congress reports to its House legislation providing new budget authority or providing an increase or decrease in revenues or tax expenditures, the report accompanying that bill or joint resolution shall contain a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

SEC. 318. DYNAMIC SCORING OF TAX LEGISLATION.

Any report of the Committee on Ways and Means of the House of any bill or joint resolution reported by that committee that proposes to amend the Internal Revenue Code of 1986 and which report includes an estimate prepared by the Joint Committee on Internal Revenue Taxation pursuant to clause 2(h)(2) of the Rules of the House of Representatives shall also contain an estimate prepared by the Congressional Budget Office regarding the macroeconomic effect of any increase or decrease in the estimated budget deficit resulting from such bill or joint resolution.

SEC. 319. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2006 or 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

Subtitle C—Increase in Debt Limit Contingent Upon Plan To Restore Balanced Budget.

SEC. 321. INCREASE IN DEBT LIMIT.

(a) TEMPORARY INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Ways and Means of the House shall report a bill as soon as practicable, but not later than June 30, 2004, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $150,000,000,000.

(b) POINT OF ORDER.—(1) Except as provided by subsection (a) or paragraph (2), it shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that increases the limit on the public debt by more than $100,000,000,000.

(2) Paragraph (1) shall not apply in the House if—

(A) the chairman of the Committee on the Budget of the House has made the certification described in section 322 that the unified budget will be in balance by fiscal year 2012; or

(B) the President has submitted to Congress a declaration that such increase is necessary to finance costs of a military conflict or address an imminent threat to national security, but which shall not exceed the amount of the adjustment under section 301 for the costs of military operations in Iraq.

SEC. 322. REVIEW OF BUDGET OUTLOOK.

(a) IN GENERAL.—If, in the report released pursuant to section 202 of the Congressional Budget Act of 1974, entitled the Budget and Economic Outlook Update (for fiscal years 2005 through 2014), the Director of the Congressional Budget Office projects that the unified budget of the United States for fiscal year 2012 will be in balance, then the chairman of the Committee on the Budget of the House is authorized to certify that the budget is projected to meet the goals of a balanced budget.

(b) CALCULATING DISCRETIONARY SPENDING BASELINE.—Notwithstanding any other provision of law, the Director of the Congressional Budget Office shall use the discretionary spending levels set forth in this resolution, including any adjustments to such levels as a result of the implementation of any reserve funds set forth in this resolution to calculate the discretionary spending baseline.

TITLE IV—SENSE OF CONGRESS AND SENSE OF HOUSE PROVISIONS

SEC. 401. SENSE OF CONGRESS REGARDING BUDGET ENFORCEMENT.

It is the sense of Congress that legislation should be enacted enforcing this resolution by—

(1) setting discretionary spending limits for budget authority and outlays at the levels set forth in this resolution for each of the next 3 fiscal years;

(2) reinstating the pay-as-you-go rules set forth in section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for the next 5 fiscal years;

(3) requiring separate votes to exceed such discretionary spending limits or to waive such pay-as-you-go rules;

(4) establishing a definition for emergency spending and requiring a justification for emergency spending requests and legislation; and

(5) establishing expedited rescission authority regarding congressional votes on rescission submitted by the President and reducing discretionary spending limits to reflect savings from any rescissions enacted into law.

SEC. 402. SENSE OF CONGRESS ON TAX REFORM.

It is the sense of Congress that the Committee on Ways and Means should—

(1) work with the Secretary of the Treasury to draft legislation reforming the Internal Revenue Code of 1986 in a revenue-neutral manner to improve savings and investment; and

(2) consider changes that address the treatment of dividends and retirement savings, corporate tax avoidance, and simplification of the tax laws.

SEC. 403. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the

Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 404. SENSE OF CONGRESS REGARDING PREVIOUSLY ENACTED TAX LEGISLATION.

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

(1) H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004 provided that revenues would be $1.883 trillion in fiscal year 2004 after enactment of the tax cut legislation provided for in the resolution.

(2) Many advocates of the tax cut argued that revenues would actually be much higher because the tax cuts would stimulate growth and produce a surge in revenues.

(3) The Congressional Budget Office estimated in ''An Analysis of the President's Budgetary Proposals for Fiscal Year 2005'' that revenues would be $1.782 trillion in 2004, $100 billion lower than promised when the tax cuts were enacted.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should enact legislation to review the impact of enacted tax cut legislation on total revenues; and

(2) such legislation should establish revenue targets equal to total revenue levels established in the concurrent resolution on the budget for fiscal year 2004; and that if total revenues fall below the targets, the President would be required to propose legislation to offset the revenue shortfall through spending reductions or increased revenues or explicitly authorize an increase in the debt limit by the amount of the shortfall and that Congress would be required to consider vote on the President's proposal under an expedited process.

SEC. 405. SENSE OF CONGRESS REGARDING A TRIGGER MECHANISM FOR COSTS OF PRESCRIPTION DRUG LEGISLATION.

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

(1) The cost of the new Medicare law, estimated by the Congressional Budget Office before its passage to be $395,000,000,000 over ten years, has now been estimated by the Department of Health and Human Services to be $534,000,000,000 over ten years.

(2) Without taking steps to control the cost of prescription drugs, the Medicare law will become an unsustainable burden on the the Government and on taxpayers. In addition, rising drug costs could end up shifting additional cost burdens to Medicare beneficiaries.

(3) The Congressional Budget Office ans the Department of Human Services have estimated that the reforms enacted as part of Medicare legislation increasing participation of private plans in the Medicare program would increase the costs of the Medicare program.

(4) Prescription drug costs increased 15.3 percent in 2003. These rising costs are one of the primary drivers of increasing health care costs, which ran at 9.3 percent last year.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) legislation should be adopted which would establish a trigger mechanism to reduce costs of Medicare prescription drug legislation through negotiation of prescription drug prices by the Secretary of Health and Human Services and other changes to Medicare prescription drug legislation recommended by the President;

(2) this legislation would mandate that at any point when the expected ten-year expenditures for fiscal years 2004 through 2013 for Public Law 108–173 exceed the Congressional Budget Office estimate for this legislation, the Secretary of Health and Human Services would be required to immediately enter into direct negotiations with pharmaceutical manufacturers for competitive drug prices; and

(3) this legislation would further provide that if the Secretary is unable to negotiate reductions in prescription drug prices sufficient to reduce estimated ten year expenditures for Public Law 108–174 by the amount these costs exceed the Congressional Budget Office estimates for this legislation when it was enacted the President would be required to submit to Congress legislative changes to eliminate this excess and Congress would be required to consider this proposal under an expedited process.

SEC. 406. SENSE OF CONGRESS REGARDING RESPONSIBLE FUNDING FOR ADDITIONAL MILITARY END STRENGTH.

It is the sense of the Congress that the aggregates and function levels in this resolution for major functional category 050 (Defense), excluding any supplemental appropriations under section 301 for military operations in Iraq and Afghanistan, assumes funding in the Military Personnel accounts for the costs of approximately 10,000 additional military personnel exceeding the normal strength levels either to provide forces deployed for military operations or to sustain the readiness levels of deploying units.

SEC. 407. SENSE OF THE HOUSE REGARDING FUNDING FOR THE MANUFACTURING EXTENSION PARTNERSHIP.

(a) FINDINGS.—The House finds that—

(1) the Manufacturing Extension Partnership, which is jointly funded by Federal and State Governments and private entities, improves small manufacturers' competitiveness, creates jobs, increases economic activity, and generates a $4-to-$1 return on investment to the Treasury by aiding small businesses traditionally underserved by the business consulting market;

(2) in a January 2004 Department of Commerce report titled Manufacturing In America: A Comprehensive Strategy to Address the Challenges to U.S. Manufacturers, the Administration stated that ''...the Manufacturing Extension Partnership (MEP) has provided many small U.S. manufacturers with useful business services to become more competitive and productive,'' a conclusion in which the Congress concurs;

(3) the Congress appropriated $106 million for the Manufacturing Extension Partnership for 2003 but only $39 million for 2004, and the President's 2005 budget maintains this drastically reduced funding level, undermining the ability of the Manufacturing Extension Partnership to fulfill its mission of helping small businesses to adopt advanced manufacturing technologies and practices that will help them compete in a global market; and

(4) Federal funding for the Manufacturing Extension Partnership should be restored to its pre-2004 level, adjusted for inflation.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution provides a total of $110 million for the Manufacturing Extension Partnership for 2005, $71 million more than the President's request, and supports adequate funding throughout the period covered by this resolution; and

(2) this funding restores the viability of the Manufacturing Extension Partnership and provides the necessary resources for the Manufacturing Extension Partnership to continue helping small manufacturers reach their optimal performance and create jobs.

SEC. 408. SENSE OF THE HOUSE REGARDING THE CONSERVATION SPENDING CATEGORY.

(a) FINDINGS.—The House finds that—

(1) the 2001 Interior Appropriations Act (Public Law 106–291), which established a separate discretionary spending category for land conservation and natural resource protection programs for the fiscal years 2001 through 2006, passed by large margins in both the House and the Senate; and

(2) in establishing a separate conservation spending category, Congress recognized the chronic underfunding of programs that protect and enhance public lands, wildlife habitats, urban parks, historic and cultural landmarks, and coastal ecosystems.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the any law establishing new caps on discretionary spending should include a separate conservation spending category and that any caps on conservation spending for fiscal years 2005 or 2006 should be set at the levels established in Public Law 106–291.

SEC. 409. SENSE OF THE HOUSE REGARDING THE OUACHITA-BLACK NAVIGATION PROJECT.

(a) FINDINGS.—The House finds that—

(1) the Ouachita-Black Navigation Project was authorized by the River and Harbor Act of 1950 and modified by the River and Harbor Act of 1960; and

(2) a 382-mile navigation channel on the Red, Black and Ouachita Rivers was created requiring annual dredging to ensure the rivers' channel depth is maintained at the nine feet needed for commercial use; and

(3) if adequate annual funding is not provided to the Corps of Engineers and others, the project will not be able to function, undercutting commerce and revitalization in the area served by the project, and resulting in the loss of hundreds of jobs that are dependent on barge traffic.

(b) SENSE OF THE HOUSE.—It is the sense of the House that full funding should be provided for the Ouachita-Black Navigation Project in 2005 and beyond, notwithstanding the ton-mileage of barge traffic using the project.

SEC. 410. SENSE OF THE HOUSE ON TAX SIMPLIFICATION AND TAX FAIRNESS.

It is the sense of the House that—

(1) the current tax system has been made increasingly complex and unfair to the detriment of the vast majority of working Americans;

(2) constant change and manipulation of the tax code have adverse effects on taxpayers' understanding and trust in the Nation's tax laws;

(3) these increases in complexity and clarity have made compliance more challenging for the average taxpayer and small business owner, especially the self-employed; and

(4) this budget resolution contemplates a comprehensive review of recent changes in the tax code, leading to future action to reduce the tax burden and compliance burden for middle-income workers and their families in the context of tax reform that makes the Federal tax code simpler and fairer to all taxpayers.

SEC. 411. SENSE OF THE HOUSE ON LIHEAP.

(a) FINDINGS.—The House finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') and the companion weatherization assistance program (referred to in this section as ''WAP''), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the levels in this concurrent resolution assume—

(1) an authorization of $3,400,000,000 for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an authorization of $400,000,000 for fiscal year 2005 and $500,000,000 for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically address the cooling and heating needs of low-income families;

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

The CHAIRMAN pro tempore. Pursuant to House Resolution 574, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Iowa (Mr. NUSSLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

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

The Blue Dog budget that we offer at this time is designed and based entirely on the simple philosophy that when you find yourself in a hole, the first rule is to quit digging.

Our country has a massive problem with fiscal deficits today. Our budget is built around the simple concept of pay as you go. If we want to pass a tax cut, cut spending to make room for it or raise some other tax to keep it from going to the bottom-line deficit.

In other words, we are suggesting taking the shovels away from Congress and the President. Our plan would cut the deficit in half in 2 years and put the budget on a path back towards budget surpluses in 2012 and balance in 2010. Our budget has $210 billion less debt over the next 5 years than the resolution reported by the Committee on the Budget.

The Blue Dog budget includes the pay-as-you-go rules that were adopted by a bipartisan vote in the Senate, as well as enforceable limits on discretionary spending. The Blue Dog budget adopts the tough spending limits by adopting the President's overall spending levels, but reallocates funding to put more resources into veterans, education, health care, and other priorities, and keeps from reopening the farm bill and also providing assistance to small businesses, manufacturers, firemen and policemen, the first responders in the war on terrorism.

We strongly support the President in the war on terrorism. Our budget provides the President with everything he requested for defense and homeland security and sets aside a reserve fund for additional funding for the military operations in Iraq and Afghanistan, as we did last year.

Our budget provides tax relief for all taxpayers by extending the expansion of the 10 percent bracket, the marriage penalty relief, and the child tax credit. We also provide for immediate and permanent estate tax relief for small businesses, family farms and ranches. We offset the costs of extending tax relief, pay as you go, for middle-income families and pay for the cost of military operations in Iraq and Afghanistan by asking those with incomes over $200,000 to have a little less of a tax cut until the costs of the war are paid and the budget is put back on a path towards balance.

Most importantly, our budget would reduce the debt tax that all American families, as well as our children and grandchildren would have to pay, in order to pay interest on our national debt.

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

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

Mr. Chairman, it is interesting that the title of this budget is When You Are in a Hole, Stop Digging. Yes, they need to stop digging, stop digging in the pockets of families and small businesses and farmers and ranchers. They are digging and digging for more and more and more taxes. More taxes from farmers, more taxes from ranchers, more taxes from families, more taxes from married couples, more taxes that kill jobs and make it impossible for our economy to get back on its feet. When you are in a hole, stopping digging in the American people's pockets and start reducing spending around Washington which is wasteful.

This budget presented today raises taxes at a time when small businesses can least afford it. Ninety percent of small businesses pay at the individual rates. More than 80 percent in the increase in taxes for the top rate that they speak of will be borne by small businesses. Small businesses represent more than 99 percent of all employers, and they employ more than half of the private workforce.

When you are in a hole, stop digging in my pockets and pass the Republican plan that does not raise taxes.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, I would just say to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, only 2 percent of the small businesses are affected by the tremendous rhetoric that the gentleman from Iowa just put forward on taxes.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding me this time.

As we heard the gentleman from Texas say, the Blue Dog budget is not just a responsible budget, it is an honest budget. It matches the President's overall spending levels, it extends tax relief for our middle-class families, and most important, it pays for that tax relief.

The Blue Dog budget includes the strongest budget enforcement mechanisms of any budget being debated here today. It extends the pay-as-you-go rules to both the spending side and the revenue side. To be clear, neither the Republican budget nor their alternative being offered by the Republican Study Committee does that.

Republicans rejected the PAYGO amendment in the Committee on the Budget on a strict party-line vote. They rejected the amendment in the Committee on Rules on a strict party-line vote, and they have refused to put the PAYGO provisions in their budget.

We expect our constituents to pay their bills, and I do not know why some folks here in Congress think we should be exempt from that standard. Our constituents did not send us here to play games with their tax dollars and play games with the budget. They sent us here to balance the budget.

Vote for the Blue Dog budget. It is strong on enforcement and responsible on spending and revenue.

□ 1315

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO), a member of the committee.

Mr. TANCREDO. Mr. Chairman, there are opportunities sometimes provided for bipartisanship in this House and one looks for them because frankly they do not happen all that often it seems like. And so I looked at the Blue Dog budget with the hope that in fact there would be that opportunity to do something in a bipartisan way here that I could support it, and quite frankly there were things that I liked

when I looked into it. I liked the fact that it assumes permanent estate tax relief for families with farms and small businesses, a good idea. I liked the PAYGO provision, a good idea. Establishing a point of order against legislation with costs that begin outside the budget window, a great idea. I went through it thinking this is going to be good, I can support this piece of legislation.

But then, of course, you come to those parts that make all of this simply unsupportable and that is the fact that you get to the part where you see it raises taxes. It raises taxes that were enacted in 2001; it eliminates those tax cuts until 2010. It applies significant hurdles that could prevent us from making the current tax cuts permanent. This could cripple our economy and our economic recovery. It establishes various slush funds in order to increase government spending in education programs, in law enforcement, in health insurance; and it is presented as a truthful budget. But there is no reference to these slush funds that exist in this budget. That is not being truthful with the American public. It increases taxes on small business which is, of course, the engine that drives our economy.

And so I say, Mr. Chairman, it is impossible for me to support this budget although I looked longingly at doing so, the desire to do so; but it all comes to naught when you raise taxes on the American public. That puts us into a different situation entirely, and it stops the engine of recovery that I believe is under way.

Mr. STENHOLM. Mr. Chairman, I yield myself 10 seconds to respond to my friend. I was getting my hopes up because he gave all the reasons why he should support the budget; but the idea of a slush fund, it is the same thing that is in the majority Budget Committee's report that comes before the House. We only say you can spend more if you pay for it.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding me this time.

Mr. Chairman, I, too, would like to respond to some of the comments that have been made. I am very appreciative of all the positive attributes the gentleman has recognized in the Blue Dog budget. Particularly of significance is the fact that we would apply PAYGO provisions not only to spending measures but to revenue measures as well. Any budget resolution that fails to do so simply lacks any meaningful enforcement mechanism.

Opposition has been raised that this measure raises taxes. The fact of the matter is that the majority resolution raises taxes. It simply raises taxes on our children, on my 5-year-old and my 1-year-old. They are going to pay more taxes because of the majority resolution. It raises the debt tax that all of us pay. A tax cut that is not paid for, and the majority resolution does not pay for its tax cuts, is no tax cut at all. It is merely a deferral to our children.

Mr. Chairman, just 3 years ago, the state of our economy was very strong. We had seen 20 million new jobs created, we had seen the fastest growth in 30 years, the lowest unemployment in 30 years, the lowest poverty rates in 20 years, and the first back-to-back surpluses in 42 years. But now we are in a very different place. We have lost 2.2 million jobs in the last 3 years and, despite a rise in the stock market and productivity gains, there are no new jobs. This result was not unforeseeable. The members of the Blue Dog Coalition warned we were spending money that we did not have, that the administration lacked an economic plan, and that tax cuts alone were not a substitute for an economic plan. At the same time, Congress voted to increase the national debt. These ill advised economic decisions have led to the largest deficits in the Nation's history with no plan in sight to put our fiscal house in order. It is time for us to put our fiscal house in order.

I rise today to urge my colleagues to support the Blue Dog budget, a package that combines the spending restraint in the administration's budget with strong budget enforcement measures and responsible tax policy to reduce the deficit and balance the budget by 2012.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute just to say there has been some discussion here on the floor about how honest this budget is. Let me just point out, we are having a chance to read this thing and it cuts Medicare. Maybe I am missing something, but we are actually going to ask people to vote to cut Medicare. Not only do you cut Medicare, a $156 billion cut to Medicare, but I have read your budget and there is no reconciliation instruction in here on how to cut Medicare or even if you are going to cut Medicare. No reconciliation, just a plugged number in here of $156 billion.

They are advertising that their budget somehow reduces the deficit more. It does not reduce the deficit more. They have got plugged numbers in this budget. Somebody has rushed this budget to the floor with plugged numbers. If you are in a hole, stop digging, huh? Well, you better have a real shovel and not just try and fill it in with fantasy. $156 billion of Medicare cuts. I want you to go home and explain to your seniors that issue.

Mr. STENHOLM. Mr. Chairman, that is a total misrepresentation of our budget and the gentleman knows it.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Chairman, I thank the gentleman for yielding me this time. I think it is pretty clear that when you look at the Blue Dog budget and compare it to the Republican budget, the Blue Dog budget moves us to a balanced budget in 8 years. The Republican budget does not. In fact, the Republican budget makes no effort to move us toward a balanced budget. It is really hard to comprehend that next fiscal year we are projected to have a $521 billion deficit. That means under the Republican game plan, of those 13 appropriations bills that we are going to pass to run the government for the next year, 60 percent is going to be borrowed money. How we can ask this Congress or the American people to accept a Republican budget that does not move us toward balance is hard to comprehend. The Blue Dog budget will balance in 2012. The Blue Dog budget does that by making the difficult choices that this Congress and the American people expect the Congress to make.

When we look at where the Republican budget puts its priorities, we see very clearly that the Republican budget, in an effort to try to present something to the House that will provide some framework for the appropriations process, provides cuts in critical areas of homeland security. The Blue Dog budget does not cut homeland security. The Blue Dog budget maintains what the President has requested. Yet the Republicans' own budget cuts below the President's budget for homeland security at a time when we all know we are under serious threat of another al Qaeda terrorist attack.

When we look at the Blue Dog budget, we have an alternative that I hope will be appealing to the Republicans. I hope that some of them will join with us. It is a responsible plan, it should be a bipartisan plan, and we offer it to them with the best intention of moving away from the terrible deficits that the Republicans have offered us in recent years.

Mr. STENHOLM. Mr. Chairman, I yield myself 15 seconds to respond to the chairman. The cuts in Medicare that he mentioned are the advertising dollars that are being spent to justify the Medicare prescription drug bill that I was told by the same chairman and the Budget Committee was going to cost $400 billion. I was misled as everyone else in this body was misled because the cost was $530 billion. That is the cuts we are proposing. You do not need to advertise false numbers, Mr. Chairman.

Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chairman, this is a message to a group of my colleagues that I cannot find: moderate, fiscally responsible Republicans, colleagues whose views on our national budget, on fiscal integrity, on responsibility to our children are really no different from my own or the formers of this substitute. I know you are here. I have talked to you in the halls, on the floor, out on the road. I know that well over half of the people that we represent in this country think as we do and they are not all Democrats. I know that of the five budget alternatives on the floor today for us to choose from, this

one represents your own views going away. I know you are outraged at the fact that this budget that this chair has put forward only goes out 5 years. I know you would never adopt a one-way PAYGO in your home or business. I know you are sick at a budget that strips resources away from veterans, education, health care and piles it with those that do not want for anything in our country.

So here is my message to you: vote for this substitute. Vote for it because you know it is far and away the most responsible, affordable, balanced, fair and sustainable budget that is on the floor. Do not make this a partisan issue. Do not make it that. I would vote for a comparable substitute coming out of you. Yet all you and I are given from your side today are two budgets, one principal one that is nothing more than a lie and the other one that may be a little bit more honest but demonstrates a fundamental hatred of our Federal Government that neither of us shares. So vote for this budget substitute not just because it is the right thing to do but because with your vote, you can change the course of our fiscal future.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute, just continuing to look at this interesting budget. The gentleman from Texas says that he is concerned about the numbers being more expensive for Medicare. How come, then, they adopted the CBO baseline? If they think the actuaries at OMB are so correct, why did they not have the integrity to put that into their baseline? Again, they accept CBO. We accept CBO, but they come to the floor, and they demagogue the issue and they say that OMB is wrong and that the actuary is somehow correct. Then have the guts to put it in here. Do not raise taxes on the American people. Cut Medicare which they do in this instance. And now we find that they also cut national defense, $2 billion this year alone. National defense is cut. Where are they going to come up with $2 billion in national defense this year? Where are they going to find that? There are troops in the field right now who need our support, and they are asking for $2 billion this year. We have got to find some more details before somebody can claim that this has the integrity and the honesty to come before us as a budget.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. I thank the gentleman for yielding time.

Mr. Chairman, let us balance our budget. Let us pay as we go. Let us pay off our debt and pay off the deficit. Let us support the Blue Dog budget. Following the plan offered by the House Republican leadership will succeed in balancing the budget by balancing it on our Nation's senior citizens, the veterans, the students, the farmers, the teachers, the economically disadvantaged. How in the world can the majority propose spending cuts in veterans health care during a time of war? And the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Paralyzed Veterans of America, and virtually every national veterans service group shares my amazement.

The Blue Dog substitute will cut the record deficit in half in 2 years, not the 5 proposed by the Republican leadership and balance the Federal budget by 2012 without relying on the Social Security surplus and without sacrificing our Nation's veterans and seniors. At the same time, the Blue Dogs provide both immediate and long-term tax relief to middle-class American taxpayers, small businesses, and family farmers. This tax relief consists largely of an acceleration of cuts already scheduled under current law.

We need to pay for our war effort. We need to take care of our veterans, and we need to be honest in our budgeting and make sure we budget for the war effort. The Republican budget does not budget one dime for the war. That is the reason it is a trick. Let us pay as we go. Let us balance this budget.

Mr. NUSSLE. Mr. Chairman, I yield myself 15 seconds to just say, put your money where your mouth is. Your budget does not balance. You say balance the budget, but you do not balance the budget. So it is one thing to say balance the budget, and it is another thing to come to the floor without a balanced budget. So you say one thing, and unfortunately the budget says just another.

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

□ 1330

Mr. GARRETT of New Jersey. Mr. Chairman, the real issue here is who pays and who is hurt? Americans at home are looking for fiscal responsibility from this House. Whether they are taxpayers, workers, whether they are people that are relying on essential services from this government, they are looking for this House to provide them with some degree of fiscal responsibility.

As I said just last night, we come into this budget process knowing that we are in dire financial straits with a $521 billion budget deficit, which simply means, as I said before, we are spending out $521 billion more than we are taking in.

And how does this Blue Dog budget address that? Well, they certainly do not address it by trying to rein in spending because look at the spending side of the equation. They are actually saying that even though they are in a hole, they want to stop digging. They are not stopping digging at all. They are still digging. They are spending more. They are spending upwards of $2 billion more in the 2005 budget.

So where is it on the other side that they want to get to the balanced budget that they speak of? They do it by raising taxes to the tune of $10 billion in the 2005 budget alone. Back in my State of New Jersey, $10 billion when I was in State government, that would pay for almost half of our entire State budget for the year.

They go even further. They want to raise taxes by almost $200 billion over the life of this budget. So it comes back to the question again, who pays, who is hurt?

We have already heard that 90 percent of small business pay taxes at the individual tax rate and that more than 80 percent of an increase in taxes for the top tax rate would be borne by small businesses. What does that mean? That means that the tax increases that they are talking about in the Blue Dog budget will impact upon Main Street USA, on small businesses, on small manufacturers, on farmers. Those same manufacturers that we debate in this House over and over again that are already having a hard time competing overseas with manufacturing and production are now going to have, under the Blue Dog budget, to see their taxes go up.

So who pays? Small businesses, mom and pops, farmers.

And, finally, who is hurt by this budget? Besides those people, who is hurt by this budget are all those people who work for small businesses, mom and pops, farmers. The workers out there in America, lost jobs, the family. Who pays? Small businesses. Who is hurt? The workers of America and families.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to point out to the distinguished chairman of the Budget Committee that the Blue Dog budget does balance, contrary to his comment earlier, and I think he was challenging my colleague from Texas to lay out a balanced budget, I guess, for next year. It must have been what he was referring to.

But here is our chart. We balance in 2012, 8 years from now. Under the chairman's 5-year budget plan, they do not balance and apparently have no plans to balance. So here is the chart.

The Blue Dog budget is in blue, and we balance in 2012. The chairman's plan does not balance, and apparently there is no plan by which it will balance.

And I also want to correct another statement the distinguished chairman made, and that is the allegation that the Blue Dogs cut defense. We do not cut defense. We maintain the President's numbers on defense. And in fact, if there is any criticism due here, it should be on the chairman's budget when they cut homeland security $800 billion below what the President recommended. We happen to think that it is important to pursue the war on terror both at home and abroad, and in

our budget we stay with the recommendations of the President on that issue.

Mr. NUSSLE. Mr. Chairman, I yield myself 15 seconds.

I have got the figures right here, and there is a cut in defense of $2 billion in this year. I would suggest you need to read your own budget because there is a cut in defense, and I say that as respectfully as I can. I believe we can find savings in defense, but please do not come here advertising there are no cuts in defense when you put in this first year alone cuts in defense.

So those are the facts, and I believe that again you have got to look at your advertisements meeting the reality of the budget itself.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 2½ minutes.

I yield to the chairman for a simple request. Does the Blue Dog budget reduce the deficit more than the chairman's budget? Yes or no?

I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, I do not need the time. I have got my own time.

Mr. STENHOLM. Okay, Mr. Chairman. He does not want to respond. I was just asking him because I really dislike the kind of rejoinders that we are getting into now because it is ''he said, you said, I said,'' and it means nothing.

But since we are into this now, let me talk about the chairman's budget as it affects agriculture, both in mandatory and discretionary spending. And this is not about agriculture not being willing to take our share of the cuts, as the gentleman from Connecticut said yesterday. Agriculture has always been fiscally responsible and will continue to be. However, the Chairman's budget will result in a disproportionate amount of cuts from agriculture.

Keep in mind that in order to keep agriculture at last year's spending level, the appropriators will have to cut $650 million out of the farm bill as they did in the fiscal year 2004 appropriation. If we assume that in the chairman's budget the discretionary cuts will be proportionately divided among the appropriation bills, then this number will rise another $1.6 billion. That is correct. That is the chairman's budget.

And I want to ask my colleagues on the other side of the aisle to read their own budget, what they are being asked to support today and how it is going to affect rural districts in conservation, water issues, rural development, environmental issues, research, because this is real.

And I commend the chairman because he honestly and sincerely is trying to do what his party has asked him to do. And it is real. His budget is real in what he proposes to do, including increasing the deficit $260 billion over the next 5 years. That is real. But he does it openly and honestly as he is defining it.

What I resent is his defining our budget as not being honest. His is honest. His will reopen the farm bill. Reopening the farm bill, which is what we will do under the reconciliation instructions that, if his budget passes, it will occur. And there are some on that side of the aisle and some on this side of the aisle that might want to do that. But I do not think a majority of this body want to go down that path.

So we want to talk about numbers, and we want to go through the little game we have been playing. Let us go through that little game.

This is not a game. In the agriculture function, this is real. The chairman is honest in bringing it to the floor and saying, this is what we will do if we pass their budget. Think about that before voting for this budget on final passage. Vote for the Blue Dog budget. It avoids that kind of a problem.

Mr. NUSSLE. Mr. Chairman, I yield myself 2½ minutes.

First and foremost, let me say to the gentleman who is the ranking member of the Committee on Agriculture, the choice will be the Committee on Agriculture's choice on where to find those savings, and I doubt seriously that the gentleman from Texas is going to be promoting opening up the farm bill. At least I would hope that he does not. That is not what the gentleman from Virginia, the chairman of the Committee on Agriculture, is suggesting.

I would hope that the gentleman from Texas does not believe that we should open up the farm bill. There is certainly no one on this side of the aisle, or I should not say no one, but there is certainly no one who I am aware of who wants to open up the farm bill at this time. That is not where the savings would come from. So I hope the gentleman would allow his own committee to work its will and to work within that committee process.

He asks us to respect the committee process on the one hand, and yet he predisposes that on the other. And I have to tell the Members I do not believe the farm bill is where we ought to be looking.

Second of all, you cannot have your cake and eat it too. You cannot say on the one hand, we are going to raise taxes on the job creators, the small businesses, the farmers, the ranchers, we are going to raise taxes on those people, and accept the economic assumptions that the economy is going to continue to grow.

You are saying on the one hand, we are going to kill jobs, we are going to tax small business, we are going to tax farmers; and on the other hand, do not worry about the economy, it is going to continue to grow at the same baseline amount. So you accept our numbers on the economy, which are derived, in part, from the fact that the tax cuts are working and the economy, the last 6 months at least, has had the strongest growth in 20 years.

You are accepting all the good news. You are accepting all the cake. But you cannot at the same time say, oh, no, but we are going to raise taxes on those same people who are creating the jobs, who are providing all that economic development, who are helping to make sure that the economy is growing, who are spending their money, who are being productive; we are going to tax them, and we are going to accept the economic growth. You cannot have it on the one side and then take it back on the other.

So you need to change your economic factors if you are going to come to the floor with a budget that you are going to at least purport. That answers the question.

The very distinguished gentleman from Texas asked me a question. He said, Are our deficit numbers better or worse? The issue is, we do not know because you accept the good news of the economy that the tax cuts have given us, and yet on the other hand you take away the tax cuts.

So on the one hand you say, oh, yes, our deficits are going to get smaller because the economy is going to improve, because that is the same baseline that you have; and yet on the other hand, you take away the goose that is laying the golden egg, by taxing, by digging deeper into the pockets of the very people who are creating those jobs.

You cannot have it both ways.

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

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

The Blue Dog budget assumes that we need a change. The gentleman's budget and economic game plan that he has been so proud of since 2001 has given us the largest deficits in the history of this country. We have borrowed $1 trillion in the last 2½ years. We are going to borrow another $1 trillion in the next 1½ years, and yet he comes and says his numbers are better than our numbers.

We simply propose a change, and it ought to be a bipartisan change and it ought to be one that adopts pay-as-you-go so that we get back on a fiscally responsible direction for this country. We thought we had a bipartisan support for that. It passed the Senate in a bipartisan way. What happened in this body?

Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding me this time, and I appreciate his leadership in this body and throughout the country on this issue.

Mr. Chairman, I was down on the floor the other night. We were talking about this very same thing, the budget, the deficits, the debt, and what we are doing to our children and grandchildren. We had this little fellow down here who looked like Howdy Doody, and he had all the answers. One could just pull the string and get an answer. He knew all about it. We have repeatedly had folks come to the well and

talk about how it is the Democrats' fault. I can tell the Members this: If it was not so serious, this would be hysterically funny. I can only imagine what the comedians that make their living that way would do and will do with this situation.

But it is very serious business. We are doing something to our children and grandchildren that they cannot even protect themselves from. We would not consider doing something like this as far as their nutrition or their health care or their well-being would be concerned, but yet we are willing to put this monumental massive debt and this tax that they cannot repeal on them by borrowing money, money, and more money every day in this country and not being responsible.

The Blue Dogs have proposed that if we cut taxes, fine, let us cut taxes, and at the same time let us cut spending to go with it. Let us be honest with the American people. Let us tell the truth. And that is what we are going to have to do when we finally decide to deal with this problem in a responsible way.

Over and over again, we have asked the other side of the aisle, we have asked the administration, please come and let us work together; and we get those answers ''We do not need you.'' Well, they are right. They are having their way. I wonder if things are going so well, if the current plan that we have been under for 3 years is such a huge success, why are we broke? Why are there no jobs? Why are our children going deeper and deeper into debt?

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

Let us just get back to this now. We were talking about the economy and, if this is doing so well, how come we are broke? All right. There are a lot of things that contribute to that.

First and foremost, let me say to my friend from Arkansas, you have not heard me blame the Democrats. I blame Osama bin Laden. I blame a lot of the challenges that we had from the natural downturn in the economy. I blame the dot-com bubble bursting. I blame the corporate scandals. I blame a lot of things. You have not heard me blame the Democrats because, no, you are not in charge.

□ 1345

I am not suggesting you are. Yes, you have stopped a few things from going through the other body. Yes, you have stopped a few things from coming through this body. But, no, I am not suggesting you are in charge.

But now we are talking about a plan to move forward. You want to debate history? You can debate history. Let me show you what we are doing moving forward. As I said, the last 6 months of growth in our economy has been at the fastest pace in 20 years, the fastest pace in 20 years. So when you say, if your plan is so good, where are you going, we are going nowhere but up. In fact, the most recent data that came out today said the economy continued to grow at 4 percent. That is the first thing, the economy is growing.

What have the tax cuts meant to jobs? All right, unemployment would have been higher without the tax relief package. It was at this point in time right there that we reduced taxes, and, as a result of reducing taxes, look what happened to unemployment. Unemployment went down as a result of the tax relief package from the line that it was on. In fact, we are at a lower point in unemployment than we were when Bill Clinton had his economic challenges back in 1993. We are reducing unemployment. We are getting people back to work. It is in part because of tax relief.

Last, but not least, let me just mention this: 2 million more jobs would have been lost without the tax relief package. Again, looking here, without tax cuts, we were losing jobs at a record pace. 2.1 million jobs have been created as a result of these new tax relief packages that have been put into place. We are creating jobs. The economy is turning around.

Quit blaming tax cuts for all the problems in the world. My goodness, that is not the case. And when you are in a hole, stop digging in the pockets of the American people for more money, more money, more money. Tax and spend, tax and spend. More spending in Washington, more wasteful Washington spending. My goodness, that is not what we need.

People are telling us they spend their money better than we do here in Washington. Let us allow them to do it by keeping the money in their pockets. Let us keep creating jobs; let us keep the economic growth going strong. This is not the time to raise taxes, as the Blue Dog budget does.

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

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

Mr. Chairman, let me just say in the function 050 defense, the gentleman was correct in the spreadsheet that he looked at that in the resolution, we do not cut defense. We had an error in the numbers. We could not cut defense. We adopt the President's numbers on defense. That is the way our resolution states.

We also do not cut Medicare benefits for seniors by one dime. We use the CBO numbers for its prescription drug benefit, and all we say is if it turns out that that cuts, we are using the same numbers that the majority is saying. That is all.

It is factual to say, though, that this will reopen the farm bill, because I know that the gentleman from Virginia (Chairman GOODLATTE) and I recognize that if you are instructed to reconcile $2.2 billion out of discretionary spending, that is tough to do. What are you going to cut out? The Farm Service Agency, $1.4 billion? Agricultural research, $1.2 billion? Conservation spending? Where are you going to go? It will reopen the farm bill. If the majority succeeds in passing their budget, then we will do so; and it will not be pretty.

Everybody talks about taxes. We have been talking about the debt tax. In 2004, the average family will pay $4,391 in interest under the game plan that the chairman has just so eloquently defended. I have never heard anyone stand on this floor and defend losing jobs, as he just did. But $4,391 will go to $7,000 per year in a debt tax increase, and you cannot repeal that tax.

We have borrowed $1 trillion in the last 2½ years. We are going to borrow another $1 trillion in the next year and a half following the game plan that the chairman has eloquently defended at the behest of his leadership in this House.

We respectfully differ on this side of the aisle. We think it is time to quit digging. The budget plan that you have before you will not do it. The only one that will do that on the floor of the House today is the Blue Dog plan, and perhaps the Democratic alternative.

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

Mr. Chairman, first and foremost, let me say to my friend from Texas and all of the members of the caucus that I respect the fact that they put together a plan. I should have opened with that. It maybe would have helped take away some of the sting of the opposition that I have, because, as the gentleman knows, it is not easy to put together a plan. The fact that people are willing to put their plan on paper and let everybody see it and let everybody pick it apart, as I am trying to do and others will probably do to me and have been doing, I respect that. But I strongly oppose what the gentleman is offering, and I also strongly oppose some of the advertisement that the gentleman is offering.

The gentleman says, you know, when you are in a hole, stop digging. He is right. When you are in a hole, you ought to stop digging. Digging to me is spending. That is what is digging our hole deeper.

Unfortunately, what the Blue Dog budget does, it does not throw away the shovels. It keeps spending. It keeps growing. It keeps wasting money in Washington.

The gentleman said that we would have to open up the farm bill. First and foremost, we are not going to open up the farm bill. The gentleman knows that. That is a signal to the farmers out there, I have a few in Iowa, he has a number in Texas, that maybe they ought to start worrying about that. Maybe it is a code word to let them know they ought to start calling in and worrying about the farm bill. We are not looking at the farm bill.

Let me tell you what we are looking at. The Agriculture Department testified before the gentleman's committee, the Committee on Agriculture, as well as my committee, that they were proud of the fact that the error rate in food

stamps has gotten down to a fabulous level of 9 percent, meaning 9 cents on the dollar, or almost one dime out of every dollar, is wasted, is abused, goes to the wrong people, is used in an underground market or used as an underground currency, as has been testified. Nine percent is wasted.

All we are asking for is we are saying would you please look around your jurisdiction for some of this waste? It is unconscionable that we have people in this country that are starving, that are going hungry, that are going without food in their belly at a time when we have economic challenges; and the Agriculture Department under President Clinton, and it continues today, was wasting money.

Now, guess what? Do you know why they are proud of the fact it is only 9 percent? Because the error rate is down from 18 percent. They are proud of the fact that we are only wasting now 9 cents on the dollar, instead of 18 cents on the dollar. They are proud of that.

Only in Washington would you be proud of the fact that you are wasting 9 cents on the dollar. That is the only place in the world. There is not a small business in Iowa or anywhere across the country that would be proud of 9 cents of waste on every dollar that they have to deal with in their business. In fact, there is not a small businessman or -woman in this country who would not lock the door at five o'clock and spend the rest of the night, if they had to to figure out where that 9 cents went and why it was being wasted. You could just picture them locking the door and looking through every single one of their books to find that 9 cents.

And yet when it is wasted in Washington, it is defended. They say, well, that is good. We are improving; isn't that nice? And what we are saying in our budget is that it is darn time to look for some of this waste in the budget, and the Blue Dog budget does not do that.

The second thing, I just want to talk about tax cuts real quick. Tax cuts did not cause the deficit. There would be deficits without tax cuts.

As you can see from this chart, the taxes are in this blue area right here. But what is driving the budget into deficit is an economy that has been rocked, that has been hit in its gut by a number of issues, everything from 9/11 to the dot-com bubble bursting to corporate scandal, and we have got to get that economy back on its feet. More importantly, we have to get families earning again and creating jobs, along with small businesses.

It would be the wrong time, at a moment in our history when jobs are about to be created, to gut-punch them again, all those small business people, and say, yes, we need a little bit more for Washington. Before you create those jobs, we are going to fund some more of that waste out in Washington, so we need that money, and to do it and not even accomplish a balanced budget. They raise the taxes, but they do not even get to a balanced budget.

The other thing that I just wanted to say, last, but not least, is on spending. I respect the conservative Democrats, the Blue Dogs. They are probably our last hope when it comes to Members on the other side who have any concern about controlling spending. But they fail to do so in their budget, and it is compounded by such a large history of growth in spending.

This is not a time to increase spending. This is not a time when we need to have growth in government. This is a time to look around the garden and start pulling some weeds, the way every family does across our country, the way every small business person does across our country. They look for ways to tighten their belt. Sometimes it hurts when they tighten their belt.

We are not asking for pain; we are just saying level funding. States across our country are cutting budgets. Families across the country are making ends meet with less. Only the Federal Government, for some reason, believes you can raise taxes for more spending in Washington, D.C. and call that a success story.

That is why we believe the Republican budget is the way to go. It holds the line on spending; it funds our important priorities of strength, growth for the economy, and opportunity for the future. It deserves a vote.

Please vote against the Blue Dog budget.

Mrs. TAUSCHER. Mr. Chairman, I strongly support the Blue Dog Budget offered by my friend Mr. STENHOLM.

Not only does it balance the budget by 2012, it also provides funds to sustain the Army as it transforms to meet a wide array of challenges.

The administration's idea that it's okay to pay for predicted, long-term military operations and plans to increase the size of the Army out of a so-called "emergency supplemental" that will not even be requested until next January is irresponsible.

This has two negative consequences:

By not funding these crucial activities in the regular budget, we risk undermining military readiness between the period when the Army runs out of money and the next supplemental passes.

And, by not funding regular military expenses in the defense bill, the Pentagon is essentially getting a high interest credit card to avoid making responsible budget choices today.

As you know, the Army is undertaking its most significant transformation in fifty years while simultaneously trying to meet the challenges of operations in Iraq and Afghanistan, the war on terror and new threats to the United States and to our allies.

Because of the Pentagon's incorrect initial assessment of the force size needed to stabilize Iraq, Reservists and Guard Members are on duty more often and for longer periods of time and our active duty force is severely strained.

The Blue Dog budget does the right thing and funds the Army's force increase so that we can win the war without breaking the Army, relieve the Guard and Reserve and let us get back to the business of transforming the nation's military.

I encourage my colleagues to support the Blue Dog budget Resolution.

The CHAIRMAN pro tempore (Mr. LINDER). All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. STENHOLM).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 243, not voting 7, as follows:

[Roll No. 89]

AYES—183

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kaptur
Kilpatrick
Kind
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Osborne
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—243

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez

Berman
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ose
Otter
Owens
Oxley
Paul
Payne
Pearce
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schakowsky
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Hoeffel
Lucas (KY)
McInnis
Pence
Quinn
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1422

Messrs. ROTHMAN, MURTHA, PUTNAM, MILLER of Florida, PAYNE, RUSH, CROWLEY and Mrs. JO ANN DAVIS of Virginia and Ms. GINNY BROWN-WAITE of Florida changed their vote from ''aye'' to ''no.''

Messrs. TIERNEY, GEORGE MILLER of California and SNYDER changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–446.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 3 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 3 offered by Mr. HENSARLING:

Strike all after the enacting clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent Resolution on the budget for fiscal year 2005.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on defense savings.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

Sec. 301. Deficit-neutral reserve fund for health insurance for the uninsured.
Sec. 302. Deficit-neutral reserve fund for the Family Opportunity Act.
Sec. 303. Deficit-neutral reserve fund for Military Survivors' Benefit Plan.
Sec. 304. Reserve fund for pending legislation.

Subtitle B—Contingency Procedure

Sec. 311. Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Defense firewall.
Sec. 402. Restrictions on advance appropriations.
Sec. 403. Emergency spending.
Sec. 404. Enforcement of budget aggregates.
Sec. 405. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 406. Action pursuant to section 302(b)(1) of the Congressional Budget Act.
Sec. 407. Family budget protection accounts-discretionary spending.
Sec. 408. Family budget protection accounts; mandatory spending.
Sec. 409. Changes in allocations and aggregates resulting from realistic scoring of measures affecting revenues.
Sec. 410. Prohibition on using revenue increases to comply with budget allocations and aggregates.
Sec. 411. Application and effect of changes in allocations and aggregates.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.
Sec. 503. Sense of House regarding the abolishment of obsolete agencies and Federal sunset proposals.
Sec. 504. Sense of the House regarding the goals of this concurrent resolution and the elimination of certain programs.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,272,787,000,000.
Fiscal year 2005: $1,456,134,000,000.
Fiscal year 2006: $1,610,181,000,000.
Fiscal year 2007: $1,720,721,000,000.
Fiscal year 2008: $1,809,790,000,000.
Fiscal year 2009: $1,907,703,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2004: $0.
Fiscal year 2005: $23,000,000,000.
Fiscal year 2006: $44,000,000,000.
Fiscal year 2007: $34,223,000,000.
Fiscal year 2008: $36,000,000,000.
Fiscal year 2009: $45,357,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,952,700,000,000.
Fiscal year 2005: $1,995,627,000,000.
Fiscal year 2006: $2,052,943,000,000.
Fiscal year 2007: $2,171,940,000,000.
Fiscal year 2008: $2,285,426,000,000.
Fiscal year 2009: $2,399,316,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,911,235,000,000.
Fiscal year 2005: $1,993,628,000,000.
Fiscal year 2006: $2,066,992,000,000.
Fiscal year 2007: $2,151,234,000,000.
Fiscal year 2008: $2,254,679,000,000.
Fiscal year 2009: $2,365,995,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: $638,448,000,000.
Fiscal year 2005: $539,494,000,000.
Fiscal year 2006: $456,811,000,000.
Fiscal year 2007: $430,513,000,000.
Fiscal year 2008: $444,889,000,000.
Fiscal year 2009: $458,292,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,436,000,000,000.
Fiscal year 2005: $8,086,000,000,000.
Fiscal year 2006: $8,867,000,000,000.
Fiscal year 2007: $9,227,000,000,000.
Fiscal year 2008: $9,809,000,000,000.
Fiscal year 2009: $10,406,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,385,000,000,000.
Fiscal year 2005: $4,765,000,000,000.
Fiscal year 2006: $5,055,000,000,000.
Fiscal year 2007: $5,300,000,000,000.
Fiscal year 2008: $5,547,000,000,000.
Fiscal year 2009: $5,795,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2009 for each major functional category are as follows:

(1) National Defense (050):
Fiscal year 2004:
(A) New budget authority, $461,544,000,000.
(B) Outlays, $451,125,000,000.
Fiscal year 2005:
(A) New budget authority, $419,634,000,000.
(B) Outlays, $447,114,000,000.
Fiscal year 2006:
(A) New budget authority, $442,400,000,000.
(B) Outlays, $439,098,000,000.
Fiscal year 2007:
(A) New budget authority, $464,000,000,000.
(B) Outlays, $445,927,000,000.
Fiscal year 2008:
(A) New budget authority, $486,149,000,000.
(B) Outlays, $465,542,000,000.
Fiscal year 2009:
(A) New budget authority, $508,369,000,000.
(B) Outlays, $487,186,000,000.

(2) Homeland Security (100):
Fiscal year 2004:
(A) New budget authority, $29,559,000,000.
(B) Outlays, $24,834,000,000.
Fiscal year 2005:
(A) New budget authority, $34,102,000,000.
(B) Outlays, $29,997,000,000.
Fiscal year 2006:
(A) New budget authority, $33,548,000,000.
(B) Outlays, $33,298,000,000.
Fiscal year 2007:
(A) New budget authority, $35,160,000,000.
(B) Outlays, $35,635,000,000.
Fiscal year 2008:
(A) New budget authority, $36,520,000,000.
(B) Outlays, $36,979,000,000.
Fiscal year 2009:
(A) New budget authority, $40,420,000,000.
(B) Outlays, $38,401,000,000.

(3) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

(4) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

(5) Energy (270):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

(6) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

(7) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

(8) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

(9) Transportation (400):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(10) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(12) Health (550):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(13) Medicare (570):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(14) Income Security (600):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(15) Social Security (650):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(16) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(17) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(18) General Government (800):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(19) Net Interest (900):

Fiscal year 2004:

(A) New budget authority, $240,471,000,000.

(B) Outlays, $240,471,000,000.

Fiscal year 2005:

(A) New budget authority, $270,507,000,000.

(B) Outlays, $270,507,000,000.

Fiscal year 2006:

(A) New budget authority, $318,306,000,000.

(B) Outlays, $318,306,000,000.

Fiscal year 2007:

(A) New budget authority, $363,189,000,000.

(B) Outlays, $363,189,000,000.

Fiscal year 2008:

(A) New budget authority, $396,474,000,000.

(B) Outlays, $396,474,000,000.

Fiscal year 2009:

(A) New budget authority, $424,724,000,000.

(B) Outlays, $424,724,000,000.

(20) Allowances (920):

Fiscal year 2004:

(A) New budget authority, $1,268,359,000,000.

(B) Outlays, $1,242,038,000,000.

Fiscal year 2005:

(A) New budget authority, $1,323,733,000,000.

(B) Outlays, $1,298,485,000,000.

Fiscal year 2006:

(A) New budget authority, $1,313,116,000,000.

(B) Outlays, $1,330,767,000,000.

Fiscal year 2007:

(A) New budget authority, $1,372,233,000,000.

(B) Outlays, $1,370,250,000,000.

Fiscal year 2008:

(A) New budget authority, $1,431,768,000,000.

(B) Outlays, $1,421,831,000.

Fiscal year 2009:

(A) New budget authority, $1,486,659,000.

(B) Outlays, $1,475,577,000,000.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 2004:

(A) New budget authority, −$47,233,000,000.

(B) Outlays, −$47,233,000,000.

Fiscal year 2005:

(A) New budget authority, −$52,349,000,000.

(B) Outlays, −$52,475,000,000.

Fiscal year 2006:

(A) New budget authority, −$54,427,000,000.

(B) Outlays, −$54,477,000,000.

Fiscal year 2007:

(A) New budget authority, −$62,642,000,000.

(B) Outlays, −$63,767,000,000.

Fiscal year 2008:

(A) New budget authority, −$65,485,000,000.

(B) Outlays, −$66,147,000,000.

Fiscal year 2009:

(A) New budget authority, −$60,856,000,000.

(B) Outlays, −$59,893,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—

(1) Not later than July 15, 2004, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $220,000,000 in outlays for fiscal year 2005 and $3,100,000,000 in outlays for the period of fiscal years 2005 through 2009.

(B) COMMITTEE ON ARMED SERVICES.—The House Committee on Armed Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $50,000,000 in outlays for fiscal year 2005 and $250,000,000 in outlays for the period of fiscal years 2005 through 2009.

(C) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $90,000,000 in outlays for fiscal year 2005 and $750,000,000 in outlays for the period of fiscal years 2005 through 2009.

(D) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,530,000,000 in outlays for fiscal year 2005 and $12,750,000,000 in outlays for the period of fiscal years 2005 through 2009.

(E) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $50,000,000 in new budget authority for fiscal year 2005 and $190,000,000 in new budget authority for the period of fiscal years 2005 through 2009.

(F) COMMITTEE ON GOVERNMENT REFORM.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $200,000,000 in outlays for fiscal year 2005 and $2,000,000,000 in outlays for the period of fiscal years 2005 through 2009.

(G) COMMITTEE ON HOUSE ADMINISTRATION.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $500,000 in outlays for fiscal year 2005 and $3,000,000 in outlays for the period of fiscal years 2005 through 2009.

(H) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $150,000,000 in outlays for fiscal year 2005 and $1,125,000,000 in outlays for the period of fiscal years 2005 through 2009.

(I) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $80,000,000 in outlays for fiscal year 2005 and $550,000,000 in outlays for the period of fiscal years 2005 through 2009.

(J) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $50,000,000 in outlays for fiscal year 2005 and $350,000,000 in outlays for the period of fiscal years 2005 through 2009.

(K) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,000,000 in outlays for fiscal year 2005 and $6,000,000 in outlays for the period of fiscal years 2005 through 2009.

(L) COMMITTEE ON SMALL BUSINESS.—The House Committee on Small Business shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $0 in outlays for fiscal year 2005 and $0 in outlays for the period of fiscal years 2005 through 2009.

(M) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $100,000,000 in outlays for fiscal year 2005 and $1,150,000,000 in outlays for the period of fiscal years 2005 through 2009.

(N) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $10,000,000 in outlays for fiscal year 2005 and $125,000,000 in outlays for the period of fiscal years 2005 through 2009.

(O) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $4,784,000,000 in outlays for fiscal year 2005 and $38,947,000,000 in outlays for the period of fiscal years 2005 through 2009.

(P) SPECIAL RULE.—The chairman of the Committee on the Budget may take into account legislation enacted after the adoption of this resolution that is determined to reduce the deficit and may make applicable adjustments in reconciliation instructions, allocations, and budget aggregates and may also make adjustments in reconciliation instructions to protect earned benefit programs.

(b) SUBMISSION PROVIDING FOR THE EXTENSION OF EXPIRING TAX RELIEF.—(1) The House Committee on Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $13,182,000,000 for fiscal year 2005 and by not more than $137,580,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal years 2005 through 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

(c) SUBMISSION PROVIDING FOR ADDITIONAL TAX RELIEF.—(1) The House Committee on

Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $9,818,000,000 for fiscal year 2005 and by not more than $45,000,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal years 2005 through 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from—

(1) activities that are determined to be of a low priority to the successful execution of current military operations; or

(2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions, and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides medicaid coverage for children with special needs (the Family Opportunity Act), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS' BENEFIT PLAN.

In the House, if the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases survivors' benefits under the Military Survivors' Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral resulting from a change other than to discretionary appropriations in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR PENDING LEGISLATION.

In the House, for any bill, including a bill that provides for the safe importation of FDA-approved prescription drugs or places limits on medical malpractice litigation, that has passed the House in the first session of the 108th Congress and, after the date of adoption of this concurrent resolution, is acted on by the Senate, enacted by the Congress, and presented to the President, the chairman of the Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect any resulting savings from any such measure.

Subtitle B—Contingency Procedure

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) For fiscal year 2004: $41,569,000,000;
(2) For fiscal year 2005: $42,657,000,000;
(3) For fiscal year 2006: $43,635,000,000;
(4) For fiscal year 2007: $45,709,000,000;
(5) For fiscal year 2008: $46,945,000,000; or
(6) For fiscal year 2009: $47,732,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. DEFENSE FIREWALL.

It shall not be in order in the Senate or in the House of Representatives to consider any bill making a general appropriation for fiscal year 2005 if the most recently reported allocations made pursuant to section 302(b)(1) of the Congressional Budget Act of 1974 sets out a level for the Defense Subcommittee and the Military Construction Subcommittee that when added together totals less than $402,000,000,000 in budget authority.

SEC. 402. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2006 and fiscal years 2006 and 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 403. EMERGENCY SPENDING.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.— In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(d) ENFORCEMENT.—It shall not be in order in the House of Representatives to consider

any bill, joint resolution, amendment or conference report that contains an emergency designation unless that designation meets the criteria set out in subsection (c)(2).

(e) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (d).

(f) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (d) or subsection (e), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

SEC. 404. ENFORCEMENT OF BUDGET AGGREGATES.

(a) IN GENERAL.—Except as provided by subsection (b) of this section, it shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report providing new budget authority or providing new entitlement authority, if—

(1) the enactment of that bill or resolution;

(2) the adoption and enactment of that amendment; or

(3) the enactment of that bill or resolution in the form recommended in that conference report;

would cause for any fiscal year covered by this resolution the appropriate allocation made pursuant to section 302(a)(1) of the Congressional Budget Act of 1974 to be exceeded.

(b) EXCEPTION.—Subsection (a) of this section shall not apply to any bill, joint resolution or conference report that only provides continuing appropriations.

(c) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a).

(d) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (a) or subsection (c), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(e) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT IN THE HOUSE.—The disposition of the question of consideration under this section with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

SEC. 405. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 406. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) COMPLIANCE.—When complying with section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) REPORT.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to section 301(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2004 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this section.

SEC. 407. FAMILY BUDGET PROTECTION ACCOUNTS—DISCRETIONARY SPENDING.

(a) The chairman of the Committee on the Budget shall maintain a ledger to be known as the ''Discretionary Spending Ledger''. The Ledger shall be divided into entries corresponding to the subcommittees of the Committee on Appropriations and each entry shall consist of the ''Deficit Reduction Safeguard Balance''.

(b) Each entry shall consist only of amounts credited to it under paragraph (c). No entry of a negative amount shall be made.

(c) Whenever a Member offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member may state the portion of such reduction that shall be—

(1) credited to the Deficit Reduction Safeguard Balance;

(2) used to offset an increase in new budget authority in any other account; or

(3) allowed to remain within the applicable section 302(b) suballocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the Deficit Reduction Safeguard Balance, as applicable, if the amendment is agreed to.

(d) Except as provided by paragraph (e), the chairman of the Committee on the Budget shall, upon the engrossment of any appropriation bill by the House of Representatives, credit to the entry balance amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House to that bill.

(e) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House to an appropriation bill, the chairman of the Committee on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the Deficit Reduction Safeguard Balance, or that fall within the last sentence of subparagraph (c).

(f) The chairman of the Committee on the Budget shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members during consideration of any appropriation bill by the House.

(g) For purposes of enforcing section 302(a) of the Congressional Budget Act of 1974, upon the engrossment of any appropriation bill by the House, the amount of budget authority and outlays calculated pursuant to subparagraph (e) shall be counted against the 302(a) allocation provided to the Committee on Appropriations as if the amount calculated pursuant to such clause was included in the bill just engrossed.

(h) For purposes of enforcing section 302(b) of the Congressional Budget Act of 1974, upon the engrossment of any appropriation bill by the House, the 302(b) allocation provided to the subcommittee for the bill just engrossed shall be deemed to have been reduced by the amount of budget authority and outlays calculated, pursuant to subparagraph (e).

(i) As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2004 or any subsequent fiscal year, as the case may be.

SEC. 408. FAMILY BUDGET PROTECTION ACCOUNTS; MANDATORY SPENDING.

(a) The chairman of the Committee on the Budget shall maintain a ledger to be known as the ''Mandatory Spending Ledger''. The Ledger shall be divided into entries corresponding to the House committees that received allocations under section 302(a) of the Congressional Budget Act of 1974 as a result of this concurrent resolution, except that it shall not include the Committee on Appropriations and each entry shall consist of the ''First Year Deficit Reduction Safeguard Balance'' and the ''Five Year Deficit Reduction Safeguard Balance''.

(b) Each entry shall consist only of amounts credited to it under paragraph (c). No entry of a negative amount shall be made.

(c) Whenever a Member offers an amendment to a bill that reduces the amount of mandatory budget authority provided either under current law or proposed to be provided by the bill under consideration, that Member may state the portion of such reduction achieved in the first year covered by this concurrent resolution and in addition the portion of such reduction achieved in the first five years covered by this concurrent resolution that shall be—

(1) credited to the First Year Deficit Reduction Safeguard Balance and the Five Year Deficit Reduction Safeguard Balance;

(2) used to offset an increase in other new budget authority; or

(3) allowed to remain within the applicable section 302(a) allocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the First Year Deficit Reduction Safeguard Balance and the Five Year Deficit Reduction Safeguard Balance, as applicable, if the amendment is agreed to.

(d) Except as provided by subparagraph (e), the chairman of the Committee on the Budget shall, upon the engrossment of any bill, other than an appropriation bill, by the House, credit to the applicable entry balances amounts of new budget authority and

outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House to that bill.

(e) When computing the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House to a bill, the chairman of the Committee on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the First Year Deficit Reduction Safeguard Balance and the Five Year Deficit Reduction Safeguard Balance, or that fall within the last sentence of subparagraph (c).

(f) The chairman of the Committee on the Budget shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members during consideration of any bill by the House.

(g) For the purposes of enforcing section 302(a) of the Congressional Budget Act of 1974, upon the engrossment of any bill, other than an appropriation bill, by the House, the amount of budget authority and outlays calculated pursuant to subparagraph (e) shall be counted against the 302(a) allocation provided to the applicable committee or committees which reported the bill as if the amount calculated pursuant to subparagraph (e) was included in the bill just engrossed.

(h) As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2004 or any subsequent fiscal year, as the case may be.

SEC. 409. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with section 201(b) or 201(c) of this concurrent resolution, that propose to change Federal revenues, the impact of such measure on Federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account:

(1) the impact of the proposed revenue changes on—

(A) Gross Domestic Product, including the growth rate for the Gross Domestic Product;

(B) Total Domestic Employment;

(C) Gross Private Domestic Investment;

(D) General Price Index;

(E) Interest Rates; and

(F) Other economic variables

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) The Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this concurrent resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this section.

SEC. 410. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this concurrent resolution in the House, the chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this concurrent resolution.

(b) Subsection (a) of this section shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 411. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

SEC. 503. SENSE OF HOUSE REGARDING THE ABOLISHMENT OF OBSOLETE AGENCIES AND FEDERAL SUNSET PROPOSALS.

(a) The House finds that—

(1) the National Commission on the Public Service's recent report, ''Urgent Business For America: Revitalizing The Federal Government For The 21st Century,'' states that government missions are so widely dispersed among so many agencies that no coherent management is possible. The report also states that fragmentation leaves many gaps, inconsistencies, and inefficiencies in government oversight and results in an unacceptable level of public health protection;

(2) according to the Commission, there are: more than 35 food safety laws administered by 12 different Federal agencies; 541 clean air, water, and waste programs in 29 Federal agencies; 50 different programs to aid the homeless in eight different Federal agencies; and 27 teen pregnancy programs operated in nine Federal agencies; and 90 early childhood programs scattered among 11 Federal agencies;

(3) according to the General Accounting Office (GAO), there are 163 programs with a job training or employment function, 64 welfare programs of a similar nature, and more than 500 urban aid programs;

(4) GAO also indicates 13 agencies coordinate 342 economic development programs, but there is very little or no coordination between them. This situation has created a bureaucracy so complex that many local communities stop applying for economic assistance. At the same time, the GAO reports that these programs often serve as nothing more than funnels for pork, have ''no significant effect'' on the economy, and cost as much as $307,000 to create each job;

(5) in 1976, Colorado became the first state to implement a sunset mechanism. Today, about half of the nation's states have some sort of sunset mechanism in effect to monitor their legislative branch agencies. On the Federal level, the United States Senate in 1978 overwhelmingly passed legislation to sunset most of the Federal Government agencies by a vote of 87–1; and

(6) in Texas, ''sunsetting'' has eliminated 44 agencies and saved the taxpayers $720 million compared with expenditures of $16.94 million for the Sunset Commission. Based on these estimates, for every dollar spent on the Sunset process, the State has received about $42.50 in return.

(b) It is the sense of the House of Representatives that legislation providing for the orderly abolishment of obsolete Agencies and providing a Federal sunset for government programs should be enacted during this Congress.

SEC. 504. SENSE OF THE HOUSE REGARDING THE GOALS OF THIS CONCURRENT RESOLUTION AND THE ELIMINATION OF CERTAIN PROGRAMS.

(a) The House of Representatives finds that—

(1) the concurrent resolution on the budget for Fiscal Year 2005 should achieve the following key goals:

(A) Ensure adequate funding is available for essential government programs, in particular defense and homeland security.

(B) Foster greater economic growth and increased domestic employment by eliminating those provisions in the tax code that discourage economic growth and job creation and by extending existing tax relief provisions so as to prevent an automatic tax increase.

(C) Bring the Federal budget back into balance as soon as possible.

(2) the Federal Government spends billions of dollars each year on programs and projects that are of marginal value to the country as a whole;

(3) funding for these lower priority programs should be viewed in light of the goals of this concurrent resolution and whether or not continued funding of these programs advances or hinders the achievement of these goals; and

(4) this concurrent resolution assumes that funding for many lower priority programs will be reduced or eliminated in order increase funding for defense and homeland security while at the same time controlling overall spending.

(b) It is the sense of the House of Representatives that the following programs should be eliminated:

(1) Title X Family Planning.

(2) Corporation for Public Broadcasting.

(3) National Endowment for the Arts.

(4) Legal Services Corporation.

(5) The Advanced Technology Program.

The CHAIRMAN pro tempore. Pursuant to House Resolution 574, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. HENSARLING).

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

Mr. Chairman, first I want to congratulate the gentleman from Iowa (Mr. NUSSLE) on his great work to produce a truly fiscally responsible budget. It takes a big step in the right direction. But the Republican Study Committee budget takes even more steps in the right direction.

Budgets are so much more than green eyeshade exercises for accountants. They are so much more than esoteric econometric modeling. Beyond the numbers, they are really about values and priorities. The values and priorities of the budget I offer today are simple, less government and more freedom. Of all the budgets introduced in Congress today, none, and I repeat none, contain less government or more freedom than the Republican Study Committee alternative which I have the honor to introduce today.

Permit me to summarize what this budget does. First, for only the second time in a decade, we would actually reduce the size of government. In the aggregate, we reduce nondefense discretionary spending by 1 percent and reduce the rate of growth in mandatory spending by 1 percent. Why is this important? Because it is a fact. It is an eternal truth that as governments expand, liberty contracts. That means fewer opportunities for Americans to choose the best health care for their families, to choose the best educational opportunities for their children, or to find the best job in a competitive market economy.

Secondly, this budget fully funds the Commander in Chief's defense and homeland defense request. This is a Nation at war. For many years this Nation ran a defense deficit with deteriorating infrastructure, outdated equipment, and lagging military pay. We must continue to close this defense deficit because there can be only one outcome to this war, victory for freedom and defeat for terrorism.

Next, Mr. Chairman, this budget cuts the deficit in half in 3 years. As the father of a 2-year-old daughter and a 6-month-old son, I take a back seat to no one regarding my concern about the deficit. But we must all realize that the deficit is a symptom. Spending is the disease. And by any measure, spending is out of control. For only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per household. This figure is up from just 5 years ago of $16,000 per household, representing the largest expansion of government in 50 years. Last year, what we call mandatory spending reached 11 percent of our economy for the first time ever. Nondefense discretionary spending is now almost 4 percent of the economy for the first time in 20 years, and almost every major Department of the government has grown precipitously way beyond the rate of inflation.

Besides being out of control, much of this Federal spending, unfortunately, is just pure waste, fraud, and abuse.

Until recently, Medicare had routinely paid as much as five times for a wheelchair as the VA had, simply because one bid competitively and the other did not. In the last year of the Clinton administration, HUD wasted over 10 percent of their budget making improper payments, $3 billion lost. We spent almost $800,000 for a toilet in one national park and the toilet did not even flush. And we are just scratching the surface here.

Example after example shows that many Federal programs routinely waste 5, 10, 15, 20 percent of their taxpayer-funded budgets and have for decades.

Mr. Chairman, this has got to stop. Government is inherently wasteful. It does almost nothing as well as we the people, and it must be limited. And until we do limit it, we will never prioritize, much less root out the waste, the fraud, the abuse that permeates every corner of our Federal budget.

Again, this Republican Study Committee alternative is the only budget that actually reduces government and thus begins the vital process of protecting the family budget from the Federal budget.

Next, Mr. Chairman, the RSC budget promotes economic growth by providing tax relief, $183 billion over 5 years. This will ensure that we do not imperil our economic recovery by raising taxes as all the Democrat alternatives propose to do. This figure accommodates the President's request and will help ensure that tax relief such as the child tax credit and the marriage penalty tax relief will not be canceled.

Now, my friends on the other side of the aisle have said that tax relief represents a huge government expenditure that creates huge deficits. They are wrong. First, it is not the government's money; it is the people's money. Secondly, when it comes to the deficit, the tax relief is miniscule compared to the spending, roughly $180 billion over 5 years compared to over $13 trillion of spending over the same time period. In other words, if you do the math, tax relief is only 1 percent of total spending. One percent.

If the Democrats truly care about budget deficits, they should focus their attention on the spending side of deficit, which represents 99 percent of the problem.

Finally, tax relief has proven to be part of the deficit solution, not part of the deficit problem. Tax relief has helped ignite our historic economic recovery, created jobs, and brought our unemployment rate down. And most importantly with respect to the deficit, Treasury reports show that after cutting tax rates, we increase tax revenues. That is right. Tax revenues are up.

The final thing that the Republican Study Committee budget does is to ensure we live up to our commitments to the American people. In other words, when we pass a budget, we enforce that budget. Too often through advance appropriations, so-called emergency spending and other devices, Congress has ignored its own budget. This too must stop. Through closing loopholes and creating Family Budget Protection Accounts, the Republican Study Committee budget takes a giant step towards ensuring that Congress indeed means what it says when it passes the budget.

In conclusion, Mr. Chairman, budgets are truly about priorities and values as much as they are about numbers. Our budget prioritizes the family budget over the Federal budget. It values less government and more freedom. For the sake of our own children and the future of the Nation, the Republican Study Committee substitute should be adopted by the House.

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

Mr. NUSSLE. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute, and claim the time in opposition.

Mr. Chairman, I ask unanimous consent that half of the time I have claimed in opposition be yielded to the gentleman from South Carolina (Mr. SPRATT) for purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1430

Mr. NUSSLE. Mr. Chairman, I reserve the balance of our time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding me the time.

There have been a lot of numbers used in this debate, thrown around with great abandon. I must give my Republican colleagues credit. They have used numbers and rhetoric very cleverly over these last 2 days, but I would urge my fellow Americans watching this debate to pay very, very close attention to the way the numbers are actually being used and also to what is not being said.

For example, Democrats talked for 20 minutes yesterday about how the Republican budget seriously underfunds our first responders. The Republicans responded by saying our numbers were all wrong because their budget increased funding for homeland security. Then they listed numbers showing increases in transportation and border protection as examples. Yet they were strangely silent about funding for police departments, for firefighters, for other first responders, which was actually what we were discussing; and they were silent for the understandable reason that their budget gives these first responders far less support than they had before 9/11!

We have criticized the Republican budget for creating a spiraling deficit as their spending plans and their tax cuts kick in over the next 10 years. They say we are confused because the Republican plan is going to cut the deficit in half over the next 4 or 5 years. That, in itself, is debatable, but I promise my colleagues that they will hear no Republican talk about the effect of their budget on the deficit over the next 10 years, as their tax cuts for the wealthy and their extra spending kick in, because the result is deficits in the $500 billion range, as far as the eye can see.

We have talked about how the Democratic substitute does not merely reduce the deficit, but actually eliminates the deficit within 10 years, while redirecting more resources toward areas Americans care about, like education, veterans' benefits, first responders, housing and safety net programs.

Our Republican friends say, Aha, you do this by raising taxes on Americans. Well, we do understand that there is no free lunch, and we want to reinstate the real pay-as-you-go rule that served us so well through the 1990s. But rather than raise taxes, we are talking about merely freezing scheduled reductions for those making over $500,000 a year and also closing some egregious corporate loopholes.

It is true that the tax cuts for millionaires in our plan are less than the tax cuts for millionaires in theirs. But I doubt we will hear our Republican friends putting it quite that way.

So, Mr. Chairman, I encourage my colleagues to pay very, very close attention to what numbers are being used by each side and to what is not being said. Budgets are, after all, about priorities, and the Democratic priorities are clear. Fund the programs America needs, balance the budget, and target tax cuts in ways that stimulate the economy and do not merely enrich the most fortunate among us.

Mr. HENSARLING. Mr. Chairman, I yield 2½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I rise today to lend my strong support to the Republican Study Committee budget. As chairman of the RSC, I am very proud of this budget and I want the thank the gentleman from Texas (Mr. HENSARLING) for all of his hard work on making this possible.

I also want to commend the gentleman from Iowa (Chairman NUSSLE) for his hard work and dedication to reining in spending. The gentleman from Iowa and the leadership of the House spent a lot of time honestly listening to Members' concerns. The underlying budget is an important first step for our conference, and I am very proud to support it.

However, I had hoped that we could do more. Hardworking Americans have to watch their spending, and so should Congress. Congress has got to get in the mind-set of spending less.

I will continue to remind my colleagues that Americans expect us to be responsible with their tax dollars. It takes them a long time to earn those dollars to send up here for us to spend.

This RSC budget reduces nondefense, nonhomeland security discretionary spending by 1 percent compared to last year's level. It assumes the President's numbers for tax relief over the next 5 years. The Committee on the Budget calls for $152.6 billion in tax relief. We call for $182.6 billion.

Most importantly, it establishes a fire wall, preventing the consideration of appropriations bills until at least $402 billion is provided for defense and military construction. The RSC budget brings true accountability to the Federal budget.

It is time Congress gets serious about reining in wasteful spending and getting our budget under control. This is what we were sent here to do. That is what the American people expect us to do. They want us to stop business as usual and stop the excuses.

Mr. SPRATT. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. BROWN) and ask unanimous consent that he be allowed to allocate portions of his time.

The CHAIRMAN pro tempore (Mr. LINDER). Without objection, the gentleman from Ohio (Mr. BROWN) is allowed to yield time.

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, there is a moral dimension to these huge tax cuts the Republicans give to the upper two percentiles. In this budget, they cut research that would cover Alzheimer's, Parkinson's, heart disease, diabetes, by $553 million, the research dollars that will help every American family to avoid the tragedy of these diseases which would ravage their families.

Tax cuts should not come before an increase in the budget for the NIH, but worse than that, they also cut $23.6 billion out of Medicaid, which is the budget which is used for Grandma and Grandpa in nursing homes across our country with Alzheimer's, with Parkinson's, with heart disease and every other illness that afflicts our country.

They cannot have it both ways. They cannot not fund increases in NIH research to cure diseases and not have the funding then when they do not cure it in order to take care of Grandma and Grandpa in nursing homes.

Watch out, Grandma. Watch out, Grandpa. GOP used to stand for Grand Old Party. Now it stands for Get Old People, for Got Our Pensions, and that is exactly what is happening in this Republican budget.

The tax cuts for the wealthiest are sacrosanct, and as a result, programs that will help every American family deal with the ravages of disease has to be cut, whether it be in research or in nursing homes. GOP, get-old-people.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute to observe, get old people? That is kind of interesting.

The one program that seniors in our country depend on is Medicare. Are there any cuts in the Republican budget for Medicare? No. In fact, we funded a new drug benefit last year, and that is included in our budget. But, boy, it is interesting here, as I look at the Democrat substitute, look on the Medicare line, a cut in Medicare, is it possible that you could come to the floor with a cute little sign that says Get Old People and then cut Medicare and yell about it?

I can yell, too, I suppose, but yelling does not make it different. My colleagues get old people with a Medicare cut. Why is it that they would come to the floor with a sign that says one thing and present a budget that does something completely different? At a time when we are trying to modernize Medicare, provide providers with better reimbursements and help provide the first-ever prescription drug benefit under Medicare is not the time to cut Medicare. My colleagues should not have that in their budget.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 15 seconds.

The gentleman from Iowa (Mr. NUSSLE) knows that the Medicare bill that he is bragging about, in fact, is simply a payoff to the drug companies and to the insurance industries, $46 billion direct taxpayer subsidies to the insurance industry, $200 billion in direct subsidies to the drug companies.

Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in absolute astonishment at the disingenuous budget resolution presented by the Republican majority and in opposition to the Republican Study Committee's alternative. But at least the Republican Study Committee, I give them credit, they try to be consistent. They try to bring down the deficit. They try to say that we cannot have these tremendous deficits.

I do not know whether to laugh or cry, to actually carve out protections that allow increases in the deficit by billions. What has happened to the soul of the Republican Party? Is fiscal responsibility no longer their mantra? Make no mistake, guaranteeing that we can have tax cuts without corresponding spending cuts means even bigger increases in the deficit.

The tax cuts for the rich are robbing us of our ability to fund needed programs. How can we look at our children and grandchildren and say we are promoting the general welfare? $7 trillion in debt, every American now carries a burden of $24,326. Just this year alone we are spending $340 billion on interest for this debt. We are leaving our children and grandchildren an economic time bomb.

Just as the baby boom generation begins to retire, this budget spends every penny of the Medicare and Social Security surpluses over the next 10 years, but not on Medicare and Social Security; and the cuts on Medicaid are shameful in this budget when we consider that unemployment is high and people need Medicaid.

Democrats want to balance the budget and pay our bills now, not sometime in the future. Republicans used to stand in this Chamber and scream about balanced budgets. What happened to you?

Reject this budget and support the gentleman from South Carolina's (Mr. SPRATT) alternative.

Mr. HENSARLING. Mr. Chairman, I yield myself 15 seconds.

If the gentleman is concerned about spending, this budget actually does cut spending. I would encourage him to sponsor it. Additionally, 99 percent of our deficit problem is on the spending side. So I do not understand why 99 percent of the rhetoric is on the tax side, on the other side.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I would like to congratulate my colleague, the gentleman from Texas, for introducing an outstanding budget and for his hard work in making a point, in producing a budget that really goes a long way towards achieving the fiscal discipline that we need here.

It seems to me the goal of the Federal budget ought to be primarily to create an environment in which we allow the American people to maximize their prosperity, to maximize their opportunity, to maximize their chance to realize the American dream.

If the American people could actually individually vote on this today, I think this is the budget that would win because the American people know that our taxes are too high to achieve the maximum level of prosperity that our country is capable of, and they know that here in Washington we spend too much money. We have for years, and it has been accelerating in recent years; and so this is the budget that addresses those two issues best.

It cuts spending a little tiny bit. That is all, one small part of the total government spending. We actually propose in this Republican Study Committee budget a 1 percent cut, one penny out of every dollar in the nondefense, nonhomeland security discretionary spending area. We think that there is at least that much waste and fraud and abuse and unnecessary and duplicative programs, and so we are saying, how about one penny out of every dollar in just this category?

What else did this budget do? It says that the existing tax law ought to be permanent, that we should not, at a time when we are just kicking in a strong economic recovery, we should not raise taxes.

This is a budget that shrinks the deficit, holds spending growth to a modest level and lowers taxes. I urge my colleagues to support it.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

My colleague across the aisle from Texas is feeling really proud of himself, because he thinks he found a Medicare cut in the Democratic alternative. Excuse me, we are talking about $800 million more for Medicare over the next 5 years. So he is just flat wrong, but there are a lot of things wrong in this budget.

It is true that when we talk about, well, it is just 1 percent, it is just a little bit here or there, we are talking about a $2 billion cut in Medicaid. What is that about? Medicaid? We are talking about the poorest of Americans, many of whom, by the way, are working 7 days a week or 5 days a week trying to earn a living and still do not have benefits. Their children are doing without.

Yes, it is true, we are talking about senior citizens in nursing homes. Medicaid pays for two out of three residents in nursing homes, one out of ten residents in assisted living facilities in addition to home-based and community-based care. We are talking about 52 million children, disabled persons, persons living with AIDS, parents, senior citizens who rely on Medicaid.

Is this what fiscal discipline is really about? Is this what we want to cut in this budget?

The Blue Dog budget, the Black Caucus budget and our Democratic alternative leave Medicaid intact because that is what government is supposed to do, help people when they need health care.

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. HERGER).

□ 1445

Mr. HERGER. Mr. Chairman, I rise in support of the Hensarling substitute budget. This budget sets priorities by fully funding the President's defense and homeland security requests while calling for a 1 percent reduction in the rest of the discretionary budget.

The budget addresses waste in non-Social Security mandatory spending by reducing it by just 1 cent out of each dollar. This budget protects the recent tax relief from increases for working families, parents and married couples and provides new tax relief that is necessary to strengthen the economic recovery.

Finally, this budget begins fixing the broken Federal budget process by requiring a stand-alone vote to bypass any budget enforcement mechanism and therefore stopping the practice of labeling regular spending as emergencies.

I urge my colleagues to vote for the Hensarling amendment.

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

Mr. Chairman, we just heard an interesting speech about Medicaid cuts. So, on the one hand, it is okay when you put a Medicare cut into your budget, and then come to the floor and say, do not worry about the Medicare cut in the Democratic substitute, do not worry about that, look over here at the Republican budget where they are cutting Medicaid.

Let me tell Members what is happening to Medicaid.

Let us assume for a moment that was coming out of Medicaid, $2 billion was coming out of Medicaid. Sounds like a lot of money; it is a lot of money, particularly if you are a small business back home and people are trying to raise taxes.

Let me show what happens to Medicaid with and without the reform. Instead of spending $1.15 trillion over the next 5 years, we are saying there are States out there that the Department of Health and Human Services has discovered are wasting or transferring approximately $9 billion per year of what the Secretary of Health and Human Services said were suspicious transfers or suspicious spending. Not one penny of that, he is claiming, is going to nursing homes or seniors, not one penny. He is saying it is suspicious because the States are playing games with that money.

So what we say is, we want to look for that money and find out whether or not the States are doing that. We want to see if we can provide some of that savings, and we want to put it back into the program so it actually goes to nursing homes and actually goes to

people who are in poverty or people who do not have health care or kids in the SCHIP program.

So what we are saying within our budget is, when we find savings, because maybe some States are abusing this program or maybe others are abusing that program, let us take that waste and put it back into the budget so we have a better health care system for our people who are indigent.

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

The gentleman from Iowa (Mr. NUSSLE), who specializes every year in this budget, cutting Medicare, cutting Medicaid, cutting SCHIP, cutting programs which protect health in this country, the gentleman from Iowa knows better.

The fact is, our budget has $800 million in Medicare more than their budget. Their budget does a much better job of taking health care, Medicare dollars and shoveling them to insurance company HMOs. The President said it was only $14 billion insurance subsidies, taxpayer subsidies to insurance companies, under the Medicare bill until he signed the bill, then he acknowledged we are shoveling $46 billion in direct subsidies to insurance companies which also happen to be major political contributors to the President and to the Republican majority, not too different from drug company contributions to my friends on the other side of the aisle, the other major beneficiary of the Medicare bill.

The Medicaid bill is not just a question of Republicans not reducing government spending, they are shifting the burden to the States. California loses $226 million in Medicaid funding; Florida loses $90 million; Ohio, $87 million; Michigan, $60 million, and on and on and on.

Medicaid covers 70 percent of the nursing homes in this country. If we pass the Democratic substitute, we are putting America's seniors ahead of HMOs. If we pass the Republican substitute, we are leaving seniors and disabled Americans on their own.

Mr. HENSARLING. Mr. Chairman, I yield myself 15 seconds.

Medicaid spending is up 89 percent since 1995, and if the other side is concerned about the affordability of health care, perhaps they would join us in doing something about tort reform, medical liability reform and excess government regulation.

Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise to thank the gentleman from Iowa (Mr. NUSSLE) for presenting a budget that cuts spending and continues the tax relief passed by Congress last year, and also to thank the gentleman from Texas (Mr. HENSARLING) for his work on our RSC budget, which is the most ambitious of our efforts.

The RSC budget and the Budget Committee version differ in two areas: First, the deficit is cut in half within 3 years in the RSC budget, 1 year earlier than the committee-reported budget. It is $63 billion lower over the next 5 years as compared to the committee-reported budget; and while the committee budget does include measures to enforce the budget provisions, the RSC substitute includes the budget process reforms that are a critical first step to long-term change in how we spend.

The RSC budget includes elements of the Family Budget Protection Act to make it more difficult for future Congresses to bypass spending ceilings and allows appropriations savings to apply to tax relief or deficit reduction.

I call on my colleagues to vote in favor of the RSC budget amendment to make a major step toward fiscal responsibility.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I want to speak today and rise in support of the Republican Study Committee budget because it is a wonderful budget. I also commend the gentleman from Iowa (Mr. NUSSLE) for doing an excellent job.

There are two things that these budgets have in common that the other budgets that came to the floor do not have in common: Number one, these budgets get us to a balance quickly, and they do so without raising taxes by holding the line on spending.

Specifically, the Study Committee budget cuts the budget in half in 3 years, and it does so by making sure that not only do we never let tax increases occur over the next decade, but also by reducing spending. This is where our priorities need to lie.

The other budgets which have been brought to the floor say they are going to balance the budget in a fairly quick time. How do they do it? They raise taxes. They are trying to make sure that the tax relief that was put out to the American people this year, that is helping encourage this economic recovery that is well under way, goes away.

We cannot afford to pull the rug out from under this economic recovery. These tax relief measures that passed, that help get recovery under way, need to stay in law. The Study Committee budget cuts spending, gets the deficit cut in half in 3 years, and makes sure that every tax cut that the American worker, the American economy, receives stays in place.

I encourage Members to vote for the Study Committee budget, and I thank the Committee on the Budget itself for doing an excellent job of producing a good, lean budget, both of which are leaner than the budget the President brought to Congress.

This is a good day for us because finally we are getting a handle on the spending in Washington. Let us pass these budgets and move on to getting this job done.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I commend the Budget Committee and the gentleman from Iowa for their work. The Republican budget is, in fact, a very solid step in the right direction, and it deserves the support of our Members.

I rise, however, in support of the RSC budget because I believe it is one step better than the Republican budget, and I urge my colleagues to support it.

I cannot engage in this debate without commenting on how really sad it is that to too many people across our country this looks like a complicated debate with a lot of fighting back and forth about technicalities. Yet in reality it is very simple, but here is how it gets complicated.

A few moments ago the gentleman from Massachusetts (Mr. MARKEY) said these Republicans are cutting, and he said GOP does not stand for Grand Old Party, it stands for Get Old People. But if Members listen carefully to his words, the first time he said ''cut,'' he wanted to induce the belief that the Republican budget, the budget put forward by the gentleman from Iowa (Mr. NUSSLE), was in fact reducing the amount of spending for the research programs he discussed. But the gentleman is a smart Member, and he was very careful in his next comment.

What the gentleman said, and I wrote it down as I listened carefully, he said ''by refusing to fund the increases,'' they are doing this, this and this.

That is the essence of this debate. One side of the aisle says fund the increase, fund the increase, fund the increase. And their fundamental complaint is the rate of growth we have had in this budget, 3.5 percent is not enough.

But let us look at the history. The history is not a 3.5 percent growth, which it might be in the current budget. Let us talk about the real growth.

For the last 3 years in America, notwithstanding the complaints from the other side of the aisle, we have not had a problem with Americans being undertaxed, we have had a problem with Congress overspending, and here are the hard, indisputable numbers. From 2001 to 2002, we increased spending by 10.7 percent, almost 11 percent in that 1 year. In the next year, from 2002 to 2003, we increased it by 15.6 percent; and last year, we said, wait a minute, we said, we had better slow down, and we increased it by just 3 percent. That is almost 30 percent in 3 years.

What the RSC budget says, what the Republican budget says to a slightly less degree is having grown spending by more than 10 percent a year over the last 3 years, it is time to take a break, it is time to slow down. So the RSC budget does not say, let us freeze for 1 year, let us have a small, modest 1 percent cut in nondefense, nondiscretionary spending.

Make no mistake about it, they want to raise taxes. It is not about cutting spending, it is about not increasing

spending, which is what their budget does.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to build on the comments by the gentleman from Arizona (Mr. SHADEGG) because he made them so well.

In Washington, a cut, the definition of a cut and listen to this, if you ask for one thing and it is an increase and you do not quite get the increase you want, then you are cut.

It is like my son, and I hope he is not listening. If my son came to me and he asked me for a $10-a-month allowance, and I only gave him an $8 allowance, would it be fair for him to scream that he was being cut $2? Of course not, because that is just not the way things work. It does not make sense.

In Washington, however, when you do not get the anticipated increase you ask for, you can scream bloody murder that you have been cut. Unfortunately, time and time again Members come to the well or the floor here and they say we have been cut, we are gouging or we are eliminating spending, when in fact all we are saying is let us not grow as fast.

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for putting together such a great budget. I also thank the gentleman from Iowa (Mr. NUSSLE) for working so hard to keep spending under control on the nondefense discretionary side.

The talk about what is a cut and what is not is intriguing. I think my kids if they knew how much a cut meant in terms of extra income, they would ask for a cut in their allowance every day. If we look over the last decade and what the Democrats are calling a cut, we have actually increased spending five- and sixfold at times.

□ 1500

So it is not a cut at all. But I just appreciate this budget, the RSC budget, because we are actually doing what we said we would do when we came to Washington. When we came to Washington, we said that we were going to restrain the growth of spending. This budget actually does that. The Democrat budget, the Democrat alternatives, every one of them does not do that. They actually increase spending and increase taxes. So if we really want to restrain growth in government, we have got to actually see some reductions. That is what the RSC budget does. I appreciate the gentleman for bringing it forward. I encourage all of my colleagues to vote for it.

Mr. NUSSLE. Mr. Chairman, I ask unanimous consent that my remaining time in opposition be allowed to be split, 3 minutes to the gentleman from Texas (Mr. HENSARLING), 3 minutes to the gentleman from South Carolina (Mr. SPRATT), and that they be allowed to control that time.

The CHAIRMAN pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume. Again, budgets are about values. They are about priorities. This is a budget that indeed values less government and more freedom. It prioritizes the family budget over the Federal budget. We have had a lot of talk about the deficit, and the deficit is a very serious problem in our Nation. But the deficit again, Mr. Chairman, is a symptom. Spending is the disease in our society. By any measure, it is spending which is out of control. When we are spending over $20,000 per American household for the first time since World War II and for only the fourth time in our Nation's history, spending is out of control. We hear about all of these massive cuts. But, Mr. Chairman, I do not see them. Since 1995, Medicare spending is up 54.6 percent. Medicaid spending is up 89 percent; Labor-HHS-Education appropriations since 1998 are up 71.6 percent; Interior appropriations in the same time period are up 42.1 percent. And the list goes on, always outstripping the rate of inflation.

But, unfortunately, the same is not true with the family budget. Since I have been on the face of the planet, the Federal budget has grown seven times faster than the family budget. I believe this is an unsustainable and unconscionable growth rate. It is time for us to finally protect the family budget from the Federal budget.

By adopting the Republican Study Committee alternative, we take the first step towards doing that. We have had a lot of debate about tax relief as well, and we certainly have a philosophical debate with our friends on the other side of the aisle. But, Mr. Chairman, once again, we have cut tax rates; and guess what, we have more tax revenues because we have given tax relief to small businesses, we have given tax relief to families. They have gone out, they have rolled up their sleeves, they have created new businesses, they have expanded their businesses. This should not be news. The same was true during the Reagan administration. We cut rates, and we had more tax revenue. The same was true in the Kennedy administration. It is the thing to do when you are facing a recession, put money in the pockets of the people.

Our friends on the other side of the aisle speak about spending priorities. I, too, want to spend more money on housing. I want to spend more money on nutrition. I want to spend more money on health care. I am just not indifferent as to who does the spending. Democrats want the government to do the spending. We want families to do the spending. And we know the difference. The family is who needs to be protected in this budget process, Mr. Chairman. Once again there is only one budget here, one budget that will actually reduce the size of government, and that is the Republican Study Committee alternative.

And so, Mr. Chairman, in conclusion, if budgets are indeed about values and priorities, this is a budget that values less government and more freedom. It is a budget which prioritizes the family budget over the Federal budget. I encourage my colleagues to adopt it.

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

Mr. SPRATT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the gentleman just said that we have cut taxes and revenues have gone up. In fact, taxes were cut in 2001. Revenues, individual income taxes were $994 billion that year. The next year they went down to $858 billion. The next year down to $793 billion. This year the estimate is $765 billion, well below the $994 billion level when taxes were cut on individuals. The facts simply do not bear out the statement he made.

Let me also straighten out some other facts. First with respect to Medicare. The chairman, in putting together his mark, decided that he would adopt the CBO baseline for Medicare spending as opposed to the OMB baseline, which was $535 billion. CBO is $400 billion. So ignoring the President's actuaries, he put in the lower number. We, in order to have an apples-to-apples comparison with that resolution, have adopted the CBO baseline. Also, there is no difference between us in Medicare benefit spending. However, because the administration of the program can be improved, we provide $805 million more over 5 years for Medicare administration.

Also, on the mandatory side, we provide $8 billion for the Family Opportunity Act, an act that has enjoyed bipartisan support because it provides Medicaid coverage to children with special needs in families who otherwise would not qualify for Medicaid and cannot obtain private insurance. This is compassionate conservatism. We provided $8 billion to fund that program so we can finally get it established, and we added two more provisions in our budget resolution.

First, we said if the price of Medicare, in fact, exceeds $400 billion, then the prohibition against negotiating drug prices included in the Medicare prescription drug law should be suspended and we should negotiate lower prices. Secondly, we said take some of the excessive subsidies provided for the HMOs and redeploy that money. In the Committee on Ways and Means, we have got reconciliation instructions to that effect. Redeploy that money to make the Medicare prescription drug benefit better. We have a manifestly better set of provisions for Medicare and Medicaid in our budget resolution.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Oregon (Ms. HOOLEY).

The CHAIRMAN pro tempore. The gentlewoman from Oregon is recognized for 1½ minutes.

Ms. HOOLEY of Oregon. I thank the ranking member for yielding time and thank him for his leadership throughout this whole process.

Mr. Chairman, a budget resolution is all about priorities. I think few people here would disagree that education has to be one of our top priorities. All we have to do is look around at what is happening today. We have jobs being shipped overseas. We are retooling some of our manufacturing plants. What are our jobs going to be in the future? What do they require? The one thing we know they require is a good education. This underlying budget and the alternative fail our children, fail to provide the investment we need in our future.

Last Congress, we passed sweeping education reforms. We said we want to have the best educated children in the world. We want to make sure that they live up to our expectations. But part of that agreement was funding. This budget leaves children behind. It does not fund Leave No Child Behind. We promised 29 years ago we were going to make sure that children with disabilities, that that was funded so our local schools would not have to pick up the whole piece of that. Last year in our Budget Committee we said, this is a good idea, Republicans and Democrats agreed that we should fully fund IDEA; and we said, we are going to have it done by 2010. This year if you look at the budget starting in 2005, it increases by a half a percent a year, which means we will never get there. We said it is important to make sure that our students have higher education, that that is important. Yet we have not increased Pell grants.

The budget is a reflection of our national priorities. Our alternative does better at meeting those priorities than the Republican budget. I urge my colleagues to oppose the Republican budget and support the Democratic alternative.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 309, not voting 8, as follows:

[Roll No. 90]

AYES—116

Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dunn
English
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Gutknecht
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hunter
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Linder
Manzullo
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Ose
Otter
Oxley
Paul
Pitts
Pombo
Putnam
Radanovich
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Weller
Wilson (SC)

NOES—309

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Abercrombie
Hoeffel
Lucas (KY)
McInnis
Pence
Quinn
Tanner
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1532

Mr. BILIRAKIS, Mrs. BONO, and Mr. EVERETT changed their vote from ''aye'' to ''no.''

Messrs. MILLER of Florida, CRANE, FORBES, SULLIVAN, MCCRERY, and RAMSTAD changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCOTT of Georgia. Mr. Chairman, during rollcall vote No. 90, on the Hensarling amendment, I mistakenly recorded my vote as "yea" when I should have voted "no."

PERSONAL EXPLANATION

Mr. PENCE. Mr. Chairman, I was detained in my district for a funeral earlier today. Had I been present, I would have voted in the following manner: Rollcall 84 (Previous Question on H. Con. Res. 33)—"aye"; rollcall 85 (Bureau of Engraving and Printing Security Printing Act)—"aye"; rollcall 86 (District of Columbia and United States Territories Circulating Quarter Dollar Program)—"aye"; rollcall 87 (An Act to authorize the President of the United States to agree to certain amendments to the Agreements between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank)—"aye"; rollcall 88 (Congressional Black Caucus)—"no"; rollcall 89 (Blue Dog)—"no"; rollcall 90 (Republican Study Committee)—"aye."

□ 1530

The CHAIRMAN. It is now in order to consider amendment in the nature of a substitute No. 4 printed in House Report 108–446.

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 4 offered by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate levels for fiscal years 2004 and 2006 through 2014 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,272,700,000,000.
Fiscal year 2005: $1,468,600,000,000.
Fiscal year 2006: $1,637,300,000,000.
Fiscal year 2007: $1,759,100,000,000.
Fiscal year 2008: $1,854,700,000,000.
Fiscal year 2009: $1,965,800,000,000.
Fiscal year 2010: $2,075,800,000,000.
Fiscal year 2011: $2,290,100,000,000.
Fiscal year 2012: $2,494,600,000,000.
Fiscal year 2013: $2,628,900,000,000.
Fiscal year 2014: $2,773,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2004: −$100,000,000.
Fiscal year 2005: −$8,600,000,000.
Fiscal year 2006: −$16,900,000,000.
Fiscal year 2007: $4,200,000,000.
Fiscal year 2008: $8,900,000,000.
Fiscal year 2009: $12,700,000,000.
Fiscal year 2010: $12,200,000,000.
Fiscal year 2011: $8,500,000,000.
Fiscal year 2012: $10,200,000,000.
Fiscal year 2013: $10,900,000,000.
Fiscal year 2014: $11,600,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,958,600,000,000.
Fiscal year 2005: $2,031,900,000,000.
Fiscal year 2006: $2,087,300,000,000.
Fiscal year 2007: $2,220,200,000,000.
Fiscal year 2008: $2,343,600,000,000.
Fiscal year 2009: $2,470,500,000,000.
Fiscal year 2010: $2,576,700,000,000.
Fiscal year 2011: $2,699,400,000,000.
Fiscal year 2012: $2,778,100,000,000.
Fiscal year 2013: $2,905,800,000,000.
Fiscal year 2014: $3,033,300,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,917,600,000,000.
Fiscal year 2005: $2,015,800,000,000.
Fiscal year 2006: $2,094,000,000,000.
Fiscal year 2007: $2,194,000,000,000.
Fiscal year 2008: $2,305,700,000,000.
Fiscal year 2009: $2,427,200,000,000.
Fiscal year 2010: $2,542,800,000,000.
Fiscal year 2011: $2,674,000,000,000.
Fiscal year 2012: $2,746,200,000,000.
Fiscal year 2013: $2,879,000,000,000.
Fiscal year 2014: $3,006,300,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: −$644,900,000,000.
Fiscal year 2005: −$547,300,000,000.
Fiscal year 2006: −$456,700,000,000.
Fiscal year 2007: −$434,900,000,000.
Fiscal year 2008: −$451,100,000,000.
Fiscal year 2009: −$461,400,000,000.
Fiscal year 2010: −$467,000,000,000.
Fiscal year 2011: −$383,900,000,000.
Fiscal year 2012: −$251,600,000,000.
Fiscal year 2013: −$250,100,000,000.
Fiscal year 2014: −$232,900,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,442,400,000,000.
Fiscal year 2005: $8,090,100,000,000.
Fiscal year 2006: $8,671,000,000,000.
Fiscal year 2007: $9,227,000,000,000.
Fiscal year 2008: $9,799,200,000,000.
Fiscal year 2009: $10,384,600,000,000.
Fiscal year 2010: $10,978,600,000,000.
Fiscal year 2011: $11,488,000,000,000.
Fiscal year 2012: $11,880,700,000,000.
Fiscal year 2013: $12,267,100,000,000.
Fiscal year 2014: $12,638,200,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,392,000,000,000.
Fiscal year 2005: $4,778,500,000,000.
Fiscal year 2006: $5,055,900,000,000.
Fiscal year 2007: $5,295,500,000,000.
Fiscal year 2008: $5,535,700,000,000.
Fiscal year 2009: $5,772,500,000,000.
Fiscal year 2010: $6,001,600,000,000.
Fiscal year 2011: $6,133,900,000,000.
Fiscal year 2012: $6,125,000,000,000.
Fiscal year 2013: $6,107,600,000,000.
Fiscal year 2014: $6,066,700,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2004:
(A) New budget authority, $463,600,000,000.
(B) Outlays, $453,000,000,000.
Fiscal year 2005:
(A) New budget authority, $422,200,000,000.
(B) Outlays, $448,300,000,000.
Fiscal year 2006:
(A) New budget authority, $445,700,000,000.
(B) Outlays, $441,500,000,000.
Fiscal year 2007:
(A) New budget authority, $466,700,000,000.
(B) Outlays, $448,400,000,000.
Fiscal year 2008:
(A) New budget authority, $488,000,000,000.
(B) Outlays, $467,500,000,000.
Fiscal year 2009:
(A) New budget authority, $510,400,000,000.
(B) Outlays, $489,300,000,000.
Fiscal year 2010:
(A) New budget authority, $522,600,000,000.
(B) Outlays, $508,900,000,000.
Fiscal year 2011:
(A) New budget authority, $533,600,000,000.
(B) Outlays, $528,900,000,000.
Fiscal year 2012:
(A) New budget authority, $545,900,000,000.
(B) Outlays, $534,200,000,000.
Fiscal year 2013:
(A) New budget authority, $558,200,000,000.
(B) Outlays, $551,000,000,000.
Fiscal year 2014:
(A) New budget authority, $572,000,000,000.
(B) Outlays, $564,000,000,000.

(2) International Affairs (150):

Fiscal year 2004:
(A) New budget authority, $43,700,000,000.
(B) Outlays, $29,300,000,000.
Fiscal year 2005:
(A) New budget authority, $29,100,000,000.
(B) Outlays, $34,000,000,000.
Fiscal year 2006:
(A) New budget authority, $30,700,000,000.
(B) Outlays, $32,000,000,000.
Fiscal year 2007:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $29,400,000,000.
Fiscal year 2008:
(A) New budget authority, $31,900,000,000.
(B) Outlays, $28,600,000,000.
Fiscal year 2009:
(A) New budget authority, $32,600,000,000.
(B) Outlays, $29,000,000,000.
Fiscal year 2010:
(A) New budget authority, $33,300,000,000.
(B) Outlays, $29,400,000,000.
Fiscal year 2011:
(A) New budget authority, $34,000,000,000.
(B) Outlays, $30,000,000,000.
Fiscal year 2012:
(A) New budget authority, $34,700,000,000.
(B) Outlays, $30,500,000,000.
Fiscal year 2013:
(A) New budget authority, $35,400,000,000.
(B) Outlays, $31,200,000,000.
Fiscal year 2014:
(A) New budget authority, $36,200,000,000.
(B) Outlays, $31,900,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2004:
(A) New budget authority, $23,400,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2005:
(A) New budget authority, $23,800,000,000.
(B) Outlays, $23,200,000,000.
Fiscal year 2006:
(A) New budget authority, $24,100,000,000.
(B) Outlays, $23,700,000,000.
Fiscal year 2007:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $24,100,000,000.
Fiscal year 2008:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $24,500,000,000.
Fiscal year 2009:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,000,000,000.
Fiscal year 2010:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2011:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $26,000,000,000.
Fiscal year 2012:
(A) New budget authority, $27,300,000,000.
(B) Outlays, $26,600,000,000.
Fiscal year 2013:
(A) New budget authority, $27,900,000,000.
(B) Outlays, $27,100,000,000.
Fiscal year 2014:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $27,700,000,000.

(4) Energy (270):

Fiscal year 2004:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2005:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2006:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $1,200,000,000.
Fiscal year 2007:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2008:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $400,000,000.
Fiscal year 2009:
(A) New budget authority, $2,100,000,000.
(B) Outlays, $700,000,000.
Fiscal year 2010:
(A) New budget authority, $2,300,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2011:

(A) New budget authority, $2,400,000,000.
(B) Outlays, $1,000,000,000.
Fiscal year 2012:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $1,400,000,000.
Fiscal year 2013:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $1,400,000,000.
(A) New budget authority,
Fiscal year 2014: $2,600,000,000.
(B) Outlays, $1,800,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, $32,300,000,000.
(B) Outlays, $30,500,000,000.
Fiscal year 2005:
(A) New budget authority, $33,600,000,000.
(B) Outlays, $32,300,000,000.
Fiscal year 2006:
(A) New budget authority, $34,400,000,000.
(B) Outlays, $34,300,000,000.
Fiscal year 2007:
(A) New budget authority, $35,400,000,000.
(B) Outlays, $35,300,000,000.
Fiscal year 2008:
(A) New budget authority, $36,300,000,000.
(B) Outlays, $36,000,000,000.
Fiscal year 2009:
(A) New budget authority, $37,800,000,000.
(B) Outlays, $37,400,000,000.
Fiscal year 2010:
(A) New budget authority, $38,600,000,000.
(B) Outlays, $37,900,000,000.
Fiscal year 2011:
(A) New budget authority, $39,500,000,000.
(B) Outlays, $38,700,000,000.
Fiscal year 2012:
(A) New budget authority, $40,400,000,000.
(B) Outlays, $39,500,000,000.
Fiscal year 2013:
(A) New budget authority, $41,300,000,000.
(B) Outlays, $40,400,000,000.
Fiscal year 2014:
(A) New budget authority, $42,400,000,000.
(B) Outlays, $41,400,000,000.
(6) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, $20,200,000,000.
(B) Outlays, $18,800,000,000.
Fiscal year 2005:
(A) New budget authority, $21,700,000,000.
(B) Outlays, $21,000,000,000.
Fiscal year 2006:
(A) New budget authority, $24,100,000,000.
(B) Outlays, $22,900,000,000.
Fiscal year 2007:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2008:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $24,000,000,000.
Fiscal year 2009:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2010:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2011:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $25,600,000,000.
Fiscal year 2012:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2013:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2014:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $25,500,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2005:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $3,700,000,000.
Fiscal year 2006:
(A) New budget authority, $9,400,000,000.
(B) Outlays, $3,700,000,000.
Fiscal year 2007:
(A) New budget authority, $10,000,000,000.
(B) Outlays, $4,200,000,000.
Fiscal year 2008:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $3,500,000,000.
Fiscal year 2009:
(A) New budget authority, $10,900,000,000.
(B) Outlays, $3,800,000,000.
Fiscal year 2010:
(A) New budget authority, $11,100,000,000.
(B) Outlays, $4,200,000,000.
Fiscal year 2011:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $2,900,000,000.
Fiscal year 2012:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2013:
(A) New budget authority, $10,100,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2014:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $3,200,000,000.
(8) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $69,200,000,000.
(B) Outlays, $65,700,000,000.
Fiscal year 2005:
(A) New budget authority, $72,100,000,000.
(B) Outlays, $68,900,000,000.
Fiscal year 2006:
(A) New budget authority, $73,500,000,000.
(B) Outlays, $71,500,000,000.
Fiscal year 2007:
(A) New budget authority, $76,100,000,000.
(B) Outlays, $73,700,000,000.
Fiscal year 2008:
(A) New budget authority, $78,100,000,000.
(B) Outlays, $75,500,000,000.
Fiscal year 2009:
(A) New budget authority, $79,600,000,000.
(B) Outlays, $76,800,000,000.
Fiscal year 2010:
(A) New budget authority, $79,400,000,000.
(B) Outlays, $76,600,000,000.
Fiscal year 2011:
(A) New budget authority, $80,300,000,000.
(B) Outlays, $78,100,000,000.
Fiscal year 2012:
(A) New budget authority, $81,100,000,000.
(B) Outlays, $79,700,000,000.
Fiscal year 2013:
(A) New budget authority, $82,000,000,000.
(B) Outlays, $81,400,000,000.
Fiscal year 2014:
(A) New budget authority, $83,000,000,000.
(B) Outlays, $83,000,000,000.
(9) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2005:
(A) New budget authority, $16,000,000,000.
(B) Outlays, $17,000,000,000.
Fiscal year 2006:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $16,300,000,000.
Fiscal year 2007:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,300,000,000.
Fiscal year 2008:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $16,200,000,000.
Fiscal year 2009:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $16,500,000,000.
Fiscal year 2010:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,600,000,000.
Fiscal year 2011:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2012:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,000,000,000.
Fiscal year 2013:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $17,400,000,000.
Fiscal year 2014:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,700,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $89,400,000,000.
(B) Outlays, $86,400,000,000.
Fiscal year 2005:
(A) New budget authority, $98,500,000,000.
(B) Outlays, $90,900,000,000.
Fiscal year 2006:
(A) New budget authority, $95,700,000,000.
(B) Outlays, $95,500,000,000.
Fiscal year 2007:
(A) New budget authority, $96,300,000,000.
(B) Outlays, $95,600,000,000.
Fiscal year 2008:
(A) New budget authority, $96,900,000,000.
(B) Outlays, $95,800,000,000.
Fiscal year 2009:
(A) New budget authority, $98,400,000,000.
(B) Outlays, $97,100,000,000.
Fiscal year 2010:
(A) New budget authority, $99,800,000,000.
(B) Outlays, $98,700,000,000.
Fiscal year 2011:
(A) New budget authority, $101,900,000,000.
(B) Outlays, $100,700,000,000.
Fiscal year 2012:
(A) New budget authority, $103,900,000,000.
(B) Outlays, $102,800,000,000.
Fiscal year 2013:
(A) New budget authority, $106,000,000,000.
(B) Outlays, $104,900,000,000.
Fiscal year 2014:
(A) New budget authority, $108,200,000,000.
(B) Outlays, $107,000,000,000.
(11) Health (550):
Fiscal year 2004:
(A) New budget authority, $241,800,000,000.
(B) Outlays, $239,600,000,000.
Fiscal year 2005:
(A) New budget authority, $254,600,000,000.
(B) Outlays, $250,900,000,000.
Fiscal year 2006:
(A) New budget authority, $259,600,000,000.
(B) Outlays, $259,700,000,000.
Fiscal year 2007:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $273,800,000,000.
Fiscal year 2008:
(A) New budget authority, $294,400,000,000.
(B) Outlays, $293,600,000,000.
Fiscal year 2009:
(A) New budget authority, $316,900,000,000.
(B) Outlays, $313,900,000,000.
Fiscal year 2010:
(A) New budget authority, $337,100,000,000.
(B) Outlays, $336,200,000,000.
Fiscal year 2011:
(A) New budget authority, $360,900,000,000.
(B) Outlays, $359,800,000,000.
Fiscal year 2012:
(A) New budget authority, $387,000,000,000.
(B) Outlays, $386,000,000,000.
Fiscal year 2013:
(A) New budget authority, $415,700,000,000.
(B) Outlays, $414,400,000,000.
Fiscal year 2014:
(A) New budget authority, $446,800,000,000.
(B) Outlays, $445,500,000,000.
(12) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $269,600,000,000.
(B) Outlays, $268,800,000,000.
Fiscal year 2005:
(A) New budget authority, $288,200,000,000.
(B) Outlays, $289,200,000,000.
Fiscal year 2006:
(A) New budget authority, $323,000,000,000.
(B) Outlays, $322,600,000,000.
Fiscal year 2007:
(A) New budget authority, $362,800,000,000.

(B) Outlays, $363,100,000,000.
Fiscal year 2008:
(A) New budget authority, $388,100,000,000.
(B) Outlays, $388,100,000,000.
Fiscal year 2009:
(A) New budget authority, $414,700,000,000.
(B) Outlays, $414,300,000,000.
Fiscal year 2010:
(A) New budget authority, $442,900,000,000.
(B) Outlays, $443,200,000,000.
Fiscal year 2011:
(A) New budget authority, $479,600,000,000.
(B) Outlays, $479,500,000,000.
Fiscal year 2012:
(A) New budget authority, $505,500,000,000.
(B) Outlays, $505,000,000,000.
Fiscal year 2013:
(A) New budget authority, $551,000,000,000.
(B) Outlays, $551,300,000,000.
Fiscal year 2014:
(A) New budget authority, $596,700,000,000.
(B) Outlays, $596,700,000,000.
(13) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $335,800,000,000.
(B) Outlays, $342,600,000,000.
Fiscal year 2005:
(A) New budget authority, $343,300,000,000.
(B) Outlays, $346,200,000,000.
Fiscal year 2006:
(A) New budget authority, $343,000,000,000.
(B) Outlays, $345,400,000,000.
Fiscal year 2007:
(A) New budget authority, $348,900,000,000.
(B) Outlays, $350,900,000,000.
Fiscal year 2008:
(A) New budget authority, $363,200,000,000.
(B) Outlays, $364,800,000,000.
Fiscal year 2009:
(A) New budget authority, $374,000,000,000.
(B) Outlays, $375,100,000,000.
Fiscal year 2010:
(A) New budget authority, $386,000,000,000.
(B) Outlays, $386,800,000,000.
Fiscal year 2011:
(A) New budget authority, $403,000,000,000.
(B) Outlays, $403,600,000,000.
Fiscal year 2012:
(A) New budget authority, $393,500,000,000.
(B) Outlays, $394,000,000,000.
Fiscal year 2013:
(A) New budget authority, $408,100,000,000.
(B) Outlays, $408,500,000,000.
Fiscal year 2014:
(A) New budget authority, $419,100,000,000.
(B) Outlays, $419,800,000,000.
(14) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,400,000,000.
Fiscal year 2005:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $15,100,000,000.
Fiscal year 2006:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $16,600,000,000.
Fiscal year 2007:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $18,000,000,000.
Fiscal year 2008:
(A) New budget authority, $20,000,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2009:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $22,000,000,000.
Fiscal year 2010:
(A) New budget authority, $24,300,000,000.
(B) Outlays, $24,300,000,000.
Fiscal year 2011:
(A) New budget authority, $28,100,000,000.
(B) Outlays, $28,100,000,000.
Fiscal year 2012:
(A) New budget authority, $31,100,000,000.
(B) Outlays, $31,100,000,000.
Fiscal year 2013:
(A) New budget authority, $33,900,000,000.
(B) Outlays, $33,900,000,000.
Fiscal year 2014:
(A) New budget authority, $36,800,000,000.
(B) Outlays, $36,800,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, $61,500,000,000.
(B) Outlays, $60,100,000,000.
Fiscal year 2005:
(A) New budget authority, $72,100,000,000.
(B) Outlays, $70,600,000,000.
Fiscal year 2006:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $69,300,000,000.
Fiscal year 2007:
(A) New budget authority, $68,200,000,000.
(B) Outlays, $67,700,000,000.
Fiscal year 2008:
(A) New budget authority, $71,300,000,000.
(B) Outlays, $71,000,000,000.
Fiscal year 2009:
(A) New budget authority, $72,700,000,000.
(B) Outlays, $72,300,000,000.
Fiscal year 2010:
(A) New budget authority, $74,200,000,000.
(B) Outlays, $73,800,000,000.
Fiscal year 2011:
(A) New budget authority, $78,600,000,000.
(B) Outlays, $78,100,000,000.
Fiscal year 2012:
(A) New budget authority, $75,600,000,000.
(B) Outlays, $75,200,000,000.
Fiscal year 2013:
(A) New budget authority, $80,200,000,000.
(B) Outlays, $79,800,000,000.
Fiscal year 2014:
(A) New budget authority, $82,300,000,000.
(B) Outlays, $81,800,000,000.
(16) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, $41,200,000,000.
(B) Outlays, $39,600,000,000.
Fiscal year 2005:
(A) New budget authority, $42,500,000,000.
(B) Outlays, $41,200,000,000.
Fiscal year 2006:
(A) New budget authority, $40,200,000,000.
(B) Outlays, $40,500,000,000.
Fiscal year 2007:
(A) New budget authority, $41,100,000,000.
(B) Outlays, $41,200,000,000.
Fiscal year 2008:
(A) New budget authority, $42,200,000,000.
(B) Outlays, $41,900,000,000.
Fiscal year 2009:
(A) New budget authority, $43,400,000,000.
(B) Outlays, $43,000,000,000.
Fiscal year 2010:
(A) New budget authority, $44,600,000,000.
(B) Outlays, $44,200,000,000.
Fiscal year 2011:
(A) New budget authority, $45,800,000,000.
(B) Outlays, $45,400,000,000.
Fiscal year 2012:
(A) New budget authority, $47,100,000,000.
(B) Outlays, $46,700,000,000.
Fiscal year 2013:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $48,000,000,000.
Fiscal year 2014:
(A) New budget authority, $49,800,000,000.
(B) Outlays, $49,300,000,000.
(17) General Government (800):
Fiscal year 2004:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $24,700,000,000.
Fiscal year 2005:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $19,200,000,000.
Fiscal year 2006:
(A) New budget authority, $19,900,000,000.
(B) Outlays, $19,600,000,000.
Fiscal year 2007:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $20,200,000,000.
Fiscal year 2008:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2009:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $20,900,000,000.
Fiscal year 2010:
(A) New budget authority, $22,100,000,000.
(B) Outlays, $21,600,000,000.
Fiscal year 2011:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2012:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,300,000,000.
Fiscal year 2013:
(A) New budget authority, $24,400,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2014:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,600,000,000.
(18) Interest (900):
Fiscal year 2004:
(A) New budget authority, $240,500,000,000.
(B) Outlays, $240,500,000,000.
Fiscal year 2005:
(A) New budget authority, $270,800,000,000.
(B) Outlays, $270,800,000,000.
Fiscal year 2006:
(A) New budget authority, $318,900,000,000.
(B) Outlays, $318,900,000,000.
Fiscal year 2007:
(A) New budget authority, $364,000,000,000.
(B) Outlays, $364,000,000,000.
Fiscal year 2008:
(A) New budget authority, $397,600,000,000.
(B) Outlays, $397,600,000,000.
Fiscal year 2009:
(A) New budget authority, $426,000,000,000.
(B) Outlays, $426,000,000,000.
Fiscal year 2010:
(A) New budget authority, $452,200,000,000.
(B) Outlays, $452,200,000,000.
Fiscal year 2011:
(A) New budget authority, $474,700,000,000.
(B) Outlays, $474,700,000,000.
Fiscal year 2012:
(A) New budget authority, $493,400,000,000.
(B) Outlays, $493,400,000,000.
Fiscal year 2013:
(A) New budget authority, $507,400,000,000.
(B) Outlays, $507,400,000,000.
Fiscal year 2014:
(A) New budget authority, $522,400,000,000.
(B) Outlays, $522,400,000,000.
(19) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $300,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2014:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$47,200,000,000.
(B) Outlays, −$47,200,000,000.

Fiscal year 2005:
(A) New budget authority, −$52,500,000,000.
(B) Outlays, −$52,500,000,000.
Fiscal year 2006:
(A) New budget authority, −$59,800,000,000.
(B) Outlays, −$59,800,000,000.
Fiscal year 2007:
(A) New budget authority, −$61,800,000,000.
(B) Outlays, −$61,800,000,000.
Fiscal year 2008:
(A) New budget authority, −$64,500,000,000.
(B) Outlays, −$64,500,000,000.
Fiscal year 2009:
(A) New budget authority, −$61,200,000,000.
(B) Outlays, −$61,200,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,600,000,000.
(B) Outlays, −$63,600,000,000.
Fiscal year 2011:
(A) New budget authority, −$66,100,000,000.
(B) Outlays, −$66,100,000,000.
Fiscal year 2012:
(A) New budget authority, −$68,800,000,000.
(B) Outlays, −$68,800,000,000.
Fiscal year 2013:
(A) New budget authority, −$71,400,000,000.
(B) Outlays, −$71,400,000,000.
Fiscal year 2014:
(A) New budget authority, $−73,800,000,000.
(B) Outlays, $−73,800,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. SUBMISSIONS BY THE HOUSE COMMITTEE ON WAYS AND MEANS FOR RESPONSIBLE TAX RELIEF.

(a) SUBMISSION.—Not later than October 1, 2004, the House Committee on Ways and Means shall report a reconciliation bill to the House adjusting revenues in such amounts necessary to meet the revenue targets contained in section 2 of this resolution.

(b) POLICY ASSUMPTIONS.—It is the policy of this budget resolution to balance deficit reduction with middle-income tax relief. Such tax policies shall include but not be limited to provisions that—

(1) extend the child tax credit;

(2) extend marriage penalty relief;

(C) extend the 10 percent individual tax bracket;

(4) provide relief from the alternative minimum tax for middle-income taxpayers;

(5) eliminate estate taxes on all but the very largest estates by reforming and substantially increasing the unified credit;

(6) extend the Research and Experimentation Tax Credit and other expiring tax provisions;

(7) accelerate refundability of the child tax credit to fifteen percent in 2004 and include combat pay in determining refundability in 2004 and all years thereafter;

(8) preserve American manufacturing jobs consistent with the objectives delineated in H.R. 3827, the Job Protection Act of 2004;

(9) close corporate tax avoidance devices and eliminate expatriation schemes for individuals and corporations such as, but not limited to, those provisions included in the President's budget;

(10) reduce the tax cuts resulting from provisions contained in 2001 and 2003 tax legislation passed by Congress for taxpayers with annual adjusted gross income (AGI) over $500,000; and

(11) make new or extended tax cuts subject to PAYGO offset requirements.

(c) FLEXIBILITY FOR THE COMMITTEE ON WAYS AND MEANS.—If the reconciliation bill reported by the Committee on Ways and Means alters the Internal Revenue Code of 1986 in ways that are scored by the Joint Committee on Taxation as outlay changes, as through legislation affecting refundable tax credits, the bill shall be considered to meet the revenue requirements of the reconciliation directive if the net cost of the revenue and outlay changes does not exceed the revenue amount indicated for that committee in subsection (a). Upon the reporting of such legislation, the chairman of the House Committee on the Budget shall adjust the budget aggregates in this resolution and allocations made under this resolution accordingly.

SEC. 202. SUBMISSION PROVIDING FOR STRENGTHENED MEDICARE PRESCRIPTION DRUG BENEFIT.

(a) IN GENERAL.—Not later than October 1, 2004, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a bill carrying out all such recommendations without any substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in law within its jurisdiction to lower Medicare subsidies to private plans under Medicare Advantage and to use such savings to increase the value of the Medicare prescription drug benefit.

(2) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in law within its jurisdiction to lower Medicare subsidies to private plans under Medicare Advantage and to use such savings to increase the value of the Medicare prescription drug benefit.

(c) SPECIAL RULE.—In the House, notwithstanding subsections (a) and (b), no bill under this section may be considered unless the net effect of the legislation submitted by committees under such subparagraphs does not increase the aggregate deficit. The chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005, for the period of fiscal years 2005 through 2009, and for the period of fiscal years 2005 through 2014.

SEC. 203. ELIMINATING THE SOCIAL SECURITY OFFSET TO THE MILITARY SURVIVOR BENEFIT PLAN, SUBMISSION OF REPORT ON DEFENSE SAVINGS, AND OTHER DEFENSE-RELATED MATTERS.

(a) SUBMISSION.—In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in annual discretionary savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. These should be continuing savings, of a permanent nature, and sufficient to offset the recurring personnel costs in (b).

(b) POLICY ASSUMPTIONS.—Recognizing the importance of the families of uniformed military personnel who have served and are currently serving our Nation, the Committee on the Budget instructs the Armed Services Committee to use the funds provided in the reconciliation directive for the purposes of eliminating the Social Security offset to the Military Survivor Benefits Program and raising the existing cap on the Military Housing Privatization Initiative. The funds identified in the first paragraph are to ensure that these programs will not further increase the deficit and are the basis upon which the Committee on the Budget issues the reconciliation directive to the Armed Services Committee in section 204.

SEC. 204. COMMITTEE ON ARMED SERVICES.

In the House, not later than July 15, 2004, the Armed Services Committee shall report changes in laws within its jurisdiction sufficient to increase budget authority by not more than $2,000,000,000 and outlays by not more than $237,000,000 for fiscal year 2005 and by not more than $10,452,000,000 for budget authority and $7,107,000,000 for outlays for the period of fiscal years 2005 through 2009. The House Armed Services Committee is instructed to use this allocation to eliminate the Social Security offset to the Military Survivor Benefit Program and increase the cap on the Military Housing Privatization Initiative.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides Medicaid coverage for children with special needs (the Family Opportunity Act), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $53,000,000 in new budget authority and $52,000,000 in outlays for fiscal year 2005, and $7,952,000,000 in new budget authority and $7,626,000,000 in outlays for the period of fiscal years 2005 through 2014.

SEC. 302. RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that reallocates and maintains expiring State Children's Health Insurance Program funds within such program rather than allowing such funds to revert to the Treasury, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $1,115,000,000 in new budget authority and $100,000,000 in outlays for fiscal year 2005, and $1,115,000,000 in new budget authority and $1,115,000,000 in outlays for the period of fiscal years 2005 through 2014.

SEC. 303. RESERVE FUND FOR TRANSITIONAL MEDICAID ASSISTANCE.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that extends transitional Medicaid assistance, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $23,000,000 in new budget authority and $23,000,000 in outlays for fiscal year 2004, $427,000,000 in new budget authority and $427,000,000 in outlays for fiscal year 2005, and $3,471,000,000 in new budget authority and $3,471,000,000 in outlays for the period of fiscal years 2005 through 2014.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides affordable, comprehensive health insurance to the uninsured and builds upon and strengthens public and private coverage, and prevents the erosion of existing coverage under Medicaid, which could include temporary extension of state fiscal relief by increasing the Medicaid match rate, the chairman of the Committee on the Budget may

make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral (whether by changes in revenues or direct spending) in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

Subtitle B—Contingency Procedure

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $41,569,000,000,

(2) for fiscal year 2005: $42,657,000,000,

(3) for fiscal year 2006: $43,635,000,000,

(4) for fiscal year 2007: $45,709,000,000,

(5) for fiscal year 2008: $46,945,000,000, or

(6) for fiscal year 2009: $47,732,000,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any direct spending or revenue legislation that would increase the budget deficit or reduce the budget surplus for any of the following periods:

(1) The first year covered by the most recently adopted concurrent resolution on the budget.

(2) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) The period of the first 10 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(b) DIRECT-SPENDING LEGISLATION.—

(1) DEFINITION.—For purposes of this section and except as provided in paragraph (2), the term ″direct-spending legislation″ means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) EXCLUSION.—For purposes of this section, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE REGARDING POLICIES AFFECTING JOBLESS WORKERS AND JOB CREATION.

(a) FINDINGS.—The House finds that—

(1) despite the enactment in 2001 and 2003 of significant tax cuts directed toward the Nation's wealthiest individuals, the economy of the United States has lost nearly three million private-sector jobs since President Bush took office in January 2001;

(2) the 2001 and 2003 tax cuts contributed directly to an increase in current and projected future deficits that has reduced national saving and increased net indebtedness to other countries, and is likely to raise interest rates over time, which will make it more expensive for firms to invest, grow, and create jobs;

(3) during the past six months, after almost three years of consistent job losses, the economy has created only about 61,000 jobs per month on average, which is not half the rate of job creation required to keep pace with average growth in the working-age population;

(4) small businesses are the major source of job creation in the United States, accounting for at least two thirds of net new jobs created over the past decade, and the Small Business Administration 7(a) general business guaranteed loan program accounts for 40 to 50 percent of all long-term loans to United States small businesses, serving small start-ups and other borrowers who are unable to obtain conventional financing on affordable terms;

(5) the President's budget for 2005 cuts funding for Small Business Administration business loans and technical assistance programs, and imposes a sharp increase in 7(a) loan fees that will create cost barriers for borrowers seeking to start or expand small businesses and create jobs; and

(6) the President's budget cuts $151 million from adult training and dislocated worker programs, programs that help laid-off workers adapt to a constantly evolving job market.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution supports funding for an extension through June 2004 of the Temporary Extended Unemployment Compensation program to take account of the continuing minimal rate of job growth in the United States economy; and

(2) this resolution supports continuation of the current discounted fee structure for Small Business Administration 7(a) general business guaranteed loans; provides $100 million in subsidy budget authority for 2005 to support a 7(a) loan volume of at least $10 billion at existing guaranty levels; and provides funding to maintain the Small Business Administration's Microloan 2004 loan volume of $21 million; and

(3) this resolution rejects the President's proposal to cut $151 million in adult training and dislocated worker programs in 2005.

SEC. 502. SENSE OF THE HOUSE REGARDING FUNDING FOR THE MANUFACTURING EXTENSION PARTNERSHIP.

(a) FINDINGS.—The House finds that—

(1) the Manufacturing Extension Partnership, which is jointly funded by Federal and State Governments and private entities, improves small manufacturers' competitiveness, creates jobs, increases economic activity, and generates a $4-to-$1 return on investment to the Treasury by aiding small businesses traditionally underserved by the business consulting market;

(2) in a January 2004 Department of Commerce report titled Manufacturing In America: A Comprehensive Strategy to Address the Challenges to U.S. Manufacturers, the Administration stated that ''...the Manufacturing Extension Partnership (MEP) has provided many small U.S. manufacturers with useful business services to become more competitive and productive,'' a conclusion in which the Congress concurs;

(3) the Congress appropriated $106 million for the Manufacturing Extension Partnership for 2003 but only $39 million for 2004, and the President's 2005 budget maintains this drastically reduced funding level, undermining the ability of the Manufacturing Extension Partnership to fulfill its mission of helping small businesses to adopt advanced manufacturing technologies and practices that will help them compete in a global market; and

(4) Federal funding for the Manufacturing Extension Partnership should be restored to its pre-2004 level, adjusted for inflation.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution provides a total of $110 million for the Manufacturing Extension Partnership for 2005, $71 million more than the President's request, and supports adequate funding throughout the period covered by this resolution; and

(2) this funding restores the viability of the Manufacturing Extension Partnership and provides the necessary resources for the Manufacturing Extension Partnership to continue helping small manufacturers reach their optimal performance and create jobs.

SEC. 503. SENSE OF THE HOUSE ON EXTENSION OF THE PAY-AS-YOU-GO RULE OF 1997.

(a) FINDINGS.—The House finds that—

(1) the ''Pay-As-You-Go'' (''PAYGO'') rule enacted as part of the Budget Enforcement Act of 1990 required that any increase in benefits funded by mandatory spending be fully offset by an equal increase in tax revenues or by a commensurate reduction in existing benefits. The PAYGO rule also required that any tax cut be deficit-neutral, offset by an increase elsewhere in the tax code or by a reduction in benefits funded by mandatory spending;

(2) the PAYGO rule played a critical role in turning chronic deficits into record surpluses during the 1990s;

(3) the surplus of $5.6 trillion projected for 2002 through 2011 is now projected to be a deficit of $2.9 trillion;

(4) the PAYGO rule proved effective in the past and is even more necessary now to rid the budget of colossal deficits;

(5) the Chairman of the Federal Reserve testified before the Budget Committee and supported renewal of the PAYGO in its original form, applicable to both mandatory spending increases and to tax cuts, and to new tax reduction as well as renewal of expiring tax reduction provisions.

(b) SENSE OF THE HOUSE.—It is the sense of the House that in order to reduce the deficit, Congress should extend PAYGO in its original form in the Budget Enforcement Act of 1990, making the rule apply both to tax decreases and to mandatory spending increases.

SEC. 504. SENSE OF THE HOUSE ON DEFENSE PRIORITIES.

It is the sense of the House that—

(1) continuing the TRICARE for Reservists is a high priority which should not have been omitted from the President's budget request;

(2) continuing targeted pay increases for enlisted personnel for three additional years is also a high priority which should not have been omitted from the President's budget request, because it is consistent with the original proposal of the Department of Defense and critical to the retention of experienced military personnel;

(3) eliminating the Social Security offset to the Military Survivor Benefit Program is also a high priority which should not have been omitted from the President's budget request, and accommodating the discretionary accrual payment that is concomitant to eliminating the offset is consistent with governmental accounting practices;

(4) funding cooperative threat reduction and nuclear nonproliferation programs at a level adequate to the task and the risks posed to our Nation is also a high priority, and the President's budget does not request sufficient funding;

(5) providing for homeland security is also a high priority, and the President's request is insufficient, reducing funds for high-risk activities like seaport security and underfunding first responders;

(6) funding the Missile Defense Agency at the level enacted for 2004 will provide robust support for ballistic missile defense;

(7) improving financial management at the Department of Defense should help identify billions of dollars of obligations and disbursements which the General Accounting Office has found that the Department of Defense cannot account for, and should result in substantial annual savings;

(8) improving the award, oversight, and administration of nearly $20 billion in contracts for the reconstruction of Iraq with firms such as Halliburton, and recouping overpayments and penalties, by auditing and investigating such contracts, diligently applying the Truth-in-Negotiations Act, should result in substantial savings; and

(9) all savings that accrue from the actions recommended in paragraphs (6) through (9) should be used to fund higher priorities within the national security function of the budget, function 50, and especially those high priorities identified in paragraphs (1) through (5).

SEC. 505. SENSE OF THE HOUSE ON ELIMINATING THE SHORTFALL IN THE PELL GRANT PROGRAM.

(a) FINDINGS.—The House finds that the Pell Grant program has a shortfall of $3.7 billion that threatens the long-term stability of the program.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) the mandatory levels in this resolution provide the $3.7 billion needed to eliminate the current shortfall in the Pell Grant program;

(2) eliminating the shortfall in the Pell Grant program restores the program to a sound financial basis and allows Congress to consider an increase in the maximum award.

SEC. 506. SENSE OF THE HOUSE ON HOMELAND SECURITY.

(a) FINDINGS.—The House finds that additional resources beyond those requested in the President's Fiscal Year 2005 Budget are needed to further strengthen our homeland security.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution provides $1 billion in additional homeland security funding above the President's requested level for 2005, and $1 billion above the President's requested level in each subsequent fiscal year; and

(2) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system and other critical infrastructure, including our seaports, secure our borders, increase the preparedness of our public health system, train and equip our first responders, and otherwise strengthen the Nation's homeland security.

SEC. 507. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for the military in the President's fiscal year 2005 budget.

SEC. 508. SENSE OF THE HOUSE REGARDING THE CONSERVATION SPENDING CATEGORY.

(a) FINDINGS.—The House finds that—

(1) the 2001 Interior Appropriations Act (Public Law 106–291), which established a separate discretionary spending category for land conservation and natural resource protection programs for the fiscal years 2001 through 2006, passed by large margins in both the House and the Senate; and

(2) in establishing a separate conservation spending category, Congress recognized the chronic underfunding of programs that protect and enhance public lands, wildlife habitats, urban parks, historic and cultural landmarks, and coastal ecosystems.

(b) SENSE OF THE HOUSE.—It is the sense of the House that any law establishing new caps on discretionary spending should include a separate conservation spending category and that any caps on conservation spending for fiscal years 2005 or 2006 should be set at the levels established in Public Law 106–291.

SEC. 509. SENSE OF THE HOUSE REGARDING THE ARCTIC NATIONAL WILDLIFE REFUGE.

(a) FINDINGS.—The House finds that—

(1) President Eisenhower first set aside the original Arctic National Wildlife Refuge in 1960 for the purpose of protecting its wilderness, wildlife, and recreational values; and

(2) while many refuges in America have been set aside to protect wildlife populations and habitats, the Arctic Refuge is the only refuge in which wilderness was recognized as a purpose for establishment; and

(3) in order to protect these unrivaled arctic landscapes and wildlife values, Congress significantly expanded the Arctic National Wildlife Refuge in 1980 with the passage of the Alaska National Interest Lands Conservation Act (Public Law 96–487), and protected the area against additional oil and gas exploration or development; and

(4) the biological, cultural, historic, and scientific attributes of the area are so rich and uniquely entwined, and the ecological integrity of the area is so vulnerable to irreparable damage if oil development is initiated, that the wilderness designation is fully warranted.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Arctic National Wildlife Refuge should continue to be protected from oil and gas leasing, exploration, and related activities.

SEC. 510. SENSE OF THE HOUSE REGARDING THE HETCH HETCHY RESERVOIR IN YOSEMITE NATIONAL PARK.

(a) FINDINGS.—The House finds that—

(1) the City of San Francisco was authorized by the United States Congress, in the Raker Act of 1913, to construct a dam and reservoir on the Tuolumne River in Hetch Hetchy Valley in Yosemite National Park; and

(2) since its completion in 1923, the City of San Francisco has used water from the Hetch Hetchy Reservoir for its water supply and electrical power generation; and

(3) the City of San Francisco currently provides between $2 million and $3 million annually to Yosemite National Park for use of the Hetch Hetchy Reservoir; and

(4) any additional rental payments for the use of the Hetch Hetchy Reservoir would in all likelihood burden 2.4 million customers in the City and County of San Francisco and the Counties of Santa Clara, San Mateo, and Alameda who rely on its use by raising the cost of drinking water.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Federal Government has long followed a policy of exempting municipalities from annual licensing fees for power used for municipal purposes or sold without profit and that this long-standing policy should apply to the Hetch Hetchy Reservoir.

SEC. 511. SENSE OF THE HOUSE REGARDING THE OUACHITA-BLACK NAVIGATION PROJECT.

(a) FINDINGS.—The House finds that—

(1) the Ouachita-Black Navigation Project was authorized by the River and Harbor Act of 1950 and modified by the River and Harbor Act of 1960; and

(2) a 382-mile navigation channel on the Red, Black and Ouachita Rivers was created requiring annual dredging to ensure the rivers' channel depth is maintained at the nine feet needed for commercial use; and

(3) if adequate annual funding is not provided to the Corps of Engineers and others, the project will not be able to function, undercutting commerce and revitalization in the area served by the project, and resulting in the loss of hundreds of jobs that are dependent on barge traffic.

(b) SENSE OF THE HOUSE.—It is the sense of the House that full funding should be provided for the Ouachita-Black Navigation Project in 2005 and beyond, notwithstanding the ton-mileage of barge traffic using the project.

SEC. 512. SENSE OF THE HOUSE REGARDING THE NATIONAL RAILROAD PASSENGER CORPORATION.

(a) FINDINGS.—The House finds that—

(1) Amtrak, the National Railroad Passenger Corporation, operates over 22,000 miles, serves over 500 communities, and is responsible for transporting more than 1.4 million commuter passengers daily; and

(2) Amtrak ridership reached a record high in 2003, surpassing the 24 million mark for the first time; and

(3) Amtrak continues to implement business reforms that have improved fiscal controls, more efficiently used resources, and stabilized operations; and

(4) Amtrak has also embarked on a major capital improvement program, outlined in a Five-Year Strategic Plan, that is designed to return the system to a state of good repair so that passengers may continue to depend on safe and reliable service; and

(5) in fiscal year 2005, Amtrak must begin to address its current backlog of necessary capital improvements to avoid significant impairment in operations and reliability.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Federal Government should provide additional resources sufficient to allow Amtrak to implement the improvements outlined in its Five-Year Strategic Plan and proceed with internal reforms.

SEC. 513. SENSE OF THE HOUSE ON TAX SIMPLIFICATION AND TAX FAIRNESS.

It is the sense of the House that—

(1) the current tax system has been made increasingly complex and unfair to the detriment of the vast majority of working Americans;

(2) constant change and manipulation of the tax code have adverse effects on taxpayers' understanding and trust in the Nation's tax laws;

(3) these increases in complexity and clarity have made compliance more challenging for the average taxpayer and small business owner, especially the self-employed; and

(4) this budget resolution contemplates a comprehensive review of recent changes in the tax code, leading to future action to reduce the tax burden and compliance burden for middle-income workers and their families in the context of tax reform that makes the Federal tax code simpler and fairer to all taxpayers.

SEC. 514. SENSE OF THE HOUSE ON ACCELERATING INCREASED REFUNDABILITY OF THE CHILD TAX CREDIT FOR LOW-INCOME FAMILIES.

(a) FINDINGS.—The House finds that—

(1) work is essential to promoting self-sufficient families which help children set goals in life and achieve them;

(2) workers of low and modest incomes have seen their ability to provide for their children eroded since 2001;

(3) members of the armed services serving in combat should have all the means necessary for providing for their children; and

(4) 12 million children of American workers (at least 200,000 in military families) will not benefit from the expanded child tax credit in 2004.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the increase in the refundability of the child tax credit from ten to fifteen percent of income between $10,500 and $26,625 should be accelerated by one year and should take effect in 2004; furthermore, other provisions in the tax code notwithstanding, combat pay for members of the Armed Services should be counted as earned income for the purposes of calculating refundability of the child tax credit.

SEC. 515. SENSE OF THE HOUSE REGARDING A TRIGGER MECHANISM FOR PRESCRIPTION DRUG PRICE NEGOTIATION.

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

(1) The cost of the new Medicare law, estimated by the Congressional Budget Office before its passage to be $395,000,000,000 over ten years, has now been estimated by the Department of Health and Human Services to be $534,000,000,000 over ten years. Rising drug prices can increase the cost of the drug benefit and could end up shifting additional cost burdens to Medicare beneficiaries.

(2) Prescription drug spending increased 15.6 percent in 2002. These rising costs are one of the primary drivers of increasing health care spending, which grew 9.3 percent in 2002.

(3) The Veterans' Administration as well as every private insurer depends on bulk negotiation to keep drug prices down.

(4) According to a study by the Inspector General of the Department of Health and Human Services, Medicare payments for 24 leading drugs in 2000 were $887,000,000 higher than actual wholesale prices available to physicians and suppliers and $1,900,000,000 higher than prices available through the Federal supply schedule used by the Department of Veterans Affairs and other Federal purchasers.

(5) The private prescription drug plans provided for in the Medicare law do not exist in the marketplace. Therefore, it is impossible to predict whether these private plans will in fact be able to acquire substantial discounts through negotiation. In addition, private plans cannot take advantage of the full purchasing power of 40,000,000 beneficiaries.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) legislation should be adopted which would establish a trigger mechanism for negotiation of prescription drug prices by the Secretary of Health and Human Services; and

(2) this legislation would mandate that at any point when the expected ten-year expenditures for fiscal years 2004 through 2013 for Public Law 108–173 exceed the Congressional Budget Office estimate for this legislation, the Secretary of Health and Human Services would be required to immediately enter into direct negotiations with pharmaceutical manufacturers for competitive drug prices.

The CHAIRMAN. Pursuant to House Resolution 574, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, only 3 years ago, our country had created 22 million new jobs and had a projected surplus of $5.6 trillion. But since that time, 3 million private sector jobs have vanished, and we have seen a $9.3 trillion fiscal reversal.

Manufacturing employment, once the foundation of our economy, is now at a 53-year low, with many of those jobs having been sent overseas. Last month, nearly 400,000 Americans simply gave up hope looking for work altogether.

The Republicans tout their tax cuts as a job-creation plan. If ever there was a wake-up call that it is time to change course, this is it. In my State of Connecticut, more than 83,000 citizens are currently out of work because they were laid off by their employer, because their jobs have been outsourced, because their company has gone out of business, or because they were forced into early retirement. And thanks to the Republicans' refusal to extend unemployment benefits, nearly 1,000 Connecticut workers continue to lose their benefits every week. Despite predictions that 125,000 jobs would be created, last month only 21,000 jobs were actually added to the national economy, none in the private sector.

So we ask for our constituents and for the country, What course will the administration and the Republican majority take now? Have they learned from three rounds of unbalanced and unproductive tax cuts for the very wealthiest? Will they continue with policies that shift the tax burden from corporations to their employees? Will they continue with the economic policies and defending the corporate loopholes that encourage jobs to be outsourced and companies to be moved overseas? And will they continue with policies that explode the deficit?

From what I see in the underlying Republican bill, the basic answer is no change in direction.

The Spratt substitute not only extends unemployment insurance for millions of long-term unemployed, it calls for a manufacturing tax credit to create good jobs here at home. It invests in small business loans, job training, and the Manufacturing Extension Partnership program.

By turning aside the Republican budgets and supporting the Spratt substitute, Congress can embrace an idea that our society can act with a shared sense of purpose and responsibility to address the tasks before our country. That is what this budget process should be about, and that is what we should do.

The CHAIRMAN. Who seeks to control the time in opposition?

Mr. NUSSLE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Iowa (Mr. NUSSLE) is recognized for 30 minutes.

Mr. NUSSLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentlewoman from Connecticut says there is no change in direction. Let me beg to differ. There is a lot of change in direction, a lot of change in direction in our economy.

Our economy has, as many of us know and many people listening know who are out of work, who have had a difficult time with their jobs, small businesses that have not been able to make ends meet, they know that there has been a change in direction.

We were heading in a downward path with our economy, but the last 6 months have been the strongest 6 months of growth within our economy in over 20 years. And why? Because we adopted the best fiscal policy we could at the time, and that was to say let us give the ability to create jobs to small business.

What the Spratt substitute does, what the Democrats are rushing to the floor to claim today, is that right at the moment when we finally have seen a positive change in direction for our economy, let us give it a gut-punch. Let us kill the jobs. Let us kill small business with a tax increase, exactly at the wrong time.

When you propose the tax increases of this budget, what you do is you kill the jobs, because 90 percent of small businesses pay at that rate that they want to increase. They want this automatic tax increase to occur. More than 80 percent of the increase in taxes on this top rate will be borne by small businesses; and in Manchester, Iowa, in South Carolina, in California and across the country, those are the businesses that are creating jobs. We do not want, we do not need, and we will not support a tax increase right at the moment when the country is getting back on its feet.

Why do they propose a tax increase? Because they want more spending. So many of the Members over the last 2 days have come to the floor wringing their hands about the deficit. Oh, the deficit is so terrible; let's increase spending. Oh, the deficit is going to be passed on to our kids; but let us have more wasteful Washington spending.

Oh, the deficit is terrible because it is going to promote all sorts of terrible things happening within our economy, but let us continue the spending.

Spending and tax increases, spending and tax increases, on and on it goes. You would think over time they would come to the floor with a much more original budget than continuing tax increases and continuing big spending.

It is about time that we finally realize in this country that when you are in a hole, you not only stop digging by controlling spending, but you stop digging in the pockets of the American family, the American farmer, the American small businessperson, who does the spending, who does the working, who does the toiling, that needs to be occurring in order to make this country great and continue the freedom and opportunity for our kids into the future.

We have got to control spending. We do not want an automatic tax increase. Let us not support this substitute.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Chairman, perhaps the chairman believes what he says. If so, he is extraordinarily wrong. But those of us who have been here for some period of time have heard this rhetoric before, over and over again.

In 1993, when we offered an economic program, every leader, the chairman of the Committee on the Budget, the ranking member of the Committee on the Budget, Speaker Gingrich, Leader Armey, an economist, came to this floor and said if you adopt the Democratic alternative, the economy is going to go to hell in a handbasket.

They were 180 percent absolutely wrong. In point of fact, we had the best economy, the best economic performance in the next 8 years that we have had in the history of America. They do not know what they are talking about. Maybe they believe it, but they are wrong.

Let us compare the 8 years under George Bush, George Bush the senior, and George Bush ''W.'' They ran deficits of $2.5 trillion. There is one person in America that can stop spending in its tracks, just one, the President of the United States.

Neither George Bush nor his son have ever had a veto overridden stopping spending. Not once.

Let us get real. Under the 8 years of the Clinton budget, which the Republicans said would take us down the road of deficits and unemployment, we had a $61 billion surplus and ran the last 4 years in surplus, the first time that had happened in the lifetime of anybody in this room.

Get real. Stop giving us this stuff. And the reason to stop giving the stuff is what you are doing is back to the same old $2.5 trillion in debt, except this time you take it from a $5.6 trillion surplus. Who said we had that surplus? George W. Bush said we had that surplus. What is it now? A $4 trillion deficit, an almost $10 trillion turnaround.

I say to the gentleman from Iowa (Mr. NUSSLE), that is your performance. That is the result of your budgets. That is the result of your economic program, a $10 trillion turnaround to the worst. And who pays the bill? That is the sad part. The children and grandchildren of America, that is who will pay the bill.

What this budget that the gentleman from South Carolina (Mr. SPRATT) is offering does, unlike that of the gentleman from Iowa (Mr. NUSSLE), it brings the budget to balance within 8 years.

Does it ask some people to pay the bill that those young men and women in Iraq are paying? It does. Is that right to do? It is.

It is exactly what you said in 1993, and you were dead, flat wrong. Vote for the Spratt alternative. Put America on a safe track so that our children will not be put deeply, deeply, deeply in debt. Vote for Spratt. It is right for America.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCHROCK), a member of the committee.

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

Mr. Chairman, today I rise in open opposition to this Democratic substitute, and I promise you I will not scream as I get my message across.

Not only does this budget raise taxes for small businesses and working families, but it also increases overall spending and cuts important funding for homeland security. Raising taxes and increasing the deficit is no way to ensure economic recovery. This substitute budget will raise taxes on small businesses and kill job growth.

This substitute increases taxes overall, and does away with tax relief for middle-income working families. As a result, this substitute can lead to tax increases on families claiming the child tax credit, increases in the marriage tax penalty and also increased taxes for those in the 10 percent, I repeat, 10 percent tax bracket.

I oppose any budget today that will raise the taxes on our working families and small businesses, period. In Hampton Roads, where I live, we are leading Virginia in job growth because of tax relief and because of other policies that help our working families and small businesses. These tax increases are job killers, and that is all it is.

As if increasing taxes is not bad enough, this Democratic budget also raises spending. We heard the gentleman from Iowa (Chairman NUSSLE) say it best: How can you speak out against the Federal deficit one minute, and then vote for irresponsible spending increases the next? This is just plain wrong.

□ 1545

This substitute increases spending by $21.6 billion next year in 2005 and by $135 billion over the next 5 years. In this time of fighting a war on terrorism and stimulating economic recovery, the Democrats not only want to raise taxes on all Americans and increase wasteful spending, but they also want to cut money for national security. This hurts homeland security by cutting money to law enforcement by $2.9 billion over the next 5 years.

Mr. Chairman, we cannot afford this budget. America cannot afford to return to the days of high taxes, irresponsible government spending, and poor funding of national security. We are finally recovering from the consequences of their economic plan, and I strongly urge my colleagues to vote against this irresponsible, politically motivated substitute.

Mr. SPRATT. Mr. Chairman, I yield myself 1½ minutes to respond to the gentleman.

The gentleman may not be aware of it, but this budget resolution which I am now offering as an alternative provides $6 billion more for homeland security than the Republican resolution, the committee resolution; it provides $5 billion more for law enforcement programs under the Justice Department; it provides the very same amount for national defense. So his criticisms are highly off the mark.

Let me also take a minute to respond to my good friend, the gentleman from Iowa (Chairman NUSSLE) with respect to tax cuts.

This resolution in section 201 says very clearly, it is the policy of this budget resolution to balance deficit reduction to middle-income tax relief. In that respect, we call for the Committee on Ways and Means to reconcile and extend the child tax credit, which will expire otherwise; the marriage penalty relief; the 10 percent bracket; to provide relief from the alternative minimum tax; to eliminate estate taxes on all but the very largest estates; to extend the research and experimentation tax credit; to accelerate the refundability of the child tax credit from 15 percent; and to include combat pay in determining refundability; and on down the list with five more illustrations of where we are calling for middle-income tax relief.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the House Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I support strongly the Spratt resolution. Quite honestly, it is better on national defense than the resolution offered by the majority. Here are five reasons why.

First, the Spratt alternative matches the President's overall request for defense, dollar for dollar. As a matter of fact, the majority resolution falls $189 million short. When our troops are on the front lines in Iraq and Afghanistan, Haiti and everywhere else in the world, I do not think we should cut a dime.

Second, the Spratt alternative saves the privatized housing initiative by

raising the cap on the program by $1.1 billion over 5 years. This is very important for our families. The majority resolution, as written, assumes no raise in the cap, so almost 50,000 military families that are supposed to get new privatized housing in the year 2005 and in the year 2006 will have to wait for adequate housing.

Although there was a discussion on the House Floor in which the gentleman from Iowa (Mr. NUSSLE) promised to work with us to try to resolve the scoring issue, it is not there, and it does not count unless it is in the resolution. It is in the Spratt alternative.

Third, the Spratt alternative continues TRICARE for reservists, helping to ensure that all reservists have health care insurance. At a time when we are leaning more and more on our National Guard and Reserves, we must fund this program. The majority resolution lets the program lapse, leaving the families of our National Guardsmen and reservists without health care insurance.

Fourth, the Spratt resolution continues targeted pay raises for 3 more years. The majority resolution, like the President's budget, has zeroed out the initiative in the 2005 budget. These targeted pay raises for intelligence, for special operations, for computer experts, for those who have those specialized and critical skills that are needed to stay in, those targeted pay raises are out. They are in the Spratt alternative.

Finally, the Spratt alternative also keeps faith with those who have served our Nation in the past. It eliminates the Social Security offset to the Survivors Benefit program consistent with the bill H.R. 3763, a bill that enjoys broad bipartisan support. This offset hurts the widows of those who have served our Nation, and we owe it to those who served us to correct this inequity.

I support strongly the Spratt alternative as a better resolution.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the very distinguished chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman, and I appreciate the statement that was just made by my good colleague, the distinguished gentleman from Missouri (Mr. SKELTON). Let me explain why I do not agree that the Spratt budget is the best budget.

It is true that we can take more money out of what I would call the operational military, and that is the side of the military from which ammunition, readiness, present operations in Iraq and Afghanistan are funded; and we can move it over to the nonoperational military and give more benefits on that side. The problem with that is that that amounts to a reduction in the operational military.

We have a top line, and that top line is not expanded by the Spratt budget, and that means that the people who are retired, who have great affection for this country and have every right to be treated well by this Nation, also have another interest, and that interest is to see that the people who are in the arena today, in the battlefield today, get every single thing that they can possibly have focused on that battlefield and have those resources focused on that battlefield.

If we take dollars from the operational military from which the theaters are being fought today and move it over to programs that are well-meaning, good programs, but nonetheless programs that are not in the operational military, that means that we have less money to work with while we are in a shooting war.

Mr. Chairman, I wanted to make one second point, though, and that is that we had a good colloquy yesterday, and I thank the gentleman for his concern about housing and about the privatization measures that have been fathered by the gentleman from Colorado (Mr. HEFLEY) and the fact that this cap and the present treatment of those dollars could possibly hinder that construction, continued construction of privatized housing.

I would just say we had a good colloquy with the chairman of the Committee on the Budget and we are taking care of that one. So I want to thank the gentleman for his interest and for his work on this. We are going to take care of that problem.

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

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, my understanding is, and I am sure I am correct, that there will be forthcoming a supplemental request. I am told it will be in the neighborhood of some $50 billion for the ongoing operations. So it would seem to me that we would be able, and much better under the Spratt proposal, to take this money and to make those corrections that we have in his resolution; and the operating will continue because of the upcoming supplemental which we will be voting on sometime this year.

Mr. HUNTER. Mr. Chairman, reclaiming the time to respond to my friend, I would hope also that we would have a good, robust supplemental later in the year, but I would just say to my friend that the moneys that are going to be available at the start of the next fiscal year in the early fall are going to be there. We might not have this supplemental back until February or January or March, and I think a dollar in the hand is more important than a dollar at a later time.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute to respond to my good friend, the chairman of the committee on which I also serve with the gentleman from California (Mr. HUNTER).

I think he would readily agree, having served in the Army, that morale is an important operational necessity. What we are trying to provide for in our resolution is, we have $422.7 billion next year for national defense, plus a huge supplemental. We are simply saying, can we not give some primacy to personnel benefits and move around just a bit of that money to address a long-standing bone of contention, namely, the fact that widows of deceased service members have drastic reductions in their pensions when they reach the age of 62.

The gentleman knows that amongst reservists there is a big issue about TRICARE. We should be doing something to extend TRICARE to reservists in certain situations. Certainly, I think the gentleman supports the selected pay increases for the senior NCOs and junior officers, critical to keeping that core component of the services intact.

That is what we are trying to provide for, Mr. Chairman. That is all. We are trying to say, out of $422 billion, that kind of money, surely we can give some primacy to these priorities.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER) so that he may respond.

Mr. HUNTER. Mr. Chairman, I thank the gentleman and I appreciate the gentleman's point.

Toward that point, we have over the last several years, as the gentleman knows, extended on a bipartisan basis TRICARE for Life, the concurrent receipt program that was put into effect the year before last and then expanded last year.

I would simply say this to my friend: We are, according to CBO, this year, in terms of new equipment for our soldiers, $30 billion underfunded. That means helicopters that are 18.6 years old, that means airplanes that are two-thirds of the Navy's airplanes being over 15 years old. That means that, in my estimation, one of the best ways to build morale for troops in the field is to give them good equipment, so if we have money to spare, I would say—and we are also low on ammunition, as the gentleman knows. We have not met all of our ammunition totals that the Nation is directed to meet by the levels that we have set, with all of our smartest people working on this issue.

So if we are $30 billion behind in terms of giving our young people new equipment, about $10 billion behind on ammunition, that is where we should put the money first, and I think our retired people would agree with that.

Mr. SPRATT. Mr. Chairman, I yield myself 30 seconds just to say to the gentleman, the House Republican resolution calls upon the House Committee on Armed Services, by May 15, to come up with $2 billion a year in permanent savings out of operations that are now deemed to be wasteful or inefficient, and then to allocate those savings to some additional priorities.

We are saying the same thing. We simply picked up on that idea and said, fine, here are three good personnel priorities to which this $2 billion in savings could be committed every year.

Mr. NUSSLE. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank my chairman and I thank my good friend, the gentleman from South Carolina (Mr. SPRATT) for this conversation.

The gentleman is exactly right. We said, let us take money from lesser priorities because we are in a shooting war. And the Republican majority said this: We must redirect that money into the battlefield for force protection for our troops, for ammunition for our troops, and for surveillance capabilities so that we can see these IEDs and we can see the bad guys when they get close to our troops.

So, no, we did not say, let us take that and put that off the operational military and put that into a retirement plan, as good as that might be; we said, we know our retired folks are worried about the troops. We focus that money on theater.

I would just say to my friend, that is where we have to focus the extra dollars, on the theater in the shooting war, and let us win it.

Mr. SPRATT. Mr. Chairman, I yield myself 15 seconds. Selected pay increases and TRICARE for reservists are for fighters, warfighters, not for nonoperational purposes or retirement purposes.

Mr. Chairman, I yield 2 minutes to the gentleman from Chicago, Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, in the 2000 election, President Bush declared that he was against nation-building. When we look at the Republican budget, who knew it was America he was talking about. They have three wars financed with three tax cuts, resulting in a $550 billion deficit.

This budget by the Republicans continues the same policies that have led to 2.5 million Americans losing their jobs, 43 Americans who work without health insurance, 2 million Americans who used to be in the middle class who now are in poverty, and only a 1.6 percent growth in wages, leading to wage recession in this country.

Now, what we need, and what we have seen today with this budget and the budget in Iraq is the ''tale of two budgets.'' In their budget, Pell grants are frozen for college education. There is a cut, and we do not fully fund the Leave No Child Behind; yet, in Iraq, 2,300 new schools have been opened. In health care, $90 million has been cut for the underinsured, yet we have opened up 150 hospitals in Iraq, spending $800 million in Iraq.

□ 1600

In the United States, $659 million cut from the police. Yet we are rebuilding the police in Iraq to the tune of $500 million. Veterans, we just heard a debate about the priorities in veterans, yet did you know in Iraq we are spending $150 million to help train the Iraqi veterans from their past wars?

That is the tale of two budgets. One priority for Iraq, another priority for the United States.

The Spratt budget lays the right priorities for the United States to begin the job growth, to begin the burden-sharing by all Americans so the future for America's children are as bright and as strong as the one their budget envisions for Iraq.

It is time to not continue the policies as a result of the economic failures here at home that have resulted in a $550 billion deficit, $3 trillion dollars of national debt, 2.5 million Americans unemployed, 43 million Americans without health insurance, 2 million more Americans in poverty, and a wage recession that has led to the lowest economic growth in wages in a period of economic growth.

It is high time we turn around and put this country in the future by dedicating resources to college education, to health care and the environment and reducing the deficit and cutting taxes for the middle class.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to myself.

Mr. Chairman, the interesting thing about my friends on the other side is that they know the words of deficit reduction and they know the words of fiscal responsibility, but they have not yet learned the music.

They know the words to the song, but they do not know the music because on the one hand they say that we are gouging, we are cutting, we are eliminating, we are making it more difficult on the spending side of the ledger. On the other hand, they say how our economy needs a shot in the arm; how it needs to be growing again; how we need to be creating jobs. And yet in their budget, they do nothing on the spending side because they increase spending or on the growth side because they kill job creation by raising taxes on small business.

So, yes, they know the words to the song. The words to the song are almost always easy to learn, but the music is a little more difficult to learn. So we would invite you to go back and learn the notes to the song before you come back next time. You have got to control spending in Washington. You have got to get the economy growing. That was the recipe of 1997.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, having worked on the 1993 budget that cut taxes for working families and reduced the deficit by $500 billion and having worked on the 1997 budget that balanced the budget and cut taxes for middle-class families so you could both reduce the deficit and cut taxes, I not only know the music, I know how to dance to that music.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to myself.

What an interesting concept. Let me review the concept the gentleman promoted from 1997.

Mr. EMANUEL. 1993 and 1997.

The CHAIRMAN. The gentleman from Iowa (Mr. NUSSLE) controls the time.

Mr. NUSSLE. You mean to tell me that the words to this song are cut taxes and control spending and the deficit goes down. My goodness, what a novel concept. We should write a budget that says that.

In fact, we have. We have written a budget which is the base bill today that reduces taxes, keeps them level; reduces spending, keeps it level; funds the priorities of national security; grows our economy; controls spending; and gives us deficit reduction. Exactly the words to the song, exactly the right music and the reason why you should support the Republican budget.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I would like to thank my colleague from South Carolina (Mr. SPRATT).

Both the 1993 and the 1997 budget, of all people, I do not think we need to go through this; but if we have to, we will. The 1993 budget reduced the deficit and cut taxes. And it cut taxes on working families who needed it most and put our priorities and our fiscal house in order.

The 1997 balanced budget built on the shoulders of the 1993 budget, balanced the budget and cut taxes. It was the first time the $500 per-child tax cut was introduced. It was targeted tax cuts to working families.

This budget that you have guarantees and locks in deficits as far as the eye can see, and every budget that has been introduced by the Republicans and President Bush has guaranteed us the largest deficit and national debt ever in the history of this country. And that is the difference. Not every tax cut is good and not every tax cut is bad, but the tax cuts you have chosen have laden the economy with the largest debt and the largest deficit in the history of the economy. That is what Ronald Reagan used to say, ''Facts are stubborn things.''

Mr. NUSSLE. Mr. Chairman, I yield 30 seconds to myself.

If facts are stubborn things, then why is it that you would increase taxes on those families you have just lamented $1.2 trillion over the course of the Democratic substitute, $1.2 trillion of tax increases. Why would we go through there? I thought, wait a minute, I thought the gentleman knew the song. He was talking the right words. He was saying the right words, but I thought he learned the music too. The music to this is reduce taxes, keep them low, keep spending under control, look for waste. That is what the budget that we have presented does, not increase taxes as the Democrat substitute does.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, not only did we cut the taxes in 1993 and 1997 in our budget this time, it resulted

in 22 million jobs, a reduction in poverty, a reduction in those who were without health insurance. And today under your economic stewardship, 2.5 million Americans have lost their jobs, 43 million Americans are without health care, 2 more million Americans are in fact in poverty that used to be in the middle class, and a trillion dollars worth of corporate assets have been foreclosed on.

These are the economic results of your economic plan. It does not set priorities. It assumes all tax cuts are equal. And if you think a tax cut allowing a corporate jet to fly around when children of working families do not get a tax cut, those are the wrong priorities that resulted in the economic losses that you have on your record. The 90s were the best economic period of time; $550 billion of deficit cannot be erased in a 1-minute speech.

Mr. NUSSLE. Mr. Chairman, I yield 15 seconds to myself.

Mr. Chairman, there is not an economist in the country, not one economist who does not say that the economic recession that we had to face began under President Clinton. President George Bush inherited the recession from President Clinton. We worked to reduce it and get it back on a growth path, which we have done.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to myself.

Mr. Chairman, I think the gentleman was off the floor when I read page 87, title II, section 201, outlining the tax cuts that we are calling for and stating the purpose of the resolution, which is to preserve and serve middle-income tax relief.

I would defy the gentleman to take this and in the four corners of this report show me where the $1.2 trillion additional tax increases are coming from. How is that number derived?

Mr. NUSSLE. Mr. Chairman, I yield 1¾ minutes to myself.

The way that is computed, I would say to my friend, the way of course that is computes is we believe that by allowing a tax increase to occur automatically, that that is a tax increase. So we start with that and then above that is over the CBO baseline. So that is where we come up with $1.2 trillion over the 10 years of your budget.

Mr. Chairman, I would say to my friend, the gentleman from South Carolina (Mr. SPRATT), look, part of the reason why we are having this discussion is that there are so many people coming to the floor complaining about tax cuts for the rich. We know what you are up to.

I understand that rhetorically, not the gentleman necessarily, but we believe within the party what you are up to, that is, you want to, what you say, is reduce this tax for the highest income tax bracket. I understand that is not what your budget says, but I am saying that is what the votes say on the floor time and time again as they come to the well, and that is, that when that is targeted at that bracket, what you are targeting, we believe, are small businesses which are creating those jobs.

I understand that nobody wants to kill those jobs, but when people in small business are paying at that tax bracket, we believe that kills jobs. And that is why we do not allow those tax increases to expire. We believe that would be a tax increase.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to myself.

The only bracket we refer to is the bracket that would include those making over, earning, having incomes over $500,000 a year, which is our definition of a wealthy person. So we are saying do not take all the benefits away from those taxpayers that have been provided by the 2001 and 2003 tax cuts, but consider cutting them in half, for example, in order to raise the revenues, to offset the costs of extending middle-income tax provisions like the 10 percent bracket, the child tax credit and the marital penalty provisions.

Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, what a difference a week makes. A week ago and one day from today this House passed unanimously a resolution saying that we should express our gratitude for the ''valiant service of our troops in Iraq.'' And yet today the House Republican leadership in order to continue its failed status quo policies that led to the highest deficit in American history, the worst job growth since the Hoover administration, has once again gone so far as to honor our troops, our future veterans with their words but cut the budget for veterans health care with their deeds.

That is not the viewpoint of a Democrat or a Republican. That is the view point of the American Legion. Steve Robertson, director of the American Legion, said in a letter, in the last 2 days, the American Legion has activated its grassroots lobbying efforts to defeat H. Con. Res. 393, the budget resolution for FY 05 through fiscal year 09.

Well, let us look at what the Disabled American Veterans said. Their national commander, Alan Bowers, said, ''To the veterans of this Nation, it is incomprehensible that our government cannot afford to fund their medical care and benefit programs at a time it can afford generous tax cuts costing hundreds of billions more.''

AMVETS, Paralyzed Veterans of America, all of them are saying what the American people believe. It is wrong and it is unfair to cut veterans health care services by $1.3 billion, as this budget does, to pay for a failed economic policy.

We must support our troops in Iraq today who are tomorrow's veterans with our deeds, not just our words.

Once again, as we saw last March, the Republicans have come to the floor of the House and during the same month they vote to salute our troops with resolutions, they vote to cut our troops' future health care benefits with their budget votes.

The reality is while they may argue they are increasing veterans health care, the Republican chairman of the Committee on Veterans' Affairs says this budget resolution will cut veterans health care by $1.3 billion this year.

Whether one is a Republican or a Democrat, liberal, moderate or conservative, north, south, east or west, it does not reflect the values of the American people to be asking for more sacrifice from those troops in Iraq today who are already risking their limbs and lives.

And I know about that because I was in Baghdad. I was in Iraq. I have saw American soldiers who had been wounded in Iraq. I saw them in German hospitals. They have given enough for our country. Republicans in this House have no right to ask them to give more by having their veterans health care services cut by over a billion dollars and by $21 billion over 5 years. That is wrong.

The CHAIRMAN. The Chair would advise the managers the gentleman from South Carolina (Mr. SPRATT) has 11½ minutes remaining. The gentleman from Iowa (Mr. NUSSLE) has 16 minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to myself.

Mr. Chairman, let me start by letting the committee know and the House know that we have a letter from Secretary Principi on the subject that the gentleman from Texas (Mr. EDWARDS) just spoke about.

Let me just read from the letter and I will be glad to make this available as it was just made available to me:

''I write to strongly endorse the House passage of H. Con. Res. 393,'' this budget. ''The President's budgets have provided historic funding levels for America's veterans today. The Veterans Administration provides nearly a million more veterans with better, faster health care than when the President took office.''

□ 1615

So just in the last 3 years, 1 million more veterans have been invited into the VA than under former President Clinton.

''The President pledged to reduce the average processing time to 100 days and reduce the inventory of pending claims to 250,000. The Department is on track to meet those goals.

''When the President entered office, VA was providing care to slightly under 4 million veterans. Now, at a time when the overall population of veterans is declining,'' and that is unfortunate, ''nearly 5 million patients are being treated. The President's budget reflects his strong commitment on preserving the core mission of the Department of Veterans Affairs.''

He salutes the Congress, he says, and he strongly urges Members to vote for this budget resolution.

A couple of other things I just wanted to mention with regard to veterans spending. The House level for veterans spending is the highest amount between the two bodies that we will have an opportunity to support. The House version is higher than the Senate version because the Senate, when it passed an amendment on the floor, included unspecified receipts, which is an interesting budget code word for copayments, fee increases, means testing. Those are ways that we get those unspecified receipts to be specified.

The result is that, together with Secretary Principi, the House budget we present today is $1.2 billion above the President's request to meet the request that Secretary Principi provided to the Committee on Veterans' Affairs and the Committee on the Budget. If my colleagues want to support a higher veterans spending amount, they need to support the amount that is provided in this bill.

Veterans organizations are getting snookered out there by being told that the Senate number is somehow higher than the House number. That could not be further from the truth. When you hide fees, when you hide means testing, when you hide copayments into an amendment and then pass it, that is not necessarily a higher amount because in our bill, in our budget, we do not accept any fee increases, any copayments, or any means testing to this program. It is a higher amount than the other body, and it needs our support.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent, at the request of the gentleman from South Carolina (Mr. SPRATT), to manage time until he returns to the floor.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. Chairman, I do not think the AMVETS, the Disabled American Veterans, Paralyzed Veterans of America, the Veterans of Foreign Wars, the American Legion, distinguished respected veterans groups who fought in all parts of this world, its millions of members are snookered by this legislation. I think they understand exactly what this legislation is doing. It is not keeping up with health care inflation, and it will require a cut of $1.3 billion in veterans health care services.

If the Republicans in the Congress think veterans get health care that is too good and the lines are too short at our VA hospital, so be it. I think it is the American people that would be snookered by the passage of a resolution such as this, not our veterans.

Mr. Chairman, I yield 1½ minutes to the gentleman from Houston, Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I thank my Texas colleague for yielding me the time, and I have a prepared statement I would like to place into the RECORD.

It is interesting, all of our constituents think we talk about funny money here in Washington when it is really their money, but I look at our budget and see there are funny budgets; and I need to remind my colleagues of the prescription drug budget $400 billion last year, that could be as much as $150 billion above that, and the seniors around the country are rejecting it simply because it is not a quality program. So I worry about what we are seeing.

Mr. Chairman, I rise in support of the Democratic alternative and in opposition to the Republican budget resolution. The Republican majority breaks a number of long-standing promises to my Texas community, seniors, students and veterans.

The budget breaks our promise to Texas seniors by spending the entire $1 trillion Social Security surplus. This continual use of Social Security to fund the administration's deficits and tax cuts is not sustainable, and even prompted Alan Greenspan to suggest we cut entitlement programs or raise the age of Social Security.

The budget breaks our promise to Texas students by providing $8.8 billion below the authorized level for No Child Left Behind.

Despite the rising costs of college tuition, this budget fails to provide any increase in the maximum Pell grants which 313,832 students in Texas universities use to help finance their education.

The budget breaks our promise to Texas children by allowing $1 billion in funds for the State Children's Health Initiative Program, SCHIP, to expire. Already, hundreds of thousands of Texas children are dropped from the SCHIP program, and we are going to see it even more.

The budget breaks our promise to veterans, as just discussed, by $1.3 billion, short of what we need for veterans health care. The Vietnam Veterans of America called the Bush budget an insult to veterans.

Mr. Chairman, I rise today in support of the Democratic alternative and in opposition to the Republican budget resolution.

The Republican majority breaks long-standing promises to Texas communities, seniors, students and veterans.

The budget breaks our promise to Texas seniors by spending the entire $1 trillion Social Security surplus from 2005 to 2009.

This continual use of the Social Security to fund the Administration's deficits and tax cuts is not sustainable and has prompted Alan Greenspan to suggest that we cut entitlement programs or raise the Social Security age.

The budget breaks our promise to Texas students by providing $8.8 billion below the authorized level for No Child Left Behind programs.

Despite the rising costs of college tuition, this budget fails to provide any increase in the maximum Pell grant awards, which 313,832 students in Texas universities use to help finance their education.

The budget breaks our promise to Texas children by allowing $1 billion in funds for the State Children's Health Insurance Program (SCHIP) to expire.

Already, hundreds of thousands of Texas children have been dropped from the State's CHIP program, and this budget will only cause more Texas children to lose health insurance during a time when health care costs are rising rapidly.

The budget breaks our promise to Texas veterans by providing $1.3 billion less than what is needed for veterans' health care programs.

The Vietnam Veterans of America have called the Bush budget "an insult to veterans."

The budget breaks our promise to Texas communities by cutting homeland security funding at a time of increased security needs.

Houston is the only city in the U.S. to meet all fifteen Federal threat criteria, yet this budget provides no resources to address a shortage in first responder or port security funding.

I urge my colleagues to reject the Republican budget and support the Democratic alternative, which funds this country's priorities in a fiscally- responsible manner.

Mr. NUSSLE. Mr. Chairman, I yield myself as much time as I may consume.

Let me just give my colleagues this again on veterans health care. Overall spending for veterans medical care has grown significantly in recent years. The Congressional Research Service estimates that it has increased from $17.8 billion in 1999 to $28.3 billion in 2004. That is 9 percent a year of increases, and we will continue that as we move forward into the future.

Since 1999, spending on veterans medical care has increased from $16 billion to $28 billion a year, a 75 percent increase; and over the past 2 years, appropriation for veterans medical care increased rapidly, by 11 percent in last year alone.

To come to the floor and suggest today that we are not meeting our promises to veterans is based on the veterans service organizations and what they call their independent budget. Look, I will tell my colleagues the same thing I tell them and tell my veterans at home. They, of course, have earned the right to request any amount they believe they deserve. That is not the issue. Of course they have the right to make that request.

Our job, though, is to make sure that we fund and we make sure we are meeting the demands of veterans, and veterans under President Bush have gotten not only a promise fulfilled, but we are helping to ensure that the lines are shorter; that the care is better; and that it is delivered to as many veterans as possible under this bill. We continue that promise, and we do it at a faster rate than the other body.

The veterans service organizations have been alerting Members because they thought mistakenly that the Senate had a higher number than the House. That is the reason that they were agitating over this; but when they have read it, when we have read it and when others independently have read

it, they discovered that there are these unanticipated fees, unanticipated receipts, possibly means testing, possibly all sorts of things that are hidden in there in order to make that number look just a little bit bigger.

Well, we are not going to do that to our veterans. We have already rejected that proposal; and as a result, the highest number that my colleagues can support is for the House base bill presented by the Republicans.

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

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 4

Mr. SPRATT. Mr. Chairman, I ask unanimous consent that the manager's amendment be modified with the modification I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 in the nature of a substitute offered by Mr. SPRATT: Delete section 509, Sense of the House regarding the Arctic National Wildlife Refuge.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from South Carolina?

Mr. NUSSLE. Mr. Chairman, reserving the right to object, and I will not object, but just for clarification I would yield to my friend from South Carolina (Mr. SPRATT) under my reservation and just ask the question, Is there any bottom line impact on a monetary basis to the budget?

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

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. There is not at all.

Mr. NUSSLE. That is my understanding; and, therefore, I have no objection and believe that can be supported.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise today to express my strong opposition to the Republican budget resolution for fiscal year 2005 and my support for the Democratic substitute.

I would like to thank the gentleman from South Carolina (Mr. SPRATT) for his leadership on developing a realistic budget plan for our Nation. Given the state of our economy and the skyrocketing deficit, now is not the time to engage in more irresponsible tax cuts for the wealthy, but this is what has dominated the Republican leadership agenda from the get-go.

The Democratic alternative that we are debating now instead chooses to invest in our Nation, not cut $2.2 billion from the Medicaid and SCHIP programs. The Democratic alternative that we are debating would create jobs and spur economic growth and not underfund the Small Business Administration.

The Democratic alternative honors our veterans by providing the full committee-recommended levels of $33.2 billion for 2005. This is in stark contrast to the Republican plan which shortchanges our veterans by adding enrollment fees and by increasing copayments.

Our plan invests in the very institutions that make our country great, small businesses, health care and the educational system, and invests appropriate funding into our defense system and homeland security.

I would like to take a moment now and focus on how the Republican budget also impacts the Hispanic community. Hispanic families across the Nation join the millions of other Americans who are growing increasingly concerned and are demanding an actual budget that stabilizes the future of their health care, of their education and financial security. Unfortunately, all we see is cuts, cuts and more cuts of the programs that are vital to our community.

On the economic front, there are 1.4 million Hispanic workers still looking for jobs, without retraining and not able to continue their educational prospects, while the Democratic proposal funds job training and extends unemployment insurance through June 2005. The Republican budget offers empty promises.

I spoke earlier about our Nation's veterans. There are close to 1.1 million veterans in this country, and we need to be there for them.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

The Washington Post has something to say about all of this discussion on veterans, and let me just read this to my colleagues because The Washington Post, I do not think anybody would accuse The Washington Post of being somehow shilling for the Republican Party.

It says here, in fact, in an article on March 24, just yesterday, ''Veterans Funding Dispute not a Simple Matter,'' is the headline. And it says, in fact, Bush has never cut the agency's budget: ''The President has proposed increasing its discretionary budget, funding for programs not required by law, in each of his annual budget proposals.''

In fact, it goes on to say: ''The bulk of that money would go to the agency's health care programs. Over the course of his administration, Bush, along with Congress, has increased that portion of the agency's budget by $7 billion.''

Now, again, there has been CBO discussion, there has been OMB discussion, there has been veterans discussion. This bill, that bill. Listen to The Washington Post. They even say our budget is not cutting funding for veterans.

Mr. SPRATT. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, if I have to choose with standing with The Washington Post or the Disabled American Veterans, the American Legion, the Paralyzed Veterans of America, the Veterans of Foreign Wars in protecting veterans health care services, I think I will stick with the veterans groups.

Let us look at the bipartisan statement that was made, a letter signed by the Republican chairman of the Committee on Veterans' Affairs in the House in the last several weeks, saying that we need a $2.5 billion increase in veterans health care just to keep from cutting veterans health care services during time of war.

The bottom line is they may not like it or not, but the Republican leadership who have to pay for their failed economic policies that have led to the highest deficits in American history want to ask veterans to balance this budget now on the backs of people who have already sacrificed for our country and people who are sacrificing in Iraq today.

The truth and the facts are stubborn things to fight, and the fact is they can throw out all the quotes from The Washington Post they want, but this budget will cut veterans health care services by over $1 billion during a time of war. That is wrong and it is unfair, and it is why veterans groups are asking for the defeat of this unfair budget resolution.

□ 1630

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

Okay, Members do not believe The Washington Post, we will go back to the numbers from the Congressional Budget Office. The Washington Post may be understandably grumpy that Democrats are not standing with them, but we will get back to that in a minute.

I want to show Members what was going on during the time when President Clinton was in charge of the VA budget. Look at that flat line. Look at that flat line for veterans. Look what happened when President Bush took office, look how we have been increasing it.

It is one thing to come down here and claim what a terrible job Republicans are doing and what a terrible job that has meant for VA health care, but here are the facts: Under Republican control, under Republican Presidents, VA health care has gone up.

But it is not just the number for health care, look at the number of veterans that we are serving. During this period of time, the budget authority for veterans' medical care, look how we are serving more veterans.

Back during that Clinton period, which is the red period, we were not serving as many as we are now. That is why this is a good budget.

Mr. SPRATT. Mr. Chairman, I have no further requests for time, and I am prepared to begin the closing arguments, if I may reserve the time not yet used and add it to the 5 minutes for closure.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 5½ minutes remaining on this amendment, and the gentleman from Iowa (Mr. NUSSLE) has 8½ minutes remaining.

PARLIAMENTARY INQUIRIES

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry. Does the gentleman ask unanimous consent to have this added on?

Mr. SPRATT. Mr. Chairman, we have to bring to conclusion this resolution, and then we move to a final conclusory debate on the surviving resolution, if this resolution does not prevail. Is that the sequence?

The CHAIRMAN. Under the rule, the last 10 minutes of general debate comes after the vote on this amendment.

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry. Is it appropriate to make a request to expand that last minute by unanimous consent?

The CHAIRMAN. The debate on this amendment can be extended by unanimous consent as long as it is congruent, so both sides have the same amount of time; and so debate on the Spratt amendment could be extended by unanimous consent, but the vote has to be taken after the debate has concluded.

Mr. NUSSLE. Mr. Chairman, we have no further requests for time, so if the gentleman from South Carolina would go ahead and close debate on the Spratt amendment, I will close on it as well.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 5½ minutes.

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

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

Mr. SPRATT. Mr. Chairman, here are the facts. In the year 2000, the last year of the Clinton administration, our budget was in surplus by $236 billion. Members can see it right there. Our deficit reduction efforts went from a deficit of $290 billion in 1992 to a surplus of $236 billion in the year 2000.

Today, this year, we are told by the Office of Management and Budget that the budget will be in deficit by $521 billion. That is a swing of $757 billion in the wrong direction.

This budget before us sails into these tidewaters calling for additional tax cuts even though the budget is $521 billion in deficit, mired in deficit as far out as the forecasts go, and even though these additional tax cuts can only have one effect, they will add dollar for dollar to the deficits that are already enormous, $521 billion this year. If Members want to see what happens if we go on this course, if we take the course plotted by the President's budget, which is essentially what this budget is all about, Members can see on the first page of the CBO analysis of the President's budget, it will add $5.132 trillion to our national debt of $7 trillion over the next 10 years. It will raise the national debt to $12 trillion.

We have heard it said on the House floor repeatedly that taxes are not part of the problem. Taxes are not all of the problem. We have had a terrible toll taken on our economy and budget by terrorism, by war, and a recession that was not fully foreseen. But look at the tax cuts on the bottom of this graph. But for the tax cuts in 2008–2009, we would be close to balance again. That is the effect that the tax cuts have on the effort before us.

Part of the problem is that not just the tax cuts have taken a big bite out of the revenue stream of the government, but the surplus of $5.6 trillion, forecast 3 or 4 years ago, has now proved to be wrong. That left about half of the pie to be divided up, and fully 60 percent of that has been allocated to tax cuts, at least over the last 2 years. It has made it extremely difficult to bring this budget to balance, and additional tax cuts that the President proposes in his budget will make the problem even more intractable, more difficult to resolve.

Here is the tax cut agenda. It adds up to $3.7 trillion over the next 10-year period of time. Add up everything that has been done to date, everything that is pending and what we believe to be politically unavoidable, such as a fix to the Alternative Minimum Tax, and the revenues to the government will be reduced by $3.7 trillion over the next 5 years.

Now, the budget before us claims it will halve the deficit in just 5 years' time. It leaves the implication to many people that this reduction in the deficit will be linear. In truth, if Members read deeply into the budget, go into something called the Analytical Perspectives prepared by President Bush's own Office of Management and Budget, here is what happens to the budget deficit after 2009: It gets worse and worse and worse over time.

It does not self-correct. It will not go away with growth. We simply cannot glide to the objective that we all seek and get there without a bold budget plan, and the budget before us, the Republican budget before us, does not do the job.

What we offer as an alternative has great merit to it.

Now, what the Republicans have said repeatedly here on the floor is that spending is the source of the problem, and surely that is part of the problem. That is a significant share of the problem. But if Members look realistically at where the spending has occurred in the budget, they will find that 90 to 95 percent of the increased spending in the budget over the last 5 years has occurred in homeland security, defense, and the response to 9/11.

The administration says we have to have progrowth policies and we have to rein in spending, but it is unlikely that defense and homeland security are going to be reined in much, and if anything, they are likely to grow in the near future. So the spikes in the budget, the ones that Members would go to if they really wanted to get the deficit down and do it by spending, would be defense.

This chart is difficult to understand, but it shows over 10 years, from 2002 to 2011, the cost of defense over and above inflation, over and above inflation, has gone up by at least $1.3 trillion, and this assumes, as this hump shows, that we do not have any cost for Afghanistan and Iraq after 2004.

If those are added in, we have a $1.5 trillion increase in defense. So then we begin to see the problem. We have a $3.8 trillion tax cut agenda, reducing revenues by that amount, and we have a defense bill, a defense program, that is costing $1.3 trillion to $1.5 trillion over and above inflation and over and above what was budgeted just 3 or 4 years ago. When we put those two together, we have in a thumbnail the problem that confronts us right now.

Here are the numbers that correspond to what I was saying, that show that defense was going up by $1.3 trillion. That assumes that the cost of Iraq ends this year; hopefully, it will, but that is doubtful. If it does not this could easily be $1.5 trillion over and above where we were a couple of years ago.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SPRATT) has expired.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, the gentleman from South Carolina may proceed for 1 additional minute.

There was no objection.

Mr. SPRATT. Mr. Chairman, we have come up with a budget which takes these difficult facts and, number one, tries to set a target date for bringing the budget to balance. We do that in 2012.

Secondly, we have tried to bring the deficit in at lower and lower rates each year, and lower than our opposition, the Republican budget on the floor. We have succeeded in doing that. We adopt the full PAYGO bill. As a consequence of what we propose in our budget resolution, we bring the budget to balance in 2012.

At the same time, within this fiscal framework, we provide for middle-income tax relief, we provide more for education, more for veterans' health care, more for science under the NSF function of the budget, for example, more for the National Institutes of Health, more for health care.

Usually we are bringing spending back up to baseline. It is not a great deal more, but it is more in almost every respect, proving we can deal with the deficit without pulling up the drawbridge. We can be compassionate conservatives, conservative in the sense that we bring the budget to balance, compassionate in the sense that we deal with the needs of the American people and our country and do not turn our backs on them.

This is a good resolution we are offering as a substitute. It is fiscally and

morally responsible, and I urge that every Member vote for it.

The CHAIRMAN. Without objection, the time of the gentleman from Iowa (Mr. NUSSLE) is also extended by 1 minute.

There was no objection.

The CHAIRMAN. The Chair would advise Members that the 10 minutes of debate remaining after the vote is taken on this amendment is general debate time and cannot be extended in the Committee of the Whole.

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

First of all, I would like to extend my congratulations to the gentleman from South Carolina (Mr. SPRATT), who is my friend and colleague on the Committee on the Budget, for coming up with an alternative, the Democratic leadership substitute. As the gentleman knows and as I know, it is not easy to come up with a budget blueprint.

As I said at the outset of the debate, it is like when that family or couple goes to visit the architect and they have to come to grips with exactly what they can afford and what they want as far as what the home looks like, what the layout looks like. And it is a hard job to set a blueprint, but without a blueprint, it is pretty tough when the carpenters show up to do their work. It is a mess if the budget is not set out ahead of time exactly where the budget needs to go and exactly how you are going to get there.

That is why I compliment all Members who came today with a full budget substitute to the floor.

I would also like to thank our staff which does an awesome job of preparing us for debate, and preparing the budget itself. Tom Kahn and Rich Meade from the minority and majority staffs, they keep us in line and give us good information. We appreciate the job that they do in getting us prepared for this, and they have more work to do getting us to a conference report between ourselves and the other body.

□ 1645

And there is a difference between the sides of this aisle that we talk about that runs up and down the middle of this body; there is a difference in philosophy. That philosophy is going to come to bear today between the competition of these two budgets. One budget believes that we can continue spending at the rate we are spending in Washington, and it does not have the effect that we think on this side that it does. Another side believes that increasing taxes at this time in our economic situation is okay, is an appropriate part of the blueprint. I disagree. And we disagree on our side of the aisle. Raising taxes, increasing spending is not the recipe, is not the blueprint at this time for our Federal budget or for our economy. And why is that?

Unfortunately, over the last 2 days, so many Members have come to the floor and have blamed tax cuts for everything. My goodness. I even heard, believe it or not, there were Members who came to the floor and said we were cutting volleyball teams because of tax cuts for the wealthy and all sorts of things like that. That is not only not in our budget, it is probably not in anyone's budget.

Tax cuts did not cause the deficit. As Members can see from this chart, the tax cuts only took us down a little bit. And why did we cut taxes? We did not just put this white wedge in there for no reason. There is a reason we reduced taxes. Because when President Bush inherited the recession from the previous administration, we had to act. We had to make a decision about what we were going to do with regard to the economy. We made a decision. It was philosophically opposed by the other side; but we can respect that, that people, families, farmers, businesspeople, workers, laborers, men, women, old, young, rich, poor, whatever it is, they spend their money more wisely than the government can for them. And if you let them keep that money and you let them spend that money and you let them work with that money and invest that money, they do a far better job of getting that economy going than anything the government has ever been able to do.

What are the results of reducing taxes that did not cause those deficits? Look what has happened to the economy. The last 6 months have been the fastest growing 6 months that our economy has seen in 20 years, 6 months of sustained, gigantic economic growth. People will say, where are the jobs? There is not an economist in the country that does not tell you that the very last thing that people do with their money is invest in job creation. Most of the other things that happen to start the economy going, it does not have so much to do with job creation. It is what is called a lagging indicator. It is about time for that lagging indicator to start heading in the right direction, and it is.

And just at that moment, just at that moment when the economy is ready to recover and jobs are just now starting to be created is not the time to come in with a gut punch to the economy and say, let us raise taxes on the very people who are increasing those jobs, who are putting on those extra people, who are taking the risk when they open that store in the morning and saying, I want to hire another person to work next to me. That is not the time to increase taxes, particularly because we do not need those taxes out here. We do not need it for extra spending.

Our budget says, Let's level-fund the government. Let's fund security, let's make sure we have got a strong America, let's make sure homeland security and national defense are funded, let's make sure we fund those priorities that keep us strong; but let's not increase spending for all of these wasteful things. It is just like any family, any business, any farmer sitting around their kitchen table right now trying to figure out how to make ends meet. They will say to themselves, Honey, what can we put off till next week, till next month, to next year, maybe even longer? Maybe we can take a vacation a little closer to home. Maybe we can do some things to trim some of the expenses. Maybe we can do some things that make more sense than continuing to add to that spending. That is all we are asking our colleagues to do. It is common sense. But for some reason in Washington that common sense is often missed.

We define compassion in Washington by how much you are willing to spend. I have even fallen into that trap today. I have to confess that I have even fallen into that trap today, trying to convince veterans that because we are spending more money we must care more. That is not the definition. Or because we are spending more money in education, that somehow we care more. That is not the definition. Or somehow if we spend more money on farmers or spend more money on seniors or spend more money here or spend more money there, somehow that defines compassion. It does not. Oftentimes that money is wasted and wasted in ways that just frustrate the very people we are trying to help.

So let us not kill the jobs at the very moment in time. Spending is out of control. Before we even talk about another year's budget, look where we have come. Every single year, more and more and more spending. Where does that money come from? It comes from the pocketbooks of every American in this country. And so when the Democrats come to the floor and they say, When you're in a hole, stop digging, I say to you, We are stopping the digging. We are holding the line on spending. What I want you to do is stop digging in the pockets of families, farmers, ranchers, small businesspeople, and Americans across the country who are tired of paying more and more for wasteful Washington spending.

They are saying enough is enough, do with what you can, with what we have sent you, do a better job with what you already have. Do not ask us for more. That is why our budget does not increase taxes; it holds the line on spending. It says, let's look through the garden of all the different programs of our country and let's start looking for those weeds, let's start pulling those weeds, let's look for the waste, let's look for ways to trim that spending, just like every family and business across the country. We have had way too much spending that we are building on from the past.

One last thing I want to talk about on spending quickly. Oftentimes Members will hear that we are cutting spending, but in Washington, it is a code word. It is a code word for decreasing an anticipated increase. It is

just like when my son comes to me and says, Dad, I want 10 bucks a week for allowance and I only give him 8. Is it fair for him to scream that that is a $2 cut? No, of course it is not. Only in Washington would a decrease in an anticipated increase or a desired increase or a wanted increase be called a cut. All of these accounts that we have been spending money on, many of which have been increasing at astronomical rates, we are building on a huge baseline as we move forward.

Last but not least, let me just say that I believe that this budget that we have put together does not do harm to our Nation's security. The most important issue, job one, is making sure our country's freedom is protected. If we are not free, there is not a word of this discussion that has made any difference at all, on my side or yours. If our country is not free, if we are not protected, if we are not strong, it does not matter what we do here today.

So vote for the underlying Republican budget, vote against the Spratt substitute, and let us make sure that we get to a balanced budget in the very near future.

Mr. RODRIGUEZ. Mr. Chairman, I rise today to express my strong opposition to the Republican Budget Resolution for Fiscal Year 2005 and my support for the Democratic Substitute.

Given the state of our economy and skyrocketing deficit, now is not the time to engage in more irresponsible tax cuts for the wealthy. But this is what has dominated the Bush Administration and the Republican Leadership's agenda from the beginning. They did this in spite of the many competing needs facing our country such as homeland security, healthcare, education, and veteran's issues.

The Democratic alternative that we are debating now instead chooses to invest in our nation. I would like to thank the gentleman from South Carolina, Rep. John Spratt, for his leadership on developing a realistic budget plan for our Nation.

HOMELAND SECURITY

When President Bush announced his budget in late January, he cut first responder funding by $648 million and port security grants by $79 million (63 percent). And the House Republican budget is even worse. The Republican budget includes the cuts outlined by the Administration and cuts homeland security funding by an additional $155 million in 2005 and $857 million over five years.

At a time when our Nation continues to face ongoing threats to our security, it is discouraging that the Republicans would choose to prioritize tax cuts over security. The Democratic budget addresses this misallocation of funds and adds back the Republican's budget cuts to the President's homeland security request, and also provides $5 billion more than the President's budget over the next five years for homeland security.

SMALL BUSINESS

Even though 3 million jobs have been lost since the beginning of the Bush Administration, the Republican budget does nothing to create jobs here at home or end incentives for companies to ship jobs overseas. The President' budget cut Small Business Administration (SBA) funding by 10.4 percent and the Republican budget significantly underfunds the SBA, an agency already experiencing problems, financing the important 7(a) loan program. Key SBA programs provide women, minorities, the disabled, and other small business owners with technical support and government-backed loans. Faced with major cuts in these programs, many of the nation's 23 million small businesses will not have the tools they need to succeed.

The Democratic budget restores the President's cuts to the SBA. During difficult economic times it is important to ensure our small businesses, who create three out of four new jobs, receive the necessary grant funding and support they need to survive.

VETERANS

The budget resolution put forth by the Republican leadership shortchanges America's veterans. Although the budget does include $1.2 billion over the White House request, it is $1.3 billion below the recommendation of the House Veterans Affairs Committee. Additionally, it is $1.8 billion below the level needed to simply carry forward the same level of services from this year into next year.

By not following the lead of the Veterans Affairs Committee, the Republican proposal supports 13,000 fewer full time employees for veterans' medical care and will do nothing to help the thousands of veterans waiting six months or more to see a primary care physician. This is not the homecoming we want to give to our returning troops.

Our Democratic alternative provides the full committee-recommended level of $32.3 billion for 2005. That funding level would eliminate the increased co-payments and enrollment fees proposed by the President's budget, and it would increase funds for medical facility construction and renovation. Additionally, it would provide the resources necessary for more responsive reviews of claims and appeals, improve access to care and reduce waiting time for all veterans.

EDUCATION

Just two years ago Congress authorized No Child Left Behind (NCLB) legislation designed to improve student achievement in our public schools. Unfortunately, the President and the Congressional Leadership continue to appropriate funds below the amount authorized in NCLB. This year, the Republican budget provides more than $8.8 billion less than the amount authorized in NCLB.

How can we expect our teachers to better prepare our children when the federal government does not invest enough funds for education? The Democratic plan would provide $51.4 billion more in appropriations than the President's education budget. These funds would help America's children by funding reading programs and training programs to improve teacher quality.

HIGHER EDUCATION

Despite rising college tuition costs, the Republican budget freezes the maximum award students can receive under the Federal Pell Grant program. The College Board reports that tuition and fees at 4-year public colleges today average $4,694, however, the average student only receives a $2,399 Pell grant award.

The Democratic proposal provides $3.7 billion to the program allowing Congress to increase the maximum award, provides additional benefits to students by forgiving up to $17,500 of student loans for those who teach certain subjects in low-income schools and increases loan limits for first year students.

WORKING FAMILIES

The Republican proposal severely leaves behind America's working families. Two years ago, Congress enacted the Temporary Extended Unemployment Compensation (TEUC) program to provide 13 weeks of benefits for workers who exhaust regular state unemployment benefits before finding a job.

The unemployment insurance program is one of the greatest proposals Congress has ever passed to help workers during this struggling economy. The Democratic proposal would help the more than 760,000 jobless workers who have exhausted their state benefits by extending the program until June. Additionally, it would provide funding to maintain Section 8 housing programs and restore Hope VI funds for much needed public housing restoration.

HEALTHCARE

With 42 million uninsured Americans, we must look to improving our deteriorated public healthcare infrastructure system. It is in everyone's best interest—local governments, health districts, schools, hospitals, and the business community—to focus on healthcare. Because while we often think of healthcare as a deficiency, as something that sucks money away from other projects, we should instead think of it as an investment.

The House Republican budget however contains dangerous a dangerous provision that will cut Medicaid and SCHIP funds by up to $2.2 billion. These cuts are unacceptable given the tremendous strain already facing our nation's health care system. Furthermore, cuts to Medicare will have a disproportionate impact on border residents. Border communities continue to face double-digit poverty rates and most have been classified as medically underserved areas. Any funding decrease for our safety net programs will have a detrimental affect on families and children living in this region.

Mr. Chairman, the Democratic plan invests in the very institutions that make our country great—small business, healthcare, our education system. And it invests appropriate funding into our defense system and homeland security. It is time for us to clean up our House and get our priorities straight—I urge Members to vote in favor of the Spratt substitute.

Mr. CUMMINGS. Mr. Chairman, I rise today in opposition to the Republican budget resolution, H. Con. Res. 393, and in support of the Spratt Democratic Alternative Budget.

Mr. Chairman, to call the Republican budget resolution a budget is really a stretch. As we all understand budgets, basically, they are supposed to reflect meaningful spending priorities, incorporate sound fiscal policy and in the end to balance themselves. The Republican and Bush budgets fail on all these points and needless to say the American people will suffer as a result.

Let me lay out why this is such a travesty. When the Bush Administration took office, the nation was in the proverbial days of milk and honey. The budget was experiencing a third year of record surplus and most of us in Congress were elated with the prospect of putting a permanent lockbox on the Social Security Trust Fund—all while keeping the nation's budget in the black at least until 2011.

Those of us who adhere to budgets, know that you always have to save money for a

rainy day, but apparently Republicans skipped this life lesson. In fact, they managed to squander the $521 billion surplus and shepherd through $1.7 trillion in irresponsible tax cuts. We are now facing a deficit of $521 billion this year and debt accumulation of $1.2 trillion over the next two years. I think the American people agree that these numbers do not reflect sound fiscal policy.

First, this 5-year Republican budget as reported, would result in a deficit of $377.7 billion in FY 2005, with a promise to cut the deficit in half in five years to $235.2 billion in FY09—with no prospect of balancing over its life. It is also a short-sighted budget, one that does not take into account many costs, like fixing the AMT. If this were a traditional 10-year budget, the numbers would be different and the outlook even more bleak. The Republican and Bush five year budgets are very disingenuous, since ten-year numbers would show even further deficits, having to account for the retirement of many Baby Boomers starting in 2008. If they were 10 year budgets, they would reflect the CBO estimates, that over the next 10 years, their tax cuts will actually cost our country over $3 trillion.

Second, the Republican budget includes a reconciliation directive to the Ways and Means Committee to approve $138 billion in tax cuts over five years—making nearly all of the 2001 and 2003 tax cuts permanent. We should not consider extending tax cuts, while we are considering the budget reconciliation legislation—especially when extending these tax cuts will not result in a better economy in the foreseeable future.

Third, the Republican budget caps placed in the bill will ensure that the steep cuts in domestic discretionary spending, outside of homeland security, remain permanent. I should mention that this budget also cuts numerous discretionary domestic programs, most of which are in education. The sleight of hand in this budget, is that the budget caps will not be used to restore funding to these programs in the out years, but to pay for the tax cuts for those who don't need them. Also, any subsequent entitlement increases under the Republican budget one-sided pay-go rules, have to be offset in the current year by decreased spending in a domestic spending bill. The tax cuts, however, do not need to be offset. This sounds very unfair to me and leads me to just one conclusion. This budget seems, by design, to hurt those who need our help the most.

Mr. Chairman, the Republican budget is inherently unbalanced. It cuts critical domestic spending by over $120 billion, while increasing defense spending by over $1 trillion. It cuts education, LIHEAP, WIC, child care, Medicaid, veterans' healthcare, and environmental protection, just to name a few. It jeopardizes Social Security by further extending tax cuts and it provides slipshod protection of our troops by not accounting for the current war efforts in Iraq and Afghanistan. It also jeopardizes teacher quality and training and ensures the "No Child Left Behind" Act, will be left behind by billions of dollars from its authorized funding level. How are students expected to meet the stringent accountability standards under the Act on a shoe string budget?

In contrast, the Spratt alternative budget focuses national spending on priorities that benefit all Americans. It does this by funding key domestic priorities which address the needs of middle income and working families, while fully supporting the national defense and protection of our homeland. These priorities include education, health care, our veterans, homeland security, and an extension of middle-class tax cuts—all while achieving a balanced budget in 8 years.

It would immediately repeal tax cuts for the upper income brackets, the top 1 percent of income earners, who own 33 percent of the nation's wealth—and extend middle/low income tax cuts to help the bottom 50 percent, who account for just 3 percent of our nation's wealth.

Mr. Chairman, the Democratic budget alternative is feasible, balanced and fiscally responsible—it will get our country on the road to recovery while funding meaningful national priorities for our children, for our seniors, for our veterans and for our communities. It reflects the guiding principle that as a Nation we must come together and share in the sacrifice that is required to strengthen our economy and put us on better fiscal footing.

Mr. Chairman, in these difficult and troubling times, we have a tremendous responsibility as a Congress to protect and provide for the needs of all Americans. But I, and many of my colleagues, believe that the Republican budget plan callously throws this responsibility aside. The Republican-proposed $1.4 trillion tax cut is a reckless measure to pursue, especially as we face war in Iraq and a continued war on terror—to defend our homeland and hometowns.

The Republicans and the President continue to claim unabashedly, that tax cuts will serve to stimulate our economy, but the evidence does not support this assertion. The 'trickle-down' tax cuts of 20 years ago did not revitalize our economy, and similar tax cuts today will not fare better. In fact, the CBO estimates that the Republican budget will add over a trillion in deficits over the next ten years, after completely depleting the surplus of the Medicare and Social Security trust funds. In the end, one can only conclude that the Republican budget balances itself on the backs of Americans who can least afford it.

Lastly on tax cuts, I must point out that tax cuts of 3 years ago did not prevent the loss of over 3 million private sector jobs—a more drastic tax cut today, as proposed in the Republican budget, likewise will not eliminate the resulting almost 6 percent high unemployment rate. It is completely implausible to think that tax cuts—80 percent of which goes to the top 1 percent—for those earning over $250,000 or more, will revitalize and restore our economy. They cannot and will not. These tax cuts have shown themselves to be a failure and we should not continue with this disingenuous fiscal policy.

Mr. Chairman we have many challenges facing us in this Congress and in our country. We are one year into a war that often and rightfully diverts attention away from important debates. I would be remiss if I did not salute our men and women in the military who are fighting to defend our country—I support them wholeheartedly and pray for their safe return home. I hope we can restore the deep cuts to veterans benefits and health plans found Republican budget before our troops return.

In closing, the American people need to know that the Republican budget plan is an obstacle that keeps us from meeting the human needs challenges of our Nation. The Spratt Democratic Budget alternative is a more fiscally sound, reality-based proposal—with priorities that reflect the needs of all Americans.

I urge my colleagues on both sides of the aisle to support the balanced Democratic Budget Substitute.

Mr. Chairman, today I rise in support of the Spratt budget substitute and strong opposition to the underlying Republican budget resolution.

Rhode Islanders are facing challenges on many fronts. Unfortunately, the budget proposed by House Resolutions does little to ease the burden of those currently facing education, health care, and housing obstacles. Worse yet, the Republicans want to continue to borrow more and more money from future generations to pay for their failed economic policies. Under the Republican budget, the obstacles we face today will only grow in the coming years.

Working within the horrible fiscal confines that the country has been boxed into by the majority, the Spratt substitute manages to balance the budget in 8 years, cut taxes for all taxpayers, and provide realistic funding for education, veterans health care, Medicaid, infrastructure and homeland security, which were all shortchanged by the Republicans. The Spratt substitute has a better bottom line than the Republican budget every year, so there will be lower deficits, smaller interest payments, and a less national debt. In addition, the Spratt substitutes restores PAYGO rules to ensure that spending is not increased or revenue is not decreased without fully offsetting the new costs. Simply put, the Spratt substitute is better than the Republican plan in every way.

As a member of the Select Committee on Homeland Security and the Armed Services Committee, I have been steadfast in my support for a strong national defense and a well-equipped Homeland Security infrastructure. Since September 11th, the government has worked daily to protect the American people from another attack. Unfortunately, this budget does little to provide for our men and women in uniform, or to bolster safety within our borders. The Spratt substitute fully funds our defense requirements and reserves money to ensure our troops in Iraq have the support needed. Veterans are not forgotten, and their health care programs are funded $1.3 billion above the Republican plan. In addition, the Spratt substitute contains more than $5 billion in additional homeland security funding for port security and first responders.

The budget before us does little to strengthen our country or offer Americans an equal opportunity to succeed. These difficult times require shared sacrifice to get our country back on track. We are asking our service members and first responders to sacrifice as they protect us at home and abroad. We are asking our working families to sacrifice as they try to weather the difficult economy and the job. This budget gives millionaires a "No Need to Sacrifice" pass while paying for tax cuts with money borrowed from future generations.

I believe in lower taxes, but I also believe in providing tax cuts for those who are in the greatest need. But under the Republican budget, those earning low to moderate incomes are passed over again in favor of benefits for the wealthy. One key point the majority continues to ignore is that they are increasing the "debt tax." Currently, every man,

woman, and child in America owes more than $1,100 in interest alone on the national debt. Under the Republican plan, this increases to nearly $1,750 per person by 2009. These interest payments do not provide security, education, or health care: they are a product of mismanagement of taxpayer funds.

Deficit spending has stymied job growth is plaguing our economy. No Rhode Islander would write a check without sufficient funds to cash that check. Neither should the government.

I urge my colleagues to join me in supporting the Spratt budget substitute and opposing the underlying Republican plan.

Mr. BACA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

I rise today in opposition to the Republican Budget Resolution and in support of the Democratic substitute.

Mr. Chairman, I have one simple point or better yet one simple question to ask my colleagues on the other side of the aisle.

Where is the money to assure the best possible education for our children? Clearly not in this budget.

The Republican Budget:

Represents the smallest increase in education spending in 9 years.

It cuts $1.4 billion in critical education programs.

It freezes Disabilities Education Act and Pell Grant leaving individuals billions of dollars short in funding.

It drastically cuts funding for Perkins Loans.

It cuts vocational education by 25 percent.

The GOP budget provides $479 million more to education. Even if these funds were devoted entirely to No Child Left Behind, it would still leave the GOP budget almost $9 billion short of the amount promised.

Gentlemen, we are dealing with our children here, our future. You talk about Leaving no child behind . . . well let me tell you: You haven't even picked them up.

Unfortunately we have limited time allotted to discuss this proposal. Because I have only scratched the surface of the failure of a budget designed by the Republicans solely to give tax breaks to those that need it the least.

I'm sorry but this is not the Democratic vision of America, Democrats do not try to balance the budget on the backs of children, veterans, the elderly or the uninsured.

Mr. ETHERIDGE, Mr. Chairman, I rise in strong opposition to the Republican Budget and in support of the Spratt Substitute.

The budget is a statement of our nation's priorities. Unfortunately, the Republican budget represents misplaced priorities and misguided policies that hurt America's working families. In contrast, the Spratt Democratic Substitute offers a fiscally responsible approach that cuts the budget deficit and invests in the American people and our economic growth.

The Republican budget continues this Administration's dangerously reckless fiscal policies that have turned record budget surpluses into record budget deficits in just three years. The Republican budgets have turned a projected ten-year surplus of $5.6 trillion into a projected deficit of $2.9 trillion, a reversal of $8.5 trillion. The massive national debt these deficits produce will be a crushing burden on future generations and hampers economic growth.

Republican economic policies have utterly failed America's working families. Under this current Administration, the economy has lost three million private sector jobs, the worst performance since the Hoover Administration. This Republican budget resolution proposes more of the same failed economic policies and shortchanges important investment priorities.

Our first priority should be to invest more in education. As the former Superintendent of North Carolina's public schools, my top priority is to provide necessary funding for our schools. Unfortunately, this Administration continues to cut the President's own education reform initiative, the No Child Left Behind (NCLB) Act. This budget resolution cuts $8.8 billion from NCLB, and over the first three years of the new law, the Republicans are cutting NCLB by $26 billion.

The Republican budget spends the entire $1.0 trillion Social Security surplus from 2005 to 2009, despite their repeated promises not to spend a dime of it. Federal Reserve Board Chairman Alan Greenspan recently testified to Congress Social Security benefits will have to be cut to make the Republican tax cuts permanent as they are now proposing. I strongly oppose cutting Social Security.

The Republican budget also provides less than is needed for veterans, fails to protect the environment, puts Medicaid and SCHIP at risk, cuts homeland security and underfunds key domestic priorities.

In contrast, the Democratic plan balances the budget within eight years through realistic policy choices that protect funding for key services. The Spratt budget also has a better bottom line than the Republican budget every year, meaning a smaller national debt and fewer resources wasted paying interest on the national debt. Chronic Republican deficits crowd out private borrowing, run up interest rates, and slow economic growth. As a fiscal conservative, I have always supported balanced budgets and responsible fiscal management.

The Spratt Substitute provides $2.1 billion more for education than the Republican budget for 2005 and $9.8 billion over the next five years. The Democratic budget also provides $3.7 billion in mandatory funding to make up the current shortfall in funding for Pell grants and additional funding to make college loans cheaper for students.

The Spratt plan provides meaningful budget enforcement tools (PAYGO) to protect Social Security, provides middle class tax relief and invests in real job creation. The Democratic plan provides more for homeland security, veterans and the environment and protects public health.

In conclusion, I urge my colleagues to join me in voting against the Republican budget resolution and for the Spratt Democratic Substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from South Carolina (Mr. SPRATT).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 232, not voting 7, as follows:

[Roll No. 91]

AYES—194

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

NOES—232

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss

Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Ford
Lucas (KY)
McInnis
Quinn
Tanner
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1724

Mr. GILCHREST, Mr. OTTER and Ms. DUNN changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute, as modified, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order for a period of final general debate on the concurrent resolution. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. My understanding, Mr. Chairman, is that the gentleman from South Carolina (Mr. SPRATT) is going to go first, then myself, then the minority leader and then the Speaker, is I think how we are going to wrap up the debate. So I will allow the distinguished gentleman from South Carolina to begin the closing debate.

Mr. SPRATT. Mr. Chairman, if the gentleman would allow me to do something he did earlier, and that is acknowledge the indefatigable work that our staff did. Tom Kahn, my chief of staff, Joe Minarik, and the staff members in back of the aisle, Sarah Abernathy, Arthur Burris, Linda Bywaters, Dan Ezrow, Jennifer Friedman, Jason Lumia, Sheila McDowell, Diana Meredith, Kimberly Overbeek, Scott Russell, Andy Smullian, Lisa Venus, Andrea Weathers, Jason Venner and Allison Colflesh, they have worked extremely hard over the last several weeks to bring this to fruition, and I am grateful for all of their support. By the same token, I know the chairman feels the same way about his staff.

Mr. NUSSLE. If the gentleman would permit me, I would say the same about the majority staff and all of our staff, and the members of our floor staff that are here that have endured the discussion over the last number of days. I hope they got their ''millions'' and ''billions'' all in the right places. We appreciate their help as we moved through this debate

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

Mr. Chairman, this has been a long debate for which I am grateful because the gravity of this problem calls for it.

I wish all our effort could have been devoted to the search for common ground for a better solution; but I am afraid, as we bring it to a close, we find ourselves diverging more than converging. That is unfortunate, because the longer we put off the resolution of this problem, the more difficult it is going to become.

Here is the situation in a nutshell: the government will run a deficit this year of $521 billion. The President and our Republican colleagues claim that their budget will cut that deficit in half over the next 5 years; but, pardon me, I doubt that.

For one thing, on the spending side, they leave out any supplemental funding beyond 2005 for Iraq and Afghanistan. I wish they were right about that, but I doubt it. On the revenue side, they leave out any fix for the Alternative Minimum Tax, even though the Treasury Department tells us it will soon affect 30 million tax filers. So it is unrealistic to project revenues without it.

Worse still, after 2009, the Republican budget quits; and that is when it really gets tough. That is when I am afraid the budget gets worse. They leave us expecting that the budget is linear and that over time the deficit will be reduced, the half that is supposedly left in, but I do not think it will work out.

Let me just show you a few charts. At the expense of maybe showing you some things you have already seen, the first chart is a roller coaster. What happened when Bill Clinton came to office, President Clinton came to office with a $290 billion deficit. He put it in surplus by the year 2000 by $236 billion. It took really three budget agreements to bring it to resolution like that. Then in the last 4 years, you see this precipitous decline.

Now, I know that recession, terrorists, and war have all taken their toll on the economy and the budget; but there were conscious, deliberate choices made that caused this budget to skyrocket down.

There in another graphic portrayal is what happened. This is the Clinton administration building up surpluses, moving from deficit to surplus. Every year the bottom line of the budget is better. And here is the Bush administration, every year it gets worse and worse.

This chart shows on the far left side where we are today, looking at a deficit this year of $521 billion, a swing in the budget over the last 4 years of $760 billion, a phenomenal reversal of fiscal discipline.

Despite the claims the President makes that he will cut this in half, when we make what we regard as basic, realistic, politically inevitable adjustments to his budget, this is where you end up in 2014, not with a diminished deficit, but about where we started out, $502 billion as opposed to $521 billion. It treads water, at best.

□ 1730

The problem does not go away. It does not go away with growth; it does not go away with anything but an effort to bring it to healing.

Here is part of the problem. We have heard the Republicans say here that tax cuts have not done all of that. That is true. Part of the problem is that these surpluses were overestimated by 50 percent to start with. Now, when we look at the size of their tax cuts, the wedge taken out of the tax cuts, by the tax cuts out of the remaining surplus, that is about 50 to 55 percent. It is about half the problem that we are looking at today.

Here is another aspect of the problem right here. The tax cut agenda is $3.77 trillion over the next 10 years. This is pending, enacted tax cuts already. On top of that, we are increasing defense over the same period of time by about $1.3 trillion over inflation.

That is why, as this chart right here shows, the big hump is the cost of Iraq and Afghanistan. If we extend it, taper it off, and it concludes up here, we will add about $1.5 trillion over and above inflation to defense between 2002 and 2011, more than we anticipated spending in current services.

I am not saying it is not needed. What I am saying is, when the Republicans say we have to bring spending to heel, we have to bring spending under control, this is where it is occurring, as this next graph shows. As these three bar graphs show, over the last 4 fiscal years, 90 to 95 percent of the increase in spending over and above current services has occurred in these accounts, and they are not likely to be reined in.

Mr. Chairman, we are not coming to grips with the budget today in this resolution. Unfortunately, the resolution avoids bold strokes and it will take bold strokes, believe me, to untie this Gordian knot.

If we want to strike a bold stroke, if we want to do something about the deficit, if we want to do something about saving and making solvent Social Security, vote against this budget resolution. That is the single best thing we can do for deficit reduction and for putting our country back on fiscal track. Vote against it, send us back to the drawing board. Let us come to the House with something worthy of passage, something that will put us back on a path to a balanced budget. This resolution will not do it.

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

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

Mr. Chairman, we need a budget blueprint in order to build for the future. We cannot have the carpenters show up without a blueprint. A mess would ensue, as one might imagine. We cannot have the subcontractors do their work. We cannot have any of the folks who need to construct the house show up for work without a blueprint, and that is what a budget provides. It provides the framework so that all of the rest of the fine-tuning and detail work can be accomplished.

Even before the end of last year, we knew what priorities were going to have to be part of this budget; they were becoming very clear. Spending had to be kept under control, there was no question. When we talked to colleagues, when we talked to constituents, no matter where we went, controlling spending had to be a hallmark of whatever budget plan came together.

We heard, too, that growth of our economy was vital to getting our country back on its feet. So we came together with all of the extraordinary circumstances that our country has been dealt over the last number of years and we knew we had to go to work.

We had a growth deficit in our economy, and we dealt with it by reducing taxes and a progrowth policy which has given us 6 months. The last 6 months were the fastest growing 6 months in over 20 years, because tax relief is working, Americans are being put back into working positions. They are spending their money much more wisely than the government can for them, and America is growing again.

We also learned painfully about the defense deficit, about the homeland security deficit in our country, and we went about the work to make sure that America was protected, and we did it most often in a bipartisan way, but most often led by Republicans to ensure that America was strong once again.

We also had a Medicare deficit, because a program that was invented in the 1960s was not keeping up with the times. Americans were not receiving drug benefits or simple prevention systems under health care programs that were invented to help them. So we changed that Medicare program to provide them the first-ever prescription drug benefit, put in as part of our blueprint that we have here today. So that we filled in that gap, that Medicare deficit.

As a result of much of that work, yes, we have a Federal budget deficit that we also have to go to work on. But we have the ability to accomplish deficit control.

My friends on the other side have learned the words to the song of fiscal responsibility, but they do not know the music. The music is controlling spending. That is what we have to do. The only thing that we pay for in Washington is spending. What is paid for when we pay for taxes is paid for out of the pockets of Americans, out of their hard-earned money that they earn out of small businesses, out of farmers, out of ranchers.

When we talk about paying for tax cuts, the only people who pay for taxes in this country are Americans, and in order to get our budget deficit under control, the way we control it is by growing the economy and controlling spending.

Spending has been out of control, and we can see from this chart that recent spending every year in the last 3 years has grown by 6 percent. We are asking that we begin to hold the line. We are not saying cut. We are not saying eliminate. We are saying hold the line.

Yes, the decisions will be difficult, there is no question. We have carved out items that are important such as increases in veterans' spending, 1.2. We allow for an increase, even over what the President requested for veterans, of $1.2 billion.

We have increases in education. We have increases in here for homeland security and for national defense, and we ask that we hold the line in other accounts in order to get Federal spending under control.

Mr. Chairman, the three hallmarks of our budget are strength, growth, and opportunity. First, because if America is not strong, America is not free, and we have got to protect our country; otherwise, the rest of this discussion on the budget is just a bunch of numbers that do not make any difference.

Second, America has got to continue to grow, because to remain the most prosperous superpower Nation, America's economy has to be able to continue the growth that we have seen and the job creation that we have enjoyed.

But we also know that our greatness comes from the unlimited opportunities that America's freedom provides, which is why opportunity is the third hallmark of our budget.

This is all done within a framework which is fiscally responsible.

Mr. Chairman, we believe that we have a framework to move our country forward to provide strength, growth, and opportunity, and I ask my colleagues today to support it so we can get our country back on a fiscally responsible path.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), our distinguished minority leader.

Ms. PELOSI. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time and for his tremendous leadership in presenting to this House of Representatives, to this Congress, a budget that is values-based and that is fiscally sound. I join my colleague in commending the members of his committee and his staff for helping to put together this very, very important proposal to this House.

I also want to thank the members of the Black Caucus and Progressive Caucus for their very, very smart work that they did to bring a values-based budget to the floor, and the members of the Blue Dog Caucus for what they have done. Their tremendous leadership on fiscal soundness is something that is important to this Congress, important to our caucus, and important to our country. Thank you to the Blue Dogs for infusing fiscal soundness back into the Congress of the United States. It seems to be a priority of our colleagues on the other side of the aisle, who had been known as deficit hawks, but have become endangered species when it comes to that fact.

Mr. Chairman, this budget that we are talking about today should be a statement of our national values. Every year we say this on the floor. It should be a statement of our coming together to build a budget, a blueprint for the future on how we prepare a better future for our children by way of their education and access to health care, how it grows the economy to create jobs, how it protects our environment and, of course, provides for our national defense. And, today, that includes homeland security. But for the fourth time in 4 years, the Republicans in Congress and President Bush, indeed, have sought to pass a budget that is nothing less than an assault on our national values.

The American people expect and deserve, and the Democrats have proposed, a budget that reflects the urgent priorities of Americans' everyday needs. Good jobs, better access to health care, the best possible education for their children, a safe and clean environment, and a secure America. Instead, because of distorted Republican priorities and their reckless economic policies, we are considering a Republican budget here today that will have serious consequences for the American people. Instead of a blueprint of positive initiatives for the future, it is a blueprint for disaster.

The Republican economic record of the past 3 years is as shameful as it is clear. In 3 years, Republican economic policies have lost nearly 3 million jobs and added more than $3 trillion to the national debt. The gentleman from South Carolina has very eloquently and in a very detailed way talked about what has happened from surplus in the Clinton years to deficit in the

Bush years. Unbelievably, this budget continues that misguided course. It does not grow the economy.

The distinguished chairman of the Committee on the Budget talked about growth. It does not grow the economy to create jobs here at home or, in fact, to stop jobs from going overseas. It is a historic budget in that it has the largest budget deficit in history, $521 billion in this year alone. It fails to put our fiscal house in order by failing to reach balance.

And what is the impact of this budget deficit, in addition to mortgaging our children's future?

The National Association for Business Economics said that the main threat to the economy, the main threats to the economy are the soaring budget deficits and the sluggish job market, and the UCLA Andersen Forecast said job growth will not match labor force growth this year because new hiring will be constrained, because of weaker consumer spending and bulging government deficits. This lack of job growth and this deficit are related. Instead of being a statement of our values, as I have said before, this Republican budget is reckless and the consequences are severe.

But you be the judge.

On education, do you consider it a statement of your values to give tax cuts to people making over $1 million a year and cutting over $9 billion from No Child Left Behind? Is that a statement of our values in this Congress?

On health care, this budget takes away more than $1 billion from States' Children's Health Insurance Programs, from the SCHIP program over $1 billion, and cuts $2.2 billion from Medicare. Is it a statement of our values to give tax cuts, bigger tax cuts to people making over $1 million a year and increasing the number of uninsured in America with these cuts to more than 1.6 million in this year alone? I do not think so.

Is it a statement of your values to leave our veterans behind? And the military, the promises to leave no soldier behind on the battlefield, and when they come home we just leave our veterans behind?

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So this is not enough to talk with sacrifice and valor and patriotism of our military and our veterans. We must not fail to meet their needs. So is it a statement of your values to give tax cuts to people making over $1 million a year and cutting $1.6 billion from veterans services, as this budget does?

The gentleman from South Carolina's (Mr. SPRATT) budget does not do that. It rearranges the spending on defense in the budget to meet the needs of the veterans and the needs of their survivors. I thank the gentleman from South Carolina (Mr. SPRATT) for his values-based budget.

On homeland security, I was absolutely, and I am rarely surprised, rarely surprised around here, but it was really astonishing to hear the distinguished chairman talking about the homeland security funding in this budget. This budget cuts $850 million from the already meager proposal that President Bush made in his budget. It cuts President Bush's budget on homeland security. Is that a statement of our values?

I thank the gentleman from South Carolina (Mr. SPRATT) for adding $5 billion over and above what the President had in his budget to reverse some of the cuts in police and fire funding that we need to protect our homeland.

Mr. Chairman, some people were talking about music and words, and we have the words and they have the music and all the rest. There is a song, ''America The Beautiful,'' and there is a sentence that I find haunting and inspiring as a Member of Congress. It says, ''O beautiful for patriots' dreams that sees beyond the years.''

That is what our responsibility is here. We are supposed to be here to see beyond the years, to prepare a better future for our children; and, indeed, it is our patriotic duty to have a budget that is balanced and not again mortgaging their future, indebting them for generations to come. And it is our patriotic duty to have a budget that reflects our values, that we educate our children; indeed, nothing does more to grow the economy than that. It is our patriotic duty to provide for our children, their education, their health care, the economic security of their families, including the pension security of their grandparents, a safe environment for them to live and a secure America. But this budget does not do that. It is not beautiful for patriots' dreams.

The gentleman from South Carolina's (Mr. SPRATT) budget is.

Led by the gentleman from South Carolina (Mr. SPRATT), House Democrats offered a budget today that spoke to the American people's aspirations for good jobs, better access to health care, the best possible education for our children. The gentleman from South Carolina's (Mr. SPRATT) budget rose to meet the challenge of homeland security, to really meet that challenge. And the Spratt budget would not add one penny to the deficit. It is fiscally sound and patriotic.

Mr. Chairman, the budget that the Republicans have before us does not have a values base. It does not have fiscal soundness, and it should not have your support.

I urge a ''no'' vote on the Republican budget.

Mr. NUSSLE. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Chairman, I rise today in support of the Nussle budget and in opposition to the various tax and spend alternatives that we have heard from the other side of the aisle.

The Nussle budget is the best alternative if you want to keep the economy growing, if you want to keep the country secure, and if you want to keep spending under control. If you want to keep the government growing, if you want to keep the tax burden rising, if you want to keep jobs flowing overseas, and if you want to make America less secure, you can find a Democratic budget alternative that is more to your liking. But, once again, as we do every year, we have two radically different visions for the future of America presented in the budget debate.

The budget is important because it is in the budget that we make the choices in how we choose to govern in this country. The Nussle budget calls for responsible government. And I guess when you talk about responsible, maybe we do talk about values and we talk about values of not spending beyond our means, and we talk about values of protecting our children's future. It says that we should not raise taxes just as the economy is finally getting its footing. It fully funds the war on terror and our homeland defense; and, incidentally, it raises homeland defense, not cuts homeland defense, 9.5 percent, so that our troops have the equipment and the training and the pay and the ammunition and the support of this Congress to keep this Nation secure.

The 9/11 Commission is now examining what happened in the days leading up to the worst attacks against America in our Nation's history. And one inescapable conclusion is that we did not invest enough money in our intelligence community in the late 1990s so that they could do the job to protect America.

The leaders of the Democrat minority voted consistently to cut intelligence spending throughout the 1990s as they voted to slash defense spending. And that anti-defense, anti-intelligence philosophy lives on in one of the Democratic alternatives that we have before us today. We will not make that mistake again. We should do everything within our power to make certain that what happened on September 11, 2001, never happens in this country again.

The Nussle budget calls for spending restraints in the rest of the budget. I think that is appropriate, and some people may even call that a value. We no longer live in the era of surpluses because of the war, because of terrorism, because of the downturn in the economy; and we do have a big deficit. We need to spend less money and this budget spends less money.

We disagree with our Democratic colleagues who by tradition want to spend more money here in Washington and raise taxes to do it. And when we say we want to cut waste, fraud and abuse, they say that we are gutting the programs that they care about the most. The Democrats do not believe that government wastes any money or that the government can become any more efficient or that higher productivity for government employees is a good thing.

They will defend the bureaucracy with every rhetorical weapon in their arsenal. We challenge the bureaucracy to do more with less. We ask them to weed out waste and fraud and abuse.

We believe that a bloated Federal Government is bad for the economy, bad for the taxpayers, and bad for the fiscal future of this Nation.

Our Democratic friends want you to believe that their tax increases will hit the richest Americans. You heard it 15 times in the last speech. Why should we not tax the million-dollar earners? Well, I will tell you who they are. The million-dollar earners are the small business owners, they are the entrepreneurs, they are the job creators, and they hit the job seekers the hardest.

When you go to my district in the Fox Valley of Illinois, it is the small business people, it is the small entrepreneurs that are creating jobs in this country. They are doing it today. We do not want to handcuff them.

The Democrats like to talk about how they help the jobless, but their budget policies will keep the jobless from getting jobs. Higher taxes kill jobs. In fact, 95 percent of the entrepreneurs who file as Subchapter S Corporations or partnerships will be hit by the Democrats' taxes, while 58 percent of small business owners would also be hit. These higher taxes would make it harder to hire that extra worker or expand that business to keep competitive with the Chinese or the Europeans.

In this economic environment, the last thing we need is a policy that kills jobs.

This is a familiar debate. The Nussle budget promotes a stronger defense, a stronger economy and a smaller and smarter government. The various Democratic alternatives promote bigger government, a bigger tax burden for America's job creators, and a bigger fiscal mess down the road.

In this debate we have heard it time and time again, it is not really a debate of policy. It is really a debate of philosophy. It is a debate that asks the question, can government spend people's money better and can government make better decisions for our children and ourselves or can people spend their money better and can people make better decisions for themselves?

Vote for the Nussle budget and vote to keep America strong and secure.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today against the Republican budget and for the Democratic and CBC alternative budgets.

The members on the other side of the aisle describe their budget as one that "recognizes the fundamental obligations of the Federal Government." It does no such thing. In fact, it is nothing short of a political document that turns a blind eye to our obligations.

The House Republican budget is indefensible. House Republicans followed the lead of President Bush and passed a budget that goes after the poor, the homeless, and the elderly. Republicans value more tax cuts for the rich over meeting the needs of senior citizens, working families, the unemployed and the majority of Americans. Medicaid and Section 8 vouchers are slashed so they can pay for missile defense, subsidies to Halliburton and tax cuts for the wealthy.

The Republican budget cuts and underfunds programs that have been proven to strengthen our country and provide opportunities for the future. The so-called "education President's" own No Child Left Behind is underfunded by $8.8 billion. While college costs have skyrocketed, the GOP budget keeps the Pell Grant maximum at the same level it was three years ago. There is no money for the Family Opportunity Act, which would provide health insurance for disabled children. It tells my committee, Energy and Commerce, to make $2.2 billion in Medicaid cuts over the next five years, jeopardizing health and long term care for 52 million Americans.

Section 8, low-income heating assistance of LIHEAP, child care assistance—programs that help people pay the bills and keep roofs over their head in tough times like these—are cut by $3.7 billion. We could see 250,000 people lose affordable housing this year under the GOP budget. Veterans' health care is underfunded again, this time by $1.3 billion below what the Republican Chairman of the Veterans' Affairs Committee recommended. Over the next five years, the Republican budget will cut these and other domestic programs by $36.9 billion. At a time when so many families are worried about jobs, health care, and education, this budget puts their future on the chopping block.

Parents cannot afford to send their children to college. Seniors cannot afford their housing, heating bills or medicine. Veterans have to wait for months to see a physician at the VA. Teachers still have to buy their own school supplies. Democrats offered a clear alternative to the destructive plan Republicans pushed through Congress. We will continue to fight for a fair budget that will fund America's true priorities.

Mr. GREEN of Wisconsin. Mr. Chairman, the House-passed Fiscal Year 2005 Budget Resolution marks another step forward in our efforts to increase the level of funding reserved for America's brave veterans. The budget will increase VA funding by $9.3 billion over last year, which was preceded by an increase of $9.1 billion for the previous two years. In addition, the budget excludes new increases in prescription drug copayments and VA enrollment fees. Even so, I would have liked to have seen more done for our growing veterans population, and I will do all I can in the coming months to do just that.

As you know, I signed a letter last week requesting the level of funding for veterans be increased to match that of the Senate-passed budget. I have now received a letter from VA Secretary Anthony Principi certifying that the House budget plan provides sufficient funds for the VA to continue providing high quality care in the coming fiscal year. Nonetheless, I pledge to work with the House-Senate conferees to increase the final funding level for veterans in the budget, and will push my colleagues on the appropriations committee to provide additional increases for our nation's retired servicemen and women.

Mr. KIND. Mr. Chairman, the President and majority party in Congress have presented budgets that continue down the path of fiscal recklessness and misplaced priorities. Their plan continues to fail working families, continues to fail seniors, continues to fail veterans, and continues to fail children by expanding already record deficits that will hamper economic growth and burden future generations.

Perhaps most disturbing is that the majority has no plan to return the federal government's books to balance. While they claim that their budget plan will cut in half the current record deficits that their economic policies helped create, realistic projections, including pages in the President's own budget. show deficits as far as the eye can see under their plan.

Their plan continues the downward fiscal spiral of our government at exactly the wrong moment in our nation's history when we have 80 million baby boomers rapidly approaching retirement age and starting to enter the Social Security and Medicare systems. Instead of the irresponsible budget before us, we should be trying to practice fiscal discipline to get the nation on sound fiscal footing in anticipation of that demographic time bomb going off and protect the monies in the Social Security and Medicare trust funds.

This requires making tough choices on spending and revenue, and it requires us to move away from the status quo toward a new plan that helps working families, meets the security needs of our country, protects important programs here at home, and finds balance within a specified time frame.

The alternative budget proposal offered by Mr. SPRATT meets this challenge and sets a new course toward fiscal sanity. It includes more funding for programs important to people in western Wisconsin such as education, veterans' health care, environmental protection, and first responders. It fully funds our national defense, and provides necessary tax relief for working families. By reducing a portion of the individual tax cuts for those making over $500,000 yearly income, the Spratt alternative provides working families relief from the marriage penalty tax and extends the child tax credit.

In addition, the Democratic alternative returns the federal budget to balance in eight years—something the Republican budget never does. It supports important budget enforcement measures that were present in the 1990's and kept government on track to record surpluses. The Republican leadership has continually refused to reinstate these important, common sense enforcement tools that simply require offsets for spending and revenue changes in law that would otherwise increase the budget deficit. These so-called "pay-as-you-go" provisions require government to pay its bills and stop the fiscal bleeding.

Budgets are all about priorities. The alternative budget proposal I support makes education a priority by providing $51.4 billion more than the President's budget over 10 years, helping local school districts meet the requirements of No Child Left Behind and making college more affordable for all students. It makes veterans health care a priority by providing $6.6 billion more than the majority over five years, meeting the request of the Veterans' Affairs Committee and veterans' organizations. And it makes job creation and worker training a priority while proving tax relief for working families.

Let us pass a sensible, fiscally responsible budget that protects important American values so that years from now, we can look back and say, yes, we had to make some tough decisions, but they were the right decisions

under the right circumstances, and American families are the primary beneficiaries as a consequence. I urge my colleagues' support of the Democratic alternative.

Mr. JIM DAVIS of Florida. Mr. Chairman, our debate this afternoon is in part over our disagreement about the best way to address the ever growing debt and now record deficit. Despite the many differences enumerated this afternoon there are certain truths which must direct our decisions:

The Federal debt now tops over 7 trillion dollars. This amounts to over $24,000 worth of debt per U.S. resident. That's an awesome burden to place on the backs of our children.

This year, U.S. taxpayers will waste $156 billion on interest payments on the federal debt—money that should have helped support our troops in the field, students in the classroom and seniors relying on Medicare, Medicaid and Social Security. And as this deficit spirals out of control, our government's excessive borrowing will deal a blow to our economy by forcing up interest rates for small businesses, homebuyers and students who rely on loans.

Federal Reserve Board Chairman Alan Greenspan has highlighted the risks of sustained deficits saying, ''History suggests that an abandonment of fiscal discipline will eventually push up interest rates, crowd out capital spending, lower productivity growth, and force harder choices upon us in the future.''

The U.S. federal deficit is now among the highest in the industrialized world, and our debt level is fast approaching those of other major industrial countries. With the federal debt now close to 40 percent of the Gross Domestic Product, deficits will likely put pressure on the U.S. dollar.

As a member of the New Democrat Coalition I have supported a fiscally responsible deficit reduction plan to balance the budget in 10 years, suspend recent tax cuts for the top two tiers of earners, eliminate corporate tax loopholes, prioritize spending and revive budget enforcement mechanisms, such as the Pay-As-You-Go (PAYGO) provisions which Senate Democrats and Republicans passed to force the government to live within its means.

The Senate plan sent alarms through this chamber last week because the Senate Budget Resolution includes genuine Pay-As-You-Go provisions that can bring fiscal responsibility to the budget. The House Budget Committee's version betrays the budgetary spirit of Pay-As-You-Go because it enforces budgetary constraints on entitlement programs but not tax cuts. Tell me Mr. Chairman how this unbalanced approach to the budget will eventually lead to a balanced budget.

The President visited my district a few weeks ago and during a speech about the economy never once did he mention the $7 trillion dollar debt or the record deficit this country now faces. Never once did he mention the potential for harm and devastation that rising interest rates pose for small businesses and exporters in my district. And not once did he mention any one of the 2.6 million jobs lost throughout the country since 2000. We cannot continue to ignore the implications of our fiscal irresponsibility.

By failing to mention these concerns, the President has forgone all responsibility for addressing them. So in closing, I urge my colleagues to take up the responsibility thrown off by our leadership. Defeat the Republican House Budget Resolution because it fails to implement meaningful budgetary mechanisms that will bring this budget into balance.

Mr. SANDLIN. Mr. Chairman, the House Republicans should be ashamed for once again producing a budget that assaults the health needs of our most vulnerable citizens. In their annual attempt to slash needed programs and funding the end result is clear—the safety net for our Nation's health care will deteriorate and people will surely suffer.

With the economy in shambles and job opportunities plummeting, American families are struggling to stay afloat right now. I can not stand by and allow our Congress to abandon our Nation's families' need for assistance with basic health care. We already are in a crisis situation with over 43.6 million people uninsured nationwide. In my home State of Texas, over 26 percent of our citizens, nearly 5 million people are without health care.

The House Republican budget decimates Medicaid and the State Children's Health Insurance Program SCHIP. It requires a $2.2 billion cut in Medicaid funding, which will compromise the well being of over 500 million children, their parents, seniors, and disabled individuals. This comes at a time when States are already in fiscal crisis, resulting in nearly every State cutting their own Medicaid program by slashing eligibility, cutting benefits, raising copayments and reducing provider payments. Republicans have also tried to quietly allow $1 billion in SCHIP funding to expire on September 30, despite the critical need to allocate that money towards its intended purpose of providing heath care to needy children.

Prior Federal and State cuts to Medicaid and SCHIP have already caused irreparable harm to families in Texas. Since SCHIP cuts in Texas took place last September 1, enrollment for kids has dropped from over 507,000 children to 399,000. For those children fortunate to retain some health coverage, they have had to endure the loss of all dental, vision, and hospice benefits. How can this be considered acceptable? How can our Federal legislators stand by and recommend cuts that will compound this problem? It is a travesty that Republicans believe it is OK to harm children under the guise of fiscal discipline.

Children aren't the only citizens whose healthcare is sacrificed under the Republican budget though—our Nation's veterans are also dishonored with these cuts to their earned benefits. Every major veterans service organization, including the American Legion, Disabled American Veterans, Vietnam Veterans of America, and Paralyzed Veterans of America has decried the now chronic under funding of their health care, stating the Republican Budget is an insult tot heir military service, and the health problems often caused by this service. Veterans need our support now—to offer a budget that doesn't even keep pace with inflation is illogical.

We came to Congress with a commitment to represent the basic needs of American families. Now is the time to exercise fiscal discipline in a common sense way—by rejecting tax cuts for wealthy corporations in favor of sustaining and improving the health care of Americans in need. It is simply a question of priorities—a question of choices. The Democrats' budget answers this call from veterans, seniors and children. The Republican budget doesn't. I know which budget my constituents in East Texas want me to vote for. It is a clear choice—it is the right thing to do.

Mr. BLUMENAUER. Mr. Chairman, the budget process in the House of Representatives is a casualty of the increasingly extreme partisanship of the Republican leadership and their obsession with reducing taxes for those who need it the least. All the deep concern about deficit spending that formerly influenced Republican policy making is of a previous generation.

We now have the specter of the Republican budget causing another $1.3 trillion in national debt, while at the same time spending the entire $1 trillion Social Security surplus, and cutting critical education, environment, and veterans' programs.

The good news is that not even the Republican leadership will take their budget resolution seriously. They will not follow this blueprint.

The bad news is that Republicans in Congress will combine the worst of both worlds, grudgingly increasing the spending for some critical programs, while at the same time continuing to pursue a reckless plan of tax cuts that ignores the greatest needs of middle-class families. The Alternative Minimum Tax, under the Republican plan, will tax tens of millions of American families, penalizing them hundreds of billions of dollars. For the Republicans, it is more important to give the richest few Americans more tax cuts than rescue millions of middle class families from the Alternative Minimum Tax.

This plan means we will have to fight harder to meet the needs of our veterans and they will not be treated as generously as they would have been treated under the Democratic Budget alternative.

It is my hope that with a presidential election looming and activism from groups like the coalition of veterans who have denounced the Republican budget proposal, we can return fiscal sanity to Washington.

Mr. UDALL of Colorado. Mr. Chairman, I cannot support this resolution.

For 3 years, the administration and the Republican leadership have insisted on speeding ahead with misguided fiscal and economic policies. Ignoring all warning lights, they have taken us where we are today—with an economy in the ditch and a budget deep in deficit.

And, despite their claims to the contrary, when you look at the full picture you can see that this budget resolution offers only more of the same.

For example, while they claim that they are putting the budget on track to cut the deficit in half, that claim is based on the fact that this budget covers only 5 years instead of the usual 10 years. When we broaden the picture to cover the full decade, we see that the deficit would be increasing again, meaning that we would be adding more and more debt that would have to be repaid—with interest—by our children and grandchildren. This is not a policy that deserves our support.

We should be changing course, not persisting in error. That is why I supported the Spratt substitute, and why I also voted for the Blue Dog substitute. Neither was perfect—and in particular I thought the Blue Dog substitute would have not allowed for adequate investments in science and research or for environmental protection—but each was preferable to the Republican budget now before us.

In particular, the Democratic alternative proposed by Representative SPRATT would have fully protected Social Security while putting us

on the road to balance the budget in 2012, while running up a public-debt burden that would be a full $34 billion less than the Republican budget in the next 5 years.

Mr. Chairman, I recognize that this resolution will pass, because our Republican colleagues have received their marching orders from the White House, and are in moving in lockstep to endorse the Bush administration's insistence that its economic and fiscal policies must continue without change. I admire their discipline, but I am convinced their judgment is faulty. I do not share their view, and I cannot follow them as they take us further into the swamp.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I oppose the Republican budget because it cuts funding for the Violence Against Women Programs.

This funding supports most of the programs created by the Violence Against Women Act of 1994. The programs impact the lives of women and children by bolstering prosecution of domestic violence, sexual assault, increasing services for victims by funding shelters and increasing resources for law enforcement personnel. The President's budget proposes to reduce these programs to $362 million, a cut of $22 million.

Since the Violence Against Women Act was implemented, there has been a 25 percent decrease in violence against women. This 25 percent decrease demonstrates the effectiveness of the policing and prosecutions that these programs fund.

Without full funding, thousands of women and children will not be able to access the services they need to escape from domestic violence. We need full funding for these programs to support this vulnerable section of our population.

Violence against women is a global epidemic. It is not a woman's issue and it is not a "private" issue. We need to restore the $22 million to the Violence Against Women Programs to show the women, children and families across the country that we are committed to creating a safer and more peaceful world for them.

Mr. DEFAZIO. Mr. Chairman, it was just over a year ago that House Budget Committee Chairman JIM NUSSLE said, "I don't like deficits, I don't want deficits, and I won't pretend deficits don't matter." Yet, the budget we're considering today, which he drafted along with the House Republican leadership, would make federal budget deficits worse, not better. Relative to current law, the Republican resolution will increase the deficit by $247 billion over the next 5 years and $1.6 trillion over the next 10 years.

The Republicans claim their budget will cut the deficit in half by 2009. That claim is only accurate if you ignore the fact that they use every penny of the surplus Social Security revenue to mask the true size of the deficit. Two years ago Chairman NUSSLE said, "I don't know how many times we have to say it: We are not going to spend the Social Security and Medicare trust funds." Apparently, he's suffering from amnesia because the reality this year is that the Republican party is proposing to do exactly that, every single penny. If you don't count the Social Security money the Republicans are proposing to borrow, the deficit this year will be $550 billion and will be $471 billion in 2009, which is not exactly cutting the deficit in half.

Under the Republican plan, the debt held by the public, which excludes Social Security, will rise from $4.4 trillion today to $5.9 trillion by 2009. The total federal debt will rise from $7.4 trillion today to $10.5 trillion in 2009. The "debt tax" a family of four owes on this debt will rise from $4,400 this year to $7,000 by 2009. Interest payments on the debt will rise from $154 billion today to $296 billion by 2009, rising from approximately 7 percent of the total federal budget to 11 percent.

This debt load is clearly not sustainable. It unfairly burdens our children, grandchildren and their children with a debt they did not accumulate. And, it puts our country more and more in hock to foreign investors. The top two owners of U.S. government debt are Japan and China. I do not believe it is in the interests of our country to continue to run large budget deficits financed by China or Japan for that matter.

You might think that in the face of these deficits, the House Republican leadership would make a serious attempt to restore some semblance of sanity to the federal budget. You would be wrong. But, please don't think they are in denial about the scope of the problem. They know exactly what they're doing. The debt escalation is a conscious—though disingenuous—policy the Republican party is pursuing in order to force drastic cuts in programs they don't like, but that the American people support.

The House Republicans are willfully digging the budget hole deeper—and are putting the financial stability of our country at risk—by providing $153 billion in tax cuts through 2009, including maintaining the repeal of the estate tax and reductions in capital gains and dividend taxes, which overwhelmingly benefit the wealthiest Americans, those who make more than $300,000 a year. Over 10 years, the cost of the tax cuts in the Republican budget will cost $1.2 trillion.

Now, my colleagues on other side of the aisle will protest that it is spending, not tax cuts, that have driven the sudden appearance of record budget deficits. While their rigid ideology may cause them to believe that, it happens not to be true. Republicans have repeatedly refused to acknowledge the obvious role tax cuts have played in the $9 trillion reversal in the 10-year budget projections since Bush took office.

According to the non-partisan Congressional Budget Office, tax cuts are responsible for 36 percent of the deterioration in the surplus, spending increases are responsible for 28 percent, technical changes—primarily lower revenue assumptions—are responsible for 27 percent, and the recession is responsible for 9 percent.

Looking more in-depth at the aforementioned spending increases, the vast majority of the spending increases were in the areas of defense and homeland security, and were requested by President Bush. From 2001 to 2003, an average of 70 percent of the spending increases went to defense, 14 percent went to homeland security, and 11 percent went to NYC, aviation, and international aid.

When Republicans talk about reducing "government spending," they are generally referring to non-defense discretionary spending. While Republicans act as if non-defense discretionary spending only includes wasteful welfare programs, the reality is that it includes law enforcement programs, education, veterans, environmental protection, health care, Army Corps, energy, etc. Congress could eliminate the entire non-defense, non-homeland security portion of the federal budget—$391 billion—and the budget would still be in deficit by several hundred billion dollars.

I agree there are federal programs that deserve to be eliminated or reduced. I support reducing the space program, agriculture subsidies, weapon systems that are irrelevant to meeting today's threats, and foreign aid, among other areas.

However, spending restraint alone cannot solve the deficit problem. Getting the federal budget under control will require discipline on both spending and taxation. That is why the budgets I am supporting today contain both spending and restraint and reductions in tax relief to the wealthiest one percent of income earners and multinational corporations.

I am also a cosponsor of stand-alone legislation, H.R. 3995, the Aspiring Fiscal Honesty and Accountability Act of 2004, to impose some discipline on the federal budget process. This legislation would cap discretionary spending for the next 3 years at the same level requested by President Bush. The bill would also reinstate the so-called "pay-as-you-go" rules that helped bring the budget into balance in the late 1990s. These rules require that any legislative changes that would increase the deficit—whether spending increases or tax cuts—must be offset by cuts or revenue increases somewhere else in the budget. H.R. 3995 would also reform the "emergency" spending loophole that allows Congress to spend billions of dollars a year outside the normal budget process.

Finally, I disagree with the spending priorities in the Republican budget. For example, the Republican budget provides $8.8 billion less for education programs than the $34.3 billion authorized by the No Child Left Behind Act for 2005. That means local school districts will continue to struggle with the unfunded mandates of the President's key education initiative.

And, inexplicably, the House Republican budget follows the President's lead by cutting programs to assist America's small businesses. There are 23 million small businesses in the United States, representing 99 percent of all employers. The generate three-fourths of all new jobs. They create more than half of our GDP. Small technology companies are the trailblazers, producing 13–14 times more patents per employees than large firms. Small companies employ 40 percent of high-tech workers. Funding for the Small Business Administration has decreased every year since President Bush took office. If the Republicans have their way, the microloan and New Market Venture Capital programs will be eliminated, funding for Women's Business Centers, technical assistance, and technology programs will be cut, and the SBA's largest loan program, the 7(a) programs, will be slashed and fees will be increased. These policies are harmful at any time, but they are particularly detrimental to our Nation's small businesses during a time of economic instability.

The Republican budget provides $1.3 billion less for veterans programs in 2005 than what the House Committee on Veterans Affairs recommended on a bipartisan basis. It provides $2 billion less for veterans programs than what veterans themselves requested in their Independent Budget proposal.

That is why veterans organizations, including Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and the Paralyzed Veterans of America have called the Republican budget ''half-hearted'' and ''ill-advised''. They urged a vote against it and said the Republican budget ''would be a disservice to those men and women who have served this country and who are currently serving in Iraq, Afghanistan, and around the world in our fight against terrorism.''

I am also concerned that the Republican budget cuts homeland security funding by $857 million below even the level requested by President Bush, which includes cuts to port security grants and cuts to grants for our Nation's first responders like police and firefighters.

Because the Republican budget borrows so much money, runs up record budget deficits, and still fails to adequately fund priority programs that Oregonians depend on, I will vote against the Republican budget.

Mr. FORBES. Mr. Chairman, I rise reluctantly to support the budget resolution before us today. While the budget before us makes great strides to control spending and reduce the deficit, I am afraid the Veterans Administration will not have the necessary resources to take care of our nation's veterans. I know that many of my Virginia congressional colleagues share these same concerns as well.

While I fully recognize that no budget is perfect, I hope we can all agree that providing health care to our nation's veterans should be the last place we look to reduce spending. Perhaps it would be more appropriate for us to review our spending on foreign aid before we ask our veterans to sacrifice yet again for their country. At a time when our country has soldiers deployed in Iraq in defense of freedom, it is important that we do not leave behind the men and women who have served our country in the past.

To this end, I want to express my support of an amendment to the Fiscal Year 2005 Budget Resolution, offered by my colleague from Virginia, VIRGIL GOODE. Unfortunately, this amendment will not be offered on the floor today for a vote, but it does, however, deserve our attention. Mr. GOODE's amendment calls for an $8 billion cut from foreign aid spending, using that money instead to further assist our Nation's veterans and decrease the size of our federal deficit.

This important measure would redirect funds used across seas and place it back in the hands of the American people. By paying down our Federal deficit we are investing in the future of America and by providing healthcare for our veterans we are repaying them for the personal investments they have made on our behalf. Mr. Speaker, the time has come when America must pay its debts, and that time as now.

I will vote for this budget, however, because I believe it is vital that we keep the budget process moving. Further delaying the budget could negatively impact defense, homeland security, and other important government functions, as well as cause spending for our veterans to revert to previous levels. As we have seen in the past, failing to pass a budget resolution causes a train wreck in the appropriations process. With America still fighting the war on terror, we cannot allow that to happen again.

It is my hope that the final product will be improved dramatically, so that I will be able to support the final budget conference report. I will have great reservations in supporting this budget again should it be returned to the House in its current form.

Mr. RYUN of Kansas. Mr. Chairman, the U.S. economy has shown truly amazing resilience after the many challenges of the last few years, including: a terrorist attack, war, corporate scandals and recession. In spite of these factors: real GDP growth was 8.2 percent in the 3rd quarter of 2003, the highest pace in two decades, housing starts are at the highest level in 20 years, mortgage rates are the lowest in over 30 years, and payroll employment has increased by 364,000 jobs in the past 6 months.

This is good news for every American family. Economic growth is the key to prosperity for everyone. And the Republican budget is the plan that will ensure that these growth trends continue.

One way this budget encourages sustained economic growth is by not raising taxes. Under the budget drafted by Chairman NUSSLE, there will be no reduction in the child tax credit, no increase in the marriage penalty, and no lowering of the income limit for the 10 percent tax bracket. Raising taxes, as the Democrats have proposed, would be a severe blow to the recovering economy and to young families.

The Democrats believe that taxes should be raised to pay for more government spending. During the Budget Committee markup the Democrats proposed to increase spending by $28.6 billion next year, paid for by raising taxes by $28.9 billion next year.

I ask my colleagues, why do we need more spending and higher taxes? Spending by the Federal Government has reached over $20,000 per household. I find that total staggering. I dare say that most families could do great good for their children with a fraction of that amount back in the family budget.

Some people have blamed the deficit on the tax cuts. In reality, the downturn in the economy is the largest factor in erasing the surplus. And we must keep in mind that the projected surpluses as far as the eye could see were just on paper, they were never guaranteed. The good news is that the economy is recovering faster than expected, and that growth will be a significant factor in reducing future deficits. The key is for Congress to stay out of the way of economic growth.

The runaway spending that followed the rosy surplus projections is the second largest contributing factor that has pushed us into deficit spending. Since 1997, spending has increased 3.6 percent faster than inflation and as revenue began dropping in 2000, spending continued to climb. Spending in time of war or national emergency is warranted, but now spending restraint is necessary or we will never return to a balanced budget.

The Republican budget plan puts us on track to cut the deficit in half in 4 years. We must be faithful to a plan of fiscal responsibility or our children and grandchildren will inherit a debt they can't afford to pay.

This budget blueprint holds the line on spending to keep the government from dragging down the economy. This does not mean that every program will be treated the same by the Appropriations Committee. It does mean that priorities will have to be set and hard choices will have to be made.

Some worthy programs will receive a funding increase and other less effective or unproven programs may receive a cut. These decisions are up to the Appropriations Committee. The Budget Committee is simply setting the aggregate spending numbers. The nondefense, nonhomeland security discretionary number is frozen at last years funding level. This is a responsible decision when spending is driving us toward a deficit that could be nearly impossible to overcome.

I believe the numbers in our budget will have the government operating as a wise steward of taxpayer dollars. Our constituents are demanding accountability for these dollars and this budget plan delivers.

I urge your support for this budget.

Mr. KUCINICH. Mr. Chairman, today, I rise to oppose the budget under consideration today. Some believe they must accept the President's request for higher defense spending. Too many Members of Congress believe that a vote against higher defense budgets is tantamount to being ''weak on defense.'' But what they ignore is the fact that the President's defense number is weak on defense contractors. It gives nearly everything the contractors could want, and as I will show in a minute, it fails to make Americans safer.

How does the V–22 tilt rotor—which has killed 30 Marines in a crash rate of 18 percent—make Americans any safer? Of course it doesn't. But spending $1.75 billion to procure it makes the contractor richer.

How does the so-called National Missile Defense—which has not been shown to work, according to the DOD's own director of testing—make America any safer? It doesn't. But it does make the contractor richer.

How does the F–22 airplane, which suffers from exorbitant cost overruns and offers little improvement over today's more than capable F–15, make America any safer? Again, it doesn't. But at a cost of $4.7 billion in this year's budget, the contractors will see great profits.

Rather than buying a false idea of security by handing billions to defense contractors for hardware that doesn't work, can't work, or won't work to defend against the threats of today, let's buy the defense we do need and invest the rest in economy security.

America needs jobs. The Nation has lost 2.2 million total jobs since President Bush took office. Experts had expected an increase of 125,000 new jobs in February, but in reality companies added just 21,000 new jobs last month. Manufacturing lost 3,000 jobs in February, a 43-month continuous slide. Since July 2000, the manufacturing sector has shed 2.8 million of its jobs. And the construction industry is suffering under a 9.3-percent unemployment rate.

There were 8.2 million unemployed workers in February. Yet this number is low; 1.7 million additional workers were not counted in the unemployment figures, as they hadn't looked for a job in the prior 4 weeks.

Mr. Chairman, my colleagues face a quandary today. Many of them are going to vote for large deficits and reduced domestic spending in order to fund a $26.5 billion increase in defense spending. To do that means Congress will not spend enough money to create jobs. And jobs are the bottom line for Americans.

There is a better approach for a safer and stronger America. First we will reduce defense spending to last year's request, although much more could be cut. That still leaves a defense budget increase of 26 percent since 2001, not

accounting for the extra funds for Afghanistan or Iraq, some $186 billion. The $26.5 billion can then be shifted to the Transportation Equity Act—a Legacy for Users (TEA–LU) to create jobs. Over 6 years, this increases the TEA–LU authorization, set by the committee at $275 billion, to $434 billion, a full $59 billion above the initial goal of the chairman and ranking member of the Transportation Committee. More importantly, the large infusion of cash into our nation's transportation infrastructure means hundreds of thousands of jobs and a dependable infrastructure system allowing the economy to continue to grow.

Sensible cuts in defense spending can fund more jobs for Americans who desperately need them. Our country's economic strength, our ability to create jobs and improve business productivity, and our desire to create a safe, efficient transportation system are all-dependent upon increasing investment in our Nation's infrastructure. The Department of Transportation's own studies show that every $1 billion of Federal funds invested in highway infrastructure creates 47,500 jobs and $6.2 billion in economic activity. Authorizing $434 billion over 6 years for our transportation infrastructure will yield tremendous job growth and other economic benefits. In short, defense cuts can create more jobs for Americans.

Mr. HOLT. Mr. Chairman, I rise to oppose the FY2005 Concurrent Budget Resolution that was reported by the House Budget Committee and that we have before this House for final passage. I do so for a variety of reasons that I want to explain.

I am heartened by our country's recent up tick in the index of leading economic indicators. Yet, we are also chastened because we all count among our families, friends, and neighbors, dislocated workers who have fallen victim to corporate down-sizing and dismayed recent college graduates and long-term unemployed Americans who are looking for their first or next jobs. All are seeking to grasp a rung up the ladder of economic opportunity, and this budget will not help them.

This misguided budget resolution frames critical policy choices for our national economy that will shape our lives and the lives of all of our constituents at the regional, State, community, and personal levels for many years to come.

One policy option, that is embodied in this flawed budget resolution, is to keep borrowing against our future and that of our children, and perhaps their children, to keep our economic ship afloat. This is how we have added more to the national debt in the past three years than in the prior two centuries of our Nation's history. A vote in favor of this budget resolution is a vote for more ''borrow and spend'' policies that are responsible for our country's current fiscal nightmare.

Adding insult to fiscal injury, this budget resolution also clears the way for more tax cuts for those who need them the least, given the predisposition of the Bush Administration, and who have benefited disproportionately from the Bush tax cuts enacted by this Republican-controlled Congress so far. Where is the tidal wave of re-investment in new plants, equipment, and jobs and factories in America that the proponents of this budget have promised us repeatedly in the past three years? At their behest, the American people are required to put our collective faith in the belief that the ladder of economic opportunity will not be pulled up behind the most affluent. If we continue down this ill-advised, self-indulgent path, we run the risk of drowning in a sea of red ink and our children and grandchildren can look forward to lives of indebtedness and growing inequality.

This Congress could make a better choice. In so doing, we could build upon what has worked in the past when our economy was growing by leaps and bounds and creating millions of new jobs, as recently as the 1990s. We could abandon the fraud of supply-side economics, once and for all, step up, and reassert control over shaping our preferred economic future—one that offers more good jobs, a higher standard of living, and real economic opportunity for all of the American people. Sadly, this budget resolution takes us farther down the wrong track.

Over several generations, American economic wealth and power has been built largely on the foundation of unparalleled imagination, research, innovation, productivity, and hard work. Investment and commercial opportunity in our economic system have always followed new discoveries and laboratory breakthroughs, not the other way around. Before prudent investors have risked their capital in new commercial ventures, our scientists, inventors, and pioneer thinkers have been supported in their efforts and rewarded for their successes in achieving what had previously been unthinkable.

If we want to strengthen our economy again, in the future, if we want to create new, good-paying jobs for all of our people, and promote broad-based, sustainable economic development, then I believe we must become more creative and provide more support from the public and private sector for cutting-edge research and development. We have to stop borrowing and spending. We have to stop eating our seed corn. We have to provide increased and more sustained support from the public and private sectors for basic research and development.

Up to now, America has always been a nation of explorers, creators, and inventors. We need to regain that edge and ride a new wave of research and follow-on commercial development into a new age of economic growth and prosperity. But this budget resolution does none of this. The supporters of this budget don't want to keep faith and invest in the American people, increase Federal support for research, development, and entrepreneurial drive, and rebuild American competitiveness in the global economy. If they did, they could not in good conscience vote for the skewed priorities of this budget resolution and the Draconian, counterproductive cuts it will dictate.

Let me cite a few of the most glaring examples:

On Federal support for research and development, the Federal research and development portfolio would mostly decline compared to last year's funding, consistent with the 0.5 percent increase for nondefense, nonhomeland security discretionary spending overall. Even the two favored nondefense research and development agencies in recent years are being forced to accept diminished expectations: The National Institutes of Health (NIH) and the National Science Foundation (NSF).

On education, this budget again shortchanges our students, teachers, and schools. It will provide $8.8 billion less than authorized and promised when the Congress enacted the No Child Left Behind Act at the urging of President Bush. It fails to provide any increase in the maximum Pell grant award at a time of soaring tuition costs in higher education. It also falls way short in funding of the Individuals with Disabilities Education Act (IDEA), providing only half of the 40 percent Federal funding ceiling.

For America's veterans, this budget is another slap in the face and betrayal of what they have earned and been promised. This budget provides $1.3 billion less than what the House Veterans' Affairs Committee has recommended—on a bipartisan basis—to maintain vital veterans health care programs. Over the next five years, this budget cuts $1.6 billion from the total needed just to maintain current service levels. In practical terms, this shortfall will imperil health care for at least 170,000 veterans. Alternatively, it will result in 13,000 fewer doctors, nurses, and other caregivers needed to treat veterans. No wonder the Disabled Veterans, Veterans of Foreign Wars, Paralyzed Veterans of America, and AMVETS are all strongly opposed to this budget.

On the environment, this budget promises more tax cuts, while cutting funding for clean air, safe drinking water, and the cleanup of toxic waste sites. It actually calls for cutting $1.5 billion (5.1 percent) from last year's funding level. That means clean water and drinking water needs, like the elevated lead levels in DC's water supply, will go unmet. Groundwater contamination from leaking MTBE and petroleum will continue. Promised conservation funding will not be provided and American taxpayers will foot the bill for egregious corporate polluters.

On homeland security, this budget provides $648 million (14.6 percent) less than last year for first responders, with firefighter assistance grants in particular being cut by $246 million (33 percent) below last year. It also cuts funding for port security by $79 million (63.2 percent) below last year's funding level. At a time when our Nation continues to face new threats to homeland security, it cuts $857 million from the President's request, applying cuts to all homeland security activities outside of the Pentagon.

On health care, this budget requires $2.2 billion in Medicaid cuts at precisely the time when nearly every State has already been forced to cut their Medicaid programs. It forfeits $1.1 billion for State Children's Health Insurance Program (SCHIP), which means 4,000,000 children will lose coverage over the next four years. NIH will be cut by $553 million below last year's funding level, when adjusted for inflation and over the next five years, public health programs face an $11.4 billion shortfall. With over 887,000 people in the U.S. living with HIV/AIDS, this budget cuts $28 million. Cardiovascular disease research will be cut by $22 million, even though heart disease is the leading cause of death in America.

For American workers, this budget gives them the back of the hand. It fails to extend unemployment benefits and drastically shortchanges child care funding, when work requirements for welfare recipients are being toughened. It calls for $3.1 billion in cuts for safety net programs such as Temporary Assistance for Needy Families, the earned income tax credit, child nutrition programs, and public employee retirement benefits.

For our small business constituents and entrepreneurs, this budget is badly deficient.

While funding for the Small Business Administration is not broken out as a separate function in this budget resolution, the Bush Administration has already made clear its intention to slash SBA funding in FY 2005 and beyond. President Bush's FY 2005 budget calls for cutting at least $79 million for the SBA from last year's funding. That would leave total funding for the SBA at nearly half of what was proposed in Former President Clinton's final budget request. It would also remove all Federal subsidies to the 7(a) loan program, the SBA's flagship program, and instead place higher fees on small businesses. The microloan program is targeted for elimination altogether.

I could go on and on with examples of why this budget ought to be rejected. Suffice it to say that it is more of the same policy prescriptions that have caused an $8.5 trillion fiscal slide and the loss of nearly 3 million jobs in the last three years.

We can and should do better. I want to support a budget that reflects fiscal responsibility and that will help all Americans achieve financial security. That means investing more in the American people and in programs to help create good-paying jobs, improve education, lower health care costs, make college affordable, helps small business grow, keeps faith with our veterans and military retirees, protects our homeland, and promote environmental sustainability. This budget resolution fails on all counts.

Mr. MATSUI. Mr. Chairman, the Republican budget being debated today shortchanges California and shortchanges America. It is fiscally irresponsible, fails to address the tremendous challenges facing America today, and fails to invest in America's future.

Rather than ensuring a stable source of income for seniors and the disabled, the Republican budget raids the Social Security trust fund. Rather than investing in health care, education and job creation, Republicans have chosen to spend trillions of dollars on tax cuts. As a result of the Republicans' misguided priorities and fiscal irresponsibility, America is facing record deficits, with no end in sight. These deficits threaten to lead to increased interest rates, uncertainty in financial markets and slower economic growth.

The Republican budget fails to help those Californians who need it most. Republicans refuse to provide funds for the extension of unemployment benefits, despite the fact that an estimated 300,000 Californians will have exhausted their benefits by the end of June. Likewise, the Republican budget cuts funding for important child and family services like Temporary Assistance for Needy Families, the Earned Income Tax Credit, affordable housing and Medicaid.

I am also concerned because I believe our troops and veterans have earned our honor and support. Yet despite their brave service to our country, the Republican budget denies promised benefits to our military personnel and their families here at home—by cutting funding for veterans' programs.

On the other hand, Democrats have a budget that reflects the priorities of the people of California, and of all Americans. It extends unemployment benefits for workers looking for jobs; invests in programs that create good jobs; ensures retirement security; provides for affordable and accessible health care; funds education, including the "No Child Left Behind Act"; and supports our troops and veterans. It is a fiscally sound plan that brings the budget back into balance within eight years. Moreover, to ensure fiscal discipline in the future, it requires that future tax cuts and mandatory spending initiatives be paid for without adding to the deficit.

For those reasons, I will vote for the Democratic alternative. Where the Republicans budget fails, the Democratic budget provides sound economic and fiscal policies that reflect the priorities of people in California and across the country.

Mr PAUL. Mr. Chairman, I once again find myself compelled to vote against the annual budget resolution, H. Con. Res. 393, for a very simple reason: it makes government bigger. Like many of my Republican colleagues who curiously voted for today's enormous budget, I campaign on a simple promise that I will work to make government smaller. This means I cannot vote for any budget that increases spending over previous years. In fact, I would have a hard time voting for any budget that did not slash Federal spending by at least 25 percent, a feat that becomes less unthinkable when we remember that the Federal budget in 1990 was less than half what it is today. Did anyone really think the Federal Government was uncomfortably small just 14 years ago? Hardly. It once took more than 100 years for the Federal budget to double, now it takes less than a decade. We need to end the phony rhetoric about "priorities" and recognize Federal spending as the runaway freight train that it is. A Federal Government that spends $2.4 trillion in 1 year and consumes roughly one-third of the nation's GDP is far too large.

Neither political party wants to address the fundamental yet unspoken issue lurking beneath any budget debate: What is the proper role for government in our society? Are these ever-growing social services and defense expenditures really proper in a free country? We need to understand that the more government spends, the more freedom is lost. Instead of simply debating spending levels, we ought to be debating whether the departments, agencies, and programs funded by the budget should exist at all. My Republican colleagues especially ought to know this. Unfortunately, however, the GOP has decided to abandon principle and pander to the entitlements crowd. But this approach will backfire, because Democrats will always offer to spend even more than Republicans. When Republicans offer to spend $500 billion on Medicare, Democrats will offer $600 billion. Why not? It's all funny money anyway, and it helps them get re-elected.

I object strenuously to the term "baseline budget." In Washington, this means that the previous year's spending levels represent only a baseline starting point. Both parties accept that each new budget will spend more than the last, the only issue being how much more. If Republicans offer a budget that grows Federal spending by 3 percent, while Democrats seek 6 percent growth, Republicans trumpet that they are the party of smaller government. But expanding the government slower than some would like is not the same as reducing it.

Furthermore, today's budget debate further entrenches the phony concept of discretionary versus nondiscretionary spending. An increasing percentage of the annual Federal budget is categorized as "nondiscretionary" entitlement spending, meaning Congress ostensibly has no choice whether to fund certain programs. In fact, roughly two-thirds of the fiscal year 2005 budget is consumed by nondiscretionary spending. When Congress has no say over how two-thirds of the Federal budget is spent, the American people effectively have no say either. Why in the world should the American people be forced to spend 1.5 trillion dollars funding programs that cannot even be reviewed at budget time? The very concept of nondiscretionary spending is a big-government statist's dream, because it assumes that we as a society simply have accepted that most of the Federal leviathan must be funded as a matter of course. No program or agency should be considered sacred, and no funding should be considered inevitable.

The assertion that this budget will reduce taxes is nonsense. Budget bills do not change the tax laws one bit. Congress can pass this budget today and raise taxes tomorrow—budget and tax bills are completely separate and originate from different committees. The budget may make revenue projections based on tax cuts, but the truth is that Congress has no idea what Federal revenues will be in any future year. Similarly, the deficit reduction supposedly contained in the budget is illusory. The Federal government always spends more in future years than originally projected, and always runs single-year deficits when on factors in raids on funds supposedly earmarked for Social Security. The notion that today's budget will impose fiscal restraint on Congress in the future is laughable—Congress will vote for new budgets every year without the slightest regard for what we do today.

Mr. Chairman, my colleagues have discussed the details of this budget ad nauseam. The increases in domestic, foreign, and military spending would not be needed if Congress stopped trying to build an empire abroad and a nanny state at home. Our interventionist foreign policy and growing entitlement society will bankrupt this Nation if we do not change the way we think about the proper role of the Federal government.

Mr. LYNCH. Mr. Chairman, one day history will judge us and our stewardship of this country. Our children and grandchildren will ask whether we led this country soundly, meeting our challenges forthrightly and honestly, taking care of the most vulnerable among us, and preparing the ground for future generations, so that they may know peace and prosperity.

Mr. Chairman, I am afraid that instead of judging us as one of the Greatest Generations, we will be known simply as the Greedy Generation.

Once again the Majority has put forth a budget that would place a greater and greater burden of debt onto the next generation, so that we might take our tax cuts now. It's a budget that short-changes the promises we have made to our children's education, to our veterans' health, and to the safety and security of our communities, so that we may take our tax cuts now. During this time when we face some of the greatest challenges this country has ever known—the challenges of two and a half million jobs lost, of 43 million Americans without health insurance, of terrorists who still plot to do us harm—this Congress can apparently muster no more inspiring response than, "give us our tax cuts now."

Mr. Chairman, it's not hard to identify the many problems with this budget. Instead of

ensuring that all our children have equal access to education and opportunity, this budget under-funds the No Child Left Behind Act by $8.8 billion. Instead of securing our nation's harbors and waterways, this budget proposes a 63 percent cut in port security grant funding. Under this budget, more than 250,000 families could lose affordable housing. Veterans will face millions of dollars in new enrollment and access fees for health care. The list goes on and on.

Mr. Chairman, I urge my colleagues to think about how we will be judged in the eyes of history. I urge my colleagues to reject this irresponsible budget resolution and let us work together, from both sides of the aisle, to head this country in a direction that makes us stronger, safer, and more prosperous.

Ms. McCARTHY of Missouri. Mr. Chairman, today I rise in strong support of the Democratic Leadership Substitute and in opposition to the Republican Budget, H. Con. Res. 393, which fails to meet the fiscal and societal challenges Americans face today. While the Republican budget focuses on a tax cut for only a few, slashes important funding for health care, veterans, education and environmental programs, and does little to revive the economy, the Democratic plan is a fiscally responsible solution to balance the budget, reign in the deficit, fund priorities, and promote job creation and economic growth.

The Democratic Leadership Substitute achieves a balanced federal budget within eight years and invests in meaningful job creation, education, veterans benefits, environmental protection, infrastructure and economic development.

Since 2001, the economy has lost more than 3 million private sector jobs. In the Kansas City Metropolitan Area in the past three years, 21,300 jobs have been lost. The Republican proposal we are considering today continues the Administration's same failed economic policies, which the Congressional Budget Office (CBO) has concluded will have, at best, a small impact on the economy over the next five years. Alternatively, the Democratic substitute promotes job creation by restoring funding to small business loan programs, job training and the Manufacturing Extension Partnership Program. Additionally, it extends temporary federal unemployment benefits for workers looking for jobs and extended tax cuts, such as the child tax credit and marriage penalty relief.

The Republican budget does not adequately fund our nation's top priority: homeland security. Of particular concern is its failure to fully fund our first responders including police, firefighters, and emergency medical service technicians. Federal funds for first responders is a top concern in my district and across the country, and the Democratic substitute ensures these needs by providing $5 billion in additional funding over the next five years. As a member of the Select Committee on Homeland Security, I support adequate funding for state and local governments to prevent and prepare for any type of terrorist threat.

The Democratic budget also restores funding to important veterans programs that the Republican resolution cuts. It provides the full funding level, $32.3 billion, requested for 2005 by the Committee on Veterans Affairs. Additionally, it includes $6.6 billion more than the Republican budget over the next five years for critical health needs.

The Republican budget resolution shortchanges authorized education programs by approximately $9 billion just as many costly federal mandates, such as annual testing and highly qualified teacher requirements, will take effect. It is unacceptable to impose federal mandates on the states without the funding necessary to fulfill them. As a formal teacher, I understand how important education is to the future of our children. The Republican budget also proposes the smallest overall increase for education programs in nine years. Additionally, it falls further behind on fully funding special education by proposing only a 0.5 percent increase in funding. Finally, it freezes Pell Grant funding, making college unaffordable for millions of low income students. Alternatively, the Democratic substitute provides $9.8 billion more for education and training programs over the next five years. It also restores $3.7 billion for Pell grants and additional funding to make college loans more affordable.

The federal budget resolution must fulfill the priorities of the American people. It must be fiscally responsible in ensuring our security, providing adequate funding for domestic programs, putting Americans back to work and balancing the budget. With passage of the Democratic Leadership Substitute, we can work together to put the priorities of the American people first.

Mr. Chairman, the Republican budget resolution fails to meet the fiscal challenges Americans face today and slashes programs that are their lifeline. I urge my colleagues to support the Democratic substitute as a more realistic budgetary solution that funds programs essential to those who seek the American dream.

Mr. STUPAK. Mr. Chairman, Michigan has one of the highest unemployment figures in the country, and that figure continues to rise. Michigan's unemployment rate is 7.6 percent, the Upper Peninsula's jobless rate is 8.6 percent, and Northeast Lower Michigan's jobless rate is 12.4 percent.

But the Republican budget does nothing to create jobs here at home or end incentives for companies to ship jobs overseas. It cuts small business investment and fails to extend unemployment insurance for millions of jobless Americans, including 335,868 unemployed residents of Michigan. And it includes new tax cuts—while our nation's checkbook sinks deeper in the red—with a $531 billion deficit.

I offered proposals that were rejected along partisan lines by the Rules Committee that would have put fiscal sanity into our budgeting process. My amendment said, no new tax cuts unless we have a surplus that can pay for it and no tax breaks for companies that ship jobs overseas.

Yes, we have to make hard choices given the record deficits we have today. However, I cannot choose tax cuts over the priorities of the working families and seniors of Michigan. At town hall meetings and in letters, my constituents tell me: protect our jobs and manufacturers, protect our Social Security and Medicare, fund education, provide affordable health care and make our communities safer. This budget shortchanges all of those priorities. Here are just two examples:

Michigan's Medicaid rolls have increased by almost 30 percent in the past four years. But this budget cuts Medicaid by $2.2 billion, while including a $46 billion dollar give-away to HMO's.

In Michigan, 128,900 manufacturing jobs have been lost since the beginning of 2001. The Manufacturing Extension Partnership (MEP) program has been highly successful in helping small Michigan manufacturers to modernize and stay competitive in the global marketplace. MEP has directly helped companies in my district including Horner Flooring of Dollar Bay and Jacquart Fabric Products in Ironwood, Michigan.

Rather than support the Republican blueprint, which makes an expanding deficit worse and under-funds veterans programs, health care, education, and first-responder programs, I support the Democratic and Blue Dog Democrat alternatives. Both combine fiscal responsibility with help for our working families. Unlike the Republican budget, the Democratic and Blue Dog alternatives would get us back on track to a balanced budget and include a "pay as you go" budget enforcement mechanism. Both plans repeal the marriage penalty and provide for a child tax credit that working families depend on during these uncertain economic times. And both make key investments in our job training, small business, health care, education, and veterans.

It is clear to me that these alternatives better reflect the values of Americans and the residents of the First District of Michigan, will create more jobs, and will restore fiscal discipline to Washington that I know the people of Michigan want and expect.

Mrs. SUSAN DAVIS of California. Mr. Chairman, I request unanimous consent to revise and extend my remarks.

Mr. Chairman, I am here today because I am deeply concerned about the devastating impact House Concurrent Resolution 393 could have on my community of San Diego.

As many of you know, my home state of California is in the midst of its own budget crisis.

To cope with our oversized deficit, the Governor and State Legislature have had to make significant cuts to many of our most vital programs and services.

And as our State struggles to rebuild its economy, I am concerned that we are not taking the right steps here, in Congress, to provide States like California with the resources they need to maintain even the most basic day-to-day functions that our citizens have come to depend upon.

And when I look at the cuts this budget resolution makes to education, housing, the environment, veterans health care, homeland security, local law enforcement, and Social Security—I am concerned that this legislation fails to reflect the needs and priorities of San Diego's families and businesses.

To illustrate this point, I would like to talk about a few key areas that have been left behind by this resolution.

For example, this budget resolution deeply undercuts funding for homeland security, State and local law enforcement, and the community-based COPS Program.

People often forget just how much we rely on our local law enforcement personnel to defend our homeland security.

Short-changing police at the State and local level ultimately weakens our ability to defend our cities, ports, and borders.

With the terrorist bombing in Madrid just a few weeks ago, we are reminded of the need to expand our policing efforts to protect vulnerable targets like mass transportation.

Yet there are simply not enough law enforcement personnel in my district to patrol this critical infrastructure, and without adequate funding, it will remain that way.

San Diego is home to a busy international airport, a major port, Navy installations, Marine bases, and is adjacent to the busiest border crossing in the country.

We cannot afford these massive cuts in State and local law enforcement and homeland security.

Like so many other localities, our dedicated policemen and women want to help. But their hands are tied.

Mr. Chairman, the other issue I want to talk about today is just how destructive cuts to the section 8 program could be for San Diego.

My family and I have lived in San Diego for more than 30 years, and I will be the first to tell you how wonderful it is to call such a beautiful community home.

Unfortunately, with an average median home cost of more than $468,000, it has become unbearably difficult for many hopeful homebuyers to live in our great city.

And it is not just home prices that are increasingly out of range for the average citizen.

The average apartment rent in San Diego is over $1 thousand, and families need to earn more than $22 per hour to afford to rent a two-bedroom apartment.

Our waiting list for section 8 vouchers averages about 25 thousand individuals, many of whom have been on the list for 6 or 7 years before finally receiving a voucher.

I hear all too often stories of individuals or families struggling to make ends meet, yet are still unable to afford San Diego's housing or even rental costs.

I know of a retired minister in his seventies with a serious heart condition, who is constantly faced with the choice of filling his heart medication prescription or paying his rent.

There are residents in my district, who have been displaced and—unable to afford rent anywhere else—have been forced to live in motels or even in their own cars.

A San Diego paramedic with a wife and small children struggled to get by until they finally qualified to live in an affordable housing development funded by our local Housing Commission.

But just imagine—this man was saving lives in our own community and yet he was unable to afford to live there!

Mr. Chairman, it is just not right for our first responders and police officers to be priced out of the very community they put their lives on the line to protect each day.

Section 8 is a vital, successful program, and my community simply cannot afford to withstand the cuts proposed in this measure.

We should be doing more—not less—to help hard-working Americans find safe, affordable places to live, and I ask my colleagues to consider the critical shortfalls included in this budget when we vote on this resolution.

Mr. RUSH. Mr. Chairman, as a member of both the Congressional Black Caucus and the Energy and Commerce Committee, I rise in opposition to H. Con. Res. 393, the first concurrent resolution on the budget, which will set this House's spending and revenue priorities for the next fiscal year.

Mr. Chairman, I am opposing this resolution not only because it freezes the rate of growth in the domestic programs that are so important to my constituents—programs that fund education, health care, community development and affordable housing, but also, because does so while making additional future tax cuts permanent and because it devastates the Medicaid program by reducing it by $2.2 billion over the next 5 years.

Mr. Chairman, unlike the Republican leadership's budget resolution, both the Congressional Black Caucus substitute and the Democratic budget alternative promote necessary domestic investments in homeland security, education, job training, and workforce development. The Congressional Black Caucus substitute invests in education and the workforce by fully funding the No Child Left Behind Act and by extending unemployment benefits for those who have exhausted their regular jobless benefits.

Furthermore, neither the Democratic budget alternative nor the Congressional Black Caucus substitute reduce the Medicaid program.

Mr. Chairman, the Medicaid recipients and their families in my Congressional district want assurances from the leadership in this House that the critical needs that the most vulnerable in my State of Illinois will continue to be met.

Mr. Chairman, I urge my colleagues to join me in supporting the Congressional Black Caucus budget substitute and the Democratic budget alternative so that this Congress can work toward a sane and balanced budget policy which meets the critical needs of the citizens of this Nation.

Mr. EHLERS. Mr. Chairman, I know that the Budget Committee weighed several pressing national priorities as it prepared the FY 2005 Budget Resolution, including the continuing war on terrorism, facilitating economic stimulus, and maintaining fiscal responsibility.

I support the Budget Committee's determination to curb overall spending in this year's budget resolution. While I recognize that the Department of Defense (DOD) and the Department of Homeland Security (DHS) have critical funding needs, I am disappointed that Function 250, which includes basic scientific research and development, did not receive the same level of support. Function 250 was flat funded at $22.8 billion. This clearly does not provide necessary increases in critical basic science programs such as the National Science Foundation (NSF) and the Department of Energy's Office of Science.

I am a strong advocate of these programs, and those at the National Institute of Standards and Technology (NIST) and the National Aeronautics and Space Administration (NASA), because scientific research and development underpins our economic and national security. Scientific research and development forms the foundation of defense and weapons development, increased innovation, and economic vitality. Scientific research is an investment that promises, and has historically delivered, significant returns on that investment.

Basic research is essential to advances in medicine, military applications and continued economic prosperity, including the development of cancer therapies, GPS- or laser-guided missiles, and the Internet.

NSF is also the primary source of Federal funding for nonmedical basic research at colleges and universities. It underwrites the education of the next generation of scientists, engineers, and technical workers.

As a nation, we cannot afford to starve basic science research and education. Continued underfunding of scientific research and education will erode America's technical and scientific preeminence, diminish our ability to compete economically, and undermine our children's economic prosperity and national security.

While I am disappointed that the FY 2005 Budget Resolution does not increase basic research funding in function 250, I, along with many colleagues who also support science funding, will fight for these programs during the appropriations process. Even in a tight budget year, we must remember that we cannot afford to sacrifice the research and education which current and future generations need to ensure their economic prosperity and domestic security.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in opposition to House Concurrent Resolution 393, the budget resolution for Fiscal Year 2005. One of the main reasons why I oppose this budget resolution is because it appears to parallel the President's budget by also underfunding the Help America Vote Act (HAVA). I have strongly urged Congress to fully fund the Help America Vote Act (HAVA) for Fiscal Year 2005 and I believe that the funding levels incorporated into this resolution fail to do so.

It is disheartening that we are approaching the first presidential election since the 2000 voting irregularities and the President and Congress still appear unwilling to commit the financial resources needed to make HAVA's envisioned success a reality.

Despite overwhelming bipartisan support for HAVA's passage, this budget resolution seems to provide for only $65 million of the $600 million authorized in that landmark law for fiscal 2005.

Under HAVA, the Federal government authorized $3.9 billion to the States to upgrade their voting procedures in the wake of the 2000 election. State and local governments have traditionally borne these costs with virtually no assistance from Congress. By passing and signing HAVA into law, Congress and the President demonstrated that the Federal Government needs to provide States with a minimum of election-related resources and technical guidelines.

We must make this modest investment suggested in HAVA. If fully funded by Congress and the President, HAVA will strengthen confidence in our electoral process by facilitating the replacement of outdated voting equipment, the training of poll workers, and the development of improved election procedures.

Just this week, the new agency created by HAVA, the Election Assistance Commission (EAC), held its first public meeting to discuss election issues. The EAC is now our national resource for Federal election procedures. Thus, the EAC has a very important role in the future of our election process, and an equally important role in ensuring that we do not repeat the frustrations of the past.

Mr. Chairman, Congress should guarantee that the work of the Commission and other components of HAVA are provided for in our budget resolution, which is one of the reasons why I oppose House Concurrent Resolution 393 and would like to urge my colleagues to do the same.

Mr. CLAY. Mr. Chairman, I rise in opposition to House Concurrent Resolution 393—the House Budget Committee's Federal budget.

This bill is nothing but fiscal illusion—it is unfair to the average American family and it is irresponsible public policy.

This budget proposal is designed to create record Federal deficits while decimating valuable domestic programs. Public education, transportation, veterans benefits, environmental protection and small business programs would all be drastically cut in order to increase defense spending and maintain tax breaks for a select wealthy few.

Unbelievably, this bill would gut the Social Security surplus in order to ensure that tax cuts for the wealthy are not jeopardized. Social Security is one of the most successful social programs any nation has ever established. It has provided a real and valuable safety net to millions of seniors and yet this budget would diminish it in order to advance a narrow agenda, an agenda that excludes our Nation's seniors, excludes our Nation's children, excludes our Nation's veterans, and offers very little to any citizen who is not part of a small powerful elite.

The House Budget Committee bill offers little for education over the next 5 years, providing $9.4 billion less than is authorized by No Child Left Behind, it also freezes funding for Pell grants, cuts funding for Perkins loans, and cuts vocational education by 25 percent.

And this budget guts $358 million for health programs in 2005, which is even less than the President requested. And given what we know about the true cost of last year's Medicare Prescription Drug sham bill, it is hard to believe that this budget proposal offers nothing to help seniors with their prescription drug costs while providing $46 billion in special payments to HMOs.

Mr. Chairman, under the former administration the budget was balanced for the first time in a generation. Now the current administration has squandered that legacy, our $5.6 trillion surplus is gone and now this budget bill will help achieve a $3 trillion deficit.

Mr. Chairman, I support the Congressional Black Caucus Alternative Budget. This legislative proposal would invest in America's future without undermining fiscal stability. This budget plan will improve domestic programs that serve American families; it will increase funding for homeland security, environmental protection, rail transportation, health care and health research. It will also increase funding for veterans benefits and for educational programs including Head Start, No Child Left Behind, Safe and Drug Free schools, Perkins loans, Pell grants and job training, vocational education and adult education.

The Congressional Black Caucus raises revenues by rescinding tax cuts for those earning over $200,000 in gross income, it also plugs tax loopholes and eliminates tax avoidance schemes that feed the coffers of the rich and prevent us from paying down the Federal deficit.

Mr. Chairman, I support the CBC alternative budget as it is a fiscally sound budget that makes a real investment in our Nation's future.

Mr. ORTIZ. Mr. Chairman, House Republicans offer a budget today out of touch with reality, with everyday Americans and with basic math. It undermines veterans, working families, States, the southwest border, education, homeland security, military housing—and lays bare the real math beneath Medicare Reform.

This House budget provides $1.3 billion less than what the Veterans' Affairs Committee recommended—on a bipartisan basis—for these vital veterans health care programs. The Democratic budget provides the full committee-recommended level of $32.3 billion for 2005, and includes $6.6 billion more than the Republican budget over the next 5 years.

The Democratic budget will: improve access and reduce waiting time for all veterans; meet statutory requirements for long-term care by increasing the current number of nursing home beds to 1998 levels; reduce or eliminate the increased co-payments and enrollment fees proposed in the President's budget; increase funds for medical facility construction and renovation; and provide the resources necessary for more responsive reviews of claims and appeals.

Lord knows, Mr. Chairman, our veterans desperately need these improvements.

Basic complaints from veterans I have talked to in South Texas have focused on access, waiting times, and a severe lack of inpatient care in close proximity. We must be guided on spending for veterans by this fact: the numbers of soldiers coming home will rapidly increase the population of veterans needing services, from health care to education.

This year, accounting changes at CBO will kill the hugely successful Military Housing Privatization Initiative that leverages defense money to build quality housing for military families. This Budget Resolution effectively cancels adequate family housing for almost 50,000 military families.

I have a personal attachment to the housing privatization initiative—it was conceived in Kingsville, TX, out of a need to leverage Navy dollars for quality housing for military families. With toilets falling through the roofs of housing in South Texas—and no money to build other housing—the need was great—and so was our creativity.

The program was a great success. Defense Secretary Perry became a big fan of the program in its second year and then made it service-wide. This is the very best way to get better housing at our military bases, at the best price to taxpayers. I am disappointed that the budget does not meet the long-term needs of our veterans and our military families.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to the Republican budget resolution, and urge its rejection by the House.

Either budget deficits matter or they don't. If anyone here believes that deficits don't matter and that the Federal Government can continue to borrow and spend hundreds of billions of dollars each and every year in perpetuity, then you should vote for the Republican budget. Even if one takes the majority's budget resolution at face value, by its own admission the Republican budget adds another $1.35 trillion in red ink to our Nation's already soaring national debt over the next 5 years. In fact, the deficit would be far lower if the Speaker simply adjourned the House and sent it home for the next 5 years.

The reality is that the majority's budget cannot be taken at face value. This plan's deficit projections are understated. For example, the Republican budget provides $50 billion to cover the cost of military operations in Iraq and Afghanistan in 2005, but then includes nothing over the next 4 years. Does anyone here seriously believe that Iraq and Afghanistan will simply drop off the map and out of the budget after 2005?

The Republican budget also largely ignores the growing problem of the Alternative Minimum Tax. Some two and a half million households will get hit by this glitch in the Tax Code as they sit down to do their taxes this year, with the result that they will lose many of their itemized deductions and pay more taxes. The AMT problem gets worse year after year, affecting more and more middle class families. If this Congress does nothing, the number of households affected by the AMT soars to 12 million in 2005 and nearly 15 billion households in 2006. If we do nothing, the AMT will raise the taxes of 30 million taxpayers by 2010, and yet the Republican budget resolution assumes that Congress will do nothing to correct this growing problem in the Tax Code.

All of us know that we will have to address the AMT problem. According to the Congressional Budget Office, keeping the AMT at bay will cost more $600 billion over the next 10 years. Since the majority's plan does not budget for this expense, the funds needed will be put on the national credit card to be paid by our children.

The Republican plan seeks to lock in permanent tax cuts this year whose costs explode outside the 5 years covered by this budget, including the tax cuts for the very wealthy. The majority's budget puts its tax breaks for the very wealthy ahead of everything else: ahead of deficit reduction; ahead of preserving Social Security for the impending retirement of the Baby Boom generation; ahead of Medicare; ahead of veterans programs; ahead of needed investments in education, transportation, environmental protection, and health care. Even worse, the Republican tax cuts are heavily tilted to the very wealthy.

I believe that deficits do matter. Because of the bankrupt policies of the Bush administration and the majority party, the Federal Government will need to borrow half a trillion dollars this year alone. If this House approves the majority's budget resolution, you dig the deficit hole deeper year after year to the tune of several hundred billion dollars each and every year. This is not a sustainable policy, and it is a terrible legacy to leave our children.

I urge the House to reject the Republican budget and vote instead for the budget alternative offered by Representative SPRATT. The Spratt alternative balances the budget, provides middle-class tax relief, and funds national priorities such as education, environmental protection, veterans benefits, and health care.

The CHAIRMAN. All time for debate has expired. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting for appropriate budgetary levels for fiscal years 2004 and 2006 through 2009, pursuant to House Resolution 574, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on agreeing to the concurrent resolution.

Under clause 10 of rule XX, the yeas and nays are ordered.

This vote will be followed by a 5-minute vote on H.R. 3095 under suspension of the rules.

The vote was taken by electronic device, and there were—yeas 215, nays 212, not voting 7, as follows:

[Roll No. 92]

YEAS—215

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

NAYS—212

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

NOT VOTING—7

Abercrombie
Ford
Lucas (KY)
McInnis
Quinn
Tanner
Tauzin

□ 1820

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

COMMUNITY RECOGNITION ACT OF 2004

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3095, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3095, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 2, not voting 57, as follows:

[Roll No. 93]

YEAS—374

Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)

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

NAYS—2

Gutknecht Kline

NOT VOTING—57

Abercrombie	Feeney	McCarthy (MO)
Ackerman	Ford	McInnis
Alexander	Gephardt	Meehan
Bass	Gillmor	Moran (VA)
Berry	Hall	Murtha
Biggert	Harris	Obey
Bonner	Hinchey	Pelosi
Boyd	Hinojosa	Quinn
Buyer	Holden	Rangel
Carson (OK)	Hulshof	Reyes
Clay	Isakson	Schrock
Cox	Jefferson	Sessions
Davis (TN)	Jones (NC)	Smith (MI)
Deal (GA)	LaHood	Stark
Dooley (CA)	Leach	Sullivan
Doyle	Lipinski	Tanner
Engel	Lowey	Tauzin
Evans	Lucas (KY)	Turner (OH)
Everett	Marshall	Vitter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1829

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 93, on H.R. 3095, had I been present, I would have voted "yea."

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 93, had I been present, I would have voted "yea."

FURTHER MESSAGE FROM THE SENATE

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

H.R. 1997. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, MONDAY, MARCH 29, 2004, TO FILE REPORT ON H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Monday, March 29, 2004, to file a report to accompany the bill, H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON INTERNATIONAL RELATIONS

The SPEAKER laid before the House the following resignation from the Committee on International Relations:

MARCH 22, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, H–232 The Capitol, Washington, D.C.

MR. SPEAKER: It has been a privilege and an honor to serve as a member of the Committee on International Relations. I am proud of our achievements on the committee and I will continue to be involved in matters of foreign policy. Unfortunately, I am writing you today to let you know I will be giving up my seat on this committee.

Effective March 26, I hereby resign from the Committee on International Relations.

Sincerely,

CHRIS BELL.

The SPEAKER pro tempore. Without objecton, the resignation is accepted.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of asking the majority leader the schedule for the week to come.

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

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

Mr. DELAY. Mr. Speaker, next week the House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday, the House will convene at 12 p.m. We plan to consider additional measures under suspension of the rules, as well as H.R. 3966, the ROTC and Military Recruiter Equal Access to Campus Act. Next week we also expect to consider H.R. 3550, the TEA-LU highway bill.

Finally, I would like to remind all Members that next week is a full 5-day work week. We may work some late nights as we work to complete these important pieces of legislation. I am happy to answer any questions.

□ 1830

Mr. HOYER. I thank the majority leader for the information.

First of all, Mr. Speaker, on the highway reauthorization bill, can the majority leader give us some view? I see the chairman of the Committee on Rules is on the floor. Can the gentleman from Texas give us some view of the rule under which the majority contemplates consideration of the highway bill?

Mr. DELAY. While I would defer to the Committee on Rules who should have an announcement regarding amendments very shortly, I anticipate that they would make in order a variety of amendments and call for a very lengthy debate.

Mr. HOYER. I thank the gentleman. Obviously this is a very important bill. I think most of us believe it is very important to pass this bill.

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

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. The distinguished majority leader is correct that we do hope to have a wide-ranging debate. I would just like to say that the announcement that I will make in just a few moments when the colloquy is completed will be calling for a structured rule, and what I wanted to say is that we have had a tradition in the past for consideration of these transportation authorization bills of a structured rule which has made in order a certain number of amendments. I just wanted to say, under both Democratic and Republican majorities, that has been the pattern. I thank my friend for yielding.

Mr. HOYER. I thank the chairman for his comments. I understand the background. As long, obviously, as we do have, within the structured rule, an opportunity to debate different points of view, that will be, I think, helpful to all the Members.

The gentleman from Texas did not mention in his initial discussion of the schedule whether or not there was any plan, at least on Monday, to do anything with respect to going to conference on the budget or instructions. Can we assume from that that there will be no action on the budget going to conference, at least on Monday night?

Mr. DELAY. I appreciate the gentleman reminding me. The gentleman knows, of course, that the other body has already passed their version of the budget resolution; and in working with the other body, I really anticipate moving to go to conference on the budget as early as Monday afternoon of next week.

Mr. HOYER. I am going to go back. There will be no votes until 6:30 on Monday.

Mr. DELAY. That is correct.

Mr. HOYER. I had asked the gentleman from South Carolina (Mr. SPRATT) whether or not he contemplated any action on Monday. He indicated that he had not. Subsequently, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) have talked, but I do not know whether the gentleman from South Carolina knows that at this point in time. Do we know whether they have really made a decision on that? I know the gentleman hopes to do that, but would it be fair to believe that this matter is still under consideration, or is the gentleman positive that there will be action on Monday afternoon?

Mr. DELAY. All I can tell the gentleman is what I know and what I have been advised of. I have been advised that the Budget Committee, at least the House, and the conference committee wanted to start meeting as early as Tuesday morning. In order for that to happen, we would have to go to conference Monday evening.

Mr. HOYER. Mr. Leader, let me correct for the record because I was in error, it is my understanding that Mr. Kahn has been told, who is our chief clerk on the Budget Committee. I am sure that the gentleman from South Carolina now knows. I thank the leader for his comment. I wanted to clarify that, that we have received, apparently, notice.

Is it the majority leader's thought in light of the fact that we will be leaving next Friday for a 2-week break, district work period, that the conference report will be returned to the House next week? Would it be the gentleman's expectation that we might take up the conference report next week?

Mr. DELAY. Certainly we would like to reach an agreement with the Senate prior to our district work period. For that reason, Members really should anticipate a very long workweek next week, because we would want to give the House and Senate negotiators all the time that they need in order to hopefully get this done and passed by both Houses before we leave next week. I know that is asking a lot of Members, but it would be nice if we could get the budget done before we break for the district work period.

Mr. HOYER. I thank the gentleman for his comments. One additional, and I think final, item, the continuity of Congress challenge that we have has been discussed. There are obviously a number of different proposals, including constitutional amendments, as well as legislative action, as well as rules considerations. We have heard on this side there may be something happening next week. The gentleman did not mention it in his announcement. Can he tell us whether or not there is any possibility of having that matter on the floor next week.

Mr. DELAY. I appreciate the gentleman asking about the continuity in Congress bill. We had it sort of waiting in the wings, but it looks like next week is going to be a pretty full week, and we may have to look for another time to bring that bill to the floor.

Mr. HOYER. I thank the gentleman for that information.

Reclaiming my time, I think we still have some work to do on that, hopefully in a bipartisan fashion. This is obviously a critical problem confronting the Congress and the American people. Hopefully, perhaps, we can reach some agreement on that. If we had some extra time, that might be possible.

Mr. DELAY. I want to congratulate the gentleman, because I know he has worked on it and others have. I have been very pleased with the bipartisanship that has been exhibited in working on this continuity of government bill. I am very pleased that it is coming along. I think we can continue to work together and come to some sort of solution to protect this House in case of some calamity.

Mr. HOYER. I thank the leader for his comment.

ADJOURNMENT TO MONDAY, MARCH 29, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 29, 2004, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3966, ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF 2004

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of March 29 to grant a rule which could limit the amendment process for floor consideration of H.R. 3966, the ROTC and Military Recruiter Equal Access to Campus Act of 2004. The Committee on Armed Services ordered the bill reported on March 17 and filed its report in House on March 23.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 1 p.m. on Monday, March 29. Members should draft their amendments to the text of the bill as reported by the Committee on Armed Services.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of March 29 to grant a rule which could limit the amendment process for floor consideration of H.R. 3550, the Transportation Equity Act: A Legacy For Users. The Committee on Transportation and Infrastructure ordered the bill reported on March 24.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Tuesday, March 30. Members should draft their amendments to the text of the bill as reported by Committee on Transportation and Infrastructure which is available for their review on the Web sites of both the Committee on Transportation and Infrastructure as well as the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

MOURNING THE PASSING OF ROBERT N. BROWN, COLUMBUS, INDIANA, NEWSPAPER PUBLISHER

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

Mr. PENCE. Mr. Speaker, today the city of Columbus, Indiana, bid farewell to one of its great sons, Robert N. Brown. Robert N. Brown was born 83 years ago in the city of Columbus. During the course of his lifetime, he was a publisher of newspapers, a founder of newspapers, a World War II veteran who went ashore on Omaha Beach on D-Day Plus 3, the proud father of four and grandfather to many, many more in our community. It was my privilege to offer the eulogy today at First Christian Church in Columbus, Indiana.

I rise today to offer my condolences to the family and to the community at his loss. May he and his family feel the peace of Christ in this time of loss.

SPECIAL ORDERS

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

GREEK INDEPENDENCE DAY

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

GENERAL LEAVE

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

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

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I rise with my colleague and dear friend, the gentleman from Florida (Mr. BILIRAKIS), with whom I founded and cochair the Hellenic Caucus to celebrate the 183rd anniversary of Greece's declaration of independence from the Ottoman Empire. March 25 has the same resonance in Greece that July 4 has in the United States.

Democracy traces its earliest roots back to ancient Greece, but it developed new strength in modern times from American colonists who demanded independence from Great Britain. When the Greeks of 1821 fought for independence from Turkey, they truly drew inspiration from the ideals and institutions of the fledgling United States. After 400 years of Ottoman rule, the Greeks began an 8-year battle that ended with the defeat of the Turkish Army.

Just as our defeat of the British Army was remarkable, so too was the Greeks' ability to defeat the Ottomans, a tremendous achievement. Against impossible odds, the Greeks broke free of one of the most powerful empires in history and gained their independence.

□ 1845

Mirroring our patriotic displays on July 4, Greeks celebrate this day with parades, speeches and parties. As many of my colleagues know, New York City is the home of the largest Hellenic population outside of Greece and Cyprus.

Western Queens, which I have the honor of representing, is often called Little Athens because of the large influence from Greece and Cyprus in that neighborhood. Recognizing the many similarities between our nations, it is a pleasure to take time to pay tribute to the Hellenic American community for their many contributions to America. We also honor the Federation of Hellenic Societies, which will lead the Greek Independence Day Parade in Manhattan.

As the Olympics return to Greece this summer, they have wisely chosen the Olympic spirit as the theme of this year's parade. I am pleased to recognize this year's Grand Marshals, my friends Demetrios and Georgia Kaloidis and John and Margo Katsimatidis and Honorary Marshals Yiannis Skoularikis and George Papageorgopoulos. They will be accompanied by the Federation President, Apostolos Tomopoulos, and I will place in the RECORD the many names of the leaders of the Hellenic community who will be participating this weekend.

In the year 2004, a vibrant Greek democracy once again serves as an inspiration to its neighbors and the free world. As discussions progress toward an end to the 30-year division of Cyprus, we hope that the serious concerns of the Hellenic Cypriot American community will be reflected in the final agreement.

Forty-six members of the Hellenic Caucus joined in a letter to Secretary Colin Powell and Secretary General Kofi Annan to express their hope that any agreement will recognize, among other provisions, property rights, the demilitarization of Cyprus, the establishment of the legal obligations of the guarantor powers, and the presence of United Nations troops throughout the transition.

I also led a delegation of members of the Hellenic Caucus who met with Secretary General Kofi Annan last Friday to discuss the negotiations regarding the reunification of Cyprus before it enters the European Union on May 1. We expressed our support for the Secretary General in bringing the parties to the bargaining table, but expressed concerns regarding some of the issues that remain open: property rights, governance, free movement between Greek and Turkish areas of the island, and the pace of demilitarization of the island.

In particular, we raised questions about the ability of Cypriots to regain property that was seized or to receive fair compensation, how compensation would be funded, the unfairness of asking Greek Cypriots to foot the bill for buying back their own property, the ability of Greek Cypriots to have at least the same rights to acquire property in Turkish neighborhoods as foreigners do.

We stressed the importance of having a central government that has the ability to make decisions, and we expressed concern about limitations on the ability of Cypriots to travel unimpeded to all areas of the island.

While we applauded the plan to reduce the number of troops occupying the island, we expressed the hope that the U.N. troops would remain available to monitor the situation in Cyprus for as long as possible. We are hopeful that as the next round of negotiations take place, Secretary General Annan will do everything possible to ensure that our concerns will be addressed so that the final settlement will be acceptable to all Cypriots and Turks when it goes to the vote on the island.

I congratulate the Federation for honoring the Olympics in a year in which the games will be returning to their birthplace, Greece. The world has truly benefited from the ancient Hellenic tradition of allowing athletic competition to triumph over political differences.

I hope this Greek Independence Day will be a symbol of independence for all enslaved people, and we hope for the reunification of Cyprus and its entrance into the European Union. And, finally, Zeto e eleftheria.

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Greek Independence Day and to thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, who have once again shown great leadership in their efforts to organize this special order for Greek Independence Day.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The evolution of modern democracy has its roots in ancient Athens, and as such, it is only fitting that we, as representatives of one of the world's great democracies, pay tribute to the Greeks and their historical contribution to democratic governance on this 183rd anniversary of their independence.

Since the people of Greece declared their independence on March 25, 1821, our two nations have enjoyed close relations, and generations of Greek immigrants have helped to strengthen and enrich the relations between our two countries. As the Congressional Representative for thousands of Greek Americans, I salute their motherland's eight-year struggle for independence from the Ottoman Empire. Our countries' shared histories of fighting for our freedom and sovereignty creates a common bond between the United States and Greece.

Today, the United States' relationship with Greece continues to grow stronger. Greece has been a devoted supporter of the U.S. in every major international conflict of this century and plays an important role in both the European Union (EU) and the North Atlantic Treaty Organization (NATO). Greece has been one of our most loyal allies throughout our war against terrorism and has assisted the Coalition in both Iraq and Afghanistan by providing a military presence on land, sea and in the air. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey thirty years ago. I was saddened to see the UN-sponsored negotiations break down recently, so soon before Cyprus's impending accession to the EU on May 1st, but I will continue my efforts to see this important matter through to its successful resolution.

On this celebratory day of freedom and independence, I also want to heartily congratulate the Greek nation on the honor of hosting the Olympic Games in Athens this summer. I cannot think of a more meaningful place to celebrate the spirit of extraordinary achievement than in Athens, nearly 2,780 years after the first Olympics were held in ancient Greece. I look forward to sharing in the pride and celebration of the Olympic Games as they take place this summer and I look forward to continuing to work with leaders from the Greek community as we persist in our fight for a free and united Cyprus.

Ms. HARMAN. Mr. Speaker, as Greece celebrates its 183rd anniversary of freedom and the successful struggle for independence, I join my colleagues in congratulating the people of Greece and in extending heartfelt congratulations to those of Greek descent everywhere.

Greek Independence Day—like America's Fourth of July—is a celebration of a love of freedom and self-government. As the world's first democracy, ancient Greece was a model and a source of inspiration to our Founding Fathers.

In addition to shaping our early beginnings, modern Greece has been a strong friend and ally to the United States. Millions of Greeks have immigrated to the US and the contributions these families and individuals have made to our nation and communities have been immeasurable.

As a member of NATO, Greece has helped ensure the security of Europe's southern flank. But, in addition to a strong relationship that is steeped in common culture and philosophy, the US and Greece are also connected by recent history. On September 11, Greece lost twenty-one citizens at the World Trade Center. We share in their grief and note that, since then, Greece has stepped up its efforts to combat terrorism at home and abroad. And, on the eve of the Olympics, Greek officials are working hard to ensure the safety of the thousands of visitors who will be in Athens celebrating these historic and exciting games.

Mr. Speaker, I am proud to join my colleagues who are also committed to strengthening US-Greek ties and to working on issues of mutual interest. There are many international as well as regional challenges we can only solve through cooperation and mutual respect.

Mr. DOYLE. Mr. Speaker, I rise to honor Greece, one of America's greatest allies and sources of inspiration, on the 183rd anniversary of its independence from the Ottoman Empire.

Greek Independence Day marks the return of independence to the birthplace of democracy. The Ancient Greeks profoundly shaped western culture. Many of the fundamental elements of our modern culture can be traced back to them—logic, mathematics, the empirical method of scientific discovery, and of course many of the political and philosophical ideals embraced by our Founding Fathers, especially that of self-governance—originated with the ancient Greeks.

Today, Greece is one of our staunchest allies. It was one of the first countries to express solidarity with the United States after 9/11, and it has contributed significantly to the global war against terrorism through its military and humanitarian missions.

Greek-Americans in my district of Pittsburgh, Pennsylvania, and throughout the United States can celebrate this day with pride as they continue their rich tradition of philanthropy, civic duty, and education. Indeed, Greek-Americans have contributed greatly to the American way of life. Their commitment to family, community, and this nation are an inspiration to us all.

I hope that my colleagues and the American people will join me today in honoring Greek Independence Day and the continued democratic friendship that exists between our nations.

Mr. SMITH of New Jersey. Mr. Speaker, the 183rd anniversary of Greece's revolt against the Ottoman Empire is an opportune time to congratulate the people of Greece for their ability to prevail against great odds in creating their modern, progressive state. Having just returned from Athens with my colleagues BEN CARDIN, and following the recent elections that resulted in a change in government, I think we should take this opportunity also to review the numerous challenges Greece faces if she is to meet her obligations as a participating State of the Organization for Security and Cooperation in Europe.

Since 1821, the people of Greece have overthrown the Ottoman Empire, survived a war with Turkey which created 1.3 million refugees, turned back an invasion by Italy and suffered through occupation by Nazi Germany. Since World War II they have lived through a full-fledged civil war against communism in which 100,000 Greeks were killed and 700,000 were internally displaced. And, from 1967 through 1974, they were under the control of a right-wing military junta. It is important to remember this tumultuous history of Greece when we acknowledge their success, and when we discuss outstanding issues.

Security for this summer's Athens Olympic Games is a matter of concern among Members of Congress due to our ongoing War against terrorism. The United States has helped Greece by providing funding and manpower to develop as fine a security system as possible, and I hope the American people will take advantage of the joint efforts between our government and the Government of Greece and enjoy the Games.

As Chairman of the U.S. Helsinki Commission, I am concerned also about the efforts Greece must make to fulfill her OSCE human rights obligations, particularly those involving trafficking in persons, freedom of religion and rights of the Greek Roma minority.

Through the assistance of Ambassador Thomas Miller, Rep. CARDIN and I met with officials of the Government of Greece and representatives of various NGOs to discuss Greece's progress in addressing and solving problems involving human trafficking. As the author of the US Trafficking Victims Protection Act, I am concerned that Greece has just barely moved from Tier Three to Tier Two. The police-based Committee on Trafficking, created in November 2001, clarified how their victims of trafficking screening process works and reported that in 2003, 49 criminal organizations had been broken up with 284 arrests, and 93 victims had been liberated with 28 characterized as victims. Others did not get victim status because they either opted to go home or were in Greece legally with passports. They described their two major anti-trafficking units, in Athens and Thessaloniki, and the training in anti-trafficking that is being taught at all levels of the police academies. The Committee has produced, in thirteen languages, ''Know Your Rights,'' a pamphlet explaining to the trafficked steps toward safety. Victims are sent to NGO-supported shelters. After touring a shelter in Athens we were struck by the positive attitudes of the women, and came away with renewed hope for them. While these are all positive steps, the visit made clear that Greece needs to put more effort and funding into curbing human trafficking, especially in supporting the NGOs who are providing critical services in the field. I urge the new government of Prime Minister Karamanlis to focus on this issue.

We sought clarification of the problems non-Orthodox religious believers face in Greece and met with Muslim, Jewish, Protestant and Catholic religious leaders. The Thrace Muslim Association pointed out that although there are more than 11,000 Muslims in Athens, there is no mosque, and yet 22 unofficial houses of prayer with no imam. As there is no Muslim cemetery, Muslim dead must be transported over 800 kilometers to Thrace for proper burial. Ironically, there is a new mosque being constructed in Athens—it is nowhere near where the Muslims live, and it will be funded by Wahabi Saudis, a sect not particularly welcome by the local Moslem community nor by the Greek Government. We heard their complaints about limited military promotions, no work in the judiciary, limited job availability, and a poorly applied immigration law. Non-Orthodox Christian leaders spoke about discrimination as opposed to persecution, emphasizing the need to change society for their acceptance.

Greek Jews—the Jewish community that, at 80 percent, lost a larger portion than any other country under the Nazis—number around 10,000, concentrated in Athens and Thessaloniki. With 3 functioning synagogues, Rabbis must be brought in from other countries for the High Holidays. We were told ''anti-Semitism is not widely and visibly expressed, but is expressed in many ways.'' The press is anti-Semitic under the guise of anti-Zionist or anti-Israeli statements, and is pro-Palestinian Liberation Army. School texts continue to have anti-Semitic materials and lack acknowledgement of the Holocaust, but have improved since the past. Vandalism of Jewish sites occurs, with little to no police follow-up.

Finally, we visited the relocated Roma camp in Spata, near the Athens airport, which is on an abandoned toxic NATO dump. They lack reliable running water or sewers, which is justified by the authorities since this is an illegal settlement on airport land, yet the 24 families, all with legal papers, live in portable homes supplied by the municipality and the children go to public school. They are never visited by local authorities, including doctors, despite promises. Their village is only accessible by terrible mud roads, which become a barrier in wet weather. It became clear that the two most important things needed for this community are permanent homes and a job for everyone that is seeking the opportunity.

These are snapshots of Greece, the invisible Greece that tourists and the outside world, even many Greeks, never see. Trafficked women who are forced to serve as sex slaves. Jews, Muslims and non-Orthodox Christians treated as second-class citizens. And Greek Roma whose basic needs are disregarded.

Yes, we should commemorate the 183rd anniversary of the fight for freedom, but still must wait for all Greeks to equally share that freedom.

The new government under Prime Minister Karamanlis has a great opportunity to step forth and work toward solutions in these matters. In my capacity as OSCE Parliamentary Assembly Special Representative on Human Trafficking Issues, and as Chairman of the U.S. Helsinki Commission, I look forward to working with the Prime Minister and with Greek parliamentarians to help find answers to these problems.

Mr. VAN HOLLEN. Mr. Speaker, on March 25, 1821, after nearly 400 years of Ottoman

rule, Greece became an independent state. But, even before there was a state, the influence of the Greek people was well established by their countless contributions to art, sport, culture, literature and government. No Congressional recognition of Greek Independence Day, can be made without an acknowledgment of the profound contribution the Greek people have made to the pursuit of democratic ideals here in the United States and the world over.

Every school-aged child is familiar with the story of how the Founding Fathers modeled the framework for American government on principles first laid down and discussed by the ancient Greeks thousands of years ago. Thomas Jefferson called ancient Greece, ''the light which led ourselves out of Gothic darkness.'' Today, as we meed to celebrate Greek Independence Day, and celebrate the Greek-American heritage that continues to strengthen our communities and enrich our society, let us also recognize the influence the Greek people, past and present, have had on the strength of our democracy.

Greece and the United States are bound by history, mutual respect, and common ideals. In the coming year, the world will converge on Greece to participate in the Olympic Games, the largest pageant of ahtletic skill and competitive spirit on the planet. On Greek Independence Day, as we pause to reflect on the many ways Greece continues to touch our lives, I encourage all Americans to celebrate the contributions the people of Greece and Greek Americans have made to our country.

Mr. LEVIN. Mr. Speaker, I rise today, as a Member of the Hellenic Caucus, to celebrate the 183rd anniversary of Greek Independence Day. Today, the Olympic flame was lit in Olympia, Greece marking the day in the Julian calendar that the Modern Games began in Athens in 1896.

It is fitting that the Olympic torch returns to its homeland, as we mark the independence of a nation Thomas Jefferson called ''the light which led ourselves out of Gothic darkness.'' Ancient Greece sparked many flames of political, social, and artistic innovation—the philosophy of Plato and Socrates, the plays of Sophocles and Aristophanes, and the epic poetry of Homer.

But Ancient Greece's greatest legacy is the establishment of democratic government and the Hellenic belief that the authority to govern derives directly from the people. After 400 years of rule by the Ottoman Empire, independence was especially meaningful to the people who burn with a deep rooted commitment to freedom. Greek ancestors passed on the traditions of liberty and freedom, of hard work and an appreciation of culture to their children and grandchildren, many of whom are proud Greek Americans and continue to provide important contributions to American life.

Today Greece is a true ally of the United States, a valued partner in NATO, and host to the world for the 2004 Olympics in Athens. My district celebrates the Greek heritage as an important part of community providing diversity and culture to our churches, schools, and neighborhoods.

Mr. Speaker, I congratulate Greece for its contributions past and present, as they continue to light flames of freedom.

Ms. BERKLEY. Mr. Speaker, I rise today in recognition of the 183d anniversary of Greek Independence Day. Nearly two centuries ago, a small band of dedicated patriots rose up to end four centuries of oppression and foreign domination of their homeland. The great Greek thinker Herodotus once wrote ''Great deeds are usually wrought at great risks.'' Today, Greeks worldwide join in celebration of this great deed and honor the bravery and self-sacrifice of this small band of heroes.

Twenty-five hundred years ago, the birth of democracy in Greece ushered in one of the golden ages of world history. The ancient Athenians created a civilization unparalleled in its original thinking and in its contributions to Western thought. They created a culture which not only valued human life and dignity, but saw the dawn of a new era in political and social thought and artistic and scientific innovation.

Thomas Jefferson called ancient Greece ''the light which led ourselves out of Gothic darkness.'' In fact, our founding fathers drew heavily on the political experience and thinking of the ancient Greeks. Many of these great philosophers are honored in the House chamber, their faces adorning the walls above the visitors gallery. If ancient Greece's greatest accomplishment is the establishment of democratic government, then its greatest legacy is the enshrining of these principles in American law and the founding of our Constitution.

Barely a generation after our own struggle for independence, Greek patriots turned to the American Revolution for inspiration in their struggle for liberty. They saw in the success of our Republic the hope for their own future. Many Americans fought alongside the Greeks, and this Congress sent supplies to aid the patriots in their quest for freedom.

My grandmother comes from the Greek town of Soliniki. Although her family was forced to flee, they maintained their Greek roots. I was raised in a household that celebrated both our Judaism and our Hellenic background. Last year, I was fortunate enough to return to my family's ancestral home and bring back a small jar of soil. It brightened my mother's final days to finally see and touch the soil of her ancestors.

Last year, when I visited Greece, I was impressed by the graciousness and hospitality of the Greek people, which made me even more proud of my Greek ancestry. America has cultural roots in the classical history of Greece, and I believe our shared heritage can draw us closer together on bridging the boundaries between East and West.

Mr. LANTOS. Mr. Speaker, it is a great honor for me to pay tribute on Greek Independence Day to one of the United States' most important allies—and one that is held in such deep affection by millions and millions of Americans.

Western civilization as we know it today owes a profound debt and, indeed, its very origins, to Greece. Classical Greek philosophy, sculpture, and theater set standards to which today's practitioners still aspire. And, as the cradle of democracy, Athens is the spiritual ancestor of our own Republic. The very word democracy comes from Greek, and so when we speak of the principles most dear to us, we are, in effect, speaking Greek.

The history of Greek independence is one of the inspiring stories of our time. It is the tale of the revival of a great and ancient people through sheer commitment, sacrifice, and love of freedom and heritage. Transmitted through the generations, the ideals of the ancient Greeks inspired their revolutionary descendants in the 19th century, when gallant stalwarts of the War of Independence such as Theodore Kolokotronis and Rigas Velestinlis wrote of their belief in the rights of man.

The histories and fortunes of the United States and Greece have been intimately intertwined ever since the beginning of modern Greek sovereignty. The cause of Greek independence evoked sympathy throughout the Western world. Well known is Lord Byron, whose uncompromising commitment to Greece was epitomized by his declaration ''In for a penny, in for a pound.'' Less renowned but no less committed were the many American Philhellenes, who repaid their debt to Greek culture by crossing the ocean to fight for Greek liberation. I am pleased that these American citizens were honored with a monument in Athens 4 years ago.

Greek citizens also crossed the ocean in the other direction, emigrating to the United States, where they enjoyed great success and shared their prosperity with their kinfolk in their original homeland. They have served as a bridge of understanding between our two nations, and they have refreshed America with their spirit, their patriotism, and their hard work. Today, some 5 million Americans claim Greek ancestry, with understandable pride.

Greece is one of less than a handful of nations which have stood shoulder-to-shoulder with the United States in every major war of the 20th century. Our close relations became even closer after World War II. The Truman Doctrine helped save Greece from communism, indeed helped save it for the Western world, and the Marshall Plan helped in its economic regeneration. In 1952, Greece joined NATO, formalizing the deep, mutual commitment of Greece and the rest of the Western world to protecting freedom.

In more recent times, Greece has been one of the world's amazing success stories. A full-fledged member of the European Union for two decades, Greece has become increasingly prosperous; it has whipped chronic inflation and qualified to join the ''Euro currency zone.'' This year we celebrate the passage of three decades since modern Greece reclaimed its mantle as a democratic role model for the nations of the world. Its once unsettled domestic politics has long since given way to an incontestably stable, yet colorful, democracy. Just this month, we once again witnessed the peaceful electoral transfer of power from one democratic party to another.

This year we have more reason than ever to celebrate the legacy of Greece, as the Olympics return to their birthplace and real home. Just as Greeks gave the world democracy, so they taught us the Olympic ideals of peace, cooperation, and fair and noble competition. And so it is appropriate that Athens, the city that first lit the torch of Democracy, now plays host to the Olympic flame.

Greece remains our critical strategic partner in today's post-cold-war world. We cooperate closely in promoting peace and stability in the Balkans. Economic ties with Greece are vital to virtually every Balkan state. Athens has been a firm supporter of efforts to settle the Cyprus problem, and it remains committed to a just, lasting, and democratic settlement of the Cyprus issue. And I'm sure everyone in this body applauds Greece's historic and courageous efforts in recent years to resolve differences with its neighbor Turkey.

Mr. Speaker, I congratulate the Greek people on the 183d anniversary of their independence, and I join my colleagues in thanking them for their vast contributions to world civilization and especially to our Nation.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, first I would say that I am very pleased to be doing this special order in conjunction with the gentlewoman from New York (Mrs. MALONEY), who has been very stellar, a great friend of both republics, Greece and Cyprus, all through the years. And today I too proudly rise to celebrate Greek Independence Day and the strong ties that bind the nation of Greece and the United States.

One hundred and eighty-three years ago, the people of Greece began a journey that would mark a symbolic rebirth of democracy in the land, in the land where those principles of human dignity were first espoused.

They rebelled against more than 400 years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world.

I commemorate Greek Independence Day each year for the same reasons that we celebrate our July 4. It proved that a united people through sheer will and perseverance, can prevail against tyranny.

Men such as Aristotle, Socrates, Plato, and Euripides developed a then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said, ''We make war that we may live in peace.'' On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the American spirit. As Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves,'' American colonists, ''out of gothic darkness.'' Quoting Jefferson on the anniversary of Greek Independence is particularly appropriate. Jefferson and the rest of the Founding Fathers looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft a strong democratic state. In 1821, the Greeks looked to our Founding Fathers for inspiration when they began their journey toward freedom.

Although many lives were sacrificed at the altar of freedom, the Greek people rallied around the battle cry, ''Eleftheria I Thanatos,'' ''liberty or death,'' mirroring of course the words of American Patriot Patrick Henry who said ''Give me liberty or give me death.'' These words personified the Greek patriots' unmitigated desire to be free.

We all know that the price of liberty can be very high. History is replete with the names of the millions who have sacrificed for it. Many great scholars throughout history warned that we maintain democracy only at great cost. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past, in Greece, in America, and all over the world.

Freedom is America's heart. It is central to our being, and from the beginning we have recognized that freedom is not just an American right, it is a God-given right to every citizen of the world.

We must never forget that freedom must be constantly guarded. It is a noble but fragile thing that can be stolen or snuffed out if not protected. We cannot take for granted that we are endowed by our Creator with certain inalienable rights. We enjoy our freedom only because we have been willing to fight and die for it just like our forefathers and the valiant Greeks in 1821.

Mr. Speaker, on this 183rd birthday of Greek Independence, when we celebrate the restoration of democracy to its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirm our common democratic heritage. This occasion also serves to remind us that we must never take for granted the right to determine our own fate.

Madam Speaker, today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nation of Greece and the United States.

One hundred and eighty-three years ago, the people of Greece began a journey that would mark the symbolic rebirth of democracy in the land where those principles to human dignity were first espoused.

They rebelled against more than 400 years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day each year for the same reasons we celebrate our Fourth of July. It proved that a united people, through sheer will and perseverance, can prevail against tyranny. The lessons the Greeks and our colonial forefathers taught us provide hope and inspiration to victims of persecution throughout the world today.

Men such as Aristotle, Socrates, Plato, and Euripides developed the then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said: "We make war that we may live in peace." On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit. It was Thomas Jefferson who said that, "One man with courage is a majority." Quoting Jefferson on the anniversary of Greek independence is particularly appropriate. Jefferson, and the rest of the Founding Fathers, looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft a strong democratic state. And in 1821, the Greeks looked to our Founding Fathers for inspiration when they began their journey toward freedom.

The history of Greek independence, like that of the American Revolution, is filled with many stories of courage and heroism. There are many parallels between the American and Greek Revolutions.

Encouraged by the American Revolution, the Greeks began their rebellion after four centuries of Turkish oppression, facing what appeared to be insurmountable odds. Both nations faced the prospect of having to defeat an empire to obtain liberty. And if Samuel Adams, the American revolutionary leader who lit the first spark of rebellion by leading the Boston Tea Party, had a Greek counterpart, that man would be Alexander Ypsilantis.

Ypsilantis was born in Istanbul, and his family was later exiled to Russia. Ypsilantis served in the Russian army, and it was there, during his military service, that he became involved with a secret society called the "Philike Hetairia," which translated means "friendly society." The "friendly society" was made up of merchants and other Greek leaders, but the intent of the society was to seek freedom for Greece and her people.

The group planned a secret uprising for 1821 to be led by Ypsilantis. He and 4,500 volunteers assembled near the Russian border to launch an insurrection against the Turks. The Turkish army massacred the ill-prepared Greek volunteers, and Ypsilantis was caught and placed in prison, where he subsequently died. However, the first bells of liberty had been rung, and Greek independence would not be stopped.

When news of Greek uprisings spread, the Turks killed Greek clergymen, clerics, and laity in a frightening display of force. In a vicious act of vengeance, the Turks invaded the island of Chios and slaughtered 25,000 of the local residents. The invaders enslaved half the island's population of 100,000.

Although many lives were sacrificed at the altar of freedom, the Greek people rallied around the battle cry "Eleftheria I Thanatos" "liberty or death," mirroring the words of American Patriot Patrick Henry who said: "Give me liberty or give me death." These words personified the Greek patriots' unmitigated desire to be free.

Another heroic Greek whom many believe was the most important figure in the revolution was Theodoros Kolokotronis. He was the leader of the Klephts, a group of rebellious and resilient Greeks who refused to submit to Turkish subjugation. Kolokotronis used military strategy he learned while in the service of the English Army to organize a force of over 7,000 men. The Klephts swooped down on the Turks from their mountain strongholds, battering their oppressors into submission.

One battle in particular, where Kolokotronis led his vastly outnumbered forces against the Turks, stands out. The Turks had invaded the Peloponnese with 30,000 men. Kolokotronis led his force, which was outnumbered by a ration of 4 to 1, against the Turkish army. A fierce battle ensued and many lives were lost,

but after a few weeks, the Turks were forced to retreat. Kolokotronis is a revered Greek leader, because he embodied the hopes and dreams of the common man, while displaying extraordinary courage and moral fiber in the face of overwhelming odds.

Athanasios Diakos was another legendary hero, a priest, a patriot, and a soldier. He led 500 of his men in a noble stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was severely tortured before his death. He is the image of a Greek who gave all for love of faith and homeland. While individual acts of bravery and leadership are often noted, the Greek Revolution was remarkable for the bravery and fortitude displayed by the typical Greek citizen. This heroic ideal of sacrifice and service is best demonstrated through the story of the Suliotes, villagers who took refuge from Turkish authorities in the mountains of Epiros. The fiercely patriotic Suliotes bravely fought the Turks in several battles. News of their victories spread throughout the region and encouraged other villages to revolt. The Turkish Army acted swiftly and with overwhelming force to quell the Suliote uprising.

The Suliote women were alone as their husbands battled the Turks at the front. When they learned that Turkish troops were fast approaching their village, they began to dance the Syrtos, a patriotic Greek dance. One by one, rather than face torture or enslavement at the hands of the Turks, they committed suicide by throwing themselves and their children off Mount Zalongo. They chose to die rather than surrender their freedom.

The sacrifice of the Suliotes was repeated in the Arkadi Monastery of Crete. Hundreds of noncombatants, mainly the families of the Cretan freedom fighters, had taken refuge in the monastery to escape Turkish reprisals. The Turkish army was informed that the Monastery was used by the Cretan freedom fighters as an arsenal for their war material, and they set out to seize it. As the Turkish troops were closing in, the priest gathered all the refugees in the cellar around him. With their consent, he set fire to the gunpowder kegs stored there, killing all but a few. The ruins of the Arkadi Monastery, like the ruins of our Alamo, still stand as a monument to liberty.

News of the Greek revolution met with widespread feelings of compassion in the United States. The Founding Fathers eagerly expressed sentiments of support for the fledgling uprising. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth president, expressed his belief in freedom for Greece, saying: "We must send our free will offering. 'The Star-spangled Banner' must wave in the Aegean . . . a messenger of fraternity and friendship to Greece."

Various Members of Congress also showed a keen interest in the Greeks' struggle for autonomy. Henry Clay, who in 1825 became Secretary of State, was a champion of Greece's fight for independence. Among the most vocal was Daniel Webster from Massachusetts, who frequently roused the sympathetic interest of his colleagues and other Americans in the Greek revolution.

It should not surprise us that our Founding Fathers would express such keen support for Greek independence, for they themselves had been inspired by the ancient Greeks in their own struggle for freedom. As Thomas Jefferson once said, "To the ancient Greeks . . . we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness." Our two nations share a brotherhood bonded by the common blood of democracy, birthed by Lady Liberty, and committed to the ideal that each individual deserves the right of self-determination.

We all know that the price of liberty can be very high—history is replete with the names of the millions who have sacrificed for it. Many great scholars throughout history warned that we maintain democracy only at great cost. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past—in Greece, in America, and all over the world.

I recount these stories because they pay homage to Greece's absolute commitment to freedom and liberty and the common bonds which we share. Unfortunately, our devotion to the principle of freedom is not shared by many people whose interests are better served by applying oppression to their own people and spreading terrors elsewhere.

Freedom is America's heart. It is central to our being, and from the beginning we have recognized that freedom is not just an American right. It is a God-given right to every citizen of the world.

We must not overlook those who are still fighting for their independence in other parts of the world, such as in the Republic of Cyprus. Turkey still illegally occupies Cyprus, as it has since its invasion in 1974. Finding a fair resolution for Cyprus will help stabilize a region marked more often by conflict than accord.

As with so many international issues, U.S. leadership is essential to urge Turkish and Turkish Cypriot leaders toward peace. One year after United Nations Secretary General Kofi Annan proposed his plan as a basis for negotiations between the Greek-Cypriots and Turkish-Cypriots, the Turkish Cypriot leadership finally agreed to restart the negotiations. The proposed plan aims at reuniting the island under a government of shared power and having the united island admitted to the European Union on May 1, 2004. This is a vision worthy of our attention and full support because it has the potential to end the illegitimate division of Cyprus, improve the relations between Turkey and Greece and promote stability in the sensitive region of Eastern Mediterranean.

We must never forget that freedom must be constantly guarded. It is a noble but fragile thing that can be stolen or snuffed out if not protected. We cannot take for granted that we are endowed by our Creator with certain inalienable rights. We enjoy our freedom only because we have been willing to fight and die for it, just like our forefathers and the valiant Greeks in 1821.

Mr. Speaker, on this 183rd birthday of Greek Independence, when we celebrate the restoration of democracy to the lands of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that people of Greece share with the people of the United States reaffirm our common democratic heritage. This occasion also serves to remind us that we must never take for granted the right to determine our own fate.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Madam Speaker, I ask unanimous consent to take the special order time of the gentleman from Ohio (Mr. BROWN).

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

There was no objection.

POLICING REFORMS IN NORTHERN IRELAND

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

Mr. PALLONE. Madam Speaker, last week the Helsinki Commission, also known as the Commission on Security and Cooperation in Europe, held a hearing on the issue of policing in Northern Ireland. I want to commend the commission for holding this hearing on this timely issue and to add my voice to a growing list of influential individuals who have called on the British Government to reform the police service of Northern Ireland.

Madam Speaker, 6 years ago this month, the people of Northern Ireland, Great Britain, and the Republic of Ireland entered into a peace agreement, commonly referred to as the Good Friday Agreement. This legendary accord set out a framework that would allow Northern Ireland to govern itself and provide for a rule of law that was responsible to all people in the north of Ireland. Unfortunately, 6 years later, much of the agreement has either been stalled, derailed, or simply never implemented.

Most notably, the one issue that the British Government has refused to address after the signing of the Good Friday Agreement is that of police reform. For a true and lasting peace to exist in Northern Ireland, reforming the police service is a must.

Madam Speaker, the Good Friday Agreement gave the people of Northern Ireland great hope that they would see a change in the way policing is handled. Soon after the agreement was signed, the British Government commissioned Christopher Patten to review the police service in Northern Ireland. The Patten Commission spent months researching past abuses by the Royal Ulster Constabulary. Eventually they recommended several reforms to policing in Northern Ireland, including the end of the "Special Branch" of the Royal Ulster Constabulary and also to begin a program that would recruit ethnic and religious minorities into the police service and create a process of civil review.

While the Patten Commission recommendations did not address all of the policing issues in Northern Ireland, they were a good starting point. Unfortunately, to date, Great Britain has not instituted any of these reforms.

Policing in Northern Ireland is not only an issue of fairness but also of basic human rights. Following the signing of the Good Friday Agreement, the British Government dissolved the Royal Ulster Constabulary and replaced it officially with the Police Service of Northern Ireland. Unfortunately, this new police service is the same old, same old, with a new fancy name. What we really find when we look below the surface of its new name is that the Police Service of Northern Ireland is no more representative or fair than the Royal Ulster Constabulary.

The Police Service of Northern Ireland remains unrepresented of the communities it polices. There are presently over 9,000 members. However, as of October, 2003, only 11.6 percent are Catholic while nearly one-half of all residents of Northern Ireland call themselves Catholic.

And the Police Service has also refused to stop using plastic bullets. Patten recommended research into alternatives to these inhumane policing tools and the rapid withdrawal of their use, and the British Government also gave a commitment to replace plastic bullets by the end of 2003. But today plastic bullets continue to be used by the police service.

The people of Northern Ireland do not feel safe and rarely rely on their public police services. Citizens are not calling the Police Service of Northern Ireland when they need assistance. They are afraid that the police will violate their rights rather than protect them in their time of need.

Madam Speaker, I call on Prime Ministers Blair and Ahern to fully implement the Good Friday Agreement and immediately institute the Patten Commission's recommendations. For a lasting peace to survive in Northern Ireland, the Good Friday Agreement must be given the chance to fully succeed.

Unfortunately, the peace process cannot move forward. A small faction of individuals in Northern Ireland, many who are adamantly opposed to the accords, are holding the future of the peace agreement hostage. They have been successful in influencing the British Government to put the agreement and the power-sharing government on hold and therefore putting the Good Friday Agreement and the fragile peace in a very dangerous position.

Most recently these opponents have convinced Britain not to seek the new Belfast Assembly, even though elections were held 4 months ago. These elections, which saw record turnouts, were finally held this past November. However, to date, Prime Minister Blair has refused to reinstitute the Belfast Assembly.

Madam Speaker, as one can easily observe, the peace in Northern Ireland is hanging by a thread. Prime Minister Blair and Irish Prime Minister Bertie Ahern must bring all sides back to the table and reinstitute the Belfast Assembly.

Peace in Northern Ireland is finally within our grasp. The parties involved, which all signed those historic accords some 6 years ago, must now just live up to the agreement and allow the people of Northern Ireland to govern themselves freely and fairly.

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.)

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

(Mr. SHAYS 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 Maryland (Mr. WYNN) is recognized for 5 minutes.

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

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CREATING JOBS FOR AMERICANS

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida.) Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, in response to growing concern that many of our good jobs are being sent overseas, a number of our colleagues have offered proposals to restrict the practice of offshoring. The idea, I suppose, is that by restricting the ability of Americans to freely invest and compete in the worldwide markets, we can somehow save jobs here at home.

One of these proposals, offered by the senior Senator from Connecticut, was recently adopted in the other body in the form of an amendment to the international corporate tax reform bill. This proposal would permanently prohibit American companies that off-shore any of their work from ever doing business with the Federal Government. This restriction would also extend State projects that use any Federal dollars.

Another example is the Senate minority leader's Jobs For Americans Act, which is cosponsored by Senator and presumed Democratic Presidential nominee JOHN KERRY.

Before off-shoring any work that was previously done in the United States, this legislation would require companies, big and small, to disclose how many jobs would be affected, where those jobs would be going, and why they were being off-shored. Companies would also be required to give employees 3 months' advance notice, as well as notify all Federal and State agencies responsible for helping laid-off workers.

Now, Madam Speaker, we are all concerned about jobs for Americans. We are very concerned about jobs for Americans. And since these anti-offshoring initiatives are clearly intended to save jobs, I believe we should take a careful, serious look at their potential impact on the health of our economy, an economy that is currently growing, and we just got the news today, at a rate of 4.1 percent, creating hundreds of thousands of new jobs in recent months, and witnessing nearly 1 million new business start-ups every single year.

The good news is that we do not have to try to calculate what would happen if we were to adopt any of these measures. We can benefit from the wisdom of French and German policymakers, who adopted well-meaning job preservation techniques long ago. All we have to do is take a look at their economies and determine if we want similar results.

Let us look at France first. Under French labor law, employers must notify workers of impending layoffs at least 6 weeks in advance. Under certain circumstances, this notification period must be much longer, as much as 9 months in some cases. Other employee rights include a hearing in order to fight the layoff and a substantial severance package.

So with all these regulations and so-called worker protections, France must be a worker's paradise. French jobs must be eminently secure, right?

Well, it is obviously not the case. For years, French unemployment has persistently hung around the 10 percent level. In 2002, it dipped as low as 9.2 percent, but it has since crawled back up to 9.5 percent, and it continues to climb. And the French economy overall is not faring much better than French workers are. Last year, GDP growth was a paltry 1.8 percent, and French Government analysts are predicting even weaker growth for this year, 2004.

Germany has labor laws that are very similar to France's. Employers must give workers notice of layoffs between 1 and 7 months in advance, depending on how long a worker has been with a company. Employees can challenge any layoff in court and obtain preliminary injunctions, allowing them to remain on the job until their cases are decided.

But despite these job preservation regulations, German unemployment, just like in France, is frighteningly high. Since the late 1990s, unemployment in Germany has hovered just above 8 percent and has steadily climbed over the past year. In 2003, it inched up from 9 percent to 9.2 percent and continues to climb. Growth is also very weak, hovering below 2 percent for the past several years.

Madam Speaker, American workers deserve better than this. We owe them more than the empty promise that tried and failed tactics will somehow save jobs.

Rather than go the French and German way of stagnation and stifling regulation, I say let us create good jobs right here the American way, by continuing to innovate and grow and produce new opportunities for workers. That has been our recipe for global economic leadership for years; and if we continue to allow Americans to freely invest at home and abroad, we will continue to create more good jobs right here in the United States of America.

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

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

ANOTHER EPISODE IN THE OUTSOURCING OF AMERICAN JOBS

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

Ms. KAPTUR. Madam Speaker, I was so interested to hear the prior gentleman's remarks from California about jobs. He has been one of the primary Members of this institution that has helped to outsource our jobs all over the world, China, India, Mexico; so I am sorry he has left the floor.

But I guess I could say, here we go again, another episode in the outsourcing of American jobs. And this one is especially outrageous, because it involves our U.S. taxpayer dollars.

The Richmond Times Dispatch in Virginia reported yesterday that the big bank, J.P. Morgan Chase and Company, which administers the Bush administration food stamp program for Virginia and 37 other States, has been exporting administrative jobs since 2001. Why would the Bush administration select a big bank anyway to administer the U.S. food stamp program, rather than use not-for-profit institutions like credit unions and other financial intermediaries located across this country?

Today now, the Associated Press reports that food stamp beneficiaries in 43 States already get help with problems such as replacing lost cards by calling toll-free numbers, and these toll-free numbers connect them to companies that have contracts with State governments, and those companies have outsourced the calls to foreign countries.

The U.S. Department of Agriculture says it would consider permitting a State government to hire private contractors to sign up people for food stamps, even though the Federal law says U.S. Government workers should handle the job.

Madam Speaker, this policy by our U.S. Department of Agriculture is not only inappropriate; it is outrageous, particularly when you look at growing food stamp rolls because of unemployment in this country and this administration not extending unemployment benefits to people.

It is also outrageous because of the growing ranks of the unemployed, 9 million unemployed workers in this country. Just in Ohio, 347,000 people without work, and many more having quit looking, so they are not even counted anymore. Why not put unemployed Americans at work at these call centers inside our country, instead of shipping out these service calls, outsourcing the work to other countries like India?

Something is haywire when we allow multinational corporations to take our U.S. taxpayer dollars and give them in the form of government contracts to companies that then outsource the work to foreign workers and foreign countries. It is absolutely indefensible, when so many of our taxpayers cannot find jobs.

It is ironic. American workers who lose their jobs to unfair trade practices might have to talk to somebody overseas in order to get their food stamps.

Think about this one: when we asked the Under Secretary, Mr. Bost, yesterday before our committee whether he would consider working with the Department of Labor to go into these pockets of unemployed people in our country and let them do the call center jobs, he never attempted it, and it did not really seem to appeal to him.

This issue came up during our agriculture meeting yesterday, and as the ranking member I asked USDA officials, since they were not willing to hire Americans, would they be willing to support a ban on outsourcing these U.S. jobs to call centers, primarily in India. The USDA, that we pay for, we pay for their salaries, U.S. taxpayers, we pay the salary of the U.S. Secretary of Agriculture, of the gentleman who was testifying before us, they said, no, they would not ban sending the work overseas.

Now, the Republican practice of outsourcing American jobs cannot end one moment too soon.

Madam Speaker, the two articles I wish to place in the RECORD that document what I am saying is an article in the Associated Press by Ira Dreyfuss, and the headline reads: ''Private Contractors May Handle Food Stamps,'' and also an article that was in the Richmond Times-Dispatch. The headline reads: ''Food Stamp Calls Routed to India. A Firm That Runs Part of the Virginia Program Outsourced Call Center to India.''

Madam Speaker, it would be nice to have some attention in one of the largest programs that this government funds, over $50 billion a year in various food programs, about two-thirds of that in the food stamp program, and try to help some of our own people earn some money in this country so they would not have to be on food stamps and they could have good jobs right here in the good old USA.

[From the Times-Dispatch, Mar. 23, 2004]

FOOD-STAMP CALLS ROUTED TO INDIA

FIRM THAT RUNS PART OF THE VIRGINIA PROGRAM OUTSOURCED CALL CENTER

(By Tyler Whitley)

When food-stamp recipients in Virginia have a question about the program, they get answers from someone in India.

J.P. Morgan Chase & Co., a giant bank-holding company that administers a key part of the program for the social-services departments in Virginia and 37 other states, has outsourced its call center to the Asian nation.

Maurice Jones, commissioner of the Virginia Department of Social Services, estimates that six or seven jobs could be created in Virginia to handle the 10,000 calls a month that are now made to India by Virginia's 195,000 food-stamp recipients.

He said the Warner administration inherited the outsourcing from the Gilmore administration, which signed a contract with another banking giant, Citicorp, in February 2001.

Louis Rossiter, secretary of health and human resources under then-Gov. Jim Gilmore, said the jobs were not being sent abroad when the contract was signed.

Rossiter said Citicorp had a near monopoly on the business at the time the contract was signed.

The decision to send the jobs abroad was not the state's but the contractor's, Citicorp. It subsequently sold the food-stamp electronic-transfer program to J.P. Morgan, Jones said.

Jones said the calls have been going overseas since October 2001. A disgruntled local official complained about the situation recently to The Times-Dispatch.

When the state's five-year contract expires in 2006, Jones said yesterday, he hopes the 38 states can put pressure on the bank to return the call centers to the United States—perferably to Virginia.

Outsourcing, largely ignored until recently, has become a major political target in the 2004 presidential campaign. Although it is not a new phenomenon, Democrats are blaming the shipment of jobs to lower-wage countries abroad for the slow pace of job creation during the economic recovery.

Trevelocity, which provides airfares and travel service over the Internet, recently announced it is closing a call center with about 250 jobs in Diskenson County in Southwest Virginia later this year and sending most of the business to India. It estimated it could save $10 million from the move.

Richmond-based Circuit City Stores Inc. also has begun outsourcing jobs to India. Its customer-service toll-free line now goes to India.

According to the American Legislative Issue Campaign Exchange, a Wisconsin-based organization, 22 states are considering legislation to prevent job loss because of outsourcing by requiring state and local government contracts to purchase only American goods and services.

The U.S. Senate has voted to do the same on federal contracts. ''I'm a firm believer that you ought to take care of your own people first,'' said Del. Clarence E. ''Bud'' Phillips, a Democrat who represents Dickenson County.

Phillips said he will introduce legislation next year to bar the state from entering into contracts that ship jobs abroad.

If the jobs are returned to the United States, bank officers have told him that Virginia will have to pay a higher fee for the services, Jones said.

Jones said he recognizes the irony that someone in Virginia might be receiving food stamps because he lost a job through outsourcing. ''In an ideal world, I wish we could have a call center in Virginia staffed by present or former food-stamp clients,'' he said.

Food-stamp coupons are not longer given out. The federal government now issues electronic benefit-transfer (EBT) cards, which operate much like debit cards.

A food-stamp recipient gets a card from the state Department of Social Services with a limit on how much the person can draw. J.P. Morgan handles the monetary transfers for a fee paid by the state.

J.P. Morgan has call centers in Bangalore and Pune, India, and a center for automated calls in Delaware, Jones said. He said only about 10,000 of the 400,000 monthly calls made by Virginians go to India, where people handle the inquiries. The rest go to the automated call center.

Repeated calls for comment to J.P. Morgan Chase & Co. in New York City were not returned.

[From the Associated Press]

PRIVATE CONTRACTORS MAY HANDLE FOOD STAMPS

(By Ira Dreyfuss)

WASHINGTON.—The Agriculture Department says it would consider letting a state hire private contractors to sign up people for food stamps, even though federal law says government workers should handle the job.

Eric Bost, undersecretary for food nutrition and consumers, raised the prospect Wednesday after the issue came up at a hearing before the House appropriations subcommittee on agriculture.

If a state has a better way to provide services and save money, ''it would be foolhardy on our part not to at least consider it,'' Bost told reporters. Florida Gov. Jeb Bush has directed his state Department of Children and Families to see if nongovernment workers could handle applications for food stamps, as well as Medicaid and other Welfare benefits.

While the governors's proposal envisions a U.S. contractor with American employees handling Florida's food stamp signups, some states already have contracted to have overseas operators handled complaint and service calls regarding their food stamp programs.

Because the Florida project would be lilmited—a test to see if the concept would work—Bost said he could waive the requirement that food stamp signups be handled by government workers. But allowing all states to do so would require a change in law, he said.

Food stamp beneficiaries in 43 states already get help with problems such as replacing lost cards by calling toll-free numbers of companies that are contracted by states to operate help lines. Some of these contracts ''outsource'' calls overseas, but it is unclear how many.

Outsourcing of jobs has become a political issue after President Bush's chief economic adviser said it benefits the economy, a position that was challenged by leaders in both parties this election year.

Rep. Marcy Kaptur of Ohio, the senior Democrat on the House subcommittee, said at the hearing that the Agriculture Department should be prohibiting all outsourcing of food stamp calls.

Rep. Allen Boyd, D–Fla., another member of the subcommittee, said he doesn't ''understand how you would determine food stamp eligibility without a face-to-face interview.''

Easy, responded Bost. ''We have got such sophistication in this country that potentially I can get a loan for a couple of hundred thousand dollars and never see anybody face to face,'' Bost said.

MAKING AMERICA ENERGY INDEPENDENT

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

Mr. OTTER. Madam Speaker, those of us lucky enough to live in Idaho and the Northwest are blessed. Besides the unmatched beauty and the incredible quality of life we enjoy, our rivers provide us with relatively abundant and affordable hydropower that gives us a competitive advantage in the world marketplace.

As residents of an arid State, my Idaho colleagues and I know better than to take it for granted. Yet despite being a Nation that depends too heavily on foreign sources of fossil fuels, America for too long has taken energy for granted. We have gone a dozen years now without a national energy policy. The time to change that is now.

As our economic recovery picks up steam, it is more important than ever that the United States maintain an abundant and reliable energy supply; and, frankly, we are not going to achieve that without the kind of comprehensive national energy policy already passed three times in this House.

While the recent rise in energy costs has caught many consumers by surprise, it is important to remember that the energy supplies and price concerns are nothing new. Many of us in Congress, especially on this side of the aisle, along with energy industry observers and analysts, have long been warning of the energy train wreck that is about to happen.

And it is not just about oil and gas. A national energy policy must address a relicensing process for hydropower dams that has become a cumbersome and inordinately expensive proposition. It must make a sound commitment to alternative energy production and provide reasonable incentives for market-driven conservation, and it must set the stage for a new generation of safe and more efficient nuclear reactors that could further improve our energy independence.

Indeed, I am more optimistic than ever about the potential for nuclear power. One of the ways in which we can reverse the mistakes of the past decade and start down the right track toward a stable domestic energy marketplace is through the expanded use of clean nuclear energy.

Nuclear power stands out as an obvious answer to the many energy-related challenges we now face. Back home, the Idaho National Energy Engineering and Environmental Laboratory and the Argonne National Laboratory-West are working on the next generation of nuclear reactors. Their vision for nuclear energy is one that will provide America's energy consumers with a cheap, reliable, environmentally friendly and inherently safe source of electricity as far into the future as the human mind can envision.

I believe that the Idaho labs are headed in the right direction, and I am committed to helping them achieve their mission to enhance our Nation's nuclear power capabilities. I want to share with Members just a few reasons why I believe in the potential for nuclear power.

First, nothing is burned in a nuclear reactor, so there are no emissions into the atmosphere. In fact, nuclear energy is responsible for over a 90 percent reduction in the greenhouse gas emissions coming from the energy industry since 1973.

Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and 80.2 million tons of sulfur dioxide, and over the past 10 years nuclear plants have produced over 5 trillion kilowatt hours of electricity production, with absolutely zero carbon dioxide, sulfur dioxide or particulate matter emissions. Beyond those benefits, existing and emerging technologies will solve the complexities of storing and recycling spent nuclear fuels.

Second, nuclear power is a safe, reliable abundant source of power. Not only does the world contain plenty of resources for fueling nuclear reactors, but existing and emerging technologies will provide even greater efficiencies in the use of nuclear fuel.

Finally, nuclear energy is a homegrown technology. Thanks to the men and women who have worked in Idaho's labs over the past 5 decades, our Nation has long been the world leader in nuclear technology and continues to be the world's largest consumer of nuclear energy.

□ 1915

The bottom line is this: Without a comprehensive national energy policy, America is a nation at risk.

Congress must act decisively to send President Bush a blueprint for lowering natural gas prices, creating jobs, and making us more independent and secure. Only then will America be the architects of their own destiny.

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

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

INVESTING IN AMERICA

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to follow the chain of thought of the distinguished gentlewoman from Ohio and indicate the importance of focusing on employing America.

I am very proud to be able to salute a businessperson in my community by the name of Anthony Chase, who

speaks directly to the comment of the gentlewoman from Ohio (Ms. KAPTUR) about call centers, which really have become the engine of economic opportunity for many citizens here in the United States. There happen to be occasions for banks, credit card companies, and a number of other businesses in America to use these call centers.

I just want to emphasize that we are a world economy, we are an integrated world. But I also think it is important that we look to recruit not only American businesses, but American workers, to be able to do work that is viable for uplifting our own inner city and rural communities. Mr. Chase has a company that hires hundreds of persons who work in a call center and secure business for a number of our companies in the Nation, and he hopes to recruit companies from around the world.

We have to balance the responsibilities of making sure that Americans are at work, of keeping American jobs, of rebuilding a manufacturing economy along with our international economy and international friendship.

In particular, I want to talk about Houston, Texas, because one of the reasons I am concerned about the journey that this Congress is taking of not being concerned about jobs and not being concerned about infusing moneys into the domestic economy is because Americans are growing, and the communities are diverse, but the work is not growing commensurate with the population. The needs of America are growing, one in particular, and I will cite Houston, Texas because we are a microcosm of the struggle of improving the transportation and mobility of this Nation.

For over 20 years, Houston has been fighting to secure the opportunity to have light rail. It is located in a 3-million-to-4-million-person metroplex, and I cannot cite for my colleagues the traffic jams in Houston, Texas. We are trying to get better.

Unfortunately, we have had great opposition fighting against us in getting light rail right in our own community. But I am very proud of Houston because in November 2003 we voted to put in place light rail, first a 22-mile and then a 39-mile light rail track.

Why am I speaking about it? Because just yesterday, the Committee on Transportation and Infrastructure, under the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, gave Houston one more step toward completion of its light rail.

What does that do for Houston? What does that do for America? It creates jobs and provides the opportunity for people in this Nation to help build trains, to help build tracks, to help build a system, the technology, and to increase mobility.

I hope that in our effort to secure funding for our light rail and the authorization for our light rail, that we will have Members of our congressional delegation, House and Senate, who will pay attention to the vote of the people of Houston. They have voted, they have spoken, and we want to have a unified effort in fighting for light rail in Houston, Texas.

Madam Speaker, I look forward to working with the mayor of the city of Houston, Mayor White, and the chairman of the Metro Board, Mr. Wolffe, who I inquired of the board's commitment to continue our light rail effort. I wanted to thank the previous board and thank the previous or existing Executive Director, Shirley Delibro, who will be passing the mantle on to another director.

But in this climate of lack of jobs, it is imperative that we support the Committee on Transportation and Infrastructure as it looks to rebuild highways and freeways and roads in America in our urban and rural areas. That is where we can insist on jobs in America, with the buses, the trains, the airplanes that are covered by this transportation bill. We can encourage the utilization of American companies in providing for the improvement of our transportation system, putting America back to work, utilizing the backdrop of World War II and the aftermath of the depression, when the phrase was, a chicken in every pot and that was all that you would get.

Franklin Delano Roosevelt came in with a wise vision, putting people back to work and rebuilding America's infrastructure, and it worked. So many of us know those whose children, their economic opportunity was built upon the WPA, sweeping the streets, paving the streets, looking toward the visionary of new visions and roads.

Madam Speaker, it is imperative that we do that today, and I hope this Congress will support TEA 21 and vote to invest in America and create jobs.

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

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

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

(Mr. FILNER 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.)

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

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

INVESTING IN AMERICA'S FUTURE: CONGRESSIONAL BLACK CAUCUS FISCAL YEAR 2005 BUDGET ALTERNATIVE

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

Mr. CUMMINGS. Madam Speaker, I rise this evening to discuss the Congressional Black Caucus's fiscal year 2005 budget alternative.

Today, the Congressional Black Caucus offered a budget substitute that would invest in America's future while restoring fiscal responsibility in fulfilling our shared sacrifice.

Madam Speaker, when we are in a state of war, finding ourselves, even as we speak, with men and women in our armed forces fighting in Afghanistan and fighting in Iraq, and finding themselves spread out across the globe, the Congressional Black Caucus, which has consistently over and over and over again reiterated that we certainly support our troops and, at the same time, we are very firm on the fact that we must address the issue of terrorism.

But we also say that we must have a budget that is balanced, not only from the standpoint of economics, but also from the standpoint of doing for the people in the United States, people who work hard every day; people who give their blood, sweat, and tears to making this country the best that it can be; people who cannot even watch this on CSPAN because they left a job at 5 o'clock today and went to another job because ends simply are not meeting.

And not only those people, but 9 million people who are not watching this because they do not have cable, and the reason why they do not have cable is because they do not have a job. Nine million of them, at the end of every 2-week period when they normally would have gotten a check, they are not getting a check anymore, because they are simply unemployed.

Madam Speaker, despite the best efforts of over 100 of my colleagues in the House of Representatives, our budget substitute, that is the budget substitute of the Congressional Black Caucus, did not pass.

But one thing is clear, as I have said to the caucus many, many times, when I borrowed the words from former Representative Bill Clay, when he said to the caucus back in September, he said, you may not win every battle, but you will set the trend. You may not get what you want at that moment, but hopefully, we will be able to plant a seed in the minds of not only Members of this Congress, but in the minds of

the country that we can do better. That is why, day after day, Members of the Congressional Black Caucus come forth to address issues that go to the center of people's lives, to the center of Americans' lives and, day after day, we come as a conscience of the Congress.

The Congressional Black Caucus budget alternative fully funded No Child Left Behind to the authorized levels. In comparison, the budget that President Bush sent to the Congress broke its promise to America's children and teachers by short-changing its own education legislation by $7 billion.

Every time we hear about dollars, it is so hard, I think, for many of us to put faces on that short-change of dollars. But the fact is that when we go back to our districts, as I do, and I go to visit schools and I see some children in schools where rain is coming through the roof, and so often classes are overcrowded, and many times children have basically nowhere to go at 3 o'clock or 3:30; and then to look at the provisions of No Child Left Behind where it calls for substantial testing of our children, which a lot of us do not have a major problem with, but the problem is that once you test, and assuming a State can afford to test because there is not enough money in many instances for them to be able to even give all of the tests that are required by the Federal Government, the next thing we know, many school districts do not even have the money to send them to other schools.

So when we put a face on the $7 billion that is left out of the No Child Left Behind legislation and authorization, it gives us great concern.

Not only did the CBC budget provide adequate funding to take care of our troops fighting in the battlefields of Iraq and around the world, but our budget provided over $8 billion for our servicemen and women once they return home.

One of the things that we are seeing over and over again is young people going overseas. Many of them in the National Guard, when they joined, certainly they understood that there might come a time when they might have to go overseas. But so many of them, like the ones in our districts, find that their lives are interrupted. Resources are not there to keep the mortgage paid. Resources are not there for them to make sure that their families can carry on life the way they would normally carry on if they were not in Iraq or Afghanistan. The fact is that they find their lives interrupted.

One of the things that we wanted to do is, when they do come home, to make sure that they would be okay after they had put their lives on the line for us.

Madam Speaker, the CBC budget alternative would have doubled the funding for Historically Black Colleges and Hispanic Serving Institutions. I have often said that if we did not have HBCUs, we would have to invent them, for they are the institutions that provide and account for most of the B.S. degrees and the Master's degrees and Doctorate degrees for the children of African Americans.

Our education increases included over $2 billion for Pell grants, so that deserving students who may not have the financial means to attend college could obtain a college education. There was a time not very long ago when a Pell grant would cover 70 percent of a student's tuition and fees. Today, the average Pell grant probably covers somewhere between 20 and 30 percent.

□ 1930

The fact is that we educate our children, and then we want them to do better than we did, and we want them to go to college; but at Morgan State University, where I sit as a member of the Board of Trustees, sadly, out of 13,000 students we had to release somewhere between 7 or 800 of them, not because they were not qualified, not because they did not want to go to college, not because they had poor attendance but because they did not have the money.

So I have said it and I will say it again, one of the worst things, if you want to talk about the threats to this society, the most dangerous threat to our society is our failure to properly educate our young. But most importantly, the CBC budget alternative fulfilled the needs of American people while setting aside money to reduce our deficit.

Now, at $521 billion it would have placed our Nation back on the path of fiscal responsibility. Madam Speaker, we have to be honest with the American people. Our Nation is in the midst of a fiscal crisis. Not only is the Federal deficit spiraling out of control, but now we have reports from the Medicare actuary that Medicare will be bankrupt by 2019 and Social Security will soon follow. I did not say that. The Democrats did not say that.

The fact is that the official body, looking at our Medicare and our Social Security situation, said that.

Madam Speaker, I say we must be honest because up to this point the administration has been less than forthcoming with the American people and with this Congress. It has been reported that Medicare's chief actuary was told he would be fired if he reported to Congress the true costs of the Medicare bill. Earlier this year we learned that the administration fudged the conclusions of its health disparity report in order to report a more favorable national condition than what truly exists. That is a very sad commentary.

One thing that we know, and it is just a basic rule of life, that in order to correct a problem you have to, first of all, realize you have it. And if we have institutions that are being paid with taxpayers' dollars that are putting out reports that are then fudged to give a different image, a more favorable image of situations like health care disparities of all things, then that is a very, very, very sad day; and it is a very, very, very sad commentary on anyone who would be about the business of causing that to happen.

Just last month, the President sent a budget to Congress that conveniently neglected to include the costs of extending the tax cuts while claiming that his budget would cut the deficit in half. In my neighborhood they would say, ''Please.''

While the administration has made a practice of misleading the American public on the true state of our Union and brushing issues under the rug, the Congressional Black Caucus has faced these challenges head on and offered real solutions. If we are to truly resolve this crisis, then we must face the facts.

I have often talked about my little girl when she was 3 years old. She would say, Daddy, let's go play hide and go seek. And she would put her hands up to her face and stand directly in front of me and say, you cannot find me. Well, that is okay for a 3 year old, but we are here in the Congress of the United States of America making policy for over 247 million people and affecting their lives on a daily basis. We have to be honest about what is going on in this body and in this city.

Week after week the members of the Congressional Black Caucus come to this House floor to make the American people aware of the problems and challenges facing our country. Today we offered real and achievable solutions to those problems. Although others in the Congress do not seem to share our budget priorities, I hope that we will share the priorities of ensuring life, liberty and happiness of all Americans.

Madam Speaker, we have one life to live. This is no dress rehearsal, and this so happens to be that life. The real truth, Madam Speaker, is that this is not a spending-driven deficit, as some of my colleagues on the other side of the aisle would have us believe. This deficit crisis was created by fiscal mismanagement.

In the corporate world, CEOs are held accountable to the bottom line. This November I hope all of America follows the corporate example and holds the CEO of this great Nation accountable for this government's bottom line that is now over $500 billion in the red.

Madam Speaker, this Congress can do better. We can do better. We can do better for the American people, and the Congressional Black Caucus will continue to press this Congress to address the issues that go to the center of people's lives.

It gives me great pleasure to yield to my colleague from the great State of California (Ms. LEE), who has been at the forefront of the things that I just talked about: a fair budget process, a budget process that balances our need to protect ourselves from enemies without and enemies within, by the way, and making sure that we do all of those things that are necessary to take care of Americans.

(Ms. LEE asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. LEE. Madam Speaker, let me thank the gentleman from Maryland (Mr. CUMMINGS) for not only holding this Special Order tonight to discuss the misplaced priorities and the misallocated resources found in the Republican budget and to discuss our CBC alternative budget, but just for his leadership and his attempts to organize us to wake up America. Quite frankly, I do not think the majority of American people know the damage that is being done in this place each and every day. And thanks to the gentleman's leadership, we have the opportunity to come forward to present a vision of the world, of our country that we know is an American vision, a vision based on our values.

So I want to thank the gentleman for his leadership and just hope that the gentleman's district understands how important you are to our caucus and to this entire Congress for helping us move our agenda forward. Let me also mention and thank my colleague, the gentleman from Virginia (Mr. SCOTT), who is a member of the Committee on the Budget and he is a leader in our caucus on the budget. I want to just thank the gentleman for his very exceptional work in making this budget a very real and very progressive alternative for Members.

I want to thank all of my colleagues who contributed to the process. I think that our work speaks for itself.

As the gentleman from Maryland (Mr. CUMMINGS) indicated earlier, this budget received over 100 votes. That is a record vote, I believe, for the Congressional Black Caucus, and it is under the leadership of the gentleman that we achieved this vote. But this is the budget that really should have passed because it would have put America on the right fiscal track, and it also ensured the economic security for all Americans.

During this debate and for weeks prior to today, we have made a clear case for why and how the Republican budget sacrifices our children, our senior citizens, our security, our environment, and our economy in order, really, to advance monied interests and to promote tax breaks for the wealthy. We have made it clear that we hold the President and this Republican-led House responsible, responsible for the largest deficit in history.

The 5.6 trillion 10-year surplus projected when President Bush took office has been replaced by deficit as far as the eye can see. For 2004 the budget proposes a record deficit of $521 billion. That is the budget they passed tonight. That is $146 billion more than the 2003 deficit, and that was a historic record. It is a greedy budget. That is what this is. It gives to the few while sacrificing the needs of the many, and it gives the bill to our children and to their children. It is irresponsible, and it is unacceptable.

Now, unlike the Republican budget, the Congressional Black Caucus substitute has its priorities really in the right place. It is based on fairness. It is based on fiscal responsibility. And it is based on the values that we hold dear. And it happens to be balanced. Instead of gutting foreign aid programs and woefully underfunding the promised global AIDS initiative, the Congressional Black Caucus alternative includes $800 million towards our commitment and our moral obligation to fight the devastating HIV/AIDS pandemic. And it also includes $1 billion towards the global fund to fight aids, tuberculosis, and malaria.

Instead of ignoring our neighbors in Haiti and the African continent, the Congressional Black Caucus budget adds $1 billion to critical development assistance to meet the critical needs in countries that really need our help the most.

Instead of rolling back our environmental programs, which the Bush budget does, and cutting badly needed enforcement programs at the Environmental Protection Agency, the Congressional Black Caucus's budget enhances them to ensure that our children and families have access to clean water and clean air. The Bush budget ensures that they have less access to clean air and clean water.

Now, California has 97 sites contaminated with toxic waste. These sites are on the national priority Superfund list and 38 sites are likely to be affected by failing to fully fund the Superfund program. The Republican budget also cuts clean water funding by 37 percent nationwide and that is mind boggling; 37 percent which is over a $35 million cut in funding just for my home State of California alone.

Instead of leaving millions of our children behind in education and in training, they cut job training almost out for the most part and turn a blind eye to the millions of unemployed Americans, as the Bush budget does, the Congressional Black Caucus budget increases funding for school construction, for Head Start, for GEAR UP, for Perkins loans, for Pell grants, for job training which we so desperately need in an economy where so many millions of our people are unemployed. Also, funding for historically black universities, it fully up-funds the fiscal year 2005 authorization level for Leave No Child Behind.

Instead of cutting funding for housing, we do have an affordable housing crisis in this country. My home State of California is off the scale. Our budget puts more resources into housing. Affordable housing, or the lack thereof, is really a national disgrace; and it is a national emergency. Housing is, or rather it should be, a basic human right; and, unfortunately, it remains ignored and underfunded in the Republican budget again this year. And we are seeing an increasing number of homeless people out there on the streets of America, the most powerful and wealthiest country in the world.

Currently there are over 2 million households assisted by rental vouchers and turnover in this program is very low. Thirty-seven percent of vouchers are used to house our most vulnerable citizens, namely, senior citizens and persons with disabilities. This budget barely funds the 1.75 million in rental vouchers. The Bush budget for HUD proposes that public housing authorities scramble to cover the $1.7 billion costs needed to fund the remaining 250,000 vouchers and to ensure that housing remains available to special needs populations.

Now, this ultimately means that a quarter of a million section 8 recipients, current section 8 recipients, not those in waiting lines and on the list but current section 8 recipients, they will lose their vouchers or they will be forced by the public housing authorities to increase the amount of rent that they pay. Where in the world are they going to find the money? Where are the jobs? They do not have the jobs. They do not have the resources to afford to pay more rent.

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This is just downright cruel. In my district alone, 3,000 families who are currently using section 8 vouchers to pay their rent will lose their homes. This is unacceptable. This is unconscionable.

The Bush administration must fully fund and take responsibility for our most vulnerable families living in the section 8 program; but, of course, the budget that they passed out tonight did not do that. Ours did.

In the area of crime, the Congressional Black Caucus budget keeps our commitments to our local law enforcement agencies by providing real funding programs like the community policing efforts, like the Department of Justice reentry initiatives.

Under the Republican budget, the COPS program would be slashed by 87 percent, 87 percent. Crime rates are going up in certain communities. Of course, we know the reasons, but community policing has been a remedy and a way to really affect in a very positive way the reduction of crime in many of our neighborhoods; but again, the budget that they passed out tonight cut the COPS program by 87 percent.

The Republican budget underfunds homeland security programs. The Bush administration budget cuts first responder funding by $648 million and cuts port security grants by 63 percent, and they talk about homeland security. Yes, homeland security is very important. We must ensure the homeland, but we have got to pay for it. We have got to pay for it, and cutting port security grants by 63 percent does not tell me that this administration is committed to homeland security.

The House Republican budget is even worse. It cuts homeland security funding by an additional $155 million in 2005 and $857 million over 5 years. What a sham. Currently, 95 percent of all

North American and U.S. trade moves by sea, concentrated mostly in a handful of ports. Only about 5 percent of the cargo containers that enter the United States are screened, 5 percent. Any one of these containers, the vast majority of which do not have tamper-resistant seals, could hold a deadly threat, a disease hidden in a shipment of foreign fruit, radioactive material hidden in frozen seafood, or an explosive device.

Instead of skimping on homeland security, our budget, the Congressional Black Caucus budget, provides the necessary resources for the Department of Homeland Security to fully begin protecting America's rails and ports, and we provide significant resources for our first responders, the first line of defense in the event of an attack.

Homeland security, dealing with terrorism, we have got to get this administration to understand they have got to support this. They have got to support homeland security and our first line of defenders, our police officers, our firefighters, our emergency workers, our health workers.

What the CBC does not provide for is $9 billion a year for ballistic missile defense. Missile defense merely diverts terribly scarce resources into a program that does not meet our most urgent security needs and probably will not work in any case. Let us be clear, ballistic missile defense, better known as Star Wars, would not have prevented September 11, and the approach taken in the Republican budget will not prevent its recurrence.

One other thing the Congressional Black Caucus does not provide, Halliburton's license to steal, by withholding payments to the company that has overcharged taxpayers. That is what we did in our budget. This amounts to over $300 million. I do not know if the American people understand that the budget that the Bush administration and that Congress reported out tonight pays Halliburton, gives them money for violating the law. Unbelievable to me, unbelievable.

Let me just read my colleague a list of some of the programs being eliminated, not cut. These are some of the programs being eliminated in the Bush budget to feed this military spending. They are eliminating alcohol abuse reduction, arts and education, close-up fellowships, community technology centers, comprehensive school reform, demonstration projects to ensure quality higher education for students with disabilities. They are taking $7 million out of that. They are eliminating that. Dropout prevention programs, they are eliminating. Dropout prevention programs. Dropout prevention programs.

They are eliminating the Eisenhower National Clearinghouse for Math and Science Education, Elementary and Secondary School Counseling, Even Start, the Excellence in Economic Education program. They are eliminating literacy programs for prisoners. My God, what are we going to do? They will be getting out sooner or later and no skills, no job training, no jobs. What do we expect in terms of the recidivism rate, and here they are cutting out the literacy program for prisoners.

They are eliminating the Migrant and Seasonal Farm Workers programs, the National Writing Project, Parental Information and Resource Centers. Recreational programs, eliminate $3 million. They really cut out really all the federally funded recreational programs for kids. Regional Technology in Education.

They eliminate Smaller Learning Communities. They eliminate, here is another one, State Grants for Incarcerated Youth Offenders. They decimate that program. They gut it. It is gone. It is gone.

They eliminate Vocational Education National programs. They eliminate the Women's Educational Equity program. They eliminate the Early Learning Opportunities Fund, the National Youth Sports. They eliminate Community Food and Nutrition Efforts. They close that down. They shut it down. They shut down the Rural Community Facilities.

They shut down Hope VI, which revitalizes many of our communities, our urban communities where the unemployment rates are soaring. They finish, they cut out, they eliminate Empowerment Zones which have provided the opportunity to create jobs and to create economic opportunities for minority- and women-owned businesses and small businesses. The Bush administration just cuts that. They cut it out. It is gone.

The more I look at that, the more upset I get. It is very hard to convey the depth of my anger at this budget.

Brownfields Redevelopment they cut that out. Rural Housing and Economic Development programs they are cutting out.

I mentioned all the COPS programs and law enforcement programs they are just taking away. They are cutting out juvenile accountability block grants. They are taking away migrant and seasonal farm workers programs. I do not know if the American people know about all these programs that, like I said, are not being cut, they are being eliminated. They are gone. They are gone.

The Tech Prep Education State grants, $107 million, that is done. That is finished.

Madam Speaker, I will insert this list into the RECORD tonight at this point.

ZERO FUNDING

The Bush administration proposes to eliminate the following programs in fiscal 2005:

Program	2004 funding (in millions)	Reason for termination
Commerce:		
Advanced Technology Program	$171	Duplicates private-sector efforts.
Technology Opportunities Program	14	Diminished need.
Continued Dumping and Subsidy Offset Act	293	To save money.
Education:		
Alcohol Abuse Reduction	30	Duplicates other programs.
Arts in Education	35	To fund higher priorities.
B.J. Stupak Olympic Scholarships	1	Duplicates other programs.
Close-Up Fellowships	1	Duplicates private-sector efforts.
Community Technology Centers	10	Duplicates other programs.
Comprehensive School Reform	234	Duplicates other programs.
Demonstration Projects To Ensure Quality Higher Education for Students With Disabilities	7	Goals achieved.
Dropout Prevention Programs	5	Duplicates other programs.
Eisenhower National Clearinghouse for Math and Science Education	5	Duplicates other programs.
Eisenhower Regional Math and Science Education Consortia	15	Duplicates other programs.
Elementary and Secondary School Counseling	34	Duplicates other programs.
Even Start	247	Goals not met.
Excellence in Economic Education	1	Duplicates other programs.
Exchanges With Historic Whaling and Trading Partners	9	To fund higher priorities.
Federal Perkins Loans; Capital Contributions	99	Duplicates other programs.
Foreign Language Assistance	17	Duplicates other programs.
Javits Gifted and Talented Education	11	Duplicates other programs.
Leveraging Educational Assistance Partnerships	66	Goals achieved.
Literacy Programs for Prisoners	5	Duplicates other programs.
Migrant and Seasonal Farmworkers	2	Duplicates other programs.
National Writing Project	18	Duplicates other programs.
Occupational and Employment Information	9	To be merged with other programs.
Parental Information and Resource Centers	42	Duplicates other programs.
Projects With Industry	22	Duplicates other programs.
Ready To Teach	14	Duplicates other programs.
Recreational Programs	3	Duplicates other programs.
Regional Educational Laboratories	67	Goals not met.
Regional Technology in Education Consortia	10	Duplicates other programs.
School Leadership	12	Duplicates other programs.
Smaller Learning Communities	174	Duplicates other programs.
Star Schools	20	Duplicates other programs.
State Grants for Incarcerated Youth Offenders	20	Limited impact.
Supported Employment State Grants	38	Goals achieved.
Tech-Prep Demonstration	5	Duplicates other programs.

Program	2004 funding (in millions)	Reason for termination
Tech-Prep Education State Grants	107	Duplicates other programs.
Underground Railroad Program	2	Goals achieved.
Vocational Education National Programs	12	Duplicates other programs.
Women's Educational Equity	3	Duplicates other programs.
Health and Human Services:		
Early Learning Opportunities Fund	34	Duplicates other programs.
National Youth Sports	18	Duplicates other programs.
Community Food and Nutrition	7	Duplicates other programs.
Rural Community Facilities	7	Duplicates other programs.
Homeland Security: Metropolitan Medical Response System	50	Goals achieved.
Housing and Urban Development:		
Community Development Block Grant	334	Congressional add-on.
HOPE VI Revitalization of Severely Distressed Public Housing	149	Goals achieved.
Empowerment Zones	15	Funding not needed.
Community Development Loan Guarantees	7	Accomplishments not measured.
Public Housing Drug Elimination Program	0	Limited results.
Brownfields Redevelopment	25	Accomplishments not reported.
Rural Housing and Economic Development	25	Duplicates other programs.
Environmental Protection Agency: Unrequested Project Funding	511	Congressional add-on.
Interior: National Park Service Statutory Aid	13	Secondary to mission.
Justice:		
Edward Byrne Memorial Grant Program	704	Merged with other programs.
Local Law Enforcement Block Grants	223	Merged with other programs.
COPS Hiring Grants	119	Merged with other programs.
State Criminal Alien Assistance Program	297	Results not demonstrated.
COPS Law Enforcement Technology Grants	157	Duplicates other programs.
COPS Interoperable Communications Technology Grants	84	Responsibility transferred to Homeland Security.
Juvenile Accountability Block Grants	59	Results not demonstrated.
Labor: Migrant Seasonal Farmworkers	77	Ineffective.
Small Business Administration: Microloan Program	17	Expensive; duplicates assistance.
U.S. Postal Service: Foregone Revenue for Reduced Mail Rate	29	Eliminates reduced rates for some nonprofit mailers.

Source: Office of Management and Budget.

Madam Speaker, let me just finally say that this Bush budget embodies values that are quite un-American, if you ask me. It is fiscally irresponsible. It mortgages our children's future, and it decimates the lives of the least of these. It is not compassionate. In fact, it is really downright mean-spirited, and I hope that the American people understand that this administration is bankrupting our children and their future, and they are investing in money interests and privileges for the few.

Mr. CUMMINGS. Madam Speaker, I want to thank the gentlewoman for her statement.

Madam Speaker, as I listened to the gentlewoman speak, I could not help but think about the fact that when I listened to the other side talk, it seems as if they forget sometimes what the American spirit is all about and what makes America great.

One of the things that makes America great is that we view ourselves like the human body, and if there is a part of us, a part of the body that is suffering or a part of the body that needs healing, then it is like the entire body has a problem, and that is one of the things that makes this country so great.

I shall never forget when I went to Bosnia several years ago with President Clinton and we were talking with the leaders over there in Bosnia about how it is that we had quite a few troops over there but not one troop, not one of our personnel was harmed. I asked the question, Why do you think that is? These leaders all agreed, they said because America has a spirit and they know that if one American is harmed, they will pay big time, and that has been our spirit. That was been our strength.

I listened to all of the things that the gentlewoman from California (Ms. LEE) was talking about, the programs being eliminated. You are talking about things that help people be all that they can be. I believe that our children, something as simple as arts and education, that is something where we know that children in so many instances already have the talent within them, and it is up to us as grown-ups to do those things that are responsible for helping to bring it out of them so that they can share with the world.

When I think about Empowerment Zones, many people in these Empowerment Zone areas, because we have one in the city of Baltimore where I represent, and people are trying to climb up, and they have been told in many instances in the past, pull yourself up by your boot straps; but they did have not any boots, let alone straps. So they were pulling themselves up by their fingernails and then the Empowerment Zone comes about and helps them get on their feet. They are able to create businesses, to get people employed, pay back into the State tax coffers and the Federal Government coffers, and then we are in a better situation, but more importantly, we have built a person.

Then I think about the COPS program that you mentioned. It is very important that people feel safe in their environment. That is just crucial, and the COPS program has done so much. We saw all over this country for years the crime rate going down; and now slowly but surely in many of our jurisdictions, slowly we are seeing it rise back up, but when you have cops on the beat, the fact is their presence, just their mere presence is a deterrent to crime.

So we talk about the Hope VI program. This is a program in Baltimore that we have seen, I think we have six or seven Hope VI projects, but as I have said, on many occasions and for those who may not know what it is, it is basically a program that allows many mainly urban areas to tear down high-rise developments and then build more or less low-rise and mixed-income developments. Baltimore has changed the landscape of our city and allowed people to own homes who would not normally own homes. It has revitalized our cities in areas that were decaying. Those areas have not sprouted up, and I said in an opening of one of the IMF Hope VI projects about 2 are 3 months ago that it was like having Andy and Mayberry in the middle of Baltimore City.

So those are the things that go to making people's lives better on a day-to-day basis. Those are the things that we talk about. We hear people say tax-and-spend liberals. Well, that does not apply to this side. The fact is that we are spending a lot of money, the other side is, that is, but what about the human development, so that people will have an opportunity to live the best lives that they can?

So the fact is that we can do better.

Ms. LEE. If the gentleman would yield for just a moment, let me just comment on what you have said in terms of our values, looking out for each other, making sure that all Americans have equal opportunity.

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Madam Speaker, the insidious and the sinister nature of this Bush budget is that so many of these efforts and programs which have been eliminated or cut affect the African American, the Latino and the Asian Pacific Islander communities. They affect low-income individuals, poor people.

Now, what kind of values do we have if we are going to do that? That is not the American way from what I know. I think we need to make sure that the country understands that there are communities that are impacted by this budget, and then there are communities that are severely impacted by this budget and will take us back 50 years if this passes.

Mr. CUMMINGS. We just had a situation in my district where a water taxi capsized in a storm. Unfortunately, there were some deaths, but we also had a well-trained Navy Reserve unit which so happened to be in the vicinity. If it had not been for them, some

20-odd lives would not have been saved. During our discussions about this incident, one of the things that we talked about was homeland security. The Naval reservists were saying when incidents like this happen, if they have the kinds of equipment that they would have to have for homeland security, it would make their jobs so much easier.

A lot of people say what happened on 9/11 will not happen again; I have heard people say it only happens once. Then we had the Madrid train situation, and the fact is, when we talk about homeland security and talk about our port situation, we have the Port of Baltimore; and in talking to the people at our port, they tell us that one drug load could come in and could do so much damage to our city and citizens. And yet we are cutting back on ports?

Ms. LEE. First responder funding, police, firefighters, health care emergency workers, we are cutting $648 million out of that budget. We are cutting port security grants by 63 percent. This totals, in terms of homeland security, an additional $155 million in 2005 and $857 million for 5 years. What kind of real war on terrorism do we have? What kind of commitment do we have to secure America, to secure people in our country?

We will have to look at it in a way that we have not looked at it before if in fact these numbers hold in the Bush budget.

Mr. CUMMINGS. In the Baltimore incident, what they said was, if you have the equipment you need for emergencies, like if there was some type of attack on our port or our city, even if that did not happen, just being prepared for it puts us in a position to be able to address issues that would probably have a higher likelihood of taking place. It is not like the equipment sits in a corner waiting for some terrorist to come along. And they also talked about the training that they have been involved in, and said their training was helpful.

Again, we hear mayors from all over the country, large and small cities, saying, we want to be prepared, we want to protect our people. We are the ones that have to address our firefighters and our police personnel and those who do emergency work. All they want is to make sure that they have the things that are necessary to do their job.

Ms. LEE. Madam Speaker, if the gentleman would yield, that is extremely important because having the resources there to do their job reduces the anxiety level. It reduces the fear factor which people quite naturally have at this point in our time.

I do not believe this administration wants people to feel that level of security. They like to keep them unstable and fearful and worried, and that is just downright wrong.

I think this budget really reflects exactly what the gentleman said. We do not have the equipment. Our first responders, our counties and cities, do not have what they need. People know they do not have what they need, and they are afraid. People need to rise up and tell the Bush administration to fully fund homeland security.

Mr. CUMMINGS. Madam Speaker, the gentlewoman also mentioned job training, which is so very important. The gentlewoman said there are cuts in job training.

Ms. LEE. Big cuts in job training.

Mr. CUMMINGS. There are so many people out of work. I was speaking to a colleague from Ohio, and he was saying hundreds of thousands of jobs are cut, gone. And he talked about how important it is to have job training, so if opportunities come, people will be in a position to take advantage of it. It is one thing to have opportunity, it is another thing to be prepared to take advantage of it.

It just seems to me as we see so many of our relatives and our neighbors out of a job, 9 million of them in our country, it seems to me that, if anything, we would be trying to increase the funds for job training so that people will be prepared for opportunity were it to come along. But yet and still, and the President keeps telling us jobs are coming, we have not seen them yet, but assuming he is right, if they are not prepared, what difference does it really make?

Ms. LEE. Madam Speaker, I think I have the answer to why they cut job training, and that is, they do not know where the jobs are coming from and what to train people for. First, we have lost the service industry. We have lost manufacturing, and we are outsourcing high tech. What is left?

We had a hearing several weeks ago with Alan Greenspan, and we talked to him about the economy and job losses. I asked Chairman Greenspan, What do we tell our young people? How do we tell them to play by the rules, go to school and develop some skills and some know-how because there is a job at the end of the road? And he could not answer that.

We asked where the jobs will be in the future, what industries, what sectors do we train people for? In what regions, and what jobs are going to be available in 2 to 3 years? And there was no answer for that question. I suspect the reason they cut job training is because they do not have a clue what kinds of jobs are out there in the future to train for.

Mr. Greenspan indicated if he did not believe those jobs were going to be out there, he would be as upset as I am, and he believes they are out there, but he never told us where.

Mr. CUMMINGS. When we talk about Pell grants, and we see so many students who work so hard and they finally get to college. I am a graduate of Howard University, and since 1973, I have gone back to every graduation because I want to see the young people emerge and go out into the world. It is a good feeling that I get from seeing that.

But to know there are students today like the ones we saw down at Florida A&M and Prairie View A&M, at Morgan State and Howard, so many of them have gotten there. They have gone through so many difficulties, and they finally get to college. And many of them, although it is recommended that they not work in their first year, they are working and doing whatever they can do to make ends meet to be able to pay the tuition payments. I think it was at Prairie View when they did a survey of income of the parents, it was less than $40,000 combined average. So the parents simply do not have it.

So we have students who are giving it the best they can. They have dreamed of being a doctor or nurse or lawyer or teacher, and finally they get that acceptance letter and they are able to scrape together some money and, maybe their cousin or Aunt Sally gives them money for their graduation present from high school, and they get there and then they find out that the Pell grant that they are getting, even combined with other sources of income, even the money they get from working a part-time job is not enough.

The sad part about it is, I believe such students at Morgan who have to drop out, and we have not done a survey, but we believe many of them never return. What that means is their income is affected for the rest of their lives. They live a totally different life. If they had gotten a college education, they would be able to do better for their children and have more opportunities and be able to open more doors for future generations.

So in this country, that is probably the richest country in the world, we fail to properly make sure that they have that support system that they need. I think that is a shame.

Ms. LEE. Going back to the Congressional Black Caucus' budget, we increased the funding for Pell grants and for our young people so they do not have to deal with the very situation that the gentleman described.

Taking it just a little further, those that somehow make it through start looking for job. There are no jobs out there; but if in fact we created an infrastructure, development initiative, if we invested in our economy by investing in health care, if we invested by establishing the National Affordable Housing Trust Fund to increase the production of affordable housing in this country, we would be able to create jobs by creating an investment in our country and in our communities for areas that people need.

People need health care and housing and transportation. We need schools to be fixed and we need construction projects going on. There are so many millions of jobs that could be created if we just invested our Federal resources into this instead of the military machine for weapons which feed the military industrial complex.

Mr. CUMMINGS. In the State of Maryland, almost every one of our

schools that prepare young people for nursing are community colleges and our 4-year colleges have long waiting lists. They cannot accommodate, they do not have the resources to accommodate the students that are qualified. Yet and still, we have a phenomenal nursing shortage. That just boggles the mind: These young people who are prepared to work in a profession where there is a demand, and that is a major problem. Those are the kinds of things that we should be addressing, when we have young people standing in line to do what they have wanted to do for the last 10 years, and do not have the chance to be able to do it.

Ms. LEE. There has to be the political will to do that, and the future has to be a priority in terms of the budget priority. You have to see young people as being our future, those who are going to really take over the world, and we have not invested in our young people. We have not developed an educational system that will allow them to develop, learn and grow and move forward.

Again, Leave No Child Behind is a classic example. It is $9.4 billion underfunded.

Mr. CUMMINGS. The Bible says, Where there is no vision, the people perish. And the question is, and the gentlewoman hit the nail on the head, what is the vision that we have as opposed to what the other side of the aisle and our President have?

I think our vision is for a better America, an America where each person has an opportunity, just as all these Congresspeople have had, to use all of the things that are within them to be the best that they can be. We have tried in our budget to make sure that we did everything that we could to make sure that they had fertile ground to develop and be all they can be.

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Ms. LEE. I want to thank again the gentleman from Maryland for his leadership and for insisting that the Congressional Black Caucus put forth this vision, a vision that is based on true American values, a vision that is based on equality and justice, a vision that is based on fiscal responsibility, a vision that is based on not mortgaging our children's future; and it is a vision for the country that I know someday will be seen by those on the other side. It is just a matter of time.

Mr. CUMMINGS. Madam Speaker, on behalf of the Congressional Black Caucus, as I have said before, we may not win every battle, but we certainly will stand up over and over again. It is so amazing to me that at the end of each one of these Special Orders, Madam Speaker, when we go back to our offices, we have calls from Americans. They are not just African Americans. As a matter of fact, most of them are not. These are people calling from various States throughout the country. What they are saying is thank you for informing us and thank you for at least giving us the other side of the story, because we did not get it. We did not hear that anywhere else. We may not win. We may not win today, but at least we plant the seeds in the minds of the American people and hopefully in the minds of this Congress that there is, in fact, a better way.

Ms. LEE. Yes, there is a better way. I think Dr. King, reflecting upon him right now, showed us a better way and told us that there was a better way. He told us how the bombs bursting in Vietnam would explode here in the ghettos of America if in fact our spending priorities were not reordered. Those who care about Dr. King and celebrate his birthday in January need to celebrate his life each and every day by executing his vision. We have the opportunity to do that. What an honor. We have been elected to Congress to be able to create a better world. In fact, when we do not take those opportunities to do that, I worry for us. I worry for our country.

I say, thank God for the Congressional Black Caucus. If it were not for the Congressional Black Caucus, I do not know if, in fact, any of these issues would be crystallized in the way that they are being crystallized as a result of our efforts. I want to thank the gentleman, even though I know it is very difficult sometimes dealing with 39 of us who all have ideas. But the chairman incorporates all of our ideas and comes up with a magnificent document each and every year. I think that sooner or later our budget will be the budget. It will be the budget that is passed by this House and the other body, and it will be in the White House, and we will someday see our vision for America and for the world as being the American Dream realized and in action.

Mr. CUMMINGS. Last but not least, Madam Speaker, it was the songwriter Tracy Chapman who wrote the brilliant words: ''Either we change or we live and die this way.'' And so the Congressional Black Caucus is about the business of changing for the better, changing so that all people may rise up and be all that God meant for them to be, but at the same time we present a budget which is fiscally responsible. That too is very important to us.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I want to thank the Chairman of the Congressional Black Caucus, Mr. CUMMINGS, for his steadfast support of the development of this budget alternate. I also want to thank Ms. MAJETTE and Mr. SCOTT for their leadership. I appreciate and applaud their steady stream of ideas and positions on issues we all care about. I also would like to thank all of the members of the CBC and their staff for their help in completing this very worthwhile project.

The Republican budget proposal clearly ignores the needs of Texas and of all working Americans. The Republican budget borrows from future generations to pay for today's tax cuts and federal spending. It reduces taxes on the wealthiest Americans and slams the door on economic opportunity for working families. Neither of these outcomes is in our nation's best interest.

Madam Speaker, President Bush inherited a federal surplus of $127 billion in 2001. His tax cuts give us a deficit of $521 billion, an all-time record, in 2004. Recently, the non-partisan Congressional Budget Office forecast that rather than cutting the deficit in half over the next five years, as the President pledged, his budget policies will result in increasing it by $2.75 trillion. That's an astounding and mind-boggling amount to add to the national debt over the coming decade.

The CBC budget fights for social justice. It advocates for the poor that are left out and forgotten, and more specifically African Americans and other neglected minorities. The budget of the Congressional Black Caucus fully funds No Child Left Behind, it provides funds for school construction, and it increases funding for other education and job training programs. The CBC alternative also provides funding for the minority health initiative, health insurance for the uninsured, it supports child nutrition programs, it funds job creation programs under the SBA, and it extends unemployment insurance benefits. The alternative budget also eliminates the disabled veteran's tax.

The funding for these important domestic needs comes from two sources: (1) a reduction in the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000, and (2) the closing of tax loopholes, abusive tax shelters, and methods of tax avoidance. These funds total an estimated $35.5 billion in FY05, and are used for the domestic and deficit reduction portions of the alternative budget.

I ask, Madam Speaker, that Members of this body give serious consideration to both the debate and to the challenge.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today with great fear over the direction that the Republican Party and this Administration is taking our great nation. My concern is based primarily on the national budget which was just voted on. The Nussle budget clearly did not improve upon the severely flawed Bush Administration budget. The needs of average Americans were still ignored. The interests of a wealthy few outweighed the needs of an entire nation in this budget. I say this not out of partisanship, but from a statement of the facts. I want to highlight a few areas in this budget that are particularly egregious.

EDUCATION

This President and the majority party in this body have spent so much time talking about their record on education and as hard as I try I cannot see what they have to be proud of. It is one thing to address areas of critical need with rhetoric, but to advocate a policy and then not fund it sufficiently is plain irresponsible. At the top of the list of my concerns is the No Child Left Behind Act (NCLB) and the fact that it has become an unfunded mandate. The House Republican resolution provides at least $8.8 billion less than the $34.3 billion authorized for education programs under the ''No Child Left Behind'' Act for 2005. The CBC alternative budget is the only one that fully funds the ''No Child Left Behind'' Act of 2005. Without this program being fully funded low funding millions of elementary and secondary school students are left without the services

Congress and the President promised just two years ago. For example, the Republican budget denies Title I services to 2.4 million students who quality under the Act.

But the irresponsibility does not end with No Child Left Behind. For the third straight year the Republican Party has frozen the funding level for Pell Grants. Both the Republicans and the President freeze the maximum Pell Grant award at the 2003 level of $4,050, with an average grant of $2,399. Such small Pell Grants make college unaffordable for millions of students: the College Board reports that tuition and fees at 4-year public colleges today average $4,694. In any market this gap would be hard to swallow, but with the current state of joblessness that the Republican Party's agenda has created it is near impossible for so many American families to send their children to college. I fear that this agenda if allowed to continue will cause a perpetual state where our American families aren't able to succeed. The CBC budget would ease the difficulty on the plethora of American families having problems funding their children's education. It guarantees almost $2 billion more for the Pell Grant, raising the maximum level to $4,500, an 11 percent increase over the maximum under the Republican Budget.

In addition to this the CBC budget provides even more benefits to our education system. It adds a combined total of $18.7 billion to educational spending which will greatly reduce the stress placed on our educational system today.

But education is not limited to elementary and secondary schools and colleges and universities. Education is a lifelong endeavor. And with that in mind the CBC budget proposes an additional $2 billion for Job Training, Vocational Education, and Adult Education. Such funding will provide countless Americans the ability to improve their lives, their families, their communities, and their nation. The Republican budget underfunds our education and our future.

VETERANS

Our brave American veterans are another group who were outraged by the President's budget and will unfortunately be disappointed with the Republican House Budget. The majority party argues continuously about the greatness of our Armed Forces, and their right, but again it's just empty rhetoric on their part. Those brave men and women fighting on the front lines in our War Against Terror will come back home and find that the Republican Party looks at them differently once they become veterans. They are no longer treated as great heroes. Instead they are viewed as a nuisance and a way to cut the budget.

Almost all veterans need some form of health care, some will need drastic care for the rest of their lives because of the sacrifice they made in war, but the Republican Party continues to turn a blind eye to their needs. On a bipartisan basis, the Committee on Veterans' Affairs recommended that $2.5 million more than the President's budget was needed to maintain vital health care programs for veterans. Nevertheless, the House Republican budget provides $1.3 billion less than what the Committee recommended for 2005. The CBC budget provides an extra $1.25 billion to meet the request of the Veterans' Affairs Committee.

The entire Department of Veterans Affairs is going to suffer because of the Republican agenda. Over the next five years the money allocated to the Department of Veterans Affairs will not even be able to maintain these programs at their current levels. In 2007, the budget is $227 million less than what the Department of Veterans Affairs needs to keep pace with inflation. Over five years, the Republican budget cuts $1.6 billion from the total needed to maintain services at the 2004 level. I've heard from veterans groups throughout my district in Houston and I'm sure each Member of this body has heard from groups in their own district because veterans are one group that come from all parts of this nation. These brave veterans have told me their stories of how they are suffering now with the current state of veterans affairs. I am going to have trouble telling them that not only will things continue to stay bad but things will only continue to get worse. That is not what our returing soldiers from Iraq and Afghanistan should have to look forward to, a future where their needs are not only not provided for, but are in fact ignored.

The CBC budget provides an extra $8.7 billion in total veterans spending. An increase that is sure to fix many of the aforementioned problems. Of that extra funding $3.6 billion will be dedicated to fund the Montgomery GI Bill. This program is, and has been, one of the most important veterans programs around, and I for one will not allow it to be underfunded. Finally, the CBC budget will give $2.5 billion and $25 billion over ten years to help eliminate the tax on disabled veterans known as concurrent receipts. While the Administration's tax cuts are doled out to the wealthiest Americans this budget will aid those who really need our help, our veterans.

IRRESPONSIBLE REPUBLICAN POLICIES AND HOMELAND SECURITY

Education and Veterans Affairs make up only two areas where Republican budget fails Americans. The truth is there are many other programs and services vital to our nation that are at risk because of the Republican agenda. At this point, an average American may be asking why the Republican Party finds it necessary to cut so many fundamental programs. The answer is simple, yet disturbing; the majority party is cutting important programs in order to finance all their irresponsible tax cuts. They will continue to make the argument that tax cuts provide stimulus for our economy, but millions of unemployed Americans will tell you otherwise. In fact the Congressional Budget Office itself said "tax legislation will probably have a net negative effect on saving, investment, and capital accumulation over the next 10 years."

While the Republican Party continues its offensive for irresponsible tax policies they allow our national deficit to grow increasingly larger. The deficits are so large and their policies are so irresponsible that they won't even make deficit projections past 2009. It's clear that the Republican Party is hiding from the American people. This President and this majority in Congress have yet to advocate a fiscal policy that helps average Americans. Special interests have become king in this budget at the price of sound fiscal policies.

The CBC budget will go a long way to solving this problem. Our goal is to help the common person not just the CEO. We want to protect the Average American who is struggling every day through these tough times just to get by. And this brings me to another key problem with the Republican Budget. In what direction are they taking Homeland Security? The CBC budget provides an additional $2.4 billion in Homeland Security funding. It provides an extra $900 million for First Responders including the COPS Program and Citizen Corps and provides an extra $566 million for Port Security grants and an additional $250 million for Rail Security. We must keep American citizens out of harm's way and the CBC budget provides us with the resources to do that.

CBC ALTERNATIVE BUDGET

The truth about the budget is that a sound fiscal policy that funds needed programs is possible. The CBC Alternative Budget is an example of how we can get out of the quagmire that the Republican agenda has put this Nation in.

GENERAL LEAVE

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

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ECONOMIC PRINCIPLES FROM A PRIVATE SECTOR PERSPECTIVE

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

Mr. KING of Iowa. Madam Speaker, as I sat here and listened to this debate tonight, a number of things crossed my mind. I would like to pass backwards through the comments that were made by the distinguished members of the Congressional Black Caucus and address some of the subject matter. As you sit in your living rooms this evening and you consider what you have heard, you have heard our President's name used over and over again, never in a complimentary fashion, not particularly derogatory, given some of the evenings I have seen in this Chamber, but we need to keep in mind that the apparent Democrat nominee for President is a Member of the other body. According to the rules of this House, I cannot nor can any Member use the name of that Member of the other body and designate them in the same fashion that the Members we have heard here tonight have the latitude to speak about our President, our Commander in Chief and the leader of the free world.

And so that is a restriction that I have. And when I reference the apparent Democrat nominee for President, you will know who I am speaking of. However, what we have heard here is that the Congressional Black Caucus budget has fiscal responsibility because they offer a balanced budget. But the

balanced budget that they offer is balancing the budget by raising taxes, putting a burden on the private sector. By the way, there are two sectors to this economy. There is the private sector where the jobs are created, where the dollars get invested, and where Americans make a decision that they are going to save up their money and invest it and maybe buy some stocks, some mutual funds or start a business or go borrow that money and invest it in a business, which is what creates new wealth and which is what creates jobs.

It is not a zero-sum game. It is a multiplier. We are always seeking to promote the maximum productivity of our citizens. That is directly proportional to the strength of this entire economy, that is, the sum total of the productivity of all of our citizens, all of our citizens working together, the maximum number of them going to work every day, producing the maximum amount of goods, the maximum amount of services multiplies itself through our economy and promotes our export markets and competes with our import markets and provides for the technology and the training and the capital investment and the higher education and all of those components that make our economy grow.

When we raise taxes to balance the budget, there is a huge presumption in the minds of the people that advocate such a thing because they are presuming that the economy is going to move along in the same fashion as it did and that tax increases are not going to provide a disincentive for people that get out of bed and go to work.

I can tell you as a businessman, one who started a highly capital intensive business with a 100 percent loan back in 1975 and went to work every day and operated that business with the checkbook in my shirt pocket and provided a service and collected the money and paid the bills and dealt with the Federal Government and the IRS and the regulations and all of the burdens that are there, and paid the taxes, of course, that there is a limit to how much anyone is willing to risk their capital, risk their sweat equity. At some point if you punish people for their work, if you punish productivity, you will get less productivity. Ronald Reagan said, What you tax, you get less of. What you subsidize, you get more of.

If I just address the tax side of this, if we tax and tax and increase taxes to balance a budget in a time of recession, and we are coming out of that recession today, we will get less productivity. Less productivity equates to less revenue for the Federal Government and what you have done, then, is you have discouraged the goose that lays the golden eggs. And so I would point out that we are coming out of a dip in a recession.

If I can direct your attention to this chart on my left, this is what I am going to describe as the dot-com bubble. Right about in this area here and if you were watching the economy grow as I did and as many of the investors did and they put their money in the information age and in technology, because we had an ability, a growing ability, a dynamically growing ability to store and transfer information more quickly and more efficiently and more cheaply than ever before in history, in fact, beyond the imagination of most of the predictors back in the earlier years in the nineties. So we invested in the ability to store and transfer information. People were investing in dot-com businesses, betting that those businesses would turn over and that this economy would continue to grow.

Well, it grew and a lot of this economy here was speculative economy. It was an economy that grew like a chain letter as people invested more money in more dot-com businesses and in more technology and in more things that did not really reflect the value of information technology. Because, this was the major misconception, just the ability to store and transfer information in and of itself has value. I will point out that that is not the case. The marketable value of being able to store and transfer information is to the extent of two things: Can you take that information and improve productivity? And can you deliver that product more cheaply and more efficiently? And to a much smaller degree, what can you market this information for for recreational purposes?

So information has value for research purposes because that information then allows us to be more effective and more efficient. That is the good thing on the economical side, but the recreation side is when people get on the Internet and they pay their $21.50 a month or their 40, 50, 60, $70 a month, depending on their service because they like to be able to get access to entertaining Internet information. That is a marketable value of information. The others are to be able to produce the good or the service more efficiently than before.

So what we have with the dot-com bubble is this bubble right here was bound to burst. As some of us saw this coming and talked about how long we could sustain this level of this growth, it was a lawsuit that started against Microsoft that popped the bubble. I believe it would have popped of its own just of the sheer stress and tension of the dot-com bubble as it grew and inflated higher and higher. Sooner or later it would have burst because of its own pressure. But what happened was some of the States attorneys general got together with some other interests and entities; and they sued Microsoft and when that happened, this dot-com bubble burst and the money that was invested in this economy came tumbling down, and we lost billions and billions of dollars' worth of wealth all the way through here. That happened through this stretch.

If you look here, you can see what happened when we got to September 11. George W. Bush was sworn in here, and then we had the September 11 attack, which came about right in here. The economy was already racing down; and when our transportation industry came to an immediate and screeching halt within hours of the attacks of September 11, that stopped also a huge sector of our economy. We have had to recover from this bubble being burst and being dropped down into these levels. If you look where we are today, the Bush Jobs and Growth Act, which we passed in this Congress a little over a year ago, has grown us, then, back up to essentially the level where we were before.

We have dealt with this dot-com bubble, made the adjustment to it and the real economy today is the economy of the ability to be able to produce goods and services more efficiently than before and the growth in our gross domestic product. But it is not the time to increase taxes, punish businesses and convince them that they should pull in their capital investment and produce less to avoid the tax liability. It is the time to make the tax cuts permanent, the time to be able to send the message that we are a business-friendly world where jobs are created by the private sector, not by government.

As I listened to the gentlewoman from California and she referenced the Bush administration, and our President in particular, she said with regard to jobs, ''They don't have a clue.'' I would think that statement would be accurate, not with regard to the analysis of our President's statement, but with regard to the person who uttered that statement, not a clue on what creates jobs, if you cannot believe that private sector investment creates jobs and that is where the wealth is.

That is part of the sector of our economy. The other one is the public sector. The public sector of the economy is the anchor that drags our private sector economy. We have people that get out of bed every day and produce a good or a service that has value and they market it in the marketplace and every day they try to figure out how to be more competitive, how to produce more of that good, more of that service for a more competitive price. Surely they are trying to maximize their profit; but when they do, they have got some money left over then to invest in technology, higher education, capital investment so that they can be more competitive and be able to provide that good or service even more competitively yet.

That is going on around this economy millions of time every day. It is part of the equation that is in the minds of our managers and our workers, all in the private sector. The public sector, which now I am a member of, and my lifetime and my career and my training have all been in the private sector where I have competed for those jobs, public sector jobs are often in the regulatory section. Regulators are people that get out of bed in the

morning. They go out to look over the shoulder of the people who are producing a good or a service that has a value that is marketable in the marketplace. In essence you have to take from the profit from the private sector to pay your public sector regulator, the watcher of the work, the one who regulates the work and sometimes the one who obstructs the work. So there is always a drain on the private sector to fund the public sector jobs.

What I heard mentioned over here this evening was a whole series of public sector jobs, from police officers, more teachers, on down the line. I did not hear anything that would address a way that we can create more jobs or fix the climate so that the private sector can create more jobs.

□ 2030

It was all public sector requirements, all burdens on the private sector always to wear down this economy, always to make it harder and harder for us to recover from this place that we are in today, which is not too bad a spot and we are moving up.

And another proof of that would be, if I go to chart 2, the unemployment rate that we are dealing with. This would be the early days of the Reagan administration. About the time when Ronald Reagan took office, we had extremely high unemployment, extremely high inflation. And with the Reagan plan, we were able to drop this unemployment level down to under 6 percent for the first time in about a decade.

And then, as the unemployment grew through the 1990s, this would be about a third of the way through the Clinton administration, then it went down, and we were arriving at about a 4 percent unemployment rate. But historically that was an unemployment rate from the year 2000 back to 1970 that we had not seen in that period of time. In 30 years we had not seen unemployment as low as this, corresponding, by the way, with the dot-com bubble that burst at about this point.

And now we saw unemployment go up. These were technology jobs, by the way. And we had import foreign labor, H1Bs, a lot of technology people. And now we are back here at historically about standard level, at about 5.6 for our unemployment rate. But we have made significant progress.

We can expect these things to happen. The growth is on the way. And we should feel comfortable and optimistic about the future of the United States economy.

The reference to No Child Left Behind, I come from the State of Iowa, and we can argue that our K-through-12 education system, in our public schools in particular, ranks at the top or very near the top in education. If we measure our Iowa basic skills test, which, by the way, are taken all over world as far away as China, and if we measure our ACT test scores compared to the students from the schools in the other States in the Union, we can argue that we are either at the top or maybe there are two other States that can argue competitively with the success of the public school system that we have. And yet we are dealing with No Child Left Behind in the same fashion as some of the States that are at or near the bottom in their K-through-12 education.

So I hear a lot from the teachers in Iowa about the burden of having to fill out a lot of paperwork and meet the administrative requirements on No Child Left Behind, and yet we do not want to leave any child behind. There are States like Mississippi and Arkansas and Alabama that need this help, that do not have the commitment to education that I happen to have the privilege to live within and have been the beneficiary of.

We have a tradition in Iowa on education that I believe roots back in about 1878 when the general assembly of the State of Iowa, in a series of about three different pieces of policy, put together a policy that no child would grow up and have to walk more than 2 miles to a school. So it set up the rural school system, our country school system, and my nearest one was a school about 1½ miles down the road from me, which I just missed going to by 5 weeks, the way the transfer of people in schools went. But there in those country schools where if no child was going to be more than 2 miles from a school, then the school districts were often, especially in the flat country, 4 miles wide and 4 miles high. So that would be 16 square miles to a school district with a school sitting right in the middle. Sometimes the farmer could not get out of sight of the school from his tractor, his team of horses, but they sat on the school board.

The property taxes for that 16-square-mile chunk of that school district funded the entire school, and the school board was elected from the property owners that lived and raised their families and farmed within that 16-square-mile section. And so the elected school board then approved the curriculum, hired the teacher, built the school, carried in the coal, carried out the ashes, fixed anything on the playground, and pretty much it was a community center for that area.

But as we watched those young people grow up in the country schools and get that education with a single teacher in grades K through 12, and then later on the high school students would go on to the nearest town to go to school, but as that happened, we established a commitment to education, a tradition for education that I believe is second to none in the country, primarily because it is rooted in that commitment to education to the extent that in our State budget we commit 62 percent of the entire budget to education.

If we did that in this Congress, there would be a lot of thunder to pay, and I would hear a lot from over on this side, but it is important to not let children fall behind. And as the President addressed the ''soft bigotry of low expectations,'' let us push all of them to reach their expectations.

And I will say this: I would not have voted for No Child Left Behind had I been in this Congress when that bill came up, because it was not something that Iowa needed. But we have it, and we are going to meet the regulations on that. And there is funding for No Child Left Behind, but we have it because we want to lift those students up in those States that do not have that kind of support, whose States are not committing 62 percent of their budget to education. And I am committed to reaching out to those students because we want to again maximize the sum total of the productivity of our people. And education equates to prosperity and prosperity equates also to freedom, and I am all about the freedom.

But when we hear that it is underfunded, do not buy into that. There is a difference in this Congress between authorization and appropriation. Authorization is a number that says, all right, we can appropriate up to this number, but there is a cap; do not appropriate beyond that.

So authorization almost always is higher than appropriation, and when we hear over here the criticism that No Child Left Behind is underfunded, that is the measure of, well, it was not appropriated up to the level of the authorization, it was somewhere down here.

And if we look back at the criticism we have seen with the Bush administration, tracked through the previous administration, and I can say his name, President Clinton, in 1994, the last time that there was a Democrat in White House and a majority in this House for the Democrats and also for the other body, I have to say, the authorization for the education bill was higher than the appropriation. They had the chance to do it, and they did not fund it; but they are not willing to accept the criticism that it was underfunded education then. And we did not argue that it was cut. Now I am hearing an argument that would not have fit in 1994. If the shoe did not fit then, it does not fit now.

With regard to Homeland Security, Homeland Security was formed by putting together a number of different agencies into the Department of Homeland Security. And it was done quickly, and it was done in the climate of the beginning of the war on terror and in an effort to find a way to reach out and gather together the information and the data that we needed to quickly establish a way to protect and secure this country from what we anticipated very soon would be another domestic attack.

I want to compliment our FBI and our law enforcement people and Homeland Security to the extent that they were all involved in protecting this Nation; and we have intercepted a number of terrorist attacks on our soil. There

has not been a significant one on United States soil since September 11, 2001. We have to call that a success. We have to believe that al Qaeda wants to hit us. In fact, if we look at Spain, it is pretty clear that they are going to be turning their sights on us in a far more aggressive way. Maybe a little more on that later.

But Homeland Security, FBI, to the extent that the CIA has turned out information that has helped us overseas in the war on terror, we have been safe in our homes and on our streets from these attacks, not at a small cost, at a high cost. Those agencies that were put together for Homeland Security were put together with an effort to save money. Merge these agencies, get rid of duplications of services, provide those savings, and then be able to roll those savings into more appropriate ways to spend money.

Looking at 2 years' budget in the Department of Homeland Security, we are looking at nearly double-digit increases each year. And where does it stop? And when we build on a 10 or 12 percent increase, we have got the line in the graph going up dramatically. The next year we are up here, and we build again another 9½ percent on homeland security, I do not believe we have the mechanisms in place to be sure that we are spending that money appropriately.

I believe there is a significant amount of money that is wasted in Homeland Security, and I happen to have information that we have bureaucrats there who are making $150,000 a year, in another department, retired, took their golden parachute, their $100,000 a year, and went on to answer the phones at Homeland Security and started to cash a $150,000 check. That adds up to about a quarter of a million dollars to answer the phone, and I think we can hire people in this city for $25,000 a year to do that, not $250,000 a year.

That just addresses the wage waste that I believe is there; it does not address the inefficiencies that I believe are there. And I do not think that we are able to scrutinize Homeland Security enough because all of us in this Congress, Democrat and Republican alike, live in fear of another attack; and if there is an attack on this country tomorrow, we can bet the fingers will be pointed at me for even uttering criticism.

But I think we have a responsibility in this Congress to hold each department responsible to prudently spend tax dollars, and if they cannot do that, then we cut their budget until they find the savings. We are looking also for waste, fraud, and abuse, but each department will find them if we squeeze their budget down.

And, by the way, I do not get all that motivated about being able to cut the deficit in half in 5 years. That just does not get me to charge the windmills. I want to balance this budget, and I supported the Republican Study Committee budget today because I think it goes closer to what we need to do to put fiscal accountability in.

We need to grow our economy. We need to make the tax cuts permanent. We need to do a lot more to take this burden of the public sector off the backs of the private sector. But we need to move this country towards a balanced budget sooner rather than later.

This budget we approved tonight moves us in that direction. I would have preferred that it had been more dramatically, but I am absolutely opposed to the idea that we can raise taxes, balance the budget, and there are not economic prices to pay. Certainly there are.

So I listened to some of the other debate tonight. The discussion about the Bush administration, again using that outsourcing, because unfair trade practices are costing us jobs within this country. Yes, we are losing jobs in this country. We are losing some of our manufacturing base, our textiles industry. And I am wondering why that should be a mystery to anyone when we look at the tax burden that we have, the regulatory burden that we have.

Over $850 billion is the weight of the regulatory burden from the Federal Government alone, and so when we are paying a tax burden that has a 22 percent embedded cost in anything that we might export overseas and we are competing against foreign countries who have 68 cents an hour with the same kind of equipment on the lathe or the punch press, and they are producing products coming into the United States, it is not just unfair trade practices. It is people working far cheaper than we are willing to do, and we cannot compete with those kinds of wages in perpetuity without improving our productivity for every single worker. I do not know how we can do that, especially in competition with developing nations in the lower-skilled jobs. So we can expect that we are going to be seeing jobs drift overseas.

What I want to do is slow that loss of those jobs and I want to incent the creation of new jobs, high-tech jobs, and I want to hold the industrial base in this country. We have got to hold some industrial base. If we do not, we will not have the facilities to build our military equipment, and that makes us vulnerable to the rest of the world. But outsourcing jobs, it is competition, and there is a reason why those jobs are going. I will come back to that in a moment.

I also want to associate myself with the remarks made by the gentleman from Idaho (Mr. OTTER) tonight with regard to the nuclear power. It is about time somebody stepped down to the floor of this Congress and spoke about clean energy, nuclear energy, the accident-free energy and the environmentally friendly energy. I compliment the gentleman from Idaho (Mr. OTTER) for those remarks, and I think we need to raise this kind of subject matter continually until the public begins to realize the safety and the efficiency and the cleanliness that we get with our nuclear fuel.

But it is not the only kind of environmentally friendly fuel, not the only kind of fuel that is good for our economy. Being from Iowa and being from the number one corn-producing State, I have to raise the issue of ethanol. Ethanol does those things, too, and we produce not quite 3 gallons of ethanol out of every bushel of corn, and we are producing millions and millions of gallons of ethanol in Iowa and across the country.

I have some numbers here that I think will be of interest. In Iowa, we produce ethanol out of an estimated 262 million bushels of corn, and that is a lot of corn. In 1980, we produced 175 million gallons of ethanol. Today, in this country, we have 74 plants, and they have a capacity of 3.1 billion gallons of ethanol production. As we develop and build that production, we believe that that production will go to 3.5 billion gallons of ethanol for the year 2004, which is a 25 percent increase over 2003 in ethanol production.

□ 2045

This ethanol does a whole series of good things for this country. One, it is a value-added ag product and it is multi-pricing its value close to home, close to the corn stalk; and that value added there creates jobs, jobs in a location where we have been losing jobs over the last 20 to 30 years. It puts the dollars back in, keeps them there, there are good paying jobs and we add value to that.

We are able to take the byproduct from the ethanol plants and feed it back to livestock. Whether it is distillers grain or gluten, it has a tremendously high demand for the feed value. I happened to run across a lady just yesterday who has a whole series of recipes to take the distillers grain and turn it into cookies and bars and neat little things like that. You will not know what you might be eating within the Capitol cafeteria here in the next couple years if we can find another way to add value to our corn.

Ethanol is clean, clean burning and environmentally friendly. It replaces MTBEs. MTBEs are declared to some degree to be a likely carcinogen. I would ask you, would you rather drink a glass of ethanol, or would you rather drink some MTBEs? But it is environmentally friendly.

We have an energy crisis in this country. The gentleman from Idaho (Mr. OTTER) and I are addressing the energy situation here tonight. As we look across our entire economy, I will tell you that there is a component, there is an energy component in anything that we do. Whether you are producing a product or a service or delivering it, there is a production cost of energy, and there is a transportation cost of energy.

So I am going to tell you that I think there is an E-tax on everything that we

buy, and it is related to the energy cost. But the energy is not what the E stands for in my E-tax; it is the environmental cost, the unnecessary regulatory environmental cost that goes on top of all of our energy in this country.

Natural gas is critically important to us. In our part of the country, we use natural gas for all the traditional things that it gets used for in all the rest of the country with regard to heating our homes and our factories and providing the energy to manufacture those goods that we are marketing.

But also we use natural gas for drying grain in the fall, and we use natural gas for producing nitrogen anhydrous ammonia so we can raise more corn in the spring. Sometimes in the fall we have fall applications too. That makes us more vulnerable to natural gas prices than maybe anyplace else in the country.

In addition, natural gas is used to produce ethanol. So there is a component of that gas price that is a cost of every gallon of ethanol we produce. When natural gas prices are unnaturally high, that puts a burden then on the Midwest, on the corn belt, and really on the rest of the United States, because the ethanol we have goes into 30 percent of the pumps across America, and it is going to get to be more and more as time goes on.

This environment tax is a challenge for us, and it is an unjust burden for the cost of our energy, and I am sensitive to this environmental burden. For example, the transportation bill, we have with Federal user fee on a per gallon of gas, which is 18.3 cents per gallon, out of that 18.3 cents, that money goes then to build our roads.

Well, that is okay with us. When we put the hose in the tank, we expect we are going to pay 18.3 cents for Federal, and whatever your particular State gas user fee is. In Iowa I think our numbers add up to 41 cents or 43 cents a gallon. The 18.3 is Federal.

Of that, and according to a very well-informed chairman in this Congress, 28 percent of that amount goes to pay for environmental costs, what it costs to go around a wetland, what is costs to build a bridge across a river from hill to hill so you do not go down a scenic area, for example, or any of the environmental burdens of going in and doing the archeological study, doing the environmental impact study.

All of these costs that are obstructions along the way of building our roads take 28 percent out of that entire user fee that we think we need to, and we do need to, go out and build more roads, because transportation is an essential component of economic development. It is the very first component of economic development.

Now we have taken 28 percent out of transportation fees to spend it for environmental interests, and nobody knows that. The American people do not know that, that when they put the gas hose in their tank and squeeze down on that nozzle that for every dollar's worth of gas that they buy, or every dollar that goes to the Federal Government for the road fee, 28 cents of that is going to take care of the environmental demands.

The environmentalists have become an obstruction to the economic growth in this country and raised the cost of transportation. They have raised the cost of natural gas.

We have a lot of natural gas in Colorado, but we cannot get it to market because the environmentalists block it. I have yet to see a natural gas well that polluted anything. If you have a leak, the gas dissipates, and if you have a spill it dissipates. From my perspective, maybe they object to the idea of looking at a derrick for 4, 6, or 8 weeks while there is a well drilled that will tap into the natural gas. Then you tear the derrick down and put a little head there and run a line to it, and there is your gas well. There is no logical reason why we cannot develop natural gas wells in Colorado where we have a good supply.

Last year on the energy bill in this Congress, we had an amendment on the energy bill, and this amendment simply would have inventoried the natural gas offshore for Florida, just to go out there and calculate how much is there, and then if we can calculate how much there is, maybe we can also know we have a reserve and start to plan our energy development strategy and not be dependent upon foreign energy. But we could not pass the amendment that simply inventoried natural gas reserves offshore for the State of Florida. That tells you how strong the environmental interests are and how much of a religion it has become.

My life, by the way, has been about soil and water quality and environmental issues. I spent 35 years of my life building terraces and farm ponds and waterways and wetlands and enhancing mother nature and sending the rain drop down through the soil profile, which is what purifies the water. My life has been about soil conservation and water quality, and I would not be supporting a policy that undermined our environment. But I believe it has morphed into a religion rather than logic.

So we need to promote this ethanol market, and we need to move the energy bill, and we need to promote natural gas drilling in the lower 48 States and where we can tap into this gas, up on the North Slope. We have got to move this energy bill that is over in the other body. Remember, I cannot say that, the people over there in the other body. We need to move that bill so that we can get our ethanol production up and going, so that we can get our biodiesel production up and going, and so that we can bring a natural gas pipeline down from the North Slope of Alaska into the lower 48 States to be able to slow this increase in gas prices.

That is part of the energy component. But, in addition, the oil exploration in the United States has diminished significantly within the last year. We have gone from a 10 percent share of the world's investment in exploration down to a 7 percent share. We have the same environmental concerns.

I saw advertisements on television that showed beautiful forests, and it said ANWR. The ANWR up in Alaska stands for Arctic National Wildlife Refuge. But when you see that it says Arctic, when you see an advertisement that shows you pine trees and a beautiful forest and mountain scenery, do not fall for that if it says it is ANWR, because Arctic National Wildlife Refuge, that word Arctic is a key phrase.

If you go back to your 8th grade geography, you have the equator around the middle of the Earth, and you have the Arctic and Antarctic. When you ask the question how did they define the line around the top and bottom of the globe that defined the difference between the temperate zones and the Arctic, that was defined by that line of the Arctic Circle, the point north of which trees could not grow.

So if you see a picture of trees and it is identified as ANWR, you will know that it is not, because trees do not grow up there. I went up to take a look at ANWR to verify this for myself.

By the way, I flew over the North Slope oil fields. As we looked down on those oil fields, and I have worked in the oil fields and know a little bit about that, but I looked down from the air and they said we are flying over the North Slope oil fields.

Well, I do not see any oil pumps down here; I do not see any oil wells, roads or collection systems. How do you know that we are over the oil fields in the North Slope?

The answer was, well, look at those little square white patches down there. We were at about 750 feet in altitude, and you can see them clearly. They are white patches, patches of white rock that are about 2 to 3 feet above the Arctic coastal plain, and those are pads that work over rigs, have a place to pull up and sit on the level, if they have to go into a casing and pull a submersible pump and maybe do some repair work there.

But there is not a pump jack out there that you can see anywhere, the old traditional oil pumps. There is no leakage going on around the rod that some people think is going to drip on the soil and pollute the soil. These are submersible pumps with a collection system that is invisible; and when it gathers that all together and goes off to the terminal and then off to the refinery, the only place you see is the terminal.

Then you see the Alaska pipeline, that large pipeline. You can see that go across the Yukon River. But there are not roads to each one of these wells, because we only go in there in the wintertime on ice roads, and then the ice melts and there is no sign of damage.

Another thing that is a misnomer, a mistake, a misunderstanding and a perpetration of something that is an untruth, is the argument that well, you

will never get the tundra back. Once you tear up the tundra it is gone forever.

We met up there at Kaktovik, a small little Eskimo town of 290 people right on the Arctic shore, not a tree in sight, I will remind you; and there the President of the Eskimo Corporation, and his name is Fenton Rexford, pointed ought to us they have reestablished tundra, and it is not that unusual.

But if it should get torn up, and some of that has happened over the years in his lifetime experience, and he was about 56 or 57 years old, they would go in and drag that smooth and seed it over; and in 5 to 6 years, the tundra had grown back again. I saw some of that from the air. The difference that I could tell was that it was a little brighter green. You know how new seeding looks after you plant your grass in the spring before it gets established? Five or 6 years later it all flows in, so we can reestablish tundra. We will not damage tundra. We are going to have ice roads.

There is no logical reason not to drill for oil in the Arctic National Wildlife Refuge. We should be ashamed that this Congress cannot step up and put up a vote that allows that to happen.

This House approved, took a look at an amendment, that would have allowed for the disturbing of only 2,000 acres on 19.5 million acres. That is all they really asked for to go in and start to develop that.

I had people on the floor of this Congress on that night come up and ask me, How much is an acre? How much is 2,000 acres? And my answer was, Well that is not even a good-sized farm where I come from. A tiny little spot on 19.5 million acres. And even that would not be disturbed, but only just a little bit.

Then there is the concern about the environment. What do we do if the caribou herd is decimated by developing the Arctic National Wildlife Refuge? Well, we developed the oil wells on the North Slope of Alaska, not very far from there, in the same type of topography. The caribou herd in 1970 was 7,000 caribou.

As I was up there last August, that caribou herd is 28,000 caribou. So it cannot be argued that we damaged the environment for the caribou; and it can be argued that we improved it, that they come up on the pad where they are not having calves down in the swamp, where the calves might freeze and die, and they get up where the breeze can blow the flies away, and they like to get next to the warm pipeline. All of those things were improvements in the living area, the living room, living space of the caribou.

When I pointed that thought to a reporter sometime back, he said, well, of course the population went from 7,000 to 28,000 caribou, because those pipeliners went up there and shot all the wolves, so they did not have a natural enemy any longer.

I had a little trouble keeping a straight face with that. Of course, that is not the case. If any pipeliners had fired a gun at any animal, they would be gone in a hurry and punished severely.

We need a comprehensive energy policy. We need to develop our natural gas from an inventory off the coast of Florida, access the natural gas in Colorado, build the natural gas pipeline from the North slope of Alaska on down to the lower 48 States, and we need to renew our efforts to drill for oil in ANWR, and we need to promote all of the ethanol we can promote and all of the biodiesel we can promote.

By the way, the wind is a pretty good project too. One day I went up to a groundbreaking ceremony for an ethanol plants in Cherokee County, Iowa. We turned over a couple spades of dirt there and congratulated each other. By the way, that project is moving along very, very well.

As I drove from there across country through about 20 miles as the crow flies from the grand opening of an ethanol plant, I drove through 259 wind chargers that we have on an area called Buffalo Ridge producing electricity, surrealistically spinning in the wind and pumping that electricity down for collection in the feeder line, and from there down to a second ethanol plant, all within about 20 miles.

□ 2100

And the thought occurred to me, the area that I represent, 5 to 6 years earlier had no, no energy production whatsoever, and today we are an energy export center. We are an energy export center that takes some of the burden off of importing foreign oil and enhances our environment, and it multiplies and value-adds to our economy. It does all the things we need to do environmentally and it replaces MTBEs.

Now, those are all good things that come from technology and capital investment. By the way, these are private sector investments, not public sector subsidies.

I have another issue with regard to transportation in my part of the world, the Missouri River. In about 1952 there was a huge flood that flooded the bottoms all the way from north of Sioux City clear down through Missouri. There was a tremendous effort put together and it ended up being a fixed loan program to build six dams on the upper Missouri River to control flooding, to control flooding and to generate hydroelectric power, and to be able to promote some, some irrigation, and to establish barge and transportation traffic along that corridor of the Missouri River from Sioux City, Iowa, all the way to St. Louis.

That project is an amazingly efficient hydrological engineering accomplishment. It has worked very well since 1952. We have not had the flooding damage that we had had in previous years; it solved the flooding, it has given us our barge traffic, it has kept the cost of transportation on the rail lines and on the truck lines down, and it has produced economic hydroelectric energy that comes out of the dam where the turbines are.

Well, we are going through a drought cycle and because of that, there was an unanticipated economic piece up in the Dakotas and in Montana. When they built the reservoirs, they stocked them with walleye, and so folks from all over the country would go up there to fish for walleye. Now, when the drought came, the water table went down, and it went down to 25 feet and maybe a little more below that static water table where they would have liked to have been able to maintain the pool. That, of course, diminished the habitat for the fish, diminished the recreational aspects of it and caused some of the docks to be 1 mile or more from the water.

Well, that is unfortunate and that is a tragedy, but we cannot make it rain. And when it rains, it will fix that problem. There is nothing we can do to enhance the water tables upstream; even if we shut our dams down all winter long, we can only gain about a foot of water a month. But the recreational interest in the Dakotas took a look at how they would build a coalition.

I heard the name of these species for the first time in October of 1993: The least tern, the piping plover, and the pallid sturgeon, three species that I had never heard of before, and they were species that were either threatened or endangered that lived and relied upon the Missouri River for their environmental habitat.

In 1993, we had a massive flood in Iowa. The Missouri River did not flood, but almost everything was under water regardless. I came out here to Washington, D.C. in October of 1993 to a Midwest flood reconstruction and cleanup conference. There, the Director of Fish and Wildlife, who was the lead agency on the flood recovery team, Molly Beatty, and a fine young lady who tragically passed away of a brain aneurysm some years ago, but she came before us and she said, Agriculture looks upon this flood as an economic disaster; frankly, we here at Fish and Wildlife look upon it as habitat rehabilitation.

Madam Speaker, that did not make me happy when I heard that. That put animals ahead of man. We are to have dominion over this Earth. We have a Missouri River master manual plan that denotes how the water flow will be managed, and it was going to be altered and changed in the interests of these three species, and I wrote them down: the least tern, the piping plover, and the pallid sturgeon. In October of 1993 it was in my notes, and I have not forgotten those species since, and we are still battling with them. By my calculation, this came up about 12 years ago. We are still on it. And they are still using the species to try to alter the flow, try to do a spring rise with the idea that if we raise the water table in the river and let it charge down the river long enough and hard

enough, it will wash the willows off the sandbars and then, when the river goes down, that is a place for the birds to nest.

The environmentalists will not let the Corps pick up the nests and move them out of the way of the high water that could take them out. That would not be natural. The pallid sturgeons have to be floated out into the Ox Bows so they can lay their eggs out there, and then the river comes back down.

Well, they swim around the Ox Bows all summer long and the ones the pelicans do not get, we have to raise the river again and go out and round them back up again. Surely we have negotiated a little bit and some of this logic does not connect as well as it did 11 years ago when I dealt with it.

But this diminishes the efficiency of the river, and I must stand on the flood control, the hydroelectric, and the transportation side of this, and I will do so. We need to continue to work with the Corps, and this Congress will ultimately, I believe, have to address the situation.

There is another issue before our economy, and it is an issue that the American public speaks very little of, but it is a burden that we all carry. And that is this burden of litigation that is on the backs of this entire economy. Some time back I sat down at a meeting at the boardroom table at Merrill Lynch up in New York City. Their building was the nearest building to Ground Zero of the September 11 attacks, the nearest building to survive. They lost the glass out of that building, something like 32 stories up, and you cannot look over that railing and believe that we are not in a war. That was a war zone.

But that briefing focused on tort reform. And in that briefing, there was a compelling case made that convinces me that 3 percent of our gross domestic product is being consumed by litigation, by the trial lawyers, by lawsuits in this country, 3 percent of our domestic product.

Now, if we want to grow this economy and grow this economy at a reasonable rate so that we can have enhancements in technology and improvements in transportation and improvements in our infrastructure and be able to educate our young people so that they can pick up the balance and they can do the same, if we want to do that, we have to grow this economy an average of about 3.5 percent.

Fortunately, today, we are running on about a 4.1 percent growth, so we are ahead of that curve just a little. But even though we have that 3.5 percent growth, it is not enough, because the trial lawyers get 3 percent right off the top. So we have to grow at 6.5 percent to sustain, to sustain our way of life and to have that extra revenue that it takes to meet a growing population and the demands on our infrastructure. Three percent off the top to the trial lawyers.

There is a series of malpractice pieces that we have dealt with in the House Committee on the Judiciary and brought to the floor of this Congress. One of them is medical malpractice. There are awards that go way beyond anything that is logical. We can go back to the cup of coffee and the fast food chain that was looking at a huge settlement because the lady spilled hot coffee on herself and seemed to be surprised that it burned her. That has been negotiated back some. But we have had to step in, this Congress, and defend those fast food chains, not because of the hot coffee, but because of a calculated nationwide strategy that is driven to us by the class action lawyers that they are going after the large industry of fast food, that large industry that employs 12 million people in this country and is viewed as having very deep pockets, to tap into them. Because why? They super-size our french fries.

Now, what a surrealistic world we live in when we debate on the floor of Congress how we are going to protect people because a group of class action lawyers, and also working sometimes in conjunction with the State attorneys general, are going to file a lawsuit to sue people who serve food in a healthy and efficient fashion. As if it is a surprise to any of us that if we eat greasy foods, it might clog our arteries.

We accept that, but I reject the idea that it should clog our courts. It should not go into our courts whatsoever. It is a frivolous lawsuit, but yet in this Congress, we have to step forward and protect the fast food chains or they will be decimated in the same fashion as the asbestos companies have been decimated.

We have lost 60 companies in the United States due to asbestos litigation, and now they are going into the second phase and they are filing suit against the successor companies.

I am calling upon the people in this other body, those folks over there with 100 people that go to work doing the same thing we do here, let us get the asbestos legislation moved. Let us protect those people. Let us save those Fortune 500 companies that put their capital up and lifted those bankrupted asbestos companies out and put them back into some kind of production.

There is not any kind of responsibility that can be put on our Fortune 500 successor companies with regard to asbestos, and it is essential that we move forward; and it is essential that the other body move forward quickly before this cannot be resolved and the horses are all out of the barn.

So medical malpractice, another one. I will say that we went to California for a model. It is not the first thing I advocate. But in this case, in California, they established a limited medical malpractice of $250,000 for noneconomic damages. We assure, in our medical malpractice limitation that we passed here in this House of Representatives, we assure that anyone who is injured by medical malpractice is made whole. They get their medical bills paid and they get made whole economically.

But when it comes to punitive damages, not just pain and suffering, but punitive damages, we cap those. We cap the noneconomic damages at $250,000. It takes away some of the incentive to go out there and go ambulance chasing, and it still allows the patients who need relief to receive that relief. That bill needs to move from the other body as well.

This economy is being dragged down because we are not able to get the litigation reform, the malpractice, and the asbestos and the fast food chains and all of these reforms, we are not able to get those into place. We have to get that done. If they can move those over in the other body, then we will bring more here in this Congress. We are actually holding back because we do not want to stack up too much work over there.

The same subject matter, a runaway judiciary. In 8th grade civics classes we learn that we have three branches of government. We have the executive branch, which is the President and all of the people that support his endeavors, the Cabinet and their agencies. We have the legislative branch, which is us in this Chamber and the folks in the other body. And then of course we have the judicial branch, and they are all three designed to have a separation of powers, a healthy, static tension between them, and a bright line between the separation of powers.

Today, what I have seen happen in the judiciary branch is an ever-growing activism, an activism that, I would have said a year ago had blurred the line between the legislative branch and the judicial branch of government. But today I will tell my colleagues, the line is no longer blurred. It is literally obliterated. We have an activist court that believes that they can take any responsibility into their hands and they can usurp the authority of the United States Congress or any other legislative body within the United States of America.

That separation of powers is something that threatens our Constitution and our way of life itself. It is essential that we redefine this line of the separation of powers between the judicial and the legislative branch. If we do not, we will have a constitutional crisis, and the government of the people and by the people will perish from this Earth if we fail to redefine this line. I declare that an impending constitutional crisis.

A couple examples would be the affirmative action cases, the University of Michigan, when Michigan was bestowing a certain academic value to being a minority. The case of Grutter v. Bollinger was one of the Michigan cases. The Supreme Court ruled that diversity, as indexed to ethnicity had, if the university believed they had the right critical mass, that that diversity had academic value. The Supreme

Court ruled that the diversity had academic value.

Now, I will argue that diversity of human experience may have academic value if it is a good and essential and positive experience that can be shared in a classroom. And it is good to interact with people of all ethnicities from all over the world, and the more of that experience you can get, the better your educational experience is.

But ethnicity does not have academic value. The Supreme Court ruled it did. They concurred with the University of Michigan and said, you reached that critical mass, you can be the sole determiner of that critical mass of diversity. Then, what we will do with this is, we are going to let you continue down this path, although you cannot have just a formula that spits something out of a spreadsheet, you have to have something that deals with each one of these individual students.

Well, okay, so it takes a little more attention to get the same result. But, in the end, the court suspended the 14th amendment, the equal protection clause that is established in our Constitution, suspended equal protection so we could have a critical mass of diversity as defined by the university, because that diversity, as indexed to skin color, had, in the minds of the court, academic value. And then the court, in its majority opinion, ruled that perhaps in 25 years, we can go back and we can revisit this subject matter of preferential treatment and affirmative action, revisit this subject matter and maybe, perhaps, this civilization, this culture, this American populace, will have moved forward into the new world far enough that we can then reestablish the 14th amendment equal protection clause, and maybe we do not need to have critical mass of diversity that we are going to declare to have academic value again.

□ 2115

Where does that come from, Justices? How do you believe that you can suspend the 14th amendment, for academic value on skin color and think we will be able to adhere back to our Constitution again? And if this Constitution does not mean what it says, if it can be suspended as simply myopic as this idea of critical mass of diversity, if that can happen, what meaning does the Constitution have whatsoever? Is it simply a document that happened to fall in our laps that the Founding Fathers stumbled across and stumbled into, and it happened to be a convenient thing that got us through the first 220 or so years of our existence?

Or is it something that means what it says? Is it something that has a provision for amendment for a reason that we are to adhere to the Constitution, the letter of the Constitution and the intent of the Constitution and not deviate from same unless we are willing to step forwards and amend it? That is what our Founding Fathers intended, but it is not what we see happening here in the United States Supreme Court, and it is not what we see happening in the inferior courts that have been established by this Congress.

It is not the only example. And by the way, many of these examples are using foreign courts' opinions. Zimbabwe, Jamaica come to mind as places we can go to be further enlightened on how to better evaluate the original intent of the Constitution and the letter and the intent of our Federal law and our State laws and constitutions and legislation.

Foreign case law imposed upon United States of America? It is impossible to anticipate how the courts will rule given just U.S. court decisions let alone foreign, and some of these countries by the way do not let their people have freedom of speech, freedom of assembly or freedom of religion or they cannot go to the polls and elect a leader. So those decisions in the courts will not reflect the will and the character of the people. We need to redefine this line.

The Congress is also culpable; and I will hold them, in fact, more accountable because I think it is natural if you are a member of the executive branch of government, you are going to wanted to expand the authority of the executive branch. That is where you have got the most leverage, and that is where you have the most faith. And if you are a member of the legislative branch, as I am, I wanted to expand the power we have here because I think it reflects the voice of the people; and that voice of the people should be preeminent. And if you are a member of the judicial branch, I cannot image why human nature would not also apply there. And if you are a member of the judicial branch I would think you would want to then expand the power and leverage that you have in the judicial branch.

I do not blame them for that. But I will ask the courts, please rein it in because if you do not rein it in, sooner or later this Congress will. We do have the authority to do so; and if we exercise that will, that sets up a conflict between us. And I would rather see that be resolved in a peaceful way, a willing way with the best interests of the American people than I would want to have to impose that upon the courts. In fact, I am a little apprehensive that we cannot find the will in this Congress until it becomes a crisis.

Speaking of a crisis, the filibuster rules in the other body have set up another impending constitutional crisis. When we have a justice that is appointed to a Federal court and the Constitution requires that the President when he makes his nomination seek ''the advice and consent of,'' and now I have to save the other body, that advice and consent clause that is in our Constitution is something that is very well established. We do not have any problem with the advice part. We get plenty of advice from those people over there and some of it is down right offensive to the nominees. In fact, some of it is just plain out and out religious bias. It is character attacks. Declaring a nominee to be a Neanderthal is beyond the scope of what someone of that position ought to be in.

Madam Speaker, I appreciate your attention tonight and I will take this issue up at a later date.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). The Chair would remind Members not to make improper references to the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of a family medical emergency.

Mr. LUCAS of Kentucky (at the request of Ms. PELOSI) for today on account of a funeral in the district.

Mr. TANNER (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of a family emergency.

Mr. PENCE (at the request of Mr. DELAY) for today until 5:00 p.m. on account of attending a funeral.

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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. OTTER) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, March 29.

Mr. DREIER, for 5 minutes, today.

Mr. OTTER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1218. An act to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program; to the Committee on Science 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.

S. 2231. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes; to the Committee on Ways and Means 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.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 254. An act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, March 29, 2004, at 12:30 p.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:

7262. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7263. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of Intermarket Clearing Corporation—Request for Vacation From Designation as Derivatives Clearing Organization—received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7264. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Investment of Customer Funds (RIN: 3038-AC01) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7265. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Plant Protection Act; Revisions to Authority Citations; Technical Amendment [Docket No. 00-063-3] received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7266. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 2003 through September 30, 2003, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

7267. A letter from the Comptroller, Department of Defense, transmitting notification that the Defense Finance and Accounting Service (DFAS) has completed the assessment of desktop computer management services announced in the letter of June 24, 2002, and that DFAS has decided to procure these services from a commercial source, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

7268. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings Procedures, Formal Review (RIN: 0720-AA74) received March 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7269. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Fedeal Acquisition Regulation Supplement; Memorandum of Understanding-Sweden [DFARS Case 2003-D089] received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7270. A letter from the Director, Office of Legacy Management, Department of Energy, transmitting notice of the establishment of the Office of Legacy Management within the Department of Energy, effective December 15, 2003; to the Committee on Energy and Commerce.

7271. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal 02-04 informing of an intent to sign an Annex between the United States and the United Kingdom for Research, Development, Test and Evaluation of Ballistic Missile Defense Capabilities and Systems, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7272. A letter from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA93) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7273. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Freedom of Information Act; Implementation—received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7274. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey (RIN: 3206-AK06) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7275. A letter from the Director, Center for Employee and Family Support Policy/Insurance, Office of Personnel Management, transmitting the Office's final rule—Changes in Health Benefits Enrollment (RIN: 3206-AK04) received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7276. A letter from the Acting Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting the Department's final rule—Special Areas; Roadless Area Conservation; Applicability to the Tongass National Forest, Alaska (RIN: 0596-AC04) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7277. A letter from the Secretary, Department of Homeland Security, transmitting a report on the extent to which the Coast Guard regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act (Pub. L. 104–55), pursuant to Public Law 104—324, section 1130; to the Committee on Transportation and Infrastructure.

7278. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress on the extent to which Coast Guard regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act (Pub. L. 104–55), pursuant to Public Law 104–324, section 1130(b); to the Committee on Transportation and Infrastructure.

7279. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law, pursuant to Public Law 104–324, section 1130(b); to the Committee on Transportation and Infrastructure.

7280. A letter from the Attorney Advisor, FHWA, Department of Transportation, transmitting the Department's final rule—Commercial Vehicle Width Exclusive Devices [FHWA Docket No. FHWA-2001-10370] (RIN: 2125-AE90) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7281. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU-2B Series Airplanes [Docket No. 2003-CE-22-AD; Amendment 39-13504; AD 2003-22-07 R1] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7282. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada JT15D-1, -1A, and -1B Turbofan Engines [Docket No. 2003-NE-41-AD; Amendment 39-13490; AD 2004-04-09] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7283. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2003-NM-30-AD; Amendment 39-13492; AD 2004-04-11] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7284. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Government-Owned Contractor-Operated Vehicle

Fleet Management and Reporting—received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7285. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notice of a delayed delivery date for the final VA/DoD Joint Assessment Study, as required by Section 8147 of the Department of Defense Appropriations Act for FY 2002; jointly to the Committees on Armed Services and Veterans' Affairs.

7286. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting notice of the U.S.-China Economic and Security Review Commission's efforts to travel to the People's Republic of China to conduct business on behalf of the Congress, pursuant to Public Law 108–7; jointly to the Committees on International Relations and Ways and Means.

7287. A letter from the Secretary, Department of Homeland Security, transmitting notification of the consolidation of organizational units within the Department of Homeland Security and the reallocation of their functions among Department officers, pursuant to Public Law 107–296, section 872; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

REPORTS OF COMMITTEE 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. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2523. A bill to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the ''Tomochichi United States Courthouse'' (Rept. 108–447). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2538. A bill to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse'' (Rept. 108–448). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3147. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; with an amendment (Rept. 108–449). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3713. A bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building'' (Rept. 108–450). 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. SMITH of Michigan (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4030. A bill to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; to the Committee on Science.

By Ms. CARSON of Indiana (for herself, Mr. FATTAH, Mr. WEXLER, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. FILNER, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4031. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. MICHAUD, Mr. EVANS, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Ms. HOOLEY of Oregon, Mr. STRICKLAND, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, and Mr. CHANDLER):

H.R. 4032. A bill to amend title 38, United States Code, to provide additional safeguards for Department of Veterans Affairs benefit recipients who have fiduciaries for receipt and management of benefit payments, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JENKINS (for himself, Mr. MCINTYRE, Mr. BALLANCE, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BOUCHER, Mr. BROWN of South Carolina, Mr. BURNS, Mr. BURR, Mr. CHANDLER, Mr. COLLINS, Mr. COBLE, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. GINGREY, Mr. GOODE, Mr. GORDON, Mr. HAYES, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. PETERSON of Minnesota, Mr. ROGERS of Kentucky, Mr. SCOTT of Georgia, Mr. TANNER, Mr. TAYLOR of North Carolina, Mr. TURNER of Ohio, Mr. WAMP, Mr. WHITFIELD, Mr. WILSON of South Carolina, and Mr. BOYD):

H.R. 4033. A bill to terminate the Federal tobacco quota and price support programs, to require the payment of fair and equitable compensation for tobacco quota holders and active tobacco producers adversely affected by the termination of such programs, and for other purposes; to the Committee on Agriculture.

By Mr. DEMINT (for himself, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, and Mr. HOEKSTRA):

H.R. 4034. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for teacher classroom supply expenses, for improving elementary and secondary education, and for contributions for scholarships to attend elementary and secondary schools, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. HOUGHTON, Mr. LEVIN, Mr. ENGLISH, and Mrs. JOHNSON of Connecticut):

H.R. 4035. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 4036. A bill to revive the system of parole for Federal prisoners; to the Committee on the Judiciary.

By Mrs. EMERSON (for herself, Mr. GRAVES, Mr. HULSHOF, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GEPHARDT, Mr. AKIN, Mr. CLAY, and Mr. BLUNT):

H.R. 4037. A bill to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. DELAHUNT):

H.R. 4038. A bill to provide training opportunities for Federal, State, and local law enforcement agencies in intelligence analysis and dissemination, and for other purposes; to the Committee on the Judiciary.

By Mr. FLAKE (for himself, Mr. HEFLEY, Ms. BORDALLO, Mr. HOSTETTLER, Mr. SPRATT, Mr. SIMMONS, Mr. RANGEL, Mr. BISHOP of Utah, Mr. GRIJALVA, Mr. ROGERS of Alabama, Mr. GILLMOR, Mr. FROST, Mr. SOUDER, and Ms. HART):

H.R. 4039. A bill to amend title 10, United States Code, to revise the requirements for award of the Combat Infantryman Badge and the Combat Medical Badge with respect to service in Korea after July 28, 1953; to the Committee on Armed Services.

By Mr. FOSSELLA:

H.R. 4040. A bill to authorize a national memorial to commemorate the final resting place of those lost at the World Trade Center on September 11, 2001, and for other purposes; to the Committee on Resources.

By Mr. GOODLATTE (for himself, Mr. JONES of North Carolina, Mr. SIMMONS, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. CANNON, and Mrs. JO ANN DAVIS of Virginia):

H.R. 4041. A bill to waive, in fiscal year 2004, the numerical limitation applicable to a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, if the employer petitioning on behalf of the nonimmigrant employed such a nonimmigrant in fiscal year 2003, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 4042. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses paid in connection with the donation of an organ; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mrs. CUBIN, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. HINOJOSA):

H.R. 4043. A bill to establish a national leadership initiative to promote and coordinate knowledge utilization in education, thereby increasing student achievement consistent with the objectives of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NUNES:

H.R. 4044. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate California State Route 99 as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. POMBO:

H.R. 4045. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 4046. A bill 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''; to the Committee on Government Reform.

By Mr. WEINER:

H.R. 4047. A bill to require the National Park Service to make necessary safety improvements to the Statue of Liberty and to reopen the Statue to the public; to the Committee on Resources.

By Mr. GINGREY (for himself, Mr. SOUDER, Mr. PAUL, Mr. DOOLITTLE,

Mr. FRANKS of Arizona, Mr. ISAKSON, Mr. DAVIS of Tennessee, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. LINDER, Mr. SHUSTER, Mr. HALL, Mr. NEY, and Mr. KINGSTON):

H.R. 4048. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. BROWN of South Carolina, Mr. EVANS, and Mr. SMITH of New Jersey):

H.J. Res. 91. A joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself, Ms. BALDWIN, Mr. PALLONE, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. OLVER, Mr. DELAHUNT, Mr. SERRANO, Mr. HOLT, Mr. GRIJALVA, Mrs. LOWEY, Mr. TOWNS, and Mr. ANDREWS):

H. Con. Res. 396. Concurrent resolution supporting the goals and ideals of the Day of Silence and encouraging units of local government, States, and school districts to protect lesbian, gay, bisexual, and transgender students, teachers, and school employees from discrimination and harassment; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. GIBBONS (for himself, Ms. BERKLEY, and Mr. PORTER):

H. Con. Res. 397. Concurrent resolution providing for the acceptance of a statue of Sarah Winnemucca, presented by the people of Nevada, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BLUNT, Mr. BERMAN, Mr. SHERMAN, and Mr. CHABOT):

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. ROHRABACHER, and Mr. LANTOS):

H. Con. Res. 399. Concurrent resolution urging the President to provide encouragement and support for the ratification, establishment, and financing of a tribunal for the prosecution of surviving leaders of the Khmer Rouge regime; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. LANTOS, Mr. DELAHUNT, and Ms. LEE):

H. Res. 577. A resolution recognizing 50 years of relations between the United States Government and the European Union; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. HINOJOSA, Mr. DREIER, Mr. BAKER, Mr. KANJORSKI, Mr. ROSS, Mr. JONES of North Carolina, Mr. FORD, Mr. LATOURETTE, Ms. CARSON of Indiana, Mr. KENNEDY of Minnesota, Mr. CLAY, Mr. CASTLE, Mr. FROST, Mr. ISAKSON, Mr. SCOTT of Georgia, Mr. INSLEE, Mr. ORTIZ, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. GREENWOOD):

H. Res. 578. A resolution supporting the goals and ideals of Financial Literacy Month, and for other purposes; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. CROWLEY, Mr. WILSON of South Carolina, Mr. LANTOS, Mr. WHITFIELD, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. PAYNE, Mr. LAMPSON, Mr. MCNULTY, Mr. MCINTYRE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. LEVIN, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. WEXLER, Mr. HOYER, Mr. GINGREY, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. BELL, Ms. MAJETTE, Mr. HASTINGS of Florida, Mr. DAVIS of Florida, and Ms. MILLENDER-MCDONALD):

H. Res. 579. A resolution honoring the American Association of Physicians of Indian Origin and expressing the sense of the House of Representatives that an American Association of Physicians of Indian Origin Day should be established; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

261. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 110 urging the United States Congress and the President of the United States to restore funding for the Juvenile Accountability Block Grant; to the Committee on the Judiciary.

262. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution 23 memorializing the President of the United States and the United States Congress to amend federal selective service and immigration laws to grant the right of citizenship to all immigrants honorably discharged from the United States military; jointly to the Committees on the Judiciary and Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. JACKSON-LEE of Texas introduced a bill (H.R. 4049) for the relief of Ahmad Khabaz Taghizadeh and Azammolok Taghizadeh Vatani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. ISAKSON.

H.R. 173: Mrs. MUSGRAVE.

H.R. 348: Mr. GUTIERREZ, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 401: Mr. ROGERS of Michigan.

H.R. 623: Mr. KENNEDY of Rhode Island.

H.R. 677: Mr. WEXLER.

H.R. 713: Mr. GREEN of Texas.

H.R. 732: Mr. BRADY of Pennsylvania, Mr. EHLERS, and Mr. FOLEY.

H.R. 742: Mr. BRADLEY of New Hampshire, and Mr. MCKEON.

H.R. 776: Mr. KUCINICH.

H.R. 792: Mr. BISHOP of Utah.

H.R. 839: Mr. BALLANCE, Mr. PLATTS, Mr. ABERCROMBIE, Mrs. LOWEY and Mr. LEWIS of California.

H.R. 847: Mr. DELAHUNT.

H.R. 857: Mr. HASTINGS of Florida.

H.R. 979: Mr. EMANUEL.

H.R. 1022: Mr. MICHAUD.

H.R. 1057: Mr. POMEROY, Ms. NORTON, Mr. LAMPSON, Mr. SMITH of Texas, Mr. THOMPSON of Mississippi, and Mr. CUNNINGHAM.

H.R. 1173: Mr. PETERSON of Pennsylvania.

H.R. 1267: Mr. SIMMONS.

H.R. 1345: Mr. UDALL of Colorado.

H.R. 1348: Mr. UDALL of Colorado.

H.R. 1359: Mr. LANGEVIN.

H.R. 1426: Mr. ENGLISH.

H.R. 1430: Mr. FATTAH and Mr. BRADY of Pennsylvania.

H.R. 1508: Mr. BRADY of Pennsylvania and Mr. SMITH of Washington.

H.R. 1575: Mr. FROST.

H.R. 1656: Mr. VITTER.

H.R. 1662: Mr. LEWIS of Kentucky.

H.R. 1677: Mr. FATTAH.

H.R. 1742: Mr. REYES.

H.R. 2151: Mr. LUCAS of Kentucky.

H.R. 2269: Mr. VITTER.

H.R. 2318: Mr. RANGEL.

H.R. 2347: Mr. LEWIS of Kentucky.

H.R. 2402: Mr. THOMPSON of Mississippi.

H.R. 2426: Mr. LEVIN.

H.R. 2497: Mr. KIND.

H.R. 2570: Mr. OWENS.

H.R. 2683: Mr. LATOURETTE.

H.R. 2699: Mr. LATHAM, Mr. SAM JOHNSON of Texas, Mr. SWEENEY, Mr. MCINTYRE, Mr. ROYCE, Mr. FERGUSON, Mr. PEARCE, Mr. CHOCOLA, Mr. LEWIS of Kentucky, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mr. BONNER, Mr. TIAHRT, Mr. COBLE, Mr. WILSON of South Carolina, Mr. VITTER, Mr. LAHOOD, Mr. LATOURETTE, Ms. GRANGER, and Mr. PORTER.

H.R. 2790: Mr. MCNULTY.

H.R. 2863: Ms. MILLENDER-MCDONALD.

H.R. 2926: Mr. GRIJALVA.

H.R. 2945: Mr. JACKSON of Illinois.

H.R. 2968: Mr. BRADY of Texas and Ms. ESHOO.

H.R. 2987: Ms. LOFGREN.

H.R. 3015: Mr. FERGUSON.

H.R. 3104: Ms. BERKLEY.

H.R. 3178: Mr. SHAYS and Mr. ENGEL.

H.R. 3184: Mr. GREEN of Texas.

H.R. 3192: Mr. CLAY.

H.R. 3203: Mrs. NAPOLITANO, Mr. OWENS, and Mr. FORD.

H.R. 3350: Mrs. LOWEY.

H.R. 3359: Mr. RUPPERSBERGER.

H.R. 3361: Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, Mrs. JOHNSON of Connecticut, and Mr. KILDEE.

H.R. 3412: Mr. TIBERI, Mrs. MUSGRAVE, Mr. RYAN of Ohio, and Mr. CLAY.

H.R. 3441: Mr. PRICE of North Carolina, Mr. PALLONE, Mr. CARDIN, and Mr. SANDERS.

H.R. 3446: Mr. KENNEDY of Rhode Island, Mr. JACKSON of Illinois, Ms. MCCARTHY of Missouri, Mr. KUCINICH, Mr. DELAHUNT, and Mr. CARDIN.

H.R. 3458: Mr. STARK, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Florida.

H.R. 3473: Ms. LOFGREN.

H.R. 3474: Mr. MORAN of Virginia.

H.R. 3480: Mr. RANGEL.

H.R. 3572: Mr. BERMAN.

H.R. 3574: Mr. TANCREDO, Mr. MILLER of North Carolina, Mr. GEPHARDT, Mr. SANDLIN, Mr. VITTER, Mr. BONILLA, and Mr. FOSSELLA.

H.R. 3575: Mr. JACKSON of Illinois.

H.R. 3598: Mr. GREENWOOD, Mr. MCHUGH, and Mr. DOYLE.

H.R. 3605: Mr. POMEROY and Mr. GREEN of Wisconsin.

H.R. 3660: Mr. ENGEL, Mr. PALLONE, Mr. CUMMINGS, Ms. KILPATRICK, Mr. TOWNS, Ms. NORTON, Mr. DAVIS of Illinois, Mr. OWENS, Mr. HINOJOSA, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. FROST, and Mr. LEWIS of Georgia.

H.R. 3695: Mr. FRELINGHUYSEN.

H.R. 3699: Mr. ANDREWS.

H.R. 3716: Mr. SHAW, Mr. ANDREWS, Mr. GOODE, Mr. BILIRAKIS, and Mr. HALL.

H.R. 3757: Mrs. MUSGRAVE.

H.R. 3761: Mr. DAVIS of Florida and Mr. ENGLISH.

H.R. 3762: Mr. DAVIS of Florida and Mr. ENGLISH.

H.R. 3764: Mr. KENNEDY of Rhode Island, Ms. WOOLSEY, Mrs. NAPOLITANO, Mrs. JONES of Ohio, and Ms. LEE.

H.R. 3773: Mr. MILLER of Florida, Mr. DEAL of Georgia, Mr. WELDON of Florida, Mr. CULBERSON, and Mr. SOUDER.

H.R. 3778: Mr. REGULA and Mr. SHIMKUS.

H.R. 3796: Mr. NEY.

H.R. 3799: Mr. SOUDER.

H.R. 3803: Mr. WEXLER.

H.R. 3807: Mr. PETERSON of Pennsylvania, Mr. DAVIS of Tennessee, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. BLUNT, Mr. VITTER, Mr. PICKERING, Mr. ROSS, Mr. CRAMER, Mr. KINGSTON, Mr. BURGESS, Mr. SOUDER, Mr. DEAL of Georgia, and Mr. BARTON of Texas.

H.R. 3809: Mr. DAVIS of Alabama and Mr. COOPER.

H.R. 3871: Mrs. MALONEY, Mr. ALEXANDER, Ms. BORDALLO, Mr. SAXTON, Mr. LANGEVIN, Mr. WAXMAN, Mr. CARDOZA, Mr. MCNULTY, Ms. BERKLEY, Mr. FROST, Mrs. LOWEY, Mr. SOUDER, and Mr. COOPER.

H.R. 3881: Mr. GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms. ESHOO, Mr. CONYERS, Ms. WATERS, Mrs. CAPPS, and Ms. DELAURO.

H.R. 3887: Mr. GONZALEZ and Mr. OWENS.

H.R. 3888: Mr. LANGEVIN.

H.R. 3891: Mr. TURNER of Ohio and Mr. SIMMONS.

H.R. 3892: Mr. TURNER of Ohio and Mr. SIMMONS.

H.R. 3896: Mrs. NORTHUP.

H.R. 3901: Mr. WELLER.

H.R. 3940: Ms. SCHAKOWSKY.

H.R. 3951: Mr. TAYLOR of Mississippi, Mrs. MYRICK, Mr. PICKERING, and Mr. WAMP.

H.R. 3953: Mr. ANDREWS and Ms. VELÁZQUEZ.

H.R. 3965: Mr. OWENS.

H.R. 3968: Mr. RUSH.

H.R. 3974: Mr. BALLANCE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, and Mr. OWENS.

H.R. 3981: Mr. PICKERING.

H.R. 3991: Mr. PRICE of North Carolina and Mr. BERRY.

H.R. 3998: Ms. ROS-LEHTINEN, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. WAMP, Mr. CROWLEY, Mr. HASTINGS of Florida, and Mr. HYDE.

H.R. 4016: Ms. KAPTUR and Mr. PICKERING.

H.R. 4023: Mr. PALLONE and Mr. STEARNS.

H.J. Res. 48: Mr. BEAUPREZ.

H. Con. Res. 3: Ms. LEE, Mr. ROTHMAN, and Mr. ORTIZ.

H. Con. Res. 99: Mr. TOWNS, Mr. CROWLEY, and Mr. RYAN of Ohio.

H. Con. Res. 218: Ms. SLAUGHTER.

H. Con. Res. 314: Mrs. NAPOLITANO.

H. Con. Res. 332: Mr. KING of New York, Mr. QUINN, Mr. JEFFERSON, Mr. RUSH, Ms. SLAUGHTER, and Mr. FILNER.

H. Con. Res. 366: Mr. WEXLER, Mr. MURTHA, Mr. LAMPSON, Mr. ALLEN, Mr. PASTOR, Mr. KIND, Mr. GEPHARDT, and Mr. HILL.

H. Con. Res. 371: Mr. ROGERS of Michigan, Mr. DAVIS of Tennessee, Mr. KELLER, Mr. MURPHY, Mr. LOBIONDO, Mr. PICKERING, and Mr. MICHAUD.

H. Con. Res. 375: Mr. DINGELL, Mr. ENGLISH, and Mr. YOUNG of Florida.

H. Con. Res. 378: Mrs. MCCARTHY of New York, Mr. MANZULLO, Mr. CHABOT, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 380: Mr. ACEVEDO-VILÁ, Mr. SCHIFF, and Mr. WEXLER.

H. Con. Res. 390: Mr. CARSON of Oklahoma, Mrs. MILLER of Michigan, Mr. AKIN, Mr. EVANS, Mr. MCNULTY, and Mr. HOEFFEL.

H. Con. Res. 391: Mr. EVANS.

H. Con Res. 394: Mr. LEACH, Mr. OXLEY, Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. BONNER, Mr. DUNCAN, Mr. NEAL of Massachusetts, Mr. WAMP, Mr. CROWLEY, Mr. ROTHMAN, and Mr. HASTINGS of Florida.

H. Res. 485: Mr. WYNN, Mr. FALEOMAVAEGA, and Mr. MEEKS of New York.

H. Res. 501: Mrs. MUSGRAVE.

H. Res. 541: Mr. WEXLER.

H. Res. 542: Mr. ENGEL and Mr. KUCINICH.

H. Res. 543: Mrs. LOWEY.

H. Res. 550: Ms. SCHAKOWSKY and Mr. SNYDER.

H. Res. 565: Mr. BELL, Ms. BERKLEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. SKELTON, and Mr. MORAN of Virginia.

H. Res. 567: Mr. LUCAS of Kentucky, Mrs. BIGGERT, Mr. KIRK, Mr. MICA, Mr. MORAN of Virginia, Mr. YOUNG of Alaska, Mrs. KELLY, Mr. YOUNG of Florida, Mr. KELLER, Mr. VISCLOSKY, Mr. CHOCOLA, Mr. BLUNT, Mr. LEWIS of Kentucky, Mrs. MILLER of Michigan, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. PLATTS, Mr. WELDON of Florida, Mr. SANDERS, Mr. EHLERS, Ms. ESHOO, Ms. DUNN, Mr. WICKER, Mr. FORBES, Mr. EVERETT, Mr. ROSS, Mr. FEENEY, Mr. HYDE, Mr. VAN HOLLEN, Mr. GOODE, Mr. DOGGETT, Mr. MCCOTTER, Mr. LANGEVIN, and Mr. DEAL of Georgia.

H. Res. 570: Mrs. JONES of Ohio and Mr. HASTINGS of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

62. The SPEAKER presented a petition of the Association of Pacific Island Legislatures, relative to APIL Resolution No. 44-BOD-01, petitioning the United States Congress to provide for a nonvoting Delegate in the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (CNMI); to the Committee on Resources.

63. Also, a petition of the Association of Pacific Island Legislatures, relative to APIL Resolution No. 44-BOD-09, encouraging the Guam War Claims Review Commission to report to the U.S. Congress its findings and petitioning the Government of the United States to address reparations to the people of Guam; to the Committee on Resources.

64. Also, a petition of the Town of Greenburgh, NY, relative to a resolution petitioning the United States Congress to review and pass amendments to those portions of the Patriot Act which restrict or infringe various civil rights and liberties recognized and guaranteed by the Constitution of the United States and to preserve current measures which provide judicial review and require probable cause for the use of warrants, subpoenas, telepohne monitoring devices and all other methods of collecting confidential information about individuals; to the Committee on the Judiciary.

65. Also, a petition of the Village of Highland Hills, OH, relative to Resolution 2004-18, petitioning the President of the United States and the United States Congress to take emergency actions and enact measures to respond to the adoption of the Breast Cancer Patient Protection Act of 2003 to amend the Public Health Service Act and Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for treatment of breast cancer; jointly to the Committees on Energy and Commerce and Education and the Workforce.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. HILL on House Resolution 534: Anna G. Eshoo.

Petition 6 by Mr. TURNER of Texas on House Resolution 532: Christopher John, Louise McIntosh Slaughter, Danny K. Davis, and Martin T. Meehan.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, MARCH 25, 2004 No. 39

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. The Senate will be led in prayer this morning by our guest Chaplain, Rev. Fredricka A. Steenstra of Christ Episcopal Church, Elizabeth City, NC.

PRAYER

The guest Chaplain offered the following prayer:

Gracious God, accept our thanks and praise for all that You have done for us. We thank You for the splendor of creation, for the beauty of this world, and for the wonder of life. We thank You for the blessing of living in this Nation and for the freedoms we enjoy. We thank You for the men and women of the Senate, both the Senators and their staffs. We are grateful for the sacrifices they make in order to serve the people of this Nation faithfully and in accordance with Your will.

We thank You also, Lord, for setting the people of our Nation and our Senators at tasks which demand our best efforts, and for leading us to accomplishments which satisfy and delight us. We thank You also for those disappointments and failures that lead us to acknowledge our dependence on You alone.

Bless our Senators this day and in all the days ahead, that they may enact such laws as shall please You, O God, and further the welfare of Your people. Give all who labor in this great institution a zeal for justice and the strength of forbearance that they may help the people of this Nation to use our liberty rightly, in accordance with Your gracious will. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 25, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will conduct a period of morning business until the hour of 10:30, with the first half of that time under the control of the majority leader or his designee and the second half under the control of Senator DASCHLE or his designee.

Following morning business, the Senate will begin consideration of the Unborn Victims of Violence Act. That bill will be considered under a consent agreement which allows for two amendments to be offered. The debate is limited on the amendments and the underlying bill. Therefore, we will vote throughout the day and complete action today on the Unborn Victims bill. Senator DEWINE will be here to manage the bill on this side of the aisle. I understand Senator FEINSTEIN may offer her substitute amendment first. There will be up to four hours of debate in relation to the Feinstein amendment.

Senators should expect the first vote to occur sometime just after the lunch hour. As always, we will notify all Senators when votes are about to occur.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

THE BUSH ADMINISTRATION'S MISTREATMENT OF RICHARD CLARKE AND OTHERS

Mr. DASCHLE. Mr. President, I have a simple request for the President today: Please ask the people around you to stop the character attacks they are waging against Richard Clarke. Ask them to stop their attempts to conceal information and confuse facts. Ask them to stop the long effort that has made the 9/11 Commission's work more difficult than it should be.

Regardless of whether one agrees or disagrees with Mr. Clarke's facts, he set an eloquent example for all of us yesterday. He acknowledged to the families of the victims of September 11 that their Government had failed them. He accepted responsibility for September 11. He made himself accountable and he tried, in my view, to help us understand what happened in the months and years before September 11. I could not be more disappointed in the White House response. They have known for months what Mr. Clarke was going to say. Instead of dealing with it factually, they have launched a shrill attack to destroy Mr. Clarke's credibility.

I know something about those attacks.

On several occasions, I have been on the receiving end of the White House

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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broadsides. I saw the White House ferocity firsthand. I saw the people around the President attack JOHN MCCAIN when he ran for President in 2000. I will never forget the distortions, the recklessness, and the viciousness of those attacks. They were wrong and they impugned one of our great patriots.

I saw the same viciousness 2 years ago when Senator Max Cleland, a man who served when called during the Vietnam war, had his reputation and patriotism smeared in his reelection campaign. The idea that a man who gave so much to his country could be smeared by those who are willing to give so little haunted me then as it haunts me now. There are some things that simply ought not to be done in politics, and that line was crossed by attacks on both Senator MCCAIN and Senator Cleland.

Last year, I watched the people around the President set their sights on Ambassador Joe Wilson when he stepped forward to tell the truth about the President's claims on Iraq, Niger, and uranium. The White House did not battle Ambassador Wilson on the facts. Instead, they put his wife's life in danger by disclosing publicly that she was a deep cover agent for the CIA. That was a grossly irresponsible act done for the worst of reasons—to avoid accountability and unwelcome political consequences. It ought never have happened. It was shameful, and it crossed a line that had never been crossed before.

Now when I watch what the people around the President are trying to do to Richard Clarke, I think it is past time to say enough is enough.

The President came to Washington 4 years ago promising to change the tone. The people around him have done that. They have changed it for the worse. They are doing things that should never be done and have never been done before. What they need to do, what we all need to do, is to put politics aside and put the American people and their security first.

I know how difficult that is in an election year, but we all, every one of us needs to do exactly that. Some things are more important than politics, and September 11 ought to be at the top of the list. We need the facts on September 11, not spin and not character assassination. We need this administration and everyone involved to follow Mr. Clarke's example and accept responsibility and accountability.

We need Condoleezza Rice, who seems to have time to appear on every television show, to make time to appear publicly before the 9/11 Commission. She is not constrained by precedent from doing that, as the White House has argued. As the Congressional Research Service documented, two of her predecessors have given testimony in open session on matters much less important than September 11.

I have reluctantly reached the conclusion that what really constrains Ms. Rice's full cooperation is political consideration. The September 11 families deserve better than that and, just as importantly, our country deserves better.

There is only one person who can change what is going on at the White House, and that is the President. So I appeal to President Bush to change it. He deserves better than the tactics his staff are using and, as I have said, the September 11 families and our country deserve better, too.

I yield the floor.

Mr. REID. Would the Senator allow me to ask him a question through the Chair?

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I have listened to the statement of the Democratic leader. I acknowledge what happened to Senator MCCAIN and the tragedy with Max Cleland, but one thing I did not hear the leader mention was what was done to Paul O'Neill when he published his book, ''The Price of Loyalty,'' a man who is a certified, card-carrying conservative Republican, one of the great businessmen in the history of our country, who in effect was trashed for what he thought was good for the country.

I heard the Senator describe Joe Wilson and what was done to his wife and Richard Clarke, but the one thing the leader undersold—in keeping with the modesty of the minority leader and I want the record to reflect—is what has happened to the leader. By virtue of the fact that 48 other Democrats, in a period of over 10 years, have selected the Senator from South Dakota as our leader, as a result of that the Senator does things for the caucus. I am sure the caucus is not 100-percent headed in the right direction, but we do our best to try to, and when there is ever anything that is done that is not in keeping with what this White House wants, the leader is attacked, his family is attacked, his religion is attacked, his ethics are attacked. For those of us who serve with the Senator from South Dakota, we know what a wonderful family he has, what a loving family he has, what a moral person he is, and what a good leader he is.

I want the record to reflect that the Senator from South Dakota has tremendously undersold—all of these people we have mentioned who have been brutally assaulted, in my opinion, do not compare with what has happened to TOM DASCHLE himself.

I want the Senator to know that the entire caucus stands behind him for the great leader he has been, and we apologize for what has happened to him by virtue of the fact that he is our leader. If he were not our leader, someone else would be attacked; their religion would be attacked; their families would be attacked. Speaking for 48 other Democrats, we all admire and respect the work the Senator from South Dakota has done and are sorry that he has had to take the blows he has by being one of the great leaders in the history of our country.

Mr. DASCHLE. I thank the Senator from Nevada for his very kind words, and I thank my colleagues for yielding the floor to accommodate my leader time this morning.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:30 a.m. The majority leader or his designee will control the first half of this time and the minority leader or his designee will control the remaining time.

Mr. REID. I suggest the absence of a quorum, and have the time run equally on both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader on Monday, March 29, the Senate proceed to consideration of H.R. 4, the welfare reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WELFARE REFORM EXTENSION ACT OF 2004

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to the immediate consideration of S. 2231, which was introduced earlier today by Senators GRASSLEY and BAUCUS.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2231) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30th, 2004, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, it is my understanding the majority leader has indicated there will be no votes on Monday. Is that true?

Mr. MCCONNELL. I say to my friend from Nevada, that is true.

Mr. REID. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the bill be read the third time and

passed, the motion to reconsider by laid upon the table, and any statements regarding this matter appear in the RECORD at this point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2231) was read the third time and passed, as follows:

S. 2231

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 ''Welfare Reform Extension Act of 2004''.

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH JUNE 30, 2004.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through June 30, 2004, in the manner authorized for fiscal year 2002, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2004 at the level provided for such activities through the third quarter of fiscal year 2002.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking ''March 31'' and inserting ''June 30''.

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH JUNE 30, 2004.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through June 30, 2004, in the manner authorized for fiscal year 2002, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2004 at the level provided for such activities through the third quarter of fiscal year 2002.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

THE MARINES

Mr. THOMAS. Mr. President, I will make some comments in morning business. First of all, I had the privilege this morning of attending a meeting of Marines, which we have periodically, and I was very pleased to listen to a report from the commandant about the current situation in Iraq and Afghanistan. Certainly, he is very pleased with what is happening there with regard to our military, what they are able to do and accomplish there. We do not hear much about the good stuff that is going on. We hear, of course, the news on bad things. It was an excellent report. Certainly we are very proud of our Marines and all of our service personnel there.

HEALTH INSURANCE COSTS

Mr. THOMAS. Mr. President, I take a few minutes today to talk about an issue I am sure we are all concerned about and interested in. As I go about Wyoming and talk to people, particularly in town meetings, the issue that arises most often and with the most passion is the high cost of health insurance. The cost of health insurance is directly related to the cost of health care. What we hear the most about is from people who are in private business, farmers and ranchers, who provide all of their own health care costs, which have become increasingly prohibitive. It seems to me we are going to have to focus properly on Medicare, Medicaid, veterans, those government programs for which we are responsible. I suggest we need to focus now and begin to take a look at the broader picture of health care. We have a system that has available certainly some of the best health care in the world, but the key is to have access. If the cost limits access, we have a problem.

We have some unique features in Wyoming. Because of a small population, we cannot have all the various professional services in every small town. There has to be a system. We have worked at that. There are several hospitals with the different kinds of specialties that help serve communities. We have had more and more critical access facilities which make it easier for small communities to work.

I visited Dubois, WY, this week, a new clinic to a small town. I also met with a group of physicians and hospital operators in Cheyenne. We talked about some of these issues. Before it was over, these professionals, these providers, indicated they agree this system is broken and there needs to be some kind of change made in the future. I don't know the answer. I don't know that anyone yet knows the answer. I suggest to my fellow Members of the Senate and the House, we need to begin to take a look.

If I can start out by saying I am not one who favors a Federal socialized medicine program, we need to find some ways to do something with what we have now.

National health expenditures grew $1.6 trillion in 2002, a 9.3-percent increase over the previous year. The costs of health care generally have gone up 15 percent a year for several years.

It is hard to sustain 15-percent growth, particularly when, increasingly, health care for families is a relatively large portion of expenditures.

Health care as a share of GDP in 2002 was 14.9 percent, up from 14.1 percent in 2001. So we are seeing substantial increases. And over the years those increases have continued.

So one has to ask, if the costs are going up 15 percent a year, how long can you sustain that? What do we need to do? Folks are seeing double-digit premium increases each year, including Federal employees. So it is quite obvious to me that we cannot continue to grow rates at that level.

I indicated I had talked to some folks who certainly agree we need to deal with that. We face more challenges in the health care system than just reforming the public programs or addressing the nearly 42 million people—15 percent—who do not have health insurance.

There are some things, of course, we need to consider. We need to improve the underlying health care infrastructure. Its rising costs affect all of us. I think we have to take some of the responsibility for fixing that system.

We have a health care system today where, for instance, hospital charges do not reflect the actual costs because of public and private insurance reimbursements. I recently met with a hospital CEO in my hometown. At that hospital they had some very interesting topics they talked about. Their gross charges, for example, were $202 million; $80 million was written off; $120.7 million reflects actual costs; $1.4 million was income from insurance, and they had $3.3 million in other income. This is not a large profit margin.

What does that mean? No. 1, Medicare does not pay to the level of actual costs. Now, you may say, well, we need to keep the cost of Medicare down. That is true. On the other hand, if their payment is not equal to the cost, then someone else has to bear the cost; Medicaid even more so.

Medicaid pays even a smaller percentage of the actual cost than does Medicare. This is a combination, of course, of State and Federal programs. So we find that situation.

Charity, for those who are uninsured, for those who come in and are not able to pay, we still take them, of course. Trauma care, sometimes, is reimbursed by the county or the State. But if someone has an accident and arrives at the hospital, they are given care, of course, whether they have the ability to pay, whether they have insurance. And guess who pays the principal cost of that. Those who have insurance.

People who are insured represent about 35 percent of the people in a hospital, but they pay 98 percent of the cost. So what we are doing basically is taking the costs that are there, and those who have commercial insurance are paying a very large percentage of that cost. Therefore, we are shifting costs from the broad user base to a relatively small group who buy insurance, which causes the private insurance to be higher.

So there are some weaknesses there. Certainly, we have to do something about it. Health providers must shift this cost to private insurance or they do not make it up.

Emergency room costs, of course, are extremely expensive. They are used a great deal, particularly with Medicaid where there is no first-dollar payment by anyone. When anything goes wrong for someone who is under Medicaid, they can go to the emergency room because it does not cost anything.

Of course, we pay the highest prices for prescription drugs and shoulder the research and development costs for

much of the rest of the world. I think most of us are working on that issue. I think we are going to have a hearing next week in the Finance Committee to see if there is any relationship in terms of the trade aspect of it—with Canada, for example, where you can send goods from this country that cost a certain amount, and the Government up there says they will cost less. Is that part of a trade problem? I think it is something we ought to talk about.

Also, of course, one of the things we have tried to fix—and I hope we continue to try to do something about it—is putting a limit on noneconomic damages for liability in health care. We have tried to pass that. We tried to pass it in the Wyoming Legislature. I think, hopefully, they will continue to do that.

But what it has done in our State—and I think in a number of other States—is it certainly has raised the costs because the cost for malpractice insurance for practioners has gone up a great deal. It has also caused some practitioners, particularly OB/GYNs, to not serve any longer. Again, in a State such as ours, where there may be just one provider in a community, if that person does not provide services, then there is no one there and people have to go miles and miles to find care.

So it has a great impact. Not only is it the impact of increased costs to the provider, which he or she passes on to his or her patients, but it also has caused practices to be quite different and to be overly general about care. A number of years ago, if you hurt your arm, you would go to a general practitioner, he would fix it, put a cast on it, and you would go home. Now you would go in and: Oh, my gosh, you hurt your arm? You better see an arm specialist. We need to take some tests. We need to have an MRI and a few other things—all of which make care more expensive than it used to be. Some of that cost is simply for protection against malpractice lawsuits. So that is one of the things we can do.

We are seeing more and more small businesses being unable and unwilling to help provide health care for their employees. So there are all kinds of different problems that have arisen.

I think people, also, are probably less responsible for their own health. This idea that we should take care of ourselves a little better to avoid sickness—everyone agrees with that idea, but not everyone participates in that. So, again, we have some things that could be changed.

I met a gentleman who is promoting a new program, running a new program called Be-well. It is a program for employers who create health contracts with their employees under the proposition that the employer says to the employee: I am willing and able to cover your health care expense, your insurance expense. However, you must agree to do some things for your own health. You need to agree to exercise. You need to agree to do some things. You need to agree to this Be-Well program.

Most everyone agrees with that idea, but often there is not any real incentive to do that. This program provides an incentive to people to be more responsible for themselves.

So we face some real challenges. Physicians and providers are retiring earlier because of some of these pressures. Hospital vacancy rates for registered nurses, radiology technicians, and pharmacists have reached more than 10 percent. There are a number of hospitals that face rather severe shortages. We are also facing dental shortages. Again, in low population States, we are seeing the dental providers becoming an older group. Many are soon to retire. Frankly, there are not enough people standing in line waiting to replace them. We are working on trying to get a multistate dental training arrangement and also urging some assistance for underserved areas in this area as well.

So what I am interested in seeing is if we can start a little dialog on the broader issues that affect health care and health care costs and the ability to have access to health care for people in this country.

I will continue to work on this issue. We have been very involved in our office on rural health care. We are very pleased with some of the things that were done in the bill that we passed last year for Medicare.

I was very pleased that we passed that bill. To be sure, it is not finalized, but it is a first step in 30-some years to begin making changes. So we have had changes taking place with people but not a lot of changes in terms of how we provide health care.

Last year we had a forum on rural health care which is a little unique, but some of the problems are the same. We began to discuss those problems and to look to the future. That is what we have to ask, what is health care going to look like 5 or 10 years from now, if we can make that sort of projection, and then begin to look at what we can do to get where we want it to be rather than where we think it will be if we do nothing.

There are some ideas out there. I don't suggest they are all the best, but some are being talked about—tax credits to have a medical setaside for payments that you could keep tax free and then use it. In many cases you could use it for the first dollar cost, and then all you have to buy is a higher level insurance, which is much cheaper, catastrophic insurance, rather than the first low dollar, which is much more expensive. We are going to be working on a better medical savings program.

Association health plans have been talked about. The idea of insurance is to get enough people into the package so you can level out the cost between those who are less healthy and those who are more healthy. But if you do not have large numbers, that doesn't happen. There is some objection to that in terms of the States. I am not necessarily supporting all these ideas. But, for example, if you were a service station operator, you could be part of a national service station operators insurance program.

Some have talked about the idea that everyone, even if they had to be helped, should have insurance. We require insurance on your car. We don't require it, but somebody else has to pay for it. So that is something we should talk about.

Better education efforts for consumers to make healthier choices, certainly that is something we ought to take seriously.

As I mentioned, medical malpractice reform is clearly something we ought to do. We, obviously, have been blocked in the Senate from doing that.

There are a lot of issues we need to look at, and they deal with where we are going to be in a few years and where we are now. But we will be worse off in a few years unless we begin to deal with some of those issues.

I appreciate the time and look forward to continuing to have the debate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say to my good friend from Wyoming, before he leaves the floor, I share his frustration over our failure to act on any kind of medical malpractice reform. We have tried a broad approach. We have tried a narrow approach. We will be back again to try another narrow approach. We can't even seem to get cloture on the motion to proceed. That is how dug in the Senate seems to be against any effort to lower those liability insurance premiums for doctors. The Senator from Wyoming brings up a very important issue. I thank him.

RICHARD CLARKE

Mr. MCCONNELL. Mr. President, I come to the Chamber this morning to talk about Richard Clarke's testimony yesterday.

We all now know who Richard Clarke is. He has sort of burst on the national scene with his effort to defeat President Bush. Richard Clarke was the man in charge of counterterrorism under the previous administration for 8 years. During those 8 years, we had three terrorist attacks against America: In 1993, the first attack against the World Trade Center in New York; against the U.S. Embassies in Africa in 1998; and against the USS *Cole* in 2000.

The most aggressive action, apparently, Mr. Clarke was able to convince his superiors to take during those years was to launch a few cruise missiles at a single terrorist camp in Afghanistan and take out a pharmaceutical factory in Sudan—not a really robust response to multiple terrorist acts against American interests both in the United States and overseas.

Now Mr. Clarke has the gall to come forward and suggest that President

Bush was not particularly interested in the war on terrorism or in going after al-Qaida. But interestingly enough, back in an August 2002 interview with the news media, Mr. Clarke himself said the Bush administration, in the spring of 2001, sought to increase CIA resources for covert action fivefold to go after al-Qaida. Back in 2002, he was singing an entirely different tune than he was portraying either in his testimony yesterday before the 9/11 Commission or in his new book, which I am sure he hopes will be a best seller and help defeat President Bush.

But before he had some epiphany and went in a different direction, in August 2002, he said the Bush administration plan was actually more aggressive than Clinton's, and that the Bush administration changed the strategy from one of rollback by al-Qaida over the course of 5 years, which it had been under the Clinton years, to a new strategy that called for the rapid elimination of the al-Qaida terrorist network.

That is what Mr. Clarke was saying in August of 2002—quite different from what he said yesterday before the 9/11 Commission or in his new book.

Also in this August 2002 interview, Clarke noted the Bush administration, in mid-January of 2001—before the 9/11 attack—decided to do two things to respond to the threat of terrorism: ''One, to vigorously pursue the existing policy, including all the lethal covert action finds which we have now made public, to some extent; the second thing the administration decided to do was to initiate a process to look at these issues which had been on the table for a couple of years and get them decided.''

In other words, what Clarke was saying in 2002 to members of the press was that the Bush administration's response to the war on terror was much more aggressive than it was under the Clinton years.

Now he is singing an entirely different tune. This is a man who lacks credibility. He may be an intelligent man, he may be a dedicated public servant, but clearly he has a grudge of some sort against the Bush administration. If he was unable to develop a more robust response during the Clinton years, he would only be able to blame himself. He was in charge of counterterrorism during those 8 years. How could the Bush administration be to blame in 8 months for the previous administration's failure over 8 years to truly declare war on al-Qaida?

Let me be clear, I do not believe the Clinton administration is responsible for September 11. Rather, I believe Osama bin Laden and his al-Qaida terrorist network are responsible. I also believe there exist other terrorists organizations that share al-Qaida's goal of murdering innocent civilians who oppose their violent and extremist ideology. These terrorists don't hate us because of our policies. They hate us because of who we are. And if we don't work together to bring the fight to the terrorists, they will almost certainly bring it to us.

Bringing the fight to the terrorists is, of course, exactly what President Bush has been doing.

Instead of partisan finger-pointing, we should instead be working to bolster our intelligence infrastructure, continue our aggressive efforts to monitor, apprehend and bring to justice terrorists around the world, and improve our ability to defend America and its ideals from attack.

Although work remains to be done, I believe the Bush administration has made truly admirable progress in the war on terrorism. Who could argue with a straight face that America is not safer today than it was on September 10, 2001? The Taliban is gone. Saddam Hussein is gone.

We have destroyed all—not just one—all of al-Qaida's training camps in Afghanistan. All of them are gone from that country.

We have apprehended or killed two-thirds of al-Qaida's leaders.

We have launched international efforts to make it difficult for terrorists to raise or transfer their funds to fund their deadly activities.

We have worked with allies across the world to break up al-Qaida cells and other terrorist networks.

We passed the PATRIOT Act, which provides U.S. law enforcement better capabilities to monitor, apprehend, and bring to justice terrorists plotting in the United States.

We have won new allies in Pakistan and Uzbekistan. And by engaging these countries we have scored further victories against terrorists.

As I said earlier, there has been the end of the regime of Saddam Hussein who provided direct material support to Palestinian terrorists and who offered safe haven to other Islamic terrorists.

We have rounded up and continue to kill foreign terrorists in Iraq. These terrorists would rather be blowing up buses in midtown Manhattan. Believe me, that is where the terrorists would rather be on the attack. Instead they are in Iraq. That is where the war on terror is going on, right in Iraq.

While we mourn the loss of every American soldier and innocent Iraqi citizen, we are glad we are dealing with al-Qaida over in the Middle East and not on American soil.

Finally, I think it is important to remember what is happening in Libya. Prime Minister Blair is meeting with the Libyan leader today. He has been somewhat born again. He is now denouncing terrorism. His weapons of mass destruction are now being eliminated.

It is noteworthy that Qadhafi seemed to have gotten religion in March 2003, the same month we launched the invasion of Iraq, and seemed to have fully converted shortly after Saddam Hussein was found hiding in a hole. Clearly, our Iraq policy is helping reduce or eliminate rogue regimes with weapons of mass destruction.

Let me conclude by saying by any objective standard, the war on terrorism is going well. I think Mr. Clarke's efforts to convince the American public somehow President Bush was inattentive to the war on terror or obsessed with Iraq are simply foolish and erroneous and will not be believed by the American people.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Hawaii.

WAR ON TERRORISM

Mr. AKAKA. Madam President, I rise today to discuss the war on terrorism and the situation in Iraq on the 1-year anniversary of Operation Iraqi Freedom.

I had the honor and privilege of traveling to Iraq and Afghanistan over the recent recess to visit our troops. I had the similar honor of visiting them in the medical center at Ramstein, Germany.

I report to my colleagues the troops with whom I met were in good spirits. They are, of course, eager to return home to their loved ones, but they are also proud of the work they are doing to stabilize Iraq and assist the Iraqi people in building a democratic state. I was proud of them, proud of the leadership of our military, and proud of all the troops there.

As a veteran of World War II, I was proud to see in the troops the same dedication to duty, mission, and country I remember so well from my own comrades in arms. In Ramstein, I was impressed with the wonderful support our wounded were receiving from the medical staff, and I was equally impressed with the eagerness our wounded expressed to return to the sides of their comrades. In that eagerness to rejoin their units, they shared a bond with all their past brothers in uniform.

In Iraq, I visited the newly deployed Stryker brigade in Mosul. This unit is demonstrating in the field for the first time a powerful new capability. But it has also been given the difficult objective of patrolling a large area. They are still waiting for Iraqi forces to be trained and adequately equipped to supplement their effort. Clearly, one reason why the security situation still remains so tenuous is the failure to train and field sufficient Iraqi security forces. But the apparent ambush of two American civilians recently by Iraqi police indicates even some of the newly deployed security forces cannot be trusted.

According to the Coalition Provisional Authority, or CPA, we are only about 30,000 short of the approximately 236,000 security forces planned for Iraq. This may be so in terms of absolute numbers, but it is not a reflection of how well equipped they are, how well trained they are, and how well led they are.

For example, the CPA carries about 60,000 police on payroll, but only 2,300 of those have been fully qualified.

Prior to the war, the Iraqi police had a well-deserved reputation for being corrupt. Reports continue to indicate this remains a problem and, as I mentioned, there are indications the security forces have been infiltrated by terrorists. At the same time, many of the honest policemen are being targeted by terrorists. On Tuesday, 11 were killed in an ambush. So one should view numbers with a healthy skepticism and focus on quality.

I also had the opportunity to visit Balad, about 25 miles north of Baghdad. This will become the future center of air operations in Iraq, and we are now preparing a major airbase to service American troops for the next 3 to 5 years.

Elsewhere, there is the intent to move American troops out of Baghdad and consolidate forces in fewer installations on the periphery, thus reducing the visibility of the American footprint. This is going to be a very delicate maneuver. Reducing the American presence in Baghdad has to be balanced by an increase in the effectiveness of Iraqi security forces inside the city. We could run the risk of having that city of about 6 million become an even safer haven for terrorists while we hunker down in bases on the outskirts.

It also means we are planning for an extended stay in Iraq. While the administration indicates 33 countries are now contributing troops to Iraq, the bulk of the troops is American, and unless there is a change in strategy by the administration or a change in attitude by the international community, those troops for the foreseeable future will remain largely American.

Will there be American troops in Iraq by the time of the next Presidential election in 2008? Right now the answer is yes.

I was able to visit Kabul as well. So much attention and money have been focused on Iraq that I believe Afghanistan has been neglected to the detriment of our goal of defeating the terrorists who attacked us on 9/11.

One example: in Iraq we hope to field an army of 27 battalions in 12 months at a cost of $1.8 billion, while in Afghanistan we hope to field an army of 15 battalions in 26 months at a cost of $569 million. Yet, in Iraq, there is a military infrastructure of garrisons, facilities, and a history of a national army that Afghanistan lacks. There are huge cultural barriers to overcome in linguistics and ethnicity that make Iraq look homogenous in comparison. Our military is doing a great job in trying to stand up an army in Afghanistan, but it is an enormous job, and so far the international community is not providing sufficient resources either to rebuild the country or create a sustainable and professional security force.

Afghanistan has an even greater problem in the lack of a civic administrative infrastructure. Without the creation of a strong local and central government, we run the risk of creating a well trained army that the government cannot pay for or sustain, further increasing the risk that the Taliban and al-Qaida terrorists could return to power.

We need to give more attention and make a greater commitment to Afghanistan. In Kosovo, for example, 25 times more money was pledged on a per capita basis than to Afghanistan and 50 times more troops per capita were sent. Afghanistan needs an estimated $20 billion in assistance over the next 5 years but so far only $7 billion has been pledged and even less received. I worry that, 2 years after the fall of the Taliban, Afghanistan has become the forgotten war even as al-Qaida terrorists and Taliban remnants continue to make it their sanctuary and regroup their forces.

I opposed going to war in Iraq when we did. I did not think that the threat posed by weapons of mass destruction was imminent, nor did I think we had taken sufficient time to prepare for the consequences of a prolonged occupation of Iraq. I was concerned that starting another conflict before we had squashed the al-Qaida terrorist threat in Afghanistan would disperse our forces and expose us to even more terrorist problems. To be successful in both, with the least cost to the United States in terms of lives and resources, required an international coalition and consensus along the lines of the one created in the first gulf war. We have yet to achieve that either in Afghanistan, where there is international support but insufficient resources, or in Iraq where the bulk of resources and personnel are being provided by the United States.

We need to rebuild support for American foreign policy both abroad and at home. A recent Pew Foundation poll indicates that the U.S. image abroad remains negative in most nations. This cannot be good. For Americans to be secure, we need to be respected, and, as both Iraq and Afghanistan demonstrate, we cannot go it alone unless American citizens want to bear the full burden of sacrifice. We need international support. This does not mean sacrificing American interests to foreign interests, but it means working with other nations to gain a consensus in support of our objectives. In many we are one.

At home, too, we need to rebuild bipartisan support for American foreign policy. This has been lost in the last few years. Healthy debate requires a willingness to listen to arguments and to accept those that are valid in order to develop a consensus on American foreign policy. This ability has been lost.

Earlier this week, our former colleague, Bill Cohen, spoke before the 9/11 Commission. He talked about ''the kind of poisonous atmosphere that existed then that continues today,'' referring to the questioning of President Clinton's motives when he launched attacks against al-Qaida in Afghanistan and Sudan. Constructive criticism of strategy and oversight of its implementation are essential tools in sharpening the tip of our policy weapons. But they need to take place in an atmosphere where such debate is not just another arrow in the quiver of partisan politics.

I pray that one of the successes of the 9/11 Commission and other discussions in this very political year will be a determination to restore comity in foreign policy.

My recent travels in Iraq and Afghanistan have convinced me that, if we are to succeed in either country, we need to be prepared to remain in both countries for a long time, and we need to be prepared for additional sacrifices in terms of lives and financial resources. To accept that burden, there has to be a consensus in foreign policy. To bear that burden will require a determination to establish international support for our policies.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

UNBORN VICTIMS OF VIOLENCE ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will proceed to the consideration of H.R. 1997, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, I come to the floor this morning to begin the debate on the Unborn Victims of Violence Act. I would like first to thank our 40 cosponsors for their leadership and support on this issue.

Let me also thank specifically Senator LINDSEY GRAHAM, who championed this issue on the House side for a number of years before he joined us here in the U.S. Senate. He has worked tirelessly to see to it that the most vulnerable members of our society are, in fact, protected.

Let me also thank our lead House sponsors, Congresswoman MELISSA HART from Pennsylvania, and my friend and colleague from the State of Ohio, Congressman STEVE CHABOT. They have both been great champions of this great cause. They worked tirelessly to help get this important bill passed in the House of Representatives.

Our bill is very simple. I will take just a couple of minutes to explain it. It is a bill about simple justice. It is a bill about doing what is right. I was asked yesterday by one of my colleagues, Why do we need this bill? Why is this bill on the floor?

This is what I responded yesterday and this is what I would say to my colleagues here in the Senate this morning. Imagine a pregnant woman in a national park or a pregnant woman on an Air Force base and she is violently assaulted. As a result of that assault, she loses her child; that child dies. Today, there is no Unborn Victims of Violence Act. Today, unless that Federal park or Air Force base is located in a State that has a similar law, a Federal prosecutor would search the Federal statute books in vain to find anything to charge that assailant for the death of that child, for the death of that unborn infant, the fetus. The only thing that Federal prosecutor would be able to charge that defendant with is the assault of the woman. The death of that child would not be able to be charged as what we would think would be a separate offense. Justice would not be done for that, what we would think would be a separate offense.

This bill corrects that. This bill recognizes there are two victims. There is the victim, the mother, who was assaulted; and there is the victim, the unborn child, who was either injured or killed. It is that simple.

This bill recognizes when someone attacks and harms a mother and her unborn child that attack does in fact result in two separate victims: the mother and her child. That is what this bill does.

I will have more to say about this bill later. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2858

Mrs. FEINSTEIN. Madam President, I would like to call up amendment 2858.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] for herself and Mr. LAUTENBERG, Mr. BINGAMAN, Mrs. BOXER, Mr. KENNEDY, and Mr. CORZINE, proposes an amendment numbered 2858.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Entitled the Motherhood Protection Act)

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motherhood Protection Act''.

SEC. 2. PROTECTION OF PREGNANT WOMEN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF PREGNANT WOMEN

''CHAPTER 90A—PROTECTION OF PREGNANT WOMEN

''Sec.

''1841. Causing termination of pregnancy or interruption of the normal course of pregnancy.

''§ 1841. Causing termination of pregnancy or interruption of the normal course of pregnancy

''(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the termination of a pregnancy or the interruption of the normal course of pregnancy, including termination of the pregnancy other than by live birth is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the pregnant woman.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the termination or interruption of the normal course of pregnancy.

''(C) If the person engaging in the conduct thereby intentionally causes or attempts to cause the termination of or the interruption of the pregnancy, that person shall be punished as provided under section 1111, 1112, or 1113, as applicable, for intentionally terminating or interrupting the pregnancy or attempting to do so, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman, or matters related to the pregnancy; or

''(3) of any woman with respect to her pregnancy.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

''90A. Protection of pregnant women 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF PREGNANT WOMEN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

''§ 919a. Art. 119a. Causing termination of pregnancy or interruption of normal course of pregnancy

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the termination of a pregnancy or the interruption of the normal course of pregnancy, including termination of the pregnancy other than by live birth, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the pregnant woman.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the termination or interruption of the normal course of pregnancy.

''(C) If the person engaging in the conduct thereby intentionally causes or attempts to cause the termination of or the interruption of the pregnancy, that persons shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally causing the termination of or interruption of the pregnancy or attempting to do so, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or matters relating to her pregnancy; or

''(3) of any woman with respect to her pregnancy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 919 the following:

''919a. Causing termination of pregnancy and termination of normal course of pregnancy.''.

Mrs. FEINSTEIN. Madam President, I agree with virtually everything the Senator from Ohio has said. Although there are many State laws which do take into consideration a fetus, it is true that the Federal laws, which would impact only those on Federal property, are silent. I am in complete concurrence with everything the Senator has said. I have had the privilege of working with him, so it is a delight for me to be able to discuss and debate this issue with him.

The substitute amendment I have called up is on behalf of Senators BINGAMAN, BOXER, CORZINE, KENNEDY and LAUTENBERG. I would like to make clearer a couple of places in that amendment.

I ask unanimous consent to send a modification to the desk.

Mr. DEWINE. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. I hear the objection. I am rather surprised by the objection. It is generally common courtesy to allow a Senator to amend his or her amendment. However, I believe our amendment is clear on its face.

I would like to point out that since 2000, in the Senate, there has been no hearing on this amendment and no opportunity for the Judiciary Committee to make corrections. This amendment is on the floor as a rule XIV.

I am very disappointed the Senator will not allow me to make a modification. For the record, let me simply state that I was proposing a minor change designed to further clarify what I believe to be the clear intent and application of our amendment. The bottom line is this: Even without the technical changes, our amendment is clear. We include the same structure, the same crimes, and the exact same penalties as the DeWine bill.

The only real difference between our amendment and the DeWine bill is that we do not attempt to place into law language defining life as beginning at conception—beginning with an embryo.

Just to clarify for the purpose of giving judges more legislative history with which to interpret our amendment, let me be clear about the two provisions at issue.

The first modification concerns section (c)(2) of our amendment which reads ''For medical treatment of the woman or matters relating to the pregnancy.'' This language simply tracks the DeWine language and the House bill language. I believe it is quite clear what we meant by this was to exempt medical treatment of the woman or any other medical treatment related to the pregnancy.

The second criticism or modification was that section (c)(2) which applies to intentional crimes against the pregnant woman is awkwardly worded and thus vague. The intent of the section is also clear. Our amendment and the House and the DeWine bill would punish an individual who intentionally ends a pregnancy in accordance with the murder, manslaughter, or intent statutes already on the books. The level of penalty would be determined by a judge and would be based on the level of intent. For instance, punishment under the murder statute would require malice. Punishment under the manslaughter statute would not. But either way the intent is clear.

I believe the only real reason to raise these issues is to try to defeat our amendment without addressing the underlying fact that our amendment contains the same law enforcement goals as the DeWine and the House bill, but without injecting a debate over a woman's right to choose into the equation.

This issue is not as simple as it seems at first glance. Everyone in the Senate wants to accomplish the same goal—punishing those who, by attacking or killing a pregnant woman, deprive families not only of the mother but also of the joy to help raise the child yet to be born. Punishing those who end a pregnancy and thus end the potential life experience, all of the hopes and dreams embodied by that pregnancy and the child to come, is an important advance in Federal criminal law.

But here is where it gets more complicated. The House bill before us, the DeWine bill, now takes the position in law that life begins at conception. This, then, involves this bill directly into a woman's right to choose—an issue that need not be raised and should not be raised in this debate.

Although the text of the amendment itself technically provides an exception for abortion, experts on both sides of this issue agree the language in the bill will clearly place into Federal law a definition of life that will chip away at the right to choose as outlined in Roe v. Wade. I hope to make that crystal clear as I go on.

The Philadelphia Inquirer in its editorial yesterday put it succinctly by saying:

> If passed and signed, as promised by President Bush, the Federal law would be the first to recognize unborn children at any stage of development as victims with legal rights separate from those of their mothers. . . . It's so easy to see how a Federal unborn victims law, coupled with unborn victims laws in 29 States, will form the basis of a new legal challenge to Roe v. Wade, the landmark case that gives women the right to terminate certain pregnancies. If a fetus who dies during a crime is a murder victim, then isn't abortion murder?

That is the Philadelphia Inquirer editorial of yesterday.

That is why I offered this substitute amendment. I think when I am finished describing the differences between our amendment and the underlying legislation, it will become crystal clear that these two measures accomplish the same goal in terms of criminal justice and the same goal in terms of deterrence.

The difference between the two measures—the only difference—is our substitute does not include a new unprecedented definition of when life begins.

The bottom line is this: It is unnecessary to include a definition of when life begins in this legislation, and including such language could, and I believe will, make it much more difficult to obtain convictions in these cases.

The substitute amendment I offer today essentially provides that if a perpetrator of an attack on a woman commits certain violent Federal crimes against that woman and harms or ends her pregnancy, a prosecutor can charge the perpetrator with the underlying Federal crime first but can also charge the perpetrator with harming or ending her pregnancy and effectively harming or killing another potential life.

How is this different from the DeWine bill? It is not different at all. The DeWine bill provides exactly the same provisions. A prosecutor can charge two crimes—one for the underlying attack on the woman and one for the termination of the pregnancy. The penalties in the DeWine bill are identical to the penalties in our amendment.

For instance, the DeWine bill provides that if the separate offense results in the ending of the pregnancy, the penalty is identical to the penalty for taking an adult's life. The Feinstein substitute is the same. The DeWine bill says the maximum penalty for ending a pregnancy is a life sentence, and the maximum penalty for harming that pregnancy is a 20-year sentence. The Feinstein substitute is the same.

Neither bill allows for the death penalty and neither bill applies to conduct to which the pregnant woman has consented.

The simple truth is this: Whichever bill passes in the end, a prosecutor will be given exactly the same ability to charge a defendant. The crimes are the same. The penalties are the same. Everything will be the same except a few simple words that inject the abortion debate into this issue by clearly establishing in criminal law for the first time in history that life begins at the moment of conception. I contend that if this result is incorporated in law, it will be the first step in removing a woman's right to choice, particularly in the early months of a pregnancy before viability.

As we all know, the question of when life begins is a profound and a deeply divisive one. So I don't believe we should be addressing that issue here today—without a hearing since the year 2000, without expert testimony, and without need to do so. But, more importantly than that, this language unnecessarily turns a simple law into a controversial one and, most importantly, this language could make it more difficult for prosecutors to obtain a conviction for the second defense of harming or ending a pregnancy. I will describe why later.

It is possible that some pro-choice jurors might refuse to convict simply because the language of the law refers to an unborn ''child in utero''—that is a quote, ''child in utero,'' that is bill language—when the victim may have only been 1 week or even 1 day pregnant.

An embryo in this bill becomes a person for the purpose of Federal criminal sanctions for the first time in America's history. That is the significance of this bill. This substitute allows jurors to look at evidence and the law and it doesn't force jurors to grapple with the complicated and controversial issue of when life begins.

Including language defining the beginning of life is not in any way necessary to the criminal law but, rather, it is only relevant to the abortion debate.

Let me show you a statement that I believe reveals the clear intent of this

bill. That statement is made by Samuel Casey, executive director and CEO of the Christian Legal Society. This is the intent:

> In as many areas as we can, we want to put on the books that the embryo is a person . . . that sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection—even protection that would trump a woman's interest in terminating a pregnancy.

This will be the first strike against all abortion in the United States of America. This will draw back the veil and, I believe, makes crystal clear what this legislation actually is. This is the key to much of the support for this legislation: Not just adding a new criminal law on the books, but also defining life as beginning at conception in statute here and then in the future, wherever else and however else possible. This is a concerted effort to insert the definition of when life begins into the law wherever possible.

Let me give some examples of quotes that again make this very clear. The intention of the antichoice community has been clearly revealed by a Republican strategist by the name of Jeffrey Bell. Here is how he put it:

> Parental notification rules don't really prohibit anything. They don't ban the act of abortion. But a cloning ban—this is saying that something should be illegal. And if taking [unborn] human life became illegal, that would be a breakthrough. Since Roe, no one has been able to do that.

So this, Members of the Senate, is clearly the agenda, freezing the law, any law, in this case criminal law, that life begins at conception. Then, once declared legally, that law becomes the stepping-stone to refuse embryonic stem cell research and to ban abortion. Once the law defines human life as beginning at conception, stem cell research could become murder, abortion becomes murder, even in the first days of a pregnancy.

That is where this is going. Please see it. Understand it. Know it. Everyone in this body who believes embryonic stem cell research holds a promise for cures to Parkinson's, for cures to Alzheimer's, for cures to juvenile diabetes, for perhaps spinal cord rupture repair, will have to contend with a statute that has said life begins at conception. So embryonic stem cell research may become murder and abortion in the first trimester becomes murder. That is where this debate is taking us. That is the reason for this bill.

The supporters of this bill will say they do not want to undermine Roe, but that is precisely what Nebraska State senator Mike Foley said when he proposed legislation to allow wrongful death suits involving the termination of a pregnancy. Let me quote him. Let me pull back the veil again:

> We said specifically in our bill that we did not want to challenge Roe v. Wade, and that would not affect abortion in the legal sense. But philosophically, sure, these laws are a challenge . . . If a state can put someone in jail for life because they took the life of an unborn child, then we're clearly saying there is something very valuable there.

Why is he saying that? He is saying that because a fetus, even at conception, becomes a person, becomes a human being.

Professor R. Alta Charo of the University of Wisconsin further points out how these efforts are aimed at changing the law and how the Supreme Court might rule in future abortion cases. Charo said recently:

> If you can get enough of these bricks in place, draw enough examples from different parts of life and law where embryos are treated as babies, then how can the Supreme Court say they're not? This is, without question, conscious strategy.

This is a professor of law at the University of Wisconsin, pulling the veil back further and exposing this exactly for what it is, a ''conscious strategy'' to say life begins at conception and enshrine it in this Federal law, and then other laws, and then other laws, and then go to the Supreme Court and Roe vs. Wade is struck down.

In a CNN interview last May, the distinguished chairman of the Senate Judiciary Committee—and I have had the pleasure of serving on that committee for 12 years—made the following comment:

> They say it undermines abortion rights. It does undermine it. But that's irrelevant. We're concerned here about a woman and her child . . . The partisan arguments over abortion should not stop at a bill that protects women and children.

If that is true, then the Senator from Utah should vote for our amendment because our amendment does exactly the same thing, the same penalties for the same crimes as the House bill.

When Justice Harry Blackmun wrote in 1973 the Roe decision, he said:

> . . . the unborn have never been recognized in law as persons in the whole sense . . .

Let me repeat that: ''the unborn have never been recognized in the law as persons in the whole sense.''

What he did by saying that was actually, inadvertently provide a roadmap for the anti-choice people and those who want to undermine Roe and eventually to reverse it. This bill, the underlying bill, is following that roadmap by changing a criminal law in a way which clearly says an embryo can be an individual as a person for the purposes of criminal prosecution.

Clearly, this is a concerted effort to codify in law the legal recognition life begins at conception. If we allow that to happen today in this bill or in any bill, we put the right to choose squarely at risk. Roe v. Wade allowed States to claim a legitimate interest in preventing abortion postviability. Many states—and we both know that—have laws on the books with respect to the third trimester and even the second trimester.

If the concept of viability, which means when a fetus can live outside of the womb, gives way to a definition that provides life begins at conception, we could soon see abortion in this country outlawed entirely. Our amendment avoids that problem and focuses only on the need to increase penalties for those who attack pregnant women.

There has been a lot of discussion about the tragic Laci Peterson case in my State of California. I have had the pleasure of meeting with Laci's mother, Sharon Rocha, a very fine woman and a woman who I can understand is decimated by what happened to her daughter. Some in the Senate have suggested that this tragedy is evidence of a loophole in Federal law that needs to be closed.

However, the House bill and the DeWine bill will have no impact in any way, shape, or form on the Laci Peterson case. The perpetrator of that crime will be prosecuted and punished under current California law and the perpetrators of almost all similar crimes through the country will, in fact, be prosecuted under State laws, not a Federal law, unless the crime takes place on Federal property.

In my State of California, the legislature amended California's existing murder statute in 1970—that is 34 years ago—to read as follows:

> Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

Now, if this were the case, if this were written in Federal law, easy, I would support it in a minute because it draws a distinction, it permits the ''double charge'' that both Senator DEWINE and I agree is necessary. But the use of the words ''or fetus'' makes a distinction between a human being and a fetus for purposes of the application of the homicide statute. That is important. And that is the law under which Laci Peterson's alleged murderer is going to be prosecuted.

If you look at it, you will see it is completely adequate. The complexity of that case, which continues today, is one that relates to evidence and proof, not a problem with statutes or penalties. The California statute is wholly adequate. So the bill we discuss today would have absolutely no impact on the Laci Peterson case, none.

Now, I would like to bring to the Senate's attention a July 10 letter from a Stanford law professor. He goes into the problems of what this law, if passed, could actually do in the courtroom to actual prosecutions and to juries. His name is George Fisher. He is a criminal law expert. He is a former prosecutor. He served as an assistant DA, an assistant attorney general. He has taught criminal law at Stanford Law School since 1995, and he has founded Stanford's criminal prosecution unit.

He makes three points. Let me quote him:

> The Bill's apparent purpose of influencing the course of abortion politics will discourage prosecutions under any future Act. I do not know what motives gave rise to the Bill's use of the expressions ''child in utero'' and ''child, who is in utero,'' but I do know that any vaguely savvy reader will conclude that these terms and the Bill's definition of

them were intended by the Bill's authors to influence the course of abortion politics.

If the authors of the Bill truly seek to protect unborn life from criminal violence, they will better accomplish this purpose by avoiding such expressions as ''child in utero.'' Better alternatives would refer to injury or death to a fetus or damage to or termination of a pregnancy.

Dr. Fisher goes on to say:

The Bill's apparent purpose of influencing the course of abortion politics will motivate prosecutors to exclude those prospective jurors who otherwise would be most sympathetic to the prosecution's case.

I predict that many or most judges will bar prosecutors and defense counsel from questioning prospective jurors about their views on abortion or about related matters such as their religion, religious practices, or political affiliations. Forced to act largely on instinct, prosecutors may be inclined to exercise peremptory challenges against those prospective jurors who appear to be most sympathetic to the rights of pregnant women. This result clearly would frustrate the Bill's stated purpose of protecting unborn life from criminal violence.

He concludes:

The Bill's apparent purpose of influencing the course of abortion politics offends the integrity of the criminal law. To anyone who cares deeply about the integrity of the criminal law, this Bill's apparent attempt to insert an abortion broadside into the criminal code is greatly offensive.

Now, that is a former prosecutor, a former assistant DA, assistant AG, a professor of law at Stanford Law School—one of the great law schools of our country—and head of the criminal prosecution unit at Stanford Law School.

I ask unanimous consent to have the entire letter printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, the substitute amendment, which I have offered, has been crafted to avoid these problems.

Our amendment, the Motherhood Protection Act, will accomplish the same goal as the Unborn Victims of Violence Act, but will do so in a way that does not involve us in the debate about abortion or when life begins. In my view, there is no reason to vote against this substitute unless the intention is to establish legally that human life, for the purposes of Federal criminal law, begins at the moment of conception because, ladies and gentlemen, that is exactly what this bill does.

To emphasize the point, let me again turn to the comments of Samuel Casey, executive director and CEO of the Christian Legal Society, who clearly states the intention behind the bill in this quote:

In as many areas as we can, we want to put on the books that the embryo is a person. . . .That sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection—even protection that would trump a woman's interest in terminating a pregnancy.

Let there be no doubt about the intent. Anyone who is pro-choice cannot vote for this bill without the expectation that they are creating the first legal bridge to destroy Roe v. Wade.

Now, there is a time and a place to discuss the morality and philosophy of when life begins. This is not that time. Now is the time to change our Federal law to punish criminals who would inflict grievous injuries or death upon pregnant women on Federal lands. So I urge my colleagues to support the substitute amendment.

EXHIBIT 1

STANFORD LAW SCHOOL,
Stanford, CA, July 10, 2003.

Senator DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I wish to express my concern about the current formulation of S. 1019, the Unborn Victims of Violence Act of 2003. Although I fully endorse the Bill's ultimate aim of protecting pregnant women from the physical and psychological trauma of an endangered or lost pregnancy, I believe that the Bill's current formulation will frustrate rather than forward this goal.

I write both as a former prosecutor and as a law professor specializing in criminal law and criminal prosecution. At the outset of my career, I served as an assistant district attorney in Middlesex County, Mass., and as an assistant attorney general in the Massachusetts Attorney General's office. I then went to Boston College Law School, where I administered and taught in the criminal prosecution clinic. I have been at Stanford since 1995 and a tenured professor of law since 1999; during the next academic year, I will serve as Academic Associate Dean. In 1996 I founded Stanford's criminal prosecution clinic and have administered and taught in the clinic ever since. I have also created a course in prosecutorial ethics, which I taught at Boston College Law School and, as a visitor, at Harvard Law School.

My background and interest in criminal prosecution prompt me to raise three objections to this Bill. All of them focus on the Bill's use of the expressions ''child in utero'' and ''child, who is in utero,'' and on its definition of these terms as ''a member of the species homo sapiens, at any stage of development, who is carried in the womb.''

First: The Bill's apparent purpose of influencing the course of abortion politics will discourage prosecutions under any future Act.

I do not know what motives gave rise to the Bill's use of the expressions ''child in utero'' and ''child, who is in utero,'' but I do know that any vaguely savvy reader will conclude that these terms and the Bill's definition of them were intended by the Bill's authors to influence the course of abortion politics. It is a fair prediction that when a pro-life President is in office, prosecutions under this Bill will be more frequent than when a pro-choice President is in office. That is because the public will interpret this Bill as suggesting that abortion is a potentially criminal act and will interpret prosecutions under the Bill as endorsing this sentiment.

If the authors of the Bill truly seek to protect unborn life from criminal violence, they will better accomplish this purpose by avoiding such expressions as ''child in utero.'' Better alternatives would refer to injury or death to a fetus or damage to or termination of a pregnancy.

Second: The Bill's apparent purpose of influencing the course of abortion politics will motivate prosecutors to exclude those prospective jurors who otherwise would be most sympathetic to the prosecution's case.

If I were prosecuting a case under this Bill, I would hope to have a jury that includes persons deeply sensitive to the rights and interests of pregnant women. Such jurors would regard an attack on a pregnant woman as being a twofold crime, comprising both the injury directly inflicted on the mother and the stark emotional and physical trauma resulting from injury to or loss of her pregnancy.

But such jurors also will be more likely than others to believe that pregnant women have the right to exercise autonomy over their bodies and to choose whether to abort a pregnancy. I predict that many or most judges will bar prosecutors and defense counsel from questioning prospective jurors about their views on abortion or about related matters such as their religion, religious practices, or political affiliations. Forced to act largely on instinct, prosecutors may be inclined to exercise peremptory challenges against those prospective jurors who appear to be most sympathetic to the rights of pregnant women. This result clearly would frustrate the Bill's stated purpose of protecting unborn life from criminal violence.

Third: The Bill's apparent purpose of influencing the course of abortion politics offends the integrity of the criminal law.

To anyone who cares deeply about the integrity of the criminal law, this Bill's apparent attempt to insert an abortion broadside into the criminal code is greatly offensive. The power to inflict criminal penalties is, second only to the power to wage war, the highest trust invested in our institutions of government. Because the power to make and enforce criminal laws inherently carries enormous potential for abuse, those who exercise that power must always do so with a spirit free of any ulterior political motive. The American Bar Association's Standards Relating to the Administration of Criminal Justice provide that ''[i]n making the decision to prosecute, the prosecutor should give no weight to the personal or political advantages or disadvantages which might be involved. . . .'' (Standard 3–3.9(d).) Not all prosecutors conduct themselves with fidelity to this principle, but we may readily condemn those who do not. We may likewise condemn other public actors who abuse the sacred public trust of the criminal sanction for political ends.

For these reasons, I object to the current formulation of the Unborn Victims of Violence Bill. As I am confident that an alternative version of the Bill can fully accomplish its stated purpose of protecting unborn life from criminal violence while avoiding each of the difficulties I have outlined above, I strongly encourage the Senate to modify the Bill in the ways I have suggested above or in some other manner that avoids the freighted and frankly politicized terms, ''child in utero'' and ''child, who is in utero.''

My thanks to you for your consideration of my views.

Sincerely,

GEORGE FISHER,
Professor of Law.

Mrs. FEINSTEIN. Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has 89 minutes left.

Mrs. FEINSTEIN. I have 89 minutes remaining?

The PRESIDING OFFICER. Yes.

Mrs. FEINSTEIN. I thank the Chair.

I know the Senator from New Jersey is on the floor wishing time.

Mr. DEWINE. He can take it now.

Mrs. FEINSTEIN. Good. May I ask the Senator how much time he would like?

Mr. LAUTENBERG. I would like to have about 10 minutes.

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from California and also our distinguished colleague from Ohio.

I rise to express my strong opposition to the underlying bill and support for the amendment by the Senator from California.

I have long supported legislation that combats domestic violence. I was the author of the domestic violence gun ban because abusers should not have access to weapons, to guns. Whether an abuser is terrorizing his wife or his children, let's take away their means to inflict further terror and abuse. So far, my law has prevented nearly 30,000 abusers from obtaining guns.

Because of my long-term commitment to stopping violence against women and children, I take offense at the fact that the backers of this bill are exploiting this issue in order to advance another anti-choice agenda.

We see this regularly around this place. I saw it in a commerce subcommittee meeting that was supposed to discuss science, space, and technology. The witnesses who were at the table were there to talk about their opposition to abortion and their experience after they themselves had abortions. They made their decisions after an action that they took that placed them in that position. Now they wanted to block everybody else from having a chance to make their personal choices.

We have to understand what underlies this issue. Yes, it is worthwhile to protect people and those who are not yet born against violence, but to make it a crime of this magnitude, when there is so much else at stake in the matter of choice, decided many years ago by the Supreme Court—supporters of this bill will tell you this legislation protects women, protects children, and this is a bill about punishing crime. But if you want to know what this bill is really about, you only need listen to what a leading supporter of this bill told CNN when asked about the legislation. I quote him:

> They say it undermines abortion rights. It does . . . But that's irrelevant.

That is the prevailing attitude of those who want to impose yet another restriction on a woman's choice, on the protection of a woman's health. This bill is intended, plainly and simply, to undermine Roe v. Wade. But rather than being direct about the goal, anti-choice advocates want to use tragedies like violence against women as a red herring to move their agenda.

Over and over, we see this body taking up legislation that I believe is part of an attempt to establish what I call a ''male-ogarchy'' in our society. A male-ogarchy is a society in which men are making decisions for and about women. Anti-choice advocates simply don't trust women and their doctors to know what is best for their bodies and their lives. We even encountered this male-ogarchy last year when this body told doctors and their patients that it is Congress, rather than the medical experts, who know best about their health. And when the so-called partial-birth abortion bill was signed, there were all men on the stage with the President of the United States, smiling and gloating as they took away the right of a woman, in consultation with her doctor and her conscience, to make a decision that, though painful, is appropriate for her well-being.

Do we want to decide here whether or not a woman has a right to make a decision about her choice for an abortion? Perhaps she has two, three, four other children at home and her health is in jeopardy. We are saying: It doesn't matter what you think, Madam. We are going to make the decision for you.

That is why there wasn't one woman standing with the President at the White House the day that so-called partial-birth abortion prohibition passed the Senate, when the President signed the bill.

President Bush and his supporters in the Senate say they care about domestic violence and protecting women. But if that is the case, how, then, do we explain the fact that the President's budget cuts funding for the Violence Against Women Act programs by $116 million next year? Is that going to help women? Is that going to make life better for them? No. It is going to make life worse. Those are living people. Those are people who were here. Those are people for whom this male group wants to decide, make decisions.

If Congress wants to get serious about violence against women and children, let's do something real about it. Let's fund programs that provide money to law enforcement to prevent domestic violence and sexual assault. Let's fund battered women's programs and rape crisis centers instead of cutting funding for these often lifesaving services. Let's improve access to shelters, making it easier for abused women and their children to flee that abuse.

If this so-called Unborn Victims of Violence Act were actually about violent crime, then the domestic violence community would be in support of it. But they oppose the bill. The National Network to End Domestic Violence, the National Coalition Against Domestic Violence, and the Family Violence Prevention Fund, all oppose this legislation.

Many backers of this bill also support giving a $1 trillion tax break to the wealthiest among us, rather than giving it to the struggling working families who need it to help pay for everyday goods and services, programs such as Head Start for children who don't have a comfortable home life that permits them to engage in the process of learning or of expecting to learn, who often get their only nutritional meal from the program. Three hundred thousand of those children are denied access to these programs because we have taken away the funding to give tax breaks to those who have been fortunate enough to live in this country, to make a lot of money, to succeed.

I am one of those. I had a good business career, as did many here. We don't need this kind of thing. We don't want it. We want our country to be strong. We want the strength to be built in a harmonious society and to lend a hand to those who don't have the ability to help themselves. But now that can't happen. We are focused on giving tax breaks to the wealthy and making them permanent, as we dig ourselves deeper into debt.

Many of my colleagues who support this bill also reject expending health insurance coverage for poor and lower middle-class children and their families. Many who support this bill will tell you they want to simply protect children. I find it ironic that they only want to protect children before they are born, but they don't want to do what they have to after they are born. I see it as hypocrisy.

I challenge supporters of this bill to get serious about protecting women and children and pass meaningful legislation that improves the lives of these women and children, not this undercover move to restrict choice for women.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I have a great deal of respect for my colleagues from New Jersey and California. My colleague from New Jersey knows I care about what happens after children are born. I care about their health. I believe I have demonstrated that in the Senate. In fact, he and I have worked on these issues together. I have worked with my colleague from California on many issues having to do with children. We just happen to disagree on this issue.

I have a great deal of respect for both of them. We have worked together on a bipartisan basis on a wide range of issues. I would hope that as we debate this bill, we would focus on the legislation. I say that with all due respect. I don't understand—again, with all due respect to my colleagues—what debate about the motives of people has to do with what the facts are.

I am going to try to confine my debate to what I think are the essential facts. I think they are fairly simple. Let me talk for a few moments about what I believe are the essential facts.

I ask my colleagues who are listening to this debate to remember a couple of things about the Feinstein amendment. I am going to keep coming back to these central facts about the Feinstein amendment.

No. 1, the Feinstein amendment does not recognize a second victim. Our bill does. The Feinstein amendment creates a legal fiction. It is contorted, it twists the law in a sense—maybe a better way of saying it is not that it twists the law; it doesn't do that, but it twists the reality of the common sense of people when they look at this. When they see a pregnant woman who is assaulted and her child dies, they intuitively know there is a victim besides the mother. They know the mother is a victim, but they also know there is a second victim.

The vast majority of the American people, if you ask them was there another victim, will say of course there are two victims. Our bill recognizes the second victim. The Feinstein amendment refuses to recognize the second victim. Now we can talk about punishment and all kinds of things, but it refuses to recognize good common sense.

This bill in front of us has nothing to do with abortion. It has absolutely nothing to do with abortion. We have explicitly exempted abortion in this bill. Yet opponents still try to argue this point.

Our statute could be no more clear on this point. Senator FEINSTEIN uses identical language to exempt abortion or any related activity in her amendment. This bill simply doesn't affect abortion rights whatsoever. The language could not be clearer. I invite my colleagues to pick up the bill and look at the section. It exempts any reference to abortion, anything a mother would do to her own child, anything a doctor would do is exempted. It has nothing to do with abortion, not at all. That is not what this is about.

Point No. 1, this bill recognizes a second victim; the Feinstein amendment does not. If you believe there is a second victim, you cannot vote for the Feinstein amendment. It denies there is a second victim.

The second point I want to make will come as a surprise, I think, to the Members of the Senate. It will come as a surprise to you until you pick up the Feinstein amendment and read it carefully. I invite you to do that. Pick up the amendment and read it carefully.

First, the Feinstein amendment does not punish the criminal for harming or injuring the baby. Let me read it. It only punishes the criminal for ''interrupting or terminating a pregnancy.'' That is the language, ''interrupting or terminating a pregnancy.'' But not for injuring. So if a child is injured, not killed, the pregnancy not terminated, the Feinstein amendment will not cover it. That, to me, is a problem. That is a fatal fallacy, fatal problem.

Here is the language:

> Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the termination of a pregnancy or the interruption of the normal course of pregnancy, including termination of the pregnancy other than by live birth is guilty of a separate offense under this section.

It does not cover the injury of a fetus. That is a problem.

Let's turn to the penalty section. The penalty section is fatally flawed. The penalty section won't work. The Justice Department has sent a letter and, in their opinion, the penalty section provides no penalty, under the Feinstein amendment, for the killing of the fetus. It is vague; it is unclear at best. It defines additional crimes as the interruption or termination of a pregnancy. When it describes the punishment, it refers to injury or death. Whose injury or death are we talking about here? Is it the unborn child? Whose injury?

The Feinstein amendment doesn't recognize that the interruption and termination of the pregnancy means the injury or death of the fetus because it won't acknowledge the fetus, of course, as a separate being.

The amendment is circular and really without meaning. Put simply, there is no additional punishment because under this amendment there is no additional victim. The Feinstein amendment goes out of its way not to recognize another victim. What is the reference to? Let me read this section and, again, this is a technical reading, but that is how you have to read a criminal section. This is how judges have to do it. The bottom line is—I am going to say it again and again—if you vote for Feinstein, there will be no penalty at all for the killing of a second victim, the child. There clearly is none for the injury of that child. Let me read the penalty section, 2(a), under the Feinstein amendment:

> Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the pregnant woman.

What injury or death are we talking about? To whom?

The language doesn't acknowledge injury or death to the fetus. Who is it referencing in the previous paragraph? It clearly is fatally flawed. It is difficult for me to read this and for people to understand it. But to get the section out, it clearly doesn't work and is fatally flawed. So this does not recognize the death, does not recognize any punishment. It would not provide punishment and it clearly presents a problem.

My friend from California has said the DeWine bill would have no effect on the Laci Peterson case. That is true; it would not. Fortunately, California has a similar law that provides for a second victim, the punishment for the death of that child. While it is true the DeWine bill would have no effect on the Laci Peterson case, the fact is if the Feinstein amendment, or a similar amendment to the Feinstein amendment, had been approved by the California legislature at the time their law was being considered, there would be no punishment for the death of baby Conner Peterson. There would have been in California no recognition for that second victim. There would have been no recognition of the death of that second victim.

If the Feinstein amendment would have passed, or a version of it, in California, if the California legislature would have done what Senator FEINSTEIN is asking us to do today in this Federal legislation, they would not have been able to prosecute for the death of Conner Peterson. They would not have been able to recognize that death as a second victim death. That is the fundamental fact, and that is the fundamental difference between the DeWine bill and the Feinstein amendment.

We have heard a lot of talk about motives and agendas. I think we should stop doing that, and I think we should look to the victims and hear from the victims. There are three victims. The families of the victims were here yesterday. When one talks with the victims, it is clear the victims believe there are two victims. Let me talk about several cases. They are tragic cases and are difficult to listen to, but I think it brings home what we are really talking about.

Let me talk about the example of Airman Gregory Robbins. This is a case about which I have talked many times on the Senate floor, but I think is worth repeating today because it illustrates the injustice that exists today in our Federal law.

In 1996, Airman Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than 8 months pregnant with their daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and stomach. Fortunately, Mrs. Robbins survived this violent assault, but tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Does anyone truly think Jasmine was not a victim? I think we know she was. Not only was her mom a victim, but she was as well.

Let me give another example. In August 1999, Shiwona Pace of Little Rock, AR, was days away from giving birth. She was understandably thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat his girlfriend so badly that she lost the unborn baby whom she named Heaven. I might add, she lost that baby 1 day shy of her predicted delivery date. Shiwona testified at a Senate judiciary hearing we held in Washington on February 23, 2000. This is what she said:

> I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, ''Your baby is dying tonight.'' I was choked, hit in the face with a gun, slapped, punched, and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.

Do we really believe Shiwona was the only victim here? Do we really think

we should adopt an amendment that says she was the only victim? I don't think so. How can we suggest to Shiwona that her child was not murdered? Should we twist the law so we don't recognize that? I don't think we should. And Federal law, quite frankly, must recognize this wrong for what it is. It is a wrong against two separate and distinct victims.

Another example: I can think of no better way to tell the story of Baby Zachariah and his mother Tracy Marciniak than by simply reading from her testimony before the House Judiciary Subcommittee on the Constitution which occurred on July 8, 2003. Let me read it:

I carried Zachariah in my womb for almost nine full months. He was killed in my womb, only 5 days from his delivery date. The first time I ever held him in my arms, he was already dead.

There is no way that I can really tell you about the pain I feel when I visit my son's grave site in Milwaukee, and at other times, thinking of all that we missed together. But that pain was greater because the man who killed Zachariah got away with murder.

Zachariah's delivery date was to be February 13, 1992. But on the night of February 8, my own husband brutally attacked me at my home in Milwaukee. He held me against a couch by my hair. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. Then he refused to call for help, and prevented me from calling.

After about 15 minutes of my screaming in pain that I needed help, he finally went to a bar and from there called for help. Zachariah and I were rushed by ambulance to the hospital, where Zachariah was delivered by emergency Caesarean section. My son was dead. The physicians said he had bled to death inside me because of blunt force trauma.

My own injuries were life-threatening. I nearly died. I spent 3 weeks in the hospital. During the time I was struggling to survive, the legal authorities came and they spoke to my sister. They told her something that she found incredible. They told her that in the eyes of Wisconsin law, nobody had died on the night of February 8. Later, this information was passed on to me. I was told in the eyes of the law, no murder had occurred. I was devastated.

We surviving family members of unborn victims of violence are not asking for revenge. We are begging for justice—justice like we were brought up to believe in and trust in. Justice means that the penalty must fit the crime, but that is only part of it—justice also requires that the law must recognize the true nature of a crime.

The true nature of a crime, Mr. President.

I know that some lawmakers and some groups insist there is no such thing as an unborn victim, and that crimes like this only have a single victim—but that is callous and that is wrong. Please don't tell me that my son was not a real victim of a real crime. We were both victims, but only I survived.

I will have more to say about this in a few minutes. At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, may I briefly suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I wish to respond to some of the concerns and complaints of the distinguished Senator from Ohio about our substitute amendment. Let me take on his allegation that this substitute does not provide a punishment for harming a child. In fact, it does. It clearly states that the interruption of the normal course of the pregnancy relates to injury to the fetus. So there is a penalty for harm.

Secondly, he stated my amendment would not provide any penalty for ending a pregnancy; that it was a legal fiction in that sense.

I think this is clearly a misunderstanding of the plain text of our amendment. We explicitly create a separate offense for interrupting or ending a pregnancy, and we explicitly state the penalty for that offense is the same as if the crime had resulted in the injury or death of a mother. That is explicit.

So the intent is clear. I think quibbling about whether the language is perfect, the amendment does exactly what the underlying bill does. I could have cleared that up with a modification, but the Senator would not let me send a modification to the desk, which in terms of just sheer congeniality is rather surprising because that could have been made crystal clear to everyone.

So I firmly believe our amendment does exactly the same thing as the DeWine amendment, but it does not do something his amendment does, and that is create life at the point of conception. His use of the words ''child in utero'' as opposed to the California statute's use of the words ''or fetus'' make a huge difference in the law legally. Once again, I think that is clear.

The bottom line is we believe the intent and the crafting of this bill is very clear. We do not create a child in utero. We try to avoid getting to the point where life is defined.

We say that if the pregnancy is intentionally terminated and specific damages are done to the fetus, it is punished either through manslaughter in a second charge or murder in a second charge. I think the language is very clear. I think it is nitpicking to say it is not.

I can change it, but I am not allowed to change it. We have the modification, but we are not allowed to send the modification to the desk. I believe Members can vote on this amendment and know clearly they are assessing the same penalties for the same crimes as the underlying bill does. The only difference is we do not decide in our bill when life begins.

Let me read a couple of editorials and statements that have come out in recent days. There is one editorial this morning in the Los Angeles Times. I would like just quickly to read one paragraph:

The Senate is likely to vote today on a bill intended largely to score points in the endless, wearying abortion debate. The proposed Unborn Victims of Violence Act defines a child in utero as a member of the species homo sapiens, at any stage of development, who is carried in the womb. In other words, the child exists at the moment of conception. The House passed similar legislation last month. As with nearly every aspect of the abortion debate, Americans are deeply divided over when human life begins. However courts in most States generally accord more rights to a fetus considered viable outside the womb. DeWine's bill, S. 1019, offers a sweeping declaration that ignores prevailing scientific views and the national legal consensus. True, his bill specifically bars prosecution for abortion, but its effect, as DeWine intends, would be to give one side a new legal bullet in the broader abortion wars.

That is clear. I will go on. The Los Angeles Times is not the only editorial page that believes that. I indicated earlier this is true of an editorial in the Philadelphia Inquirer:

It is so easy to see how a federal unborn victims law, coupled with unborn victims' laws in 29 States, will form the basis of a new legal challenge to Roe v. Wade, a landmark case that gives women the right to terminate certain pregnancies. If a fetus who dies during a crime is a murder victim, why, then, isn't abortion murder?

From the Buffalo News:

Passage by House Republicans of a bill that treats an attack on a pregnant woman as separate crimes against her and her unborn child is at heart an attempt to erode abortion rights. It's a disingenuous and misguided bill and the Senate should make sure it goes no further.

That is the Buffalo News.

The New York Times, April 25. This is 2001.

Packaged as a crime fighting measure unrelated to abortion, the bill is actually aimed at fulfilling a long-time goal of the right-to-life movement. The goal is to enshrine in law the concept of fetal rights equal to but separate and distinct from the rights of pregnant women.

Another editorial of the New York Times:

The bill would add to the Federal Criminal Code a separate new offense to punish individuals who injure or cause death to a child who is in utero.

The Washington Post, October 2, 1999,

What makes this bill a bad idea is the very aspect of it that makes it attractive to its supporters, that it treats the fetus as a person separate from the mother though that same mother has a constitutional right to terminate her pregnancy. This is useful rhetorically for the pro-life world, but it is analytically incoherent.

The Blethen, ME, newspaper:

First considered in 1999, the bill purports to create new Federal crimes for the intentional harm or death of a fetus or unborn child. But, no matter how much supporters deny it, the bill's real intent is to undermine women's reproductive choices. If the bill is passed and signed into law, it would weaken

the prudent and pragmatic decision handed down in Roe v. Wade.

In my remarks, I have tried to show that this is a concerted effort. It need not be so. You can attach the same penalties for the same crimes, as our substitute does, without getting into the debate of where life begins. This bill chooses to get into the debate of where life begins and it defines life beginning at conception. It does so in a Federal criminal statute. It is one step in the building blocks of statutes that will constitute the ability to demolish Roe v. Wade.

I think every Member of this body who is pro-choice should vote against the underlying bill and for this amendment because in this amendment, without creating the separate person at conception, we establish the penalties for interruption or termination of a pregnancy. Those penalties are the same—same for murder, same for manslaughter, same for attempted murder, same for attempted manslaughter.

Again, I point out that in California what the State did 34 years ago was essentially amend the murder statute. By amending the definition in the Penal Code section 187, they provided a new definition of murder which said:

Murder is the unlawful killing of a human being, or a fetus with malice aforethought.

That is the bill under which the Laci Peterson case will be brought to court. It is a different idea because it clearly says that it is a fetus.

Additionally, there is information from those who wish to continue this pursuit to make a fetus a human life, to make an embryo a human life, that this is a concerted strategy aimed at weakening Roe v. Wade.

What we have tried to do is mimic the House bill with respect to the penalties but connect it to the termination of a pregnancy and thereby avoid the distinction of exactly when life begins for the purposes of statute law, in this case criminal statute law, and therefore avoid the problem.

I have indicated, from legal scholars, where they believe this will undermine prosecutions in this situation because they will encourage peremptory challenges of individuals who may have strong beliefs in choice and, therefore, not one likely to recognize that an embryo, or a day pregnancy, or a week pregnancy, or a month pregnancy is, in fact, a living being subject to criminal sanctions if their rights are violated.

It is a complicated issue. But it is a significant issue. It is an important issue.

The more I look at it and see the strategy of the anti-choice movement, the more I see that if you can establish a beachhead of rights in Federal criminal law here, and another statute there, and in a third statute somewhere else, you then begin the march to the Supreme Court in an attack on Roe. Roe sets up a trimester system giving the woman total rights in the first trimester, and then the State the right in the second and third trimester to intervene in certain cases, which has been the case in many State laws that have been passed. You now give the Supreme Court the ability to begin to say: ''It is in law that the embryo has certain rights'' and, therefore, forms the bulwark of the attack on Roe.

You also do something else insidious. I think you very much intervene in stem cell research. Stem cell research, and a good deal of the most auspicious of that research, deals with embryonic stem cells. If you have a law that says an embryo or a zygote is, in fact, a human life, then it is murder if you use that embryo for stem cell research, just as it becomes murder if that embryo is harmed or rejected in the course of an attack on a woman. We avoid all of that.

We simply say termination of a pregnancy, and termination of a pregnancy in the course of a criminal attack creates a second charge, and that second charge carries with it the same penalty as the original charge against the woman herself would carry.

That is the clear intent.

I regret that the Senator would not allow me to modify my amendment. I can never in 12 years remember any Senator being refused the right to modify an amendment, but perhaps we are playing by new rules these days. I know what goes around comes around in this body. I regret that.

But I believe on its face our substitute amendment is clear, it is definitive, it will stand the test of time, and it will prevent what we hope to prevent, which is the first major law which decides when life begins.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

Mr. DEWINE. Madam President, once again, I want to bring this debate back to its essence. I am afraid so much of the debate from the other side has been about motives—by quoting, with all due respect, the L.A. Times about peripheral issues.

Our intent, if you want to go by intent, is very simple. Our intent is to bring about justice for the victims of crime. Our intent is to bring about justice for the mother and for the child—for the unborn child as well as the mother. It is to conform with what the vast majority of the American people believe; that is, when a pregnant woman is assaulted and she either loses that child or that child is injured, there are, in fact, two victims. It is as simple as that.

On the abortion issue, let us be done with this once and for all. This bill has nothing to do with abortion. The language could not be simpler.

Let me read to the Members of the Senate and invite anybody to read it.

Nothing in this section shall be construed to permit the prosecution of any person with conduct relating to abortion for which consent of the pregnant woman or a person authorized by law to act on her behalf has been obtained or for which such consent is implied by law.

Two, of any person for medical treatment of the pregnant woman or her unborn child, or of any woman with respect to her unborn child.

It is very clear. My colleague argues that this language is going to somehow roll back abortion rights. That is a debate for another day. It is not a debate for today. That language in this bill is very clear.

If this language was a threat to abortion rights, then the language in 29 other States would have been a threat. We have 29 States that recognize fetal homicide law. The language in 16 of those States is virtually identical to the language in this bill.

If the language in this bill was a problem for abortion rights, then it would have been a problem with these other States.

Also, there are some States that have had this language on the books for 30 years, and it has not been a problem for abortion rights.

That is just a bogus issue. Let us stop talking about it, and let us talk about what the issues are.

Let me get back to the two points that I made before. I want everyone to understand the Feinstein amendment. One is not in debate, and one my colleague and I do debate. One I think is not in debate at all; that is, the Feinstein amendment does not recognize a second victim. It goes against good common sense.

Ask someone back in your home State, if a pregnant woman is assaulted and she loses her child, how many victims are there? There are two. If you ask the average person in your State—whether your State is Ohio, California, wherever it is—the average person on the street is going to say: Senator, there are two victims.

That is all we are saying with this bill. We are trying to close a loophole so that if a pregnant woman who is hiking in a national park or is out walking in a national park or a pregnant woman on an Air Force Base—we are not making these stories up. This happens. Pregnant women are attacked all the time. I saw it as a county prosecutor. You ask any county prosecutor—yes, any police officer, anybody who is a victims rights advocate—how often pregnant women are attacked, a pregnant woman who is in a national park, a pregnant woman who is on Federal property and is attacked. What we are simply saying is that it is wrong if a national park or Federal property is in a State that does not have a similar law to this. It is wrong for that Federal prosecutor searching in vain the Federal statutes to find a law for which he can charge that person with the death of a fetus, a child—whatever word you want to use. It is wrong. That happens today. We are closing that loophole.

When this law passes, that won't happen anymore. A Federal prosecutor will be able to say, when law enforcement people come in and they have that case where a woman has been violently attacked, she has been injured but the

child has been killed, they will be able to charge for death of that child. That is the right thing to do. They will be able to file two charges, recognize two victims, and recognize that reality. That is what this does.

Let me state the second thing about the Feinstein amendment. Look at the amendment.

We have to go to the penalty section. This is the Feinstein amendment.

Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the pregnant woman.

Remember, this is a criminal law. I go back to my days as a prosecutor: You have to construe a law strictly. When it is a criminal law, you construe it in favor of the defendant. You give every benefit of the doubt to the defendant. If this is vague, there is a problem for the prosecutor. We have a problem with this one. A serious problem.

We have a letter from the Justice Department that says there is no penalty under the Feinstein amendment. Let's look at this carefully and see why: ''Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as that punishment provided for that conduct under Federal law had that injury or death occurred to the pregnant woman.''

What injury or death? The problem under the Feinstein amendment is it does not recognize the baby or fetus. Who are we talking about? Read this section above. It talks about ''termination of a pregnancy or the interruption of the normal course of pregnancy.'' It does not recognize two assaults, two injuries, two people. There is nothing for it to reference to. With all due respect, it is not drafted right. If we pass the Feinstein amendment, with all due respect, not only are you not recognizing a separate victim—which we all agree on—but, worse than that, there is no penalty for killing the unborn; there is no penalty for injury.

I have already pointed out, and we looked at the language, why there is no penalty at all for injury. That is clear when we look at this: ''causes the termination of a pregnancy or the interruption of the normal course of pregnancy, including termination of the pregnancy other than by live birth,'' et cetera.

Clearly, that is no reference to the injury. What word here has to do with injury? Nothing. Clearly, this has nothing to do with injury. Any child who is injured, not killed, would not be covered. And in the paragraph below, there is no penalty at all.

If we get by that, which we cannot, but even if you get by all of that, you have the problem of the lesser included offense. We cannot get by that. But take one more problem, assuming you could get by that. There is another reason the Feinstein amendment fails to create a separate punishable offense to terminating pregnancy. All it does is recognize attacks on an unborn child under the label of ''interruption or termination of pregnancy,'' then tacks that label on as an element to any one of the 68 Federal crimes specified. The result is a new series of offenses identical to the previous 68, except for the addition of that one element.

For example, now a criminal could face a Federal charge of assault with the result of termination of pregnancy as well as the original charge of assault. This is important. But because he could be charged with both does not mean he could be convicted and punished for both. Instead, he would be protected by a legal principle known to lawyers as lesser included offenses. That principle protects a defendant from being convicted in and punished for a whole series of crimes that are all a subset of a lesser crime.

We know, for example, the crime of manslaughter and murder. We know one defendant cannot be convicted of both charges for the death of only one victim. If someone is guilty of murder, then he or she must have been guilty of all the components of murder, including the components that made him guilty of manslaughter, but that person, of course, is not convicted of both. You cannot be convicted of both manslaughter and murder. If a man is convicted of a felony for stealing $10,000, he is not also found guilty of the misdemeanor of having stolen $500.

Of course, we can convict one criminal of the murder and manslaughter of two separate people because the laws of these crimes differ on one critical point: They have different victims. That is the difference between our bill and Senator FEINSTEIN's amendment. Ours does not have that problem because we recognize two victims. Her amendment does not. Therefore, it is fatally flawed under this principle. Therein lies another problem.

The bottom line is the Feinstein amendment is fatally flawed. It has no penalty section, as well as not recognizing there is a separate and distinct victim.

The Justice Department analyzed and came to the same conclusion. Again, it is a vague amendment. They come at it a little differently, but here is what they say in a letter of March 24:

Additionally, by omitting any reference to the unborn child but retaining language contained in H.R. 1997 as introduced, the substitute appears to create an ambiguity that likely leaves an offense, could one be found, without a corresponding penalty. The substitute provides that punishment for an offense prescribed by the legislation is the same as the punishment provided under Federal law had the ''injury or deaths occurred,'' to the pregnant woman.

In H.R. 1997, the object of the ''injury or death'' was the unborn child. However, in the substitute the injury or death provision has no object because the only victim under the substitute is the woman herself. Because there are currently no penalties in federal law for the offenses of ''termination of a pregnancy,'' or ''the interruption of the normal course of pregnancy,'' there would be no penalty even assuming that a successful prosecution could be brought.

They have analyzed it a little differently than I did, but they come to the identical conclusion for the same reason. Again, it goes back to this sentence in their letter, ''However, in the substitute, the injury or death provision has no object because the only victim under the substitute is the woman herself.''

That is the problem. That is what we have.

Members who come to the Senate and vote on this Feinstein amendment, which is the key vote, need to understand three things: One, abortion has nothing to do with this debate. We have covered that in the language of the bill. But more important is the precedent in the States has already been set. States have bills like this. They have not interrupted people's rights under the Supreme Court in regard to Roe v. Wade and all the other court decisions. It has not interrupted rights having to do with abortion. It has nothing to do with abortion. That is No. 1.

No. 2, the Feinstein amendment fails to recognize what everybody in this country knows: When a woman is attacked, there are two victims.

And No. 3, the thing to remember is the Feinstein amendment carries no penalty. So we will be saying if the Feinstein amendment is passed, we are turning our backs on these victims. We are turning our backs on the unborn, these kids who are, in fact, injured or killed.

I yield the floor.

Mr. TALENT addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. Madam President, I yield to my colleague.

Mr. TALENT. Two or three minutes?

Mr. DEWINE. Yes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Madam President, I very much appreciate the Senator yielding and also the courtesy of the Senator from South Carolina who, I know, was expecting to go next. For that reason, I am going to be very brief.

I want to say a few words about what I understand us to be doing today and the importance of it. As I understand it, what we are doing today is conforming Federal law to the common understanding of people around the country, and certainly in the heartland where Missouri is and, indeed, the practice of most of the States.

If a man takes a woman across State lines—let's say she is his girlfriend, and she has gotten pregnant, and he does not like that fact—and he assaults her, hits her in the stomach or something, with the intention of getting rid of the baby, and his act of violence has the intended effect and the baby dies, what we are saying is he has claimed

two victims. He has hurt mom, or maybe done worse to her, and he has killed the baby, which is what his intention was to do.

I think all of us recognize the seriousness of that kind of offense and acknowledge that an offense like that against a pregnant woman, and directed at the baby, is more serious because of the status of pregnancy and because of the existence of that child than it would otherwise be.

So far I think we are agreed. My friend, the Senator from California, wants to call that second offense the ''interruption'' of a pregnancy rather than the claiming of the life of a child.

I appeal to the Senate, and to the country, through the Chair, and ask what our understanding is, what our instinctual reaction is to that kind of a crime.

When a woman loses a child in that kind of instance, she has not lost a pregnancy, she has lost a child.

Earlier in our marriage, my wife had several miscarriages. She did not think of it as losing a pregnancy. She lost children. That is why people have memorial services sometimes—often—in cases like that. That is why they go through a grieving process. That is why they may get counseling.

I do not see why, with the greatest respect to the substitute amendment and to the Senator from California, why we cannot conform Federal law to that common understanding. I think we should.

I understand the sensitivity on the issue of abortion. I really do. I think the Senator from Ohio and the Senator from South Carolina have tried to structure this bill to avoid those sensitivities. It is hard to do.

But just because—for overriding reasons of public policy that some here adhere to very strongly—we cannot recognize the status of this child when mom, for reasons that she thinks are justified, believes she must end the pregnancy, it seems to me, it does not mean we cannot accord the child the dignity of the status of a human being when the child has been the victim of a vicious act of violence against both mom and the child.

I thank my friend again for allowing me to intervene for a moment. I yield the floor.

Mr. DEWINE. Madam President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Madam President, I thank the Senator for yielding. I may take a few minutes, I say to the Senator from Kansas, to explain my relationship to this bill and why I am here today.

No. 1, I want to thank the leadership for allowing the bill to come to the floor. Senator FRIST and Senator MCCONNELL and our leadership team has worked hard with Senator DASCHLE to get an agreement so we could come to the floor and debate what I think is an important issue, and to allow Senator FEINSTEIN to have her say about how we should craft this bill.

In July 1999, this bill was first introduced in the House. I was the author of the bill. Before I came to Congress, I spent some time in the Air Force. Senator DEWINE has taken the cause up in the Senate since it was first introduced. I really appreciate all that Mike has done. He has been very sympathetic to what we are trying to do. He was leading the charge in the Senate as this bill was being debated and voted on in the House.

But prior to getting into politics, from 1982 to 1988, I served as a prosecutor and a defense attorney in the U.S. Air Force domestically and overseas. During that experience, I realized at the Federal level there was a gap in law.

We had a case involving a pregnant woman who was beaten up, and her child was lost, and she was almost killed. I looked into the idea of charging the offender with the damage done to the unborn child, and under the Uniform Code of Military Justice there was no way to do that. So I was sensitive to it from a prosecutor's point of view early on in my legal career.

When I got to Congress, there was an effort in some States to create unborn victims statutes, and I associated myself with that effort federally. A lot of pro-life people came over and were very supportive of what we are doing. That is true. Pro-life people generally like the idea of protecting unborn children whenever they can.

Pro-choice people are very sensitive to the fact that a woman should decide what to do with her body in an intimate situation like a pregnancy. I understand that debate clearly.

I am a pro-life person, so I have biased there. But having said that, there are pro-life people who hate this bill. It surprised me, but it is true, because in the bill, we wrote it in a way that abortion is not covered at all. As a matter of fact, we preserve, under the current law—under this bill—the right to have a legal abortion, and you cannot prosecute the mother under any circumstances.

There are cases out there where mothers are being prosecuted who abuse drugs and alcohol and do damage to their children. What I wanted to do was to focus on what I thought we all could agree on, to a large extent. The law in abortion and the politics of abortion really do not play well here because we are talking about criminal activity of a third party. I do not know why you would want to give a criminal any more breaks than you had to if they go around beating on pregnant women.

And people say: Well, don't they have to know if the woman is pregnant? No. Why? The law is really common sense. If you attack a woman of childbearing years, you do so at your own peril. If you push somebody, you do not know if they have a severe medical condition. You are liable for the consequences of your actions.

There are plenty of cases that say, if you attack a woman of childbearing years, you do not have to have actual knowledge. You are responsible for the consequences of your illegal act.

In a poll, when people were asked, if a violent, physical attack on a pregnant woman leads to the death of her unborn child, do you think prosecutors should be able to charge the attacker with murder for killing the fetus, 79 percent said yes; 69 percent of pro-choice people, in that poll, said yes.

Why would a pro-choice person support this legislation? It passed three times in the House. The first time we had it up for a vote was September 30, 1999, I believe. Madam President, 254 folks voted for the bill in the House, as I recall. I assure everyone listening to my voice today, there are not 254 pro-life people in the House. Madam President, 52 Democrats have voted for this bill.

The parties tend to split on the issue of abortion, with the Democratic Party being more pro-choice and the Republican Party being more pro-life. But we had Democratic support, and we had pro-choice people supporting this idea that when it comes to criminal activity, we are going to define the unborn in terms that make it hard on the criminal—not hard on the mother.

You can never prosecute a woman for anything she does to her child, no matter how much you would like to, under this bill. I did not want to get into that debate. You can never ever prosecute anybody for receiving medical treatment related to their pregnancy or lawful abortion.

For over 30 years, in the State of California, two things have coexisted: the Roe v. Wade rights of a woman and a statute that will allow you to do what is happening in California today—prosecute a person for doing damage to the mother and the unborn child, such as the Laci Peterson case.

This has been a long journey. This July will be the fifth anniversary of the time that I introduced this bill. Back in 1999, I remember saying on the floor of the House there will be a case where a pregnant woman is brutalized and she loses her child and it will be front-page news.

The reason I said that then is, having been a prosecutor and a defense attorney, I understand the following: There are a lot of good people in this world, but there are some mean people, too. This happens more than you would ever want to believe. The No. 1 cause of death among pregnant women in the District of Columbia is murder. As much as we would like to believe otherwise, pregnant women have things come their way because of their pregnancy that shocks the conscience.

In Arkansas, there are three people sitting on death row today because they were hired by the boyfriend, who didn't want to pay child support, to kidnap his girlfriend, who wanted to

have the child, took her off to a remote area and beat her within an inch of her life with the express purpose of killing the child. And when she was on the floor, she begged for two things: Her own life and her baby's life. Those people under Arkansas law were charged with two crimes, making them eligible for the death penalty. They deserve to be.

Under this bill, you cannot get the death penalty. The reason I chose not to include the death penalty is, I did not want to get into the death penalty debate because people of goodwill and good reasoning may disagree with the State imposing that punishment. The Senator from California cares as much about pregnant women as anybody here. This is not about who cares about women and who is trying to do this or that. Her amendment may not be written the way she would like. I would oppose it, if it was changed.

It happens in America more times than you would ever believe that pregnant women are the victim of violent assault and their children get killed or severely injured.

That concept can and does exist with the idea that a woman, early on in the pregnancy, can choose whether to carry that child. These are two concepts the law recognizes that exist side by side.

Why do 84 percent of the people believe a criminal should be prosecuted twice, not once? Because it really does violate common decency. If a woman chooses to have a baby and she loses her baby because of a violent act, most of us, a large percentage of us, want to whack the person who did it as hard as we can. And we don't want to get into the debate about abortion. We want to make sure the prosecutor has the tools to bring about the most severe and just verdict possible.

This bill excludes abortion. It excludes the death penalty for political reasons and legal reasons. Pro-life people have criticized me because in this bill, in their opinion, I am legalizing abortion. This bill doesn't legalize abortion. This bill doesn't ban abortion. This bill says: If you are a criminal and you attack a pregnant woman and you hurt her kid, you will get the full force of the law.

What is going on in California? In 1999, when I said there will be a woman out there who suffers brutally and loses her child and we will all know about it because it will be front page news, I never dreamed it would happen so quickly. I never dreamed it would be so vicious. The authorities investigating the Laci Peterson crime have two pieces of evidence to offer the jury: The decomposed body of the mother and the decomposed unborn child late in the pregnancy. It is important the jury know about both. It is important the criminal be held accountable for both. We will debate abortion another day.

Sixteen States define life under the same legal terms I chose when we wrote this bill. That is as to the criminal world, if the pregnancy comes to an end and the unborn child's right to develop comes to an end because of third-party criminal activity, we are going to hold you legally responsible at the earliest onset of pregnancy. The Roe v. Wade standard makes no sense. Why give a criminal a benefit of the legitimate debate of abortion?

Thirteen States define it in stages. California, I think by law, defines the unborn victim statute at the sixth week of pregnancy. Some States, one or two, have the term ''viability.'' There is a sliding scale. But the dominant way to define this in State law is the way we have chosen to define it in this bill. This chart illustrates how the States break out.

There is another situation I would ask you to think about. Let's say there is a woman on death row. She is pregnant for whatever reason. How many people would let the execution go forward knowing the woman is pregnant? Think about that. What good would it do to allow the execution to go forward if you knew the woman was pregnant? Would you wait?

Here is what I suggest to you, if any State or the Federal Government decided to impose the death penalty on a woman who was pregnant during any stage of the pregnancy, there would be a riot in the street—among pro-choice people, too, because what good would it do at any stage of the pregnancy to have the State kill the kid? You are not enhancing Roe v. Wade. You are not advancing the abortion debate. You are doing something you don't need to do.

The definition that was used in the Innocent Child Protection Act of 2000, which I was involved in drafting, is the same definition that is in this bill about the unborn child. It passed 417 to nothing. To me, that makes perfect sense. Four hundred seventeen pro-life people do not exist in the House of Representatives. But when faced with the question, should the State wait if a woman is pregnant, even at the earliest stages of pregnancy, 417 people said yes.

The reason I mention this to you is, when it comes time to prosecute people who unlawfully attack a woman at the earliest stage of pregnancy, why should they get a pass? What good have you done? It does not change the abortion debate. Roe v. Wade rights still exist. All you have done is allow someone to interrupt another person's life, take something of value, and they get a pass because you are mixing concepts that don't need to be mixed. That is why over 50 pro-choice people voted for this bill in the House.

That is why if we ever get to final passage, we are going to have a bipartisan coming together of pro-life and pro-choice people to say one thing loud and clear: If you attack a woman of childbearing years where Federal law applies, you do so at your peril, and you are going to suffer the full consequences of your action. And the full consequences of that action could be the loss of the child and the loss of the mother or a combination thereof.

Why not sentence enhancement? I think there is a reason under the law that no State has gone down this road. Sentence enhancement would say the following: You get a stiffer penalty if the woman is pregnant, but you don't talk about the consequences in terms of the victim's life. That is an artificial distinction that I think denies justice.

This was a statement by Kent Willis, executive director of ACLU, and I disagree with this statement:

> That baby was not a murder victim.

He was talking about the Laci Peterson case, the son Connor. I think Connor was a murder victim. The point I guess I am trying to make is that when people talk about what happens to them, the law, wherever it can, should address the full range of what really happened to them.

There is another case you don't know about because it didn't get nearly the publicity, but it is just as real. It is a good example of why we need this statute.

Michael Lenz and his wife were expecting their first child. She worked in the Federal Building in Oklahoma City. She was in the midstages of her pregnancy. She went to work early the day of the bombing to show an ultrasound to her colleagues of their baby. That was going on at the moment the bomb goes off. She was killed. Michael Lenz III was killed. They had already named their little baby boy.

The father came before my committee when I was in the House to testify for this bill. He said: I am no expert on abortion, but here is what happened to my family. My wife was killed, and at the same moment I lost my son, Michael Lenz III.

The reason they lost their son is not because of Roe v. Wade rights; it was because of a third party crazy man, a criminal, who destroyed many lives that day. When you look at the victims of the Oklahoma City bombing case, when it came time in Federal court, you don't find a place for Michael Lenz III. If this bill had been law, there would have been 22 people, not 21 people, that would have been before the court. I cannot say it any better than that.

In terms of Michael Lenz and all the other victims who testified in support of this legislation, sentence enhancement doesn't speak to what happened to them. From a prosecutor's point of view, it makes all the difference in the world to have two charges facing the accused versus one. It gives you more leverage than you could ever dream of. Ladies and gentlemen, in cases like this, it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I yield as much time as she requires to the Senator from California, Mrs. BOXER. She was here a moment ago.

Mr. DEWINE. Madam President, I inquire of the Chair, how much time does each side have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 58 minutes. The Senator from California has 62 minutes.

Mr. DEWINE. Sixty-two?

The PRESIDING OFFICER. Right.

Mr. DEWINE. Thank you. Madam President, I yield to the Senator from Pennsylvania 5 minutes.

Mr. SANTORUM. Madam President, I thank the Senator from Ohio. If Senator FEINSTEIN's speaker arrives, I will be happy to abbreviate my remarks to accommodate the other side of the aisle.

I wanted to congratulate Senator DEWINE and Senator GRAHAM, who have really worked hard not just on this legislation, but getting this legislation to a point where we can have an up-or-down vote, have a vote on the amendments, and let the Senate work its will. That is one of the things we have not seen done in recent weeks. We have had an opportunity here on a very important issue to have the Senate's will be done. I also congratulate Senator FRIST and Senator MCCONNELL and the Democratic leaders for allowing us to debate this issue. This is an important debate.

I think Senator GRAHAM, who I had the privilege of listening to for a few moments, summarized it very well. The issue is, how many victims are there? Do we recognize the loss of a child in the womb, a child who is anticipated, is wanted, and whose life is very real to the mother and father and the family? When that life is taken away by a third party, do we recognize that child's existence in the law?

I don't think anyone would doubt that when a woman who has a child in the womb is attacked and injury comes to that child, another person is affected. If the child dies, that child is affected. There is something that goes on to another human being. The issue here is whether we are going to recognize that in the law. I agree with the Senator from South Carolina that it has nothing to do with abortion. It is specifically excluded from this legislation. So why do all of the abortion rights activists have a problem with this legislation?

It comes down to the very issue, do we recognize the humanity of a child in womb? How far would we go to protect this right to an abortion? Do we go so far as to even deny the existence of a child who is not subject to abortion? How far do we go to protect this right, the supreme right above all, the right to an abortion, a right that can have no restriction on it? In fact, it cannot even have a restriction that is not at all applicable to it. So, in other words, we cannot even talk about this, or some way, through some logic, attack the issue. We have to deny under every circumstance that the child in the womb is a human life. That is what this is about.

This is all about denying the humanity of the child. We just cannot contemplate that in our laws. We cannot have any admission anywhere in law that says what is inside the woman's womb is a child—when, of course, we all know that is exactly what it is. But we cannot express that legally. If we do, somehow or another, this right to abortion may be threatened down the road. Who cares about what harm we may bring? Who cares about what harm we may bring to a mother whose child is injured or what harm we may bring to the family who may lose or have an injury to a child in womb? Who cares that we cannot bring somebody who has done violence to a child in the womb to justice? All of those things are worth ignoring to protect this right that is not even at stake today.

This issue, as I have said many times, is a cancer. I thought at first it was a cancer that ate away at us in how we view the relationship between the mother and the child, but it is worse. It is a cancer that reaches in and infects even areas that have nothing to do with abortion.

We need to let common sense reign in the Senate today. The common sense is, this is a child who is loved and wanted by the mother. This is a child who, in many cases, has been given a name, such as Conner Peterson, and this is a child who deserves the dignity of recognition by our society.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SANTORUM. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I appreciate my colleague from California permitting me to go before her.

I rise today to urge my colleagues to vote in favor of the Unborn Victims of Violence Act. The importance of this issue has been made tragically clear by the grisly murders of Laci Peterson and her unborn son Conner. I met with her mother again yesterday and was very impressed with her and how she is handling this situation.

This bill will ensure Federal law appropriately protects unborn children from assault and murder. It has passed the House of Representatives by a strong bipartisan vote of 254 to 163. I believe the Senate should give similar overwhelming approval.

Before I begin the substance of my remarks, I commend Senators DEWINE and LINDSEY GRAHAM for their longstanding and essential leadership on this most important issue and for drafting the legislation that is before us today. This issue has already been addressed in many States across the country. In fact, in my home State of Utah, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to the unborn child, the criminal faces the possibility of being prosecuted for having taken or injured that unborn life. Twenty-eight additional States have similar laws on the books. Sixteen of those States recognize the unborn child as a victim throughout the entire period of prenatal development. This is only proper and, it seems to me, only just.

However, there is a gap in the law under existing Federal criminal statutes. Current Federal law provides for no additional criminal penalty when a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to that unborn child. It is time Congress eliminates this unjustified gap in the law.

This bill bridges this existing gap, and it does so in a way that protects the rights of the States. It creates a separate Federal offense to kill or injure an unborn child during the commission of certain already defined Federal crimes committed against the unborn child's mother.

Importantly, because this bill only applies to Federal crimes, it does not usurp jurisdiction over State law. If someone commits a crime that violates State law, but does not violate any Federal law, then State law will prevail, regardless of whether that State has laws that protect unborn victims of violence.

I cannot imagine why anyone would oppose this bill.

Some have mistakenly characterized this bill as anti-abortion. It is not, and I am not saying that because I am prolife.

Let me take this opportunity to clarify a remark I made on May 7 of last year. I am quoted as saying the bill undermines abortion rights, but that this effect is irrelevant. The point I was trying to make, and I guess I did not make it well and it has been quoted out of context many times, is there is no conflict between the bill language and Roe v. Wade. Some are prepared to bring the abortion issue into anything, any time, for any reason, even when it does not fit, such as in this case.

I do not believe this bill in any way undermines abortion rights. It certainly does not.

The bill explicitly says the Federal Government cannot prosecute a pregnant woman for having an abortion. In fact, the bill goes even further. The bill does not permit prosecution against any woman with respect to her unborn child regardless of whether the mother acted legally or illegally. If a woman chooses not to have her baby, the bill says she can have an abortion without Federal prosecution. That is how far the authors of this bill have gone. But importantly, for those women who have chosen to keep their baby, this bill says no coldblooded murderer can take that choice away from her by killing her baby and going unpunished.

Those who oppose this bill are, in effect, saying the murderer, not the mother, has the choice to take the baby away from his or her mother

against the mother's will and against the individual's will. Since the murderer will not be punished for this terrible offense, it exonerates his or her actions. That is simply not right.

I understand my dear friend Senator FEINSTEIN says this bill somehow threatens stem cell research. It does no such thing. I have been a supporter of embryonic stem cell research, and everyone in this body knows it and I guess most scientists throughout the world know that. I have been proud to stand shoulder to shoulder with Senator FEINSTEIN, Senator SPECTER, Senator KENNEDY, and Senator HARKIN on stem cell research. I believe we are right on that issue. But this bill in no way impedes stem cell research. This bill is about stopping and punishing heinous crimes.

Why would I support Laci and Conner's law if it jeopardized that research? The words ''stem cell research'' are nowhere in the bill. This is a criminal law, not an abortion law.

As I have said on many occasions, it is my view life begins in a mother's womb. What this bill does is penalize those who act to viciously end that life in the womb or any life in the womb.

Senator FEINSTEIN, the distinguished Senator from California, suggested this bill somehow may result in assigning legal status to the term ''embryo.'' But I cannot find the term ''embryo'' anywhere in the bill. Nor for that matter can I find the term ''embryo'' in the amendment put forth by the distinguished Senator from California, Mrs. FEINSTEIN.

In short, this bill does not affect abortion, embryos, or, for that matter, stem cell research. There is no legislative intent here to prosecute researchers working on stem cell research—none whatsoever.

I have the utmost respect for my dear friend from California, and she knows that. We have worked together on many issues during her 12 years on the Judiciary Committee. I admire her and appreciate working with her on so many of these issues. I admire her judicious way in fighting for the issues in which she believes, even when we disagree. If her bill truly considered the same crime, I would give strong consideration to supporting it. But it does not. It tries to do it, but it does not.

The phrase ''interrupt a pregnancy'' is overly vague and will probably be struck down by the courts on that ground. Because of this vagueness, the courts may well interpret the Feinstein amendment as providing no additional penalty for a crime committed against a fetus.

Some will try to claim this weakens domestic violence laws by averting attention to the unborn. That is simply not true. I am a strong supporter of domestic violence laws and, along with Senator BIDEN, was the main writer of those bills. I believe domestic violence is an evil plague that needs to be stopped.

My commitment to this issue has been longstanding. As many of my colleagues are aware, I was an original cosponsor of the Violence Against Women Act over a decade ago, and I have tirelessly fought in countless venues to protect the rights of women. This bill furthers that cause.

For many years, I have worked hard on the issue of domestic violence and violence against women, and when I stand here today before the entire Senate and offer my support for a bill, I certainly make sure that bill does not diminish in any way our capacity to curb domestic violence and protect women.

The bill before us strengthens the rights of women and provides those who fight against domestic violence with another tool in their arsenal to go after abusers. This bill focuses attention on both a pregnant woman and her child. Before the Government could prosecute someone for hurting the unborn child, it would first need to prove the pregnant woman was hurt. In other words, the Government needs to prove 1 of 68 enumerated predicate Federal crimes against the mother before it could obtain a conviction under this provision of this bill.

Moreover, this provision empowers abused women because it gives the Government a greater arsenal of prosecutorial tools to put the abusive spouse behind bars for a longer period of time. Many today will talk about the Peterson case. Suffice it to say that the public reaction to that case underscores the widespread support for the changes that we are making with H.R. 1997.

A news poll taken last April consisting of an almost even split of pro-life and pro-choice individuals indicated that 84 percent—let me repeat that, 84 percent—believed that Scott Peterson, who is currently on trial for the murder of his wife, should be charged with two counts of homicide for murdering his wife and unborn son.

California law permits criminals to be charged with murder for killing an unborn child when that child has developed past the embryonic stage. The tragic murder of an innocent unborn child is so shocking and so disturbing that regardless of any stance on abortion, the vast majority of all Americans strongly believe an unborn life taken in murder should result in murder charges brought against the perpetrator.

It is only fair and just to ask for our Federal judicial system to incorporate this strong desire of the vast majority of the American people on this issue.

I urge my colleagues to vote for H.R. 1997. I urge my colleagues to vote against amendments to H.R. 1997. Do it for Laci and Conner Peterson and for thousands of others in similar situations who have been abused. Do it for all women who have chosen to have their baby and are having that choice taken away from them by a cold-blooded murderer. Most of all, do it because it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Utah because he promised me he would keep within the 15 minutes so that I could get the floor at this time, and I appreciate his cooperation.

I also thank my colleague, the senior Senator from California, Mrs. FEINSTEIN, for her great leadership on this issue. I also have to express a little bit of dismay that she was not able to modify her amendment. It kind of gives one a clue that the people on the other side have a different agenda when they say they are not going to allow a colleague they respect and admire to send a modification to the desk.

So I thought I would want to place that on the record because we remember. These things we will remember because it is not right to not allow a colleague to modify an amendment that she has written. So the next time the other side wants to do it, we will have to think a bit. It is just sad. It is not the way the Senate should work.

Senator FEINSTEIN has yielded me 10 minutes of her time, so if the Chair would tell me when I have used 9 minutes, I would appreciate it.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mrs. BOXER. I am very much in favor of enhanced penalties for those offenders, those criminals, who harm pregnant women. I think Senator FEINSTEIN's substitute amendment is one that does exactly that. What I do not support are the efforts of some Members of this body who clearly are the leaders of the anti-choice movement in the Senate. We have heard from them seriatim. They have just come right down and spoken. I do not support what they are trying to do, which is to undermine pro-choice laws, particularly Roe v. Wade.

Now, one can dress up a bill to make it look like anything one wants, but the so-called Unborn Victims of Violence Act, although they try to dress it up as a criminal statute designed to deter violence, I think has tremendous weakness in the way it is written and in the way it would prosecute a violent criminal who harms a pregnant woman. It is another effort to undermine Roe v. Wade, which as we know, has given women in this country the right to choose, and it is a very important right of privacy.

How do I know this is the supporters' motivation? It is easy for me because if they wanted to create a law that says we believe that a pregnant woman should be protected and we want to punish someone who harms a pregnant woman, it is a pretty easy thing to just support Senator FEINSTEIN's amendment. It is clean; it is clear; she doubles the penalties just as they do in their bill. She avoids the issue, however, of a woman's right to choose, which this is not about. There is nothing about that in this bill.

The substitute that Senator FEINSTEIN has offered to us, which is like

H.R. 1997, creates a separate offense when someone harms a pregnancy or terminates a pregnancy while in the commission of a violent Federal crime. That is very important to do because these crimes are heinous and all the more heinous if a woman is pregnant. As the author of the Violence Against Women Act in the House and working with Senator BIDEN for 10 years to get it through the Senate and the House and get it signed into law, Senator FEINSTEIN's bill is in tune with that point that we will not stand by and allow violence against women. Particularly if a woman is pregnant, it makes the crime more vicious and it doubles the penalty for such a crime. It creates the same separate penalty for this separate crime, a maximum of 20 years for harm and a maximum of life in the event a pregnancy is terminated. It does not require proof that the offender had knowledge of the woman's pregnancy.

The sole difference between the substitute that Senator FEINSTEIN is offering and the Unborn Victims of Violence Act is that they want to bring in the issue of a woman's right to choose, and they want to make this bill about a woman's right to choose.

What on Earth does this have to do with a woman's right to choose? Nothing, not a thing. Senator FEINSTEIN's substitute focuses on the pregnant woman. That is the issue, the pregnant woman. So one wonders why the other side cannot accept it. The answer is simple. Again, they are trying to make this about abortion, not about convicting a criminal.

I want to correct something. When I referenced the House bill, I meant to reference the Zoe Lofgren bill—and I am not sure of that number—not the House bill that is identical to Senator DEWINE's bill. ZOE LOFGREN in the House had a similar bill to Senator FEINSTEIN's bill. That bill got a lot of support but not enough support.

Again, it is very simple why people over there who are anti-choice did not support the Lofgren bill, and they do not support the Feinstein bill, because they want to make this about abortion and they want to undermine Roe v. Wade and a woman's right to choose.

I am a little bit shocked because the experts who have written to us have told us that the bill that the anti-choice Senators are supporting would make it harder to convict a criminal.

For example, Peter Rubin, visiting associate professor at Georgetown Law Center, when he testified before the House Judiciary Committee, said:

> The phrase ''child in utero'' is ambiguous and would actually aid an offender in avoiding prosecution.

Imagine. It seems to me the other side is so anxious to undermine Roe and to confuse the subject and to make this bill about abortion, they are willing to pass an ambiguous bill which would actually aid the offender, the criminal, and would actually allow some heinous criminal to go free.

I ask unanimous consent that Peter Rubin's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGETOWN UNIVERSITY
LAW CENTER,
Washington, DC, July 21, 1999.

Re H.R. 2436, The Proposed ''Unborn Victims of Violence Act of 1999''—written testimony of Peter J. Rubin, Visiting Associate Professor of Law, Georgetown University Law Center, before the Subcommittee on the Constitution of the House Committee on the Judiciary.

I have been asked by this subcommittee to review and comment upon H.R. 2436, which would create a separate federal criminal offense where criminal conduct prohibited under a list of over sixty federal statutes, in the words of the proposed law ''causes the death of, or bodily injury . . . to a child, who is in utero.'' I am honored to have the opportunity to convey my views to the subcommittee.

Where an act of violence against a pregnant woman results in a miscarriage, that act of violence has wrought a distinct and unique harm in addition to the harm it would have done had the woman not been pregnant. Similarly, injury to a baby that may result from unlawful violence perpetrated upon its mother when it was a fetus in utero is something from which government may properly seek to protect the woman and the child.

Consequently, although many states adhere to the traditional rule that the criminal law reaches only conduct against a person already born alive, some states have enacted laws that penalize conduct that may kill or, in some cases, injure, a fetus in utero. One example is North Carolina's state statute which provides that ''A person who in the commission of a felony causes injury to a woman, knowing the woman to be pregnant, which injury results in a miscarriage or stillbirth by the woman is guilty of a felony that is one class higher than the felony committed.'' (N.C. Gen. State. §14–18.2.)

If the members of Congress conclude that causing injury in this way during the commission of a federal crime warrants additional punishment, it, too, could adopt such a provision. Indeed, it seems as though this is one area on which both sides of the debate about abortion might be able to find common ground in supporting a properly worded statute that might give additional protection to women and their families from this unique class of injury.

As currently drafted, however, the proposed statute differs from some state laws on this issue in two critical respects. First is its use of the phrase ''child, who is in utero'' to describe the fetus. This is not the ordinary way statutes refer to fetuses in utero. Indeed, the proposed law appears to be unique in its use of this formulation. The use of this language will likely subject H.R. 2436 to legal challenge, and will likely render the proposed law ineffective in preventing and punishing acts that harm or kill fetuses being carried by pregnant women.

Second is the bill's treatment of the fetus solely as a separate victim of certain federal crimes. This approach is different from that taken by some states that have enacted criminal laws addressing fetal injury or death in that it fails to focus at all on the woman who is the victim of the violence that may injure or kill the fetus. It would be far easier to reach common ground with an approach that takes account of the place of the pregnant woman when acts of violence against her lead to fetal injury or death. Indeed, the approach taken by the current statute may lead to some unintended results, and is not consistent with the treatment of the fetus in the American legal tradition.

To begin with, the proposed law refers to ''a child, who is in utero at the time the conduct takes place.'' Because it uses these words, the proposed law would likely result more in useless litigation about the statute's meaning than in the prevention and punishment of conduct that results in fetal injury or death. Its use of the phrase ''child, who is in utero'' may give a defendant an argument that the statute is ambiguous, and that he lacked the notice of what acts are criminal that is required by the Due Process Clause of the Fifth Amendment. Does it mean the statute applies only to the injury or death of a ''child,'' that is one who is subsequently born, but who was injured in utero? Does it refer to a fetus past the point of viability? Does it refer to a single-cell fertilized ova that has not yet implanted in the uterine wall? The statute does not tell us.

Even if the law is not held inapplicable because of unconstitutional vagueness, the Supreme Court has articulated a doctrine known as the doctrine of ''lenity.'' Rooted in part in separation of powers concerns, this doctrine means that an ambiguous federal criminal statute must be construed in the way most favorable to the defendant, lest an individual be criminally punished for conduct that Congress did not intend to criminalize. At best, the phrase ''child, who is in utero'' is ambiguous here, and a defendant is likely to be able to avoid prosecution for whatever conduct it is that the drafters of this law intend to criminalize.

In addition, this statute operates in a very unusual manner. It does not just increase the penalty for unlawful violence against a pregnant woman that results in the death of or injury to a fetus, nor does it criminalize injuring or killing a fetus if one has the requisite mental state and is aware of the woman's pregnancy. Rather it includes fetuses within the universe of persons who may be protected from injury or death resulting from violations of other federal criminal laws.

Many state laws address fetal injury and death only in certain circumstances, and, reflecting the unique nature of the developing fetus, many provide some penalty that is different from the penalty that would have applied had the defendant killed or injured a person who was already born. They tend also to take account of the fetus's stage of development. State feticide laws often do not treat even the intentional killing of a fetus through violence perpetrated upon the pregnant woman as murder equivalent to the murder of a person who has been born. Some, like North Carolina, enhance the penalty for the underlying criminal conduct. Others treat even intentional feticide only as manslaughter. Thus, in Mississippi, for example, the law provides that ''The wilful killing of an unborn quick child, by an injury to the mother of such child, which would be murder if it resulted in the death of the mother, shall be manslaughter.'' (Miss. Code. Ann. §97–3–37.)

The proposed law by contrast says that whenever causing death or injury to a person in violation of a listed law would subject an individual to a particular punishment, he shall be subject to the same punishment if he causes death or injury to a fetus. This is true regardless of the stage of fetal development. Whatever its rhetorical force, the proposed law would lead to some unusual, and probably unintended, results. To give just one example, under the Freedom of Access to Clinic Entrances Act (''FACE''), 18 U.S.C. §248,

one of the statues listed in H.R. 2436, if an individual who is engaged in obstructing access to an abortion clinic knocks a pregnant woman to the ground during a demonstration, he is liable to imprisonment for up to one year. If he causes her ''bodily injury'' when he knocks her down, he would be subject under FACE to a ten-year term of imprisonment. Under the proposed law, however, if she miscarried as a result of being knocked down, he would be subject to life imprisonment, the same as if his action had caused the death of the woman herself.

In addition to being far more practical, it would be fare easier to reach common ground on this issue with adoption of a statute similar to those state statutes, providing for enhanced punishments that I have described. For in addition to the practical consequences, the use of a statutory framework, that seeks to achieve its result through treating all fetuses at all stages of development as persons distinct from the women who carry them unnecessarily places federal statutory law on the path toward turning the pregnant women into the adversary rather than the protector of this fetus she carries. For although this law contains exceptions for abortion, for medical treatment of the woman or the fetus and for the woman's own conduct—exceptions that are both wise and constitutionally required—if the fetus were truly a ''person,'' there would be no principled reason to include such exceptions. Yet of course a law that did not contain them would be shocking to most Americans and both obviously and facially unconstitutional.

Finally, then, in failing to take account of the women, the proposed statute also sets federal law apart from the American legal and constitutional tradition with respect to the treatment of the fetus. As the Supreme Court has, described, ''the unborn have never been recognized in the law as persons in the whole sense.'' At common law, the destruction of a fetus in utero was not recognized as homicide unless the victim was born alive. And, of course, the Supreme Court has held that fetuses are not persons within the meaning of the Fourteenth Amendment. This is a position with which even as staunch an opponent of Roe v. Wade as Justice Antonin Scalia agrees.

In addition, therefore, to the practical and political considerations that counsel in favor of an alternative approach, the proposed law would also unnecessarily set federal statutory law on a conceptual collision course with the Supreme Court's abortion decisions. Whatever one may think of those decisions, an unnecessary conflict about them would not contribute to the important work of healing where possible the country's division over abortion.

Mrs. BOXER. Then you have Jon Jennings who in 1999 was the Acting Assistant Attorney General. He submitted a letter to Representative HENRY HYDE on behalf of the Justice Department. He also wrote the law would be hard to prosecute because of the difficulty in gathering evidence.

I ask unanimous consent to have Jon Jennings' letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 9, 1999.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on H.R. 2436, the ''Unborn Victims of Violence Act of 1999.''

Section 2 of H.R. 2436 would make it a separate federal offense to cause ''death or bodily injury'' to ''a child in utero'' in the course of committing any one of 68 enumerated federal crimes. The punishment for the new crime under H.R. 2436 is the same as if the harm had been inflicted upon the ''unborn child's mother,'' except that the death penalty is not permitted. Section 3 of H.R. 2436 would make substantively identical amendments to the Uniform Code of Military Justice.

The Justice Department strongly objects to H.R. 2436 as a matter of public policy and also believes that in specific circumstances, illustrated below, the bill may raise a constitutional concern. The Administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act (VAWA), which passed with the bipartisan support of Congress in 1994, has been a critical turning point in our national effort to address domestic violence and sexual assault. VAWA, for the first time, created federal domestic violence offenses with strong penalties to hold violent offenders accountable. While most domestic violence crimes are appropriately prosecuted at the state and local level, the Department of Justice has brought 179 VAWA and VAWA-related federal indictments to date, and this number continues to grow. In addition, the Department of Justice alone has awarded well over $700 million through VAWA grant programs since 1994, directing critical resources to communities' efforts to respond to domestic violence and sexual assault. These funds have made a difference in women's lives, and in how communities respond to violence against women. Indeed, these funds have helped save the lives of many victims of domestic violence.

If the Committee wants to make a difference in the lives of women victims of violence, it should reauthorize the Violence Against Women Act. We hope that Congress will work with us on this common goal. H.R. 2436, however, is not an adequate response to violence against women. Our three main objections to H.R. 2436 are described below.

First, H.R. 2436 provides that the punishment for a violation shall be the same as the punishment that would have been imposed had the pregnant woman herself suffered the injury inflicted upon her fetus. The Department agrees that some additional punishment may be warranted for injury to pregnant women. H.R. 2436, however, would trigger a substantial increase in sentence as compared with the sentence that could otherwise be imposed for injury to a woman who is not pregnant.

Second, H.R. 2436 expressly provides that the defendant need not know or have reason to know that the victim is pregnant. The bill thus makes a potentially dramatic increase in penalty turn on an element for which liability is strict. As a consequence, for example, if a police officer uses a slight amount of excessive force to subdue a female suspect—without knowing or having any reason to believe that she was pregnant—and she later miscarries, the officer could be subject to mandatory life imprisonment without possibility of parole, even though the maximum sentence for such use of force on a non-pregnant woman would be 10 years. This approach is an unwarranted departure from the ordinary rule that punishment should correspond to culpability, as evinced by the defendant's mental state.

Third, H.R. 2436's identification of a fetus as a separate and distinct victim of crime is unprecedented as a matter of federal statute. Such an approach is unnecessary for legislation that would augment punishment of violence against pregnant women. Additionally, such an approach is unwise to the extent that it may be perceived as gratuitously plunging the federal government into one of the most—if not the most—difficult and complex issues of religious and scientific consideration and into the midst of a variety of State approaches to handling these issues.

Our policy concerns with H.R. 2436 are exacerbated by the likelihood that the bill will yield little practical benefit. Because the criminal conduct that would be addressed by H.R. 2436 is already the subject of federal law (since any assault on an ''unborn child'' cannot occur without an assault on the pregnant woman), H.R. 2436 would not provide for the prosecution of any additional criminals. At the same time, prosecutors proceeding under H.R. 2436 would be likely to encounter difficulty collecting evidence to support their prosecutions. For instance, the prosecutor would have to establish that the defendant's conduct ''cause[d]'' the injury—given the inherent risk of miscarriage and birth defects that occur absent any human intervention, causation may be very difficult to establish.

Finally and critically, the drafters of H.R. 2436 are careful to recognize that abortion-related conduct is constitutionally protected. The bill accordingly prohibits prosecution for conduct relating to a consensual abortion or an abortion where consent ''is implied by law in a medical emergency.'' Without this exception, the bill would be plainly unconstitutional. Including the exception does not, however, remove all doubt about the bill's constitutionality. The bill's exception for abortion-related conduct does not, on its face, encompass situations in which consent to an abortion may be implied by law (if, for example, the pregnant woman is incapacitated) even though there is no medical emergency. In this situation, the bill may unduly infringe on constitutionally protected conduct.

For these reasons, we strongly oppose H.R. 2436. The Administration, however, would work with Congress to develop alternative legislation that would strengthen punishment for intentional violence against women whom the perpetrator knows or should know is pregnant, strengthen the criminal provisions of VAWA, and reauthorize the grant programs established by this historic legislation.

Thank you for this opportunity to present our views. The Office of Management and Budget has advised us that from the standpoint of the Administration, there is no objection to submission of this letter. Please do not hesitate to call upon us if we may be of further assistance.

Sincerely,

JON P. JENNINGS,
Acting Assistant Attorney General.

Mrs. BOXER. Then there is a recent letter of George Fisher, a tenured professor at Stanford, former prosecutor and expert on the criminal justice system. He, too, believes it makes things worse in terms of convicting a criminal.

The PRESIDING OFFICER. The Senator has now used 9 minutes of time.

Mrs. BOXER. I ask unanimous consent for 2 more minutes from my colleague.

The PRESIDING OFFICER. Does the Senator from California yield an additional 2 minutes?

Mrs. FEINSTEIN. I yield as much time as she may require.

Mrs. BOXER. I thank my colleague.

I ask unanimous consent the letter from George Fisher be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STANFORD LAW SCHOOL,
Stanford, CA, July 10, 2003.

Senator DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN, I wish to express my concern about the current formulation of S. 1019, the Unborn Victims of Violence Act of 2003. Although I fully endorse the Bill's ultimate aim of protecting pregnant women from the physical and psychological trauma of an endangered or lost pregnancy, I believe that the Bill's current formulation will frustrate rather than forward this goal.

I write both as a former persecutor and as a law professor specializing in criminal law and criminal prosecution. At the outset of my career, I served as an assistant district attorney in Middlesex County, Mass., and as an assistant attorney general in the Massachusetts Attorney General's office. I then went to Boston College Law School, where I administered and taught in the criminal prosecution clinic. I have been at Stanford since 1995 and a tenured professor of law since 1999; during the next academic year, I will serve as Academic Associate Dean. In 1996 I founded Stanford's criminal prosecution clinic and have administered and taught in the clinic ever sine. I have also created a course in prosecutorial ethics, which I taught at Boston College Law School and, as a visitor, at Harvard Law School.

My background and interest in criminal prosecution prompt me to raise three objections to this Bill. All of them focus on the Bill's use of the expressions ''child in utero'' and ''child, who is in utero,'' and on its definition of these terms as ''a member of the species homo sapiens, at any stage of development, who is carried in the womb.''

First: The Bill's apparent purpose of influencing the course of abortion politics will discourage prosecutions under any future Act.

I do not know what motives gave rise to the Bill's use of the expressions ''child in utero'' and ''child, who is in utero,'' but I do know that any vaguely savvy reader will conclude that these terms and the Bill's definition of them were intended by the Bill's authors to influence the course of abortion politics. It is a fair prediction that when a pro-life President is in office, prosecutions under this Bill will be more frequent than when a pro-choice President is in office. That is because the public will interpret this Bill as suggesting that abortion is a potentially criminal act and will interpret prosecutions under the Bill as endorsing this sentiment.

If the authors of the Bill truly seek to protect unborn life from criminal violence, they will better accomplish this purpose by avoiding such expressions as ''child in utero.'' Better alternatives would refer to injury or death to a fetus or damage to or termination of a pregnancy.

Second: The Bill's apparent purpose of influencing the course of abortion politics will motivate prosecutors to exclude those prospective jurors who otherwise would be most sympathetic to the prosecution's case.

If I were prosecuting a case under this Bill, I would hope to have a jury that includes persons deeply sensitive to the rights and interests of pregnant women. Such jurors would regard an attack on a pregnant woman as being a twofold crime, comprising both the injury directly inflicted on the mother and the stark emotional and physical trauma resulting from injury to or loss of her pregnancy.

But such jurors also will be more likely than others to believe that pregnant women have the right to exercise autonomy over their bodies and to choose whether to abort a pregnancy. I predict that many or most judges will bar prosecutors and defense counsel from questioning prospective jurors about their views on abortion or about related matters such as their religion, religious practices, or political affiliations. Forced to act largely on instinct, prosecutors may be inclined to exercise peremptory challenges against those prospective jurors who appear to be most sympathetic to the rights of pregnant women. This result clearly would frustrate the Bill's stated purpose of protecting unborn life from criminal violence.

Third: The Bill's apparent purpose of influencing the course of abortion politics offends the integrity of the criminal law.

To anyone who cares deeply about the integrity of the criminal law, this Bill's apparent attempt to insert an abortion broadside into the criminal code is greatly offensive. The power to inflict criminal penalties is, second only to the power to wage war, the highest trust invested in our institutions of government. Because the power to make and enforce criminal laws inherently carries enormous potential for abuse, those who exercise that power must always do so with a spirit free of any ulterior political motive. The American Bar Association's Standards Relating to the Administration of Criminal Justice provide that ''[i]n making the decision to prosecute, the prosecutor should give no weight to the personal or political advantages or disadvantages which might be involved. . . .'' (Standard 3–3.9(d).) Not all prosecutors conduct themselves with fidelity to this principle, but we may readily condemn those who do not. We may likewise condemn other public actors who abuse the sacred public trust of the criminal sanction for political ends.

For these reasons, I object to the current formulation of the Unborn Victims of Violence Bill. As I am confident that an alternative version of the Bill can fully accomplish its stated purpose of protecting unborn life from criminal violence while avoiding each of the difficulties I have outlined above, I strongly encourage the Senate to modify the Bill in the ways I have suggested above or in some other manner that avoids the freighted and frankly politicized terms, ''child in utero'' and ''child, who is in utero.''

My thanks to you for your consideration of my views.

Sincerely,

GEORGE FISHER,
Professor of Law.

Mrs. BOXER. Mr. President, according to the experts, creating a separate offense for a child in utero would make it less likely that someone who harms or terminates a pregnancy would be convicted of a separate offense. So I find it stunning that, rather than back Senator FEINSTEIN's substitute, which is very clear—you harm a pregnant woman, you are going to do double the time, you are going to get double the punishment, and it avoids all question of Roe v. Wade—it shocks me my colleagues on the other side would rather have a weaker bill, soft on the criminal, soft on crime, in order to undermine Roe v. Wade. It is an injection of a political agenda into the criminal justice system which I think harms the integrity of the system.

Again, I am at a loss for words. That is hard for me to believe. But if you look at domestic violence groups, they will tell you how they feel about it. They say they don't support the legislation. They feel it would actually be harmful to battered women.

Again, as someone who coauthored the Violence Against Women Act with Senator BIDEN, here we have a piece of legislation that is going to be harmful to battered women. Yet the other side will not support Senator FEINSTEIN's amendment, which absolutely avoids this problem.

Juley Fulcher, public policy director of the National Coalition Against Domestic Violence, who testified before the House subcommittee in July 2003, said in her written statement:

> The bill is not designed to protect women and does not help victims of domestic violence. Instead, the focus often will be shifted to the impact of the crime on the unborn embryo or fetus, once again diverting the attention of the legal system away from domestic violence or other forms of violence against women.

I commend to my colleagues the July 8, 2003 testimony of Juley Fulcher before the Subcommittee on the Constitution of the House Committee on the Judiciary.

We also have a letter from Lynn Rosenthal, the executive director of the National Network to End Domestic Violence, and the letter of Esta Soler, president of the Family Violence Prevention Fund. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL NETWORK TO END
DOMESTIC VIOLENCE,
Washington, DC, February 18, 2004.

DEAR MEMBER OF CONGRESS: The National Network to End Domestic Violence (NNEDV), a social change organization representing state domestic violence coalitions, is dedicated to creating a social, political and economic environment where violence against women no longer exists. We are writing because we know that you will soon be considering the Unborn Victims of Violence Act (UVVA). We know that this is a difficult and emotional issue, and that you are carefully considering your position.

After very careful consideration and study on our part, we have concluded that the UVVA is not the appropriate remedy for addressing violence against pregnant women. We certainly share the concerns of the sponsors of the legislation about tragic crimes such as the murder of Laci Peterson and other pregnant women. We know that Congress is seeking tools and remedies to address such violence, and appreciate your ongoing support for the Violence Against Women Act. Our concerns about the UVVA are mainly focused on its potential impact on the safety and status of women who are victims of domestic violence.

Our first concern is that the legislation could potentially remove the focus on the women as the victim of violence. It would be possible under the UVVA that a violent crime specifically targeted at a woman could be prosecuted with the fetus presented as the primary victim. Yet, it is the violent act against the woman that is at the root of the devastating injuries to the women and the pregnancy. In our view, legislation and policy should be focused on recognizing violence against women as the serious crime it is, and need not rely on loss of a pregnancy to vigorously prosecute these crimes.

Our second concern is that while the UVVA on its face seems to protect women from prosecution of the violence causes her to lose the pregnancy, it may lead to a slippery slope that erodes women's rights and holds them responsible for this loss. This slippery slope has already formed in South Carolina and California, two states with unborn victims legislation. For example, in Whitner v. State, the court found that South Carolina's child endangerment statute could be used to punish a pregnant woman who engaged in any behavior that might endanger her fetus.

Legislation regarding violence against women must be carefully considered in order to prevent unintended effects from hurting the very women it is supposed to help. Battered women cannot control the violence against them, and should not face the possibility of prosecution simply because they are victims of domestic violence. The landmark case of Nicholson v. Williams, decided in the Eastern District of New York, represents an enormous step in clarifying this position. The federal district court in Nicholson found that mothers' due process rights had been violated when their children were taken away from them merely because they were victims of abuse. That decision correctly puts the emphasis on the abused woman, and stands for the proposition that an abused woman should not be punished, or prosecuted, for occurrences beyond her control.

Because of our work with battered women, we do know that violence often occurs during pregnancy, and that pregnant women may be both physically and psychologically more vulnerable to such abuse. We believe that by supporting sentencing enhancements, Congress can advance both its goals of protecting victims of domestic violence and providing a legal sanction for loss of pregnancy as a result of battering. Sentencing enhancements appropriately punish the additional injuries that such acts cause without causing the unnecessary complications, and potentially dangerous consequences, for the women we serve.

There are also a number of other steps Congress can take to more effectively address the problem of violence against women. First, Congress can fully fund the Violence against Women Act. Unfortunately, the 2004 budget includes $16.1 million in cuts to the STOP grant program, which provides funding to states, tribes and territories to enhance the law enforcement response to domestic violence and sexual assault, improve prosecution and support victim services. These cuts will have a detrimental impact on communities all across the country that are struggling to maintain core interventions for victims. In addition, the Battered Women's Shelter and Services funding was also cut in 2004, and remains at $48 million below the authorized level. Funds to battered women's programs and rape crisis centers have also received cuts at the local and state level over the past several years. These losses are devastating to providers facing bruised and bleeding women every day. Congress can work to address the problem of violence against women by fully funding these lifesaving services.

Thank you for considering our perspective on the UVVA. While the bill is noble in its intentions, we are concerned that it may not fulfill its purpose of creating a legal atmosphere in which women feel protected from violence. Please feel free to call me if you need any additional information. We appreciate for your commitment to ending violence against women, and look forward to continuing to work with you to address this most urgent social problem.

Sincerely,

LYNN ROSENTHAL,
Executive Director.

END ABUSE,
Washington, DC, March 23, 2004.

Hon. JERROLD NADLER,
2334 RHOB,
Washington, DC.

DEAR REPRESENTATIVE NADLER: On behalf of the Family Violence Prevention Fund, I am writing to express concern about the Unborn Victims of Violence Act, H.R. 1997, passed by the House Judiciary Committee on January 21. We are deeply disappointed that some are promoting this bill as a way to end domestic violence, when better and more direct measures to stop family violence languish in Congress year after year. Members of Congress who want to stop abuse will put their energy into passing the prevention and intervention measures that offer great promise to stop violence before it starts.

The murder of Laci Peterson was an unspeakable tragedy, but many laws designed as quick fixes have caused great harm. For example, mandatory domestic violence health reporting laws deter women from seeking the medical help they need. We need to stop back and consider what actually works. Our goal must be to stop violence against all women, regardless of whether they are pregnant.

If Congress is serious about stopping domestic violence against pregnant women and helping women and children who are victims, Members will quickly pass the Domestic Violence Screening, Treatment and Prevention Act, H.R. 1267. This essential bill would train health care providers to routinely screen female patients for a lifetime history of abuse and give women access to critical domestic violence services when abuse is identified. Introduced in the House in March of 2003 by Representatives Lois Capps (D–CA) and Steven LaTourette (R–OH), this bill has the potential to prevent tragedies by helping victims before violence escalates.

We also urge Congress to fully fund all Violence Against Women Act programs and support legislation that would actually prevent domestic violence before it begins. Domestic violence prevention legislation should include services for children who are exposed to abuse, programs that support young families at risk of violence, and efforts to each young men and boys how to develop healthy, non-violent relationships. Such legislation would do much more to stem the tide of domestic violence than the Unborn Victims of Violence Act.

Finally, we wish to thank you for your continued leadership and support on this issue. As an advocate in Congress and as one of our Founding Fathers, you truly make a difference in the movement to end violence against women and children. If we can be of assistance, please do not hesitate to contact Kiersten Steward in our Washington, D.C. office at 202–682–1212.

Sincerely,

ESTA SOLER,
President, Family Violence Prevention Fund.

Mrs. BOXER. Here we have it. I am going to finish with this. We have a bill before us Senator FEINSTEIN has improved greatly. We have a bill before us that, instead of concentrating on punishing the violent criminal, concentrates instead on trying to set the stage to reverse Roe v. Wade, which the vast majority of people in this country think is a good law that balances the rights of the woman and the rights of the fetus. Yet they are so interested in doing this that they have a bill that is going to make it difficult to convict the criminal who commits the heinous crime against the pregnant woman. It shows you how far the other side will go.

When we reach out our hand, as we have done many times with them, they will not take our hand. They push it away, because they are much more interested in the political agenda of taking away a woman's right to choose.

My heart goes out to Laci Peterson's family and to all the other families that have experienced the tragedy of losing a loved one to a violent crime and, on top of that, losing the joy I and Senator FEINSTEIN have of having grandchildren.

But we need to pass laws here that will make matters better, not make matters worse. We need to pass laws here that are clean, that will make the law clear and not murky. I think Senator FEINSTEIN's substitute—she wrote it with the Laci Peterson family in her heart. She wants to make sure criminals who would attack a pregnant woman are brought to justice and we don't get diverted to some other issues.

I am proud to stand with my colleague on this one. I know how hard this is. I know how hard she has worked. I will support her substitute very proudly, knowing it is the right thing to do, to crack down against these heinous crimes and to protect pregnant women.

I thank her very much, and I yield the floor and reserve the remainder of Senator FEINSTEIN's time.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, on behalf of the Senator from Ohio, I yield myself such time as I might consume on his side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. BROWNBACK. Mr. President, I inquire first how much time is remaining for the Senator from Ohio.

The PRESIDING OFFICER. There are 41 minutes remaining on the Senator's side.

Mr. BROWNBACK. Thank you, Mr. President.

I thank my colleagues for being here to participate in a difficult debate. I have a difficult set of stories I want to tell. If any of the individuals here in this body, or watching, are interested in talking to the individuals involved, they are actually outside in the lobby. I invite anybody to come out. There are grandparents, mothers of victims—there are the women who themselves were assaulted and lost a child. They are here. For those individuals here would care to visit with them, they would love to have a chance to tell their story.

The question is simple: do we have one victim or two involved in violent crimes such as these? That is the simple question. I will present a series of case studies to my colleagues and then I will ask my question again—colleagues, do we have here one victim, or two?

We start with the story of Christina and Ashley Nicole Alberts. We have a chart which presents a heartbreaking picture. I think it needs to be shown to better tell the story. This is a gut-wrenching picture of Christina and Ashley Nicole Alberts (you can see them there in the coffin). It is a difficult picture. This body needs to know what the Unborn Victims of Violence Act is about—the victim.

I ask my colleagues to bear in mind that the Unborn Victims of Violence Act states there are two victims—there are two victims in this picture. The amendment we are considering right now, the Feinstein amendment, says there is only one victim—one victim in this picture. I simply ask my colleagues to make that determination. Is there one victim or are there two in this picture? Here is the story.

In December 1998, Christina was nearly 9 months pregnant.

Ashley was looking forward to life with her soon-to-be-born daughter whom she could definitely feel moving, alive and well, and growing in her womb. When she found out she was going to have a girl, she decided to name her Ashley Nicole.

However, this earthly life—which all of us living and breathing here today enjoy—tragically came to a screeching halt for Christina and Nicole on December 12, 1998. On that day, some thugs were going around robbing homes for money. The thugs entered the house where Christina was. Christina recognized one of them, and because she recognized one of them, it cost her and her baby Ashley Nicole their lives.

Christina was beaten. Can you imagine someone beating a woman in the ninth month of her pregnancy? Yet they did. I think of my own family and my own wife if she were in that type of situation.

Christina was then forced to kneel, and she was executed—shot in the head. Once the trigger had been pulled, releasing the bullet that abruptly ended her life, one might think at least the physical pain from the crime was over for Ashley Nicole. It was not. When her mother's heart stopped, her inutero child does not die instantly. Instead, the inutero baby dies slower. When the mother's heart stops beating, the baby begins to suffocate for lack of oxygen. The baby can feel. The baby is in pain. At 4 minutes, the baby begins to suffer severe neurological damage. The process gets worse. Ashley Nicole would have finally died 15 minutes after her mother Christina had been shot and killed.

Look at this photo again of Christina and Ashley in the coffin. Is there one victim? Or are there two? Who will say there is only one victim in this coffin? Yet this substitute amendment we are considering will say there is only one victim.

What about the family? What about Ashley Nicole's grandparents? What happened to them after the murders? Christina and Ashley Nicole lived in Kanawah County, West Virginia.

Her grandmother is here today.

In addition to the horrific news of their daughter and granddaughter's murder, they were further traumatized to learn the West Virginia murder statute does not allow the prosecution of an individual for the murder of an unborn child.

Do you know what happened in the murder trial for Christina and Ashley's killer? Christina's pregnancy could not even be discussed in court. Any recent photos of Christina shown during the trial could only show facial shots. Why? Because the court said any pictures of Christina in which it would have been obvious she was pregnant would have been prejudiced.

I ask my friends from West Virginia to support their constituents, the Alberts, by opposing the Feinstein substitute and voting for passage of unamended Unborn Victims of Violence Act.

I have another story to tell—Heather Fliegelman Sargent.

In this picture with her mother, as you can see, 20-year-old Heather was well into her pregnancy. Heather was 8 months pregnant with her son Jonah.

I also point out that her mother and the grandmother of Jonah are here with us today in the lobby, if people should care to visit with her.

Sadly, both the lives of Heather and Jonah were taken in January 2003, over a year ago. Heather was found dead with multiple stab wounds in her home in Bangor, ME. Her husband Roscoe Sargent was tried on one—only one—count of murder.

The Bangor Daily News reported on January 10, 2003: ''That Heather Sargent was pregnant did not affect the charges brought against her husband . . . No matter how advanced the pregnancy, Maine's homicide law does not apply to unborn fetuses.''

But listen to this. Another news story on that same day, January 2, 2003, tells us that ''Police also reportedly found several dead cats at home. Whoever killed the cats faces charges under the State's animal welfare act, while no charges will stem from the death of the unborn baby.''

Is it even remotely rational to charge someone with the death of these cats and yet not charge them with the death of a viable 8-month-old baby?

As we move to the next chart in the same case, I want to pause for a moment and urge caution for any parents who may be watching with young children present. They may not want to view this. It is a serious matter, and these are real life stories that people need to hear. But, nonetheless, they are difficult.

I would simply ask as we move to the next chart, are we looking at one victim or two? On the left in the chart is Heather before she was stabbed to death, and on the right is Jonah who also died in the attack.

The grandmother of Jonah is here with us today.

I hope Senators will hear the pleas of their constituents—the family of Heather and Jonah who are here in the Senate today watching, as I noted. Please, in their behalf, on behalf of Heather and Jonah, oppose this substitute that says there is only one victim.

The Feinstein substitute would increase penalties for Federal crimes in which a pregnant woman is a victim, but it would also write into Federal law the doctrine that such a crime has only a single victim. If we pass this Feinstein amendment, and a mother survives such an attack, she will be told, ''We can prosecute your attacker for assault but not for murder—the law says nobody died.''

This cannot and should not be. On behalf of Heather and Jonah, I urge my colleagues to oppose the Feinstein substitute and support the underlying bill un-amended.

I have another story to tell. This picture shows the late Ashley Lyons of Kentucky. Ashley was killed when she was 21 weeks pregnant with her son Landon, in January of this year—just 3 months ago.

Her parents and Landon's grandparents are here today. They are in the lobby, if anybody would care to meet with them. I have met personally with them. They are very passionate about this case and about what took place. If Ashley and her son Landon were with us today, they would be planning for Landon's birth in just a little over a month. I have a staff member who is expecting a child in a little over a month, so this really hits home.

Rather than telling the story of Ashley and Landon myself,I would like to read their story as it was written by the mother and grandmother, Mrs. Carol Lyons. As I noted, Mrs. Carol Lyons is with us here today, along with her husband Buford. It was their efforts that helped get an unborn victims law passed in Kentucky—too late for their daughter and grandson, but not too late for other victims.

I will read you this story which actually quotes Ashley, as written by her mother, the grandmother of Landon. It was written February 25, 2004.

I note parenthetically that if this crime had happened on a military base where only Federal law applies, there would be only one victim—not two—unlike California law, which acknowledges two victims of violence.

Ashley's mother writes:

> On January 7, I was seeing my grandson, Landon, for the first time. Landon was moving around in an ultrasound image on the TV screen in our home in Stomping Ground, Kentucky. We could clearly see Landon's little heart beating. We could see his little face. Just a few hours later, Ashley and Landon were both dead. They were found murdered—shot to death in a local park.

Later, I found a journal that Ashley had been writing to her baby. Right at the beginning, when she was only two months pregnant, she wrote how she had rejected advice to get an abortion.

Clearly Ashley made a choice to have a child. She wrote in her journal: ''I couldn't do that. I already loved you.''

Ashley also wrote: ''You are the child I have always dreamed about. I know that it will be a long time before I meet you, but I can't wait to hold you for the first time. I love you more everyday. Always, Mommy.''

Yes, the killer took two lives—each with a long, bright future ahead. It is heartless and cruel to say that the law must pretend this is not so, in order to preserve ''choice'' on abortion. Ashley had made her choice—and she chose life.

This, again, is her mother Carol speaking.

Our case has been widely reported in Kentucky. In response, both houses of the legislature passed a strong fetal homicide bill, and on January 20th, Governor Ernie Fletcher signed it into law.

I pray that Congress, too, will soon pass the Unborn Victims of Violence Act, which will allow a criminal to be charged for any harm he does to an unborn child during commission of a Federal or military crime.

Of course, laws are not retroactive, so no laws enacted now will allow full justice to be done on Landon's behalf.

But they will ensure in the future no mother, grandmother, or other family member will ever again be told that the law is blind to the loss of a child who is unborn but already living and loved.

I ask my colleagues to listen again to Ashley's words to her child Landon—both victims, both were murdered:

You are the child I have always dreamed about. I know it will be a long time before I meet you, but I can't wait to hold you for the first time. I love you more every day. Always, Mommy.

I ask my colleagues, is there one victim, or are there two? Is it one victim or two when Ashley and Landon were murdered?

I have another case—unfortunately, there are too many of these cases—that demonstrates why this law needs to be dealt with. Here is a picture of Tracy Marciniak holding her son Zachariah 12 years ago. This is a case from Wisconsin.

We all have precious baby photos. I have five children, and I love each of them and have precious photos. This should be a happy baby photo, but if you look closely, you will see it is not. You can see it by the look on Tracy's case, by the coffin behind her, and by the funeral flowers. Tracy's son Zachariah is dead and she, Tracy, survived, and is here today. If people would like to visit with her, she is in the lobby.

In 1992, in Wisconsin, Tracy was terribly beaten. She lived and her son Zachariah died. I have spoken with Tracy, and I have heard how the loss of Zachariah hurts her to this very day. Regrettably, justice was not served. Was Tracy and Zachariah's assailant charged with the murder of Zachariah? No. In Wisconsin, law enforcement authorities told Tracy's family they could only charge the attacker with assault; in the eyes of the law, no one died.

What is more, Tracy's attacker says he would not have attacked her if he could have been charged with murder. Let me state that again: If Tracy's attacker had known he could have been charged with murder, he would not have attacked her.

I would like to read a portion of Tracy's July 8, 2003, testimony in front of the House Judiciary subcommittee, where she has spoken about this case before. This is Tracy Marciniak's statement:

I respectfully ask that the members of the subcommittee examine the photograph that you see before you. In this photo, I am holding the body of my son, Zachariah Nathaniel.

Often, when people see the photo for the first time, it takes a moment for them to realize that Zachariah is not peacefully sleeping. Zachariah was dead in this photograph. This photo was taken at Zachariah's funeral.

I carried Zachariah in my womb for almost nine full months. He was killed in my womb only five days from his delivery date. The first time I ever held him in my arms, he was already dead. This photo shows the second time I held him—it was the last time.

There is no way I could really tell you about the pain I feel when I visit my son's grave site in Milwaukee, and at other times, thinking of all we missed together. But that pain was greater because the man who killed Zachariah got away with murder.

I know that some lawmakers in some groups insist there is no such thing as an unborn victim, and that crimes like this have only a single victim—but that is callous and it is wrong. Please don't tell me that my son was not a real victim of a real crime. We were both victims, but only I survived.

Zachariah's delivery date was to be February 13, 1992. But on the night of February 8, my own husband brutally attacked me in my home in Milwaukee. He held me against a couch by my hair. He knew that I very much wanted my son. He punched me very hard, twice, in the abdomen. Then he refused to call for help, and prevented me from calling.

After about 15 minutes of my screaming in pain that I needed help, he finally went to a bar and from there called for help. I and Zachariah were rushed by ambulance to the hospital, where Zachariah was delivered by emergency Caesarean section. My son was dead. The physicians said he had bled to death inside me because of blunt-force trauma.

My own injuries were life-threatening. I nearly died. I spent three weeks in the hospital. During the time I was struggling to survive, the legal authorities came and they spoke to my sister. They told her something that she found incredible. They told her that in the eyes of Wisconsin law, nobody had died on the night of February 8.

Later this information was passed on to me. I was told that in the eyes of the law, no murder had occurred. I was devastated.

My life already seemed destroyed by the loss of my son. But there was so much additional pain because the law was blind to what had really happened. The law, which I had been raised to believe was based on justice, was telling me that Zachariah had not really been murdered.

Before his trial, my attacker said on a TV program that he would never have hit me if he had thought he could be charged with killing an unborn baby.

My family and I looked for somebody who would help us reform the law so that no such injustice would occur in our state in the future. We found only one group that was willing to help, Wisconsin Right to Life. They never asked me my opinion on abortion or on any other issue. They simply worked with me, and other surviving family members of unborn victims, to reform the law.

It took years. Again and again I told my story to state lawmakers and pleaded with them, as I now plead with you, to correct this injustice in our criminal justice system.

Finally, on June 16, 1998, Governor Tommy Thompson signed the fetal homicide law. This means it will never again be necessary for state authorities in Wisconsin to tell a grieving mother, who has lost her baby, that nobody really died. Under this law, an unborn child is recognized as a legal crime victim, just like any other member of the human race.

Of course, the state still has to prove anything beyond a reasonable doubt to a jury, which is as it should be. But when this bill was under consideration in the legislature, it was actually shown to some of the former jury members in our case, and they said if that had been the law at the time I was attacked, they would have had no problem convicting my attacker under it.

Next, I present a statement from Ms. Shiwona Pace of Arkansas. Ms. Pace suffered a horrible tragedy. She was severely beaten by several attackers, and as a direct result, her baby, whom she had named Heaven, died. Fortunately, Arkansas passed an unborn victims of violence law prior to the crime committed by Ms. Pace's assailants. Under the Feinstein amendment, Ms. Pace's assailants would not have even committed a crime, other than assault. Please listen to her plea to legislators.

My name is Shiwona Pace. On August 26, 1999, I was a 23-year-old college student in Little Rock. I was the mother of two—my five-year-old son, and an unborn baby girl named Heaven Lashay.

August 26 was one day before my predicted full-term delivery date. But that night, three men brutally murdered my unborn baby daughter. I curled up face down on the floor, crying, begging for them to stop beating me. But they did not stop. One shouted, ''F*** you! Your baby is dying tonight!''

They choked me, punched me, hit me in the face with a gun. They kicked me again and again in the abdomen. After about thirty minutes, they left me sobbing there on the floor. At the hospital, they found that Heaven had died in my womb. She was a perfect baby, almost seven pounds.

The assailants were arrested. They had been hired by Erik Bullock, my former boyfriend. He paid them $400 to kill little Heaven Lashay.

Only a month before, a new state law took effect that recognized unborn children as crime victims. If that law had not been enacted, Erik Bullock would have been prosecuted only for the assault on me, but not for the death of my baby.

But thanks to the state law, Bullock was also convicted for his role in killing my baby. The men who attacked me are also being prosecuted for what they did to Heaven.

I tell my story now for one reason: If this same attack occurred today within a federal jurisdiction, the men who killed my baby would be prosecuted only for assault. That is why I urge members of Congress to support the Unborn Victims of Violence Act, which would recognize unborn children as victims under 68 federal laws dealing with crimes of violence.

I was dismayed to learn that some members of Congress oppose this bill, and insist on adoption of a radically different [version] that says that such crimes only have one victim—the pregnant women.

This is not the same as what would happen under the Feinstein amendment. They are

wrong. On the night of August 26, 1999, there were two victims. I lived—but my daughter died. I lost a child, and my son lost the baby sister he had always wanted—but little Heaven lost her life.

It seems to me that any congressman who votes for the ''one-victim'' amendment is really saying that nobody died that night. And that is a lie.

Then we have the well-known case of Laci and Conner Peterson in California that has been spoken of previously. This is a statement from Sharon Rocha, Laci Peterson's mother, and Conner Peterson's grandmother. She has spoken out often on this issue. This is a California case that is well known and has probably done as much to bring this up today on this floor as anything else we have examined.

This is from Sharon Rocha's statement. I will read a portion of it:

As you know, Laci and Conner were cruelly murdered. In this difficult time, my family is grateful that under California law the murders of Laci and Conner can both be prosecuted. But for the families of many other murder victims across the country, there can be no such comfort. Federal law does not recognize that these crimes have two victims.

So California law does recognize it.

When I became aware that Congresswoman Melissa Hart was working on a bill to correct this problem, I contacted her to express my support. I asked her to name it ''Laci and Conner's Law'' in memory of my daughter and grandson. I am grateful to Congresswoman HART, the House leadership, and the many congressmen, both Republicans and Democrats, who have agreed to support this common-sense legislation. I thank President Bush for his willingness to sign it into law.

The House of Representatives has shown their support for this law by approving it twice thus far, but the Senate has consistently failed to act. I call on every Senator to vote for this bill, so that the law will do justice for families of murder victims—families like mine. It is time for the Senate to stand up for innocent victims like Conner.

These are real stories. They are tough stories. But they speak to the situation in this country today. This type of crime happens all too frequently. Unfortunately, there are more cases that we could mention.

I wanted to put a real face on this issue for my colleagues, and to ask them this simple question when they vote on the Feinstein substitute: How many victims are there? Is it one victim, or are there two? That is the real decision in regard to this amendment.

I urge a vote against the Feinstein amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas yields the floor.

Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, it is extraordinarily difficult to respond to the litany of atrocities the Senator from Kansas has just enumerated. I cannot help but wonder: What kind of animal can do this to a woman who is 7 or 8 or 9 months pregnant? I cannot help but wonder how our society produces men who would do this kind of thing to a woman. I cannot help, as a mother and a grandmother, to share with those for whom this is a life scar that will never, never heal.

And I understand it. I understand the need to want to punish, and understand the need to want to say this child—who is so close to birth, who would be capable of life outside of the womb at that moment—is a victim because, in fact, that child is a victim. I appreciate that and I understand it.

One of the reasons at the beginning of my remarks I said this bill is so controversial is because definitions have different meanings in law. The controversial part in the underlying bill is the definition of ''child in utero'' and ''child, who is in utero'' because the bill language is: ''means a member of the species homo sapiens,'' in other words, a person, ''at any stage of development''—''any stage of development,'' not when the fetus is what they call ''quick,'' which means it is capable of movement; not when it is viable, which means it is capable of life outside the womb; but at ''any stage of development.''

This is what causes the problem in the law once you set it in the law. That is what is so distressing about this bill. Because every Member of this Senate wants to vote yes. Every Member of this Senate wants to say: Throw the book at that animal. Who could be so callous? Who could be without any morality? Who could be so cruel? Who could practice such a heinous crime? Who could punch a 9-month pregnant woman in the stomach to the extent that it causes the killing of her unborn child?

So I am there. I am there entirely. I am there completely. But, again, it is complicated because the definition we are working from gives rights at the point of conception. It does not differentiate. It does not say the 8-month-old baby or the 7-month-old baby, who is capable of life today, is what we are talking about. It says the recently fertilized egg is what we are talking about. That is the difference.

It is so hard, because you stand here and you listen and your heart goes out, and you think of these beautiful women and their beautiful children, and some animal comes at them, and in some cases kills them both, in some cases kills one, and in some cases kills the other. Sure, throw the book at him.

I will go a step further. I would give them a death penalty because they have taken two lives, and I do believe a child at that period of gestation is a life.

The problem is the bill language, which begins this at the point of conception.

Now, every single case presented on this Senate floor this morning is of a child who is viable outside of the womb. But the bill covers children that are not children; that are a day old in the womb, that are at conception. That is the problem we have with this bill. Because once you give an embryo, at the point of conception, all of the legal rights of a human being, and you have said that embryo, then, if it is lost to humankind, is murdered, you have created the legal case to go against Roe v. Wade in Federal law for the first time in history.

Now, California and the Laci Peterson case was mentioned a great deal. The prosecution of Scott Peterson will be conducted under California law, which has amended the definition of the penal code section 187—which is first degree murder—to refer to a fetus. But then other parts of law in California only imposes criminal liability starting at 7 to 8 weeks of gestation. So where the California law effectively covers exactly the situation that the Senator from Kansas is mentioning—all of those situations—it takes into consideration the period prior to 7 to 8 weeks of gestation.

And, in fact, many other State laws do as well.

The problem is this is a much more comprehensive definition that doesn't make any of the distinctions that are made by many of the States with respect to these criminal statutes. Many of them cover when the fetus has quickened, which means the fetus or the child is capable of movement, and many of them cover after viability.

This creates the situation where the embryo has the rights of a person. That is the problem for many of us.

The Senator from Ohio—and I think he knows I respect him; we have worked on so many things—says don't bring in the abortion debate. But I can't help but bring in the abortion debate because the proponents—not the Senator from Ohio, but other proponents—have said ''this is part of our strategy—this is what we want to achieve.''

Then you get somebody like me and Senator BOXER and other cosponsors who want to protect a woman's right to control her own reproductive system, particularly in those early months, who read this bill and see the definition and say: ''There is the ball game—here we lose big time.''

It is like you say to me, ''gotcha,'' because I want to punish that guy who beat that woman to death, who killed her unborn child, because I know that child is capable of life. You know that child is capable of life. But to give that right to a fertilized egg or an embryo is a different thing. Your bill gives that right to a fertilized egg or an embryo or a zygote.

Then, when I go out and I look at what people have said about the bill, I see these statements, such as the statement of Mr. CASEY:

In as many areas as we can, we want to put on the books that the embryo is a person.

This bill puts on the books that an embryo is a person, a member of the species Homo sapiens, in bill language. This bill establishes exactly what the right-to-life movement wants to establish, that an embryo is a person. That

sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection. Once you have the embryo being a human being, then that human being at any stage of development deserves protection—meaning deserves rights under the law, which this establishes because it makes that embryo a victim—even protection that would trump a woman's interest in terminating a pregnancy. Think of that, that would trump a woman's interest in terminating a pregnancy.

Now, I am one who believes there should not be abortion if the baby is viable. I agree with Roe because it provides the woman choice in the first 3 months of a pregnancy where there is not viability. I lived and grew up at a time when abortion was illegal in California. I saw a good friend commit suicide because she was pregnant and in college. I saw women pass the plate so someone could go to Tijuana for an illegal abortion. You would say that is not relevant to this debate—''don't discuss it; don't bring it up in the Senate—just think about the mothers and the babies who were killed.''

I want to do that, too. And I think about the mothers and the babies. I want to throw the book at those guys. And the death penalty, too. I don't have a problem with that because I believe by your actions, you can vitiate your own right to live. That has been true for me since 1971, as well. That has been my consistent position.

But once in a statute you create a fertilized egg as a human being with specific rights, the march to eliminate Roe v. Wade is on its way in statute. That is what is happening with this bill. That is what I object to. There is no reference to viability.

I have the list of what all the States do. They all do different things. Many of them recognize it. For example, seven States impose criminal liability starting when a fetus is quick, in other words, capable of movement: Florida, Georgia, Mississippi, Nevada, Oklahoma, Rhode Island, Washington. Seven States impose criminal liability starting at the point of viability: Florida, Indiana, Massachusetts, Missouri, Oklahoma, South Carolina, Tennessee. So there are many differences. Different States do different things, even when they have this law.

But what this does, what this underlying bill does, is say from the moment of conception there is a baby and that baby is a human being and that baby has rights.

That is a problem in the criminal law. As the Stanford law professor pointed out, if a case comes before the court where, let's say, a woman was assaulted and she was 3 days pregnant, and the forensics could establish that she was 3 days pregnant, and you are voir-diring people for a jury and you are telling them that there is a second victim, and it is a fertilized egg that is 3 days old and there is a 20-year charge pending or life imprisonment pending for that 3- or 5-day-old fertilized egg, then this is what the law professor meant when he said: ''You are going to get the very people who are the most interested in protecting the woman being reluctant to go on that jury.''

Not every case under this law is going to be post-viability, going to be like the cases that the Senator from Kansas brought forward, where I would say: ''Give the guy the death penalty.'' I wouldn't have a problem with that. They did terrible things, the acts of an animal. But that is not what this law says. That is the difference.

What we have tried to do is say: If you end a pregnancy, if you harm a pregnancy, the same penalties would apply that apply in the House bill and Senator DEWINE's bill.

I wish this could have gone to the Judiciary. I wish it wasn't rule XIV. I wish I had an opportunity in committee, in markup, to make these points.

Let me go over once again, so that everybody is crystal clear on the point of the creation of a separate offense, where a defendant violates any of the enumerated Federal crimes, our bills are identical. On the provision that the separate offense is punished the same as the violation of the enumerated Federal crimes, our bill is identical. On the provision that if the separate offense harms or ends the pregnancy, the punishment is the same as a violation would be for the underlying crime: murder, manslaughter, or assault, as appropriate. Our bills are identical.

With respect to the provision of penalty for death of a fetus is a maximum life sentence, our bills are identical. With respect to the provision of penalty for harm to the fetus is a maximum 20-year sentence, our bills are identical. And both bills do not impose the death penalty. Where our bills are different—and this is important—is the definition of when life begins.

The underlying bill defines life as beginning at conception.

(Mr. ALEXANDER assumed the Chair.)

Mrs. FEINSTEIN. Mr. President, we do not address when life begins. I just read Justice Blackmun's opinion in Roe v. Wade. It is interesting, because he goes back to the Stoics, the Catholic Church, to the Middle Ages, and discusses the difference of opinion of when life begins, the difference of opinions in science. Then he reaches his conclusion that because these differences are so vast, the law generally does not directly enjoin that point of when life begins.

That is the problem we have here. That is the dilemma the Senate faces. This bill is on a fast track. This bill has passed the House. This bill has been subject to a Rule XIV, without a hearing, from the year 2000. You have heard the most poignant, disturbing, heartrending stories on this floor. I respond to them like everybody else does. But I also know if you give a fertilized egg rights in the Federal law, it is going to have repercussions downline. If you declare in this bill you can prove a 1-day-old fertilized egg was a victim and therefore murdered, how do you turn around and say in another law you can proceed with embryonic stem cell research? You have the same 1-day-old fertilized egg. If it is murder here, is it not murder there? What are the repercussions of doing that? They are enormous.

The other side doesn't talk about this. They talk about women who are 7 or 8 or 9 months pregnant. They talk about the most heinous and brutal assaults. But the bill does much more. The bill says a 1-day-old fertilized egg is a member of the species Homo sapiens. Translation: It is a person. Translation: It is a human being.

That is the problem, and this Senate, before it passes out this bill, should understand it and should understand there is an alternative, and the alternative aims to impose the same penalties, but doesn't create that victim fertilized egg, 1 day old—by nobody's stretch a human being—possible of becoming a human being, but not a human being. I have live cells, but they are not capable of producing life.

But once the child, the fetus in the womb, is capable of living, that is a different story. I am the first one to admit that is a different story. But everything in this bill, the underlying bill, goes back to the basic definition of what is being done here, and that is that personhood, life, is being given to a 1-day-old fertilized egg.

Now I have one child biologically, I have three stepdaughters, and I have five grandchildren. I have seen close friends—I know the glory of motherhood. I know the catastrophe that takes place when you lose a child. I have had miscarriages, so I understand that. But then there is the march to turn back the clock to when I was in college and abortion was illegal. Then after college, when I went out into the world, I actually sentenced women convicted of abortion in the State of California in the State prison. I saw the terrible morbidity and the terrible things they did illegally in back-alley abortions. At that point, I said this is so terrible. Then Roe v. Wade passed in 1973, and a woman could control her own reproductive system, particularly in that first trimester. I thought to myself, we should never go back to the way it was.

My concern about the underlying bill is it is the first bridge to take us back to the way it was because of the definition that is in this bill, which gives human rights to a 1-day-old fertilized egg in utero. That is the problem for me. That is the problem for a lot of us in the Senate. Whether it will be enough, I don't know.

I tried to perfect the bill. Remember, this was a rule XIV. We didn't have a chance to mark it up. I tried to perfect it. Unfortunately, I was not granted the usual privilege of being able to send a modified amendment to the

desk. But the intent is clear. I have made it crystal clear in my remarks. We will have the same penalties for the same crimes as the underlying bill. We will avoid one thing, and that is determining when life, for the purpose of law, actually begins.

I yield the floor. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes 40 seconds.

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. In a moment, I will yield to my colleague from South Carolina.

Mr. President, before I yield to my colleague, I want to respond very briefly to my colleague and friend from California in regard, again, to the question of abortion. My colleague is concerned—I understand her sincerity because she has expressed it many times on the Senate floor. I don't doubt that sincerity at all—that somehow this bill sets a precedent regarding abortion.

First of all, we all know statutes cannot overcome the Supreme Court decisions, constitutional law. We should not be concerned about what the statute will do. We particularly should not be concerned when we know many of the States have statutes very similar to what we propose to enact today. In fact, several of the States have had these statutes in place for up to 30 years. They have not in any way changed or infringed on abortion rights. Whatever one might think of abortion rights, these have not affected them and this bill will not affect them. To make sure of that, we put provisions in this statute, which I have read on the floor today, which make it crystal clear they will not in any way affect that. So we have precedent.

We have the fact that statutes cannot interfere with constitutional law, plus we have precedent of many years of experience of State laws not interfering with abortion rights. So there is just no reason for anybody, when they come to the floor to vote on this, to think this is in any way going to affect abortion rights at all.

My friend has talked about the fact that we follow what I believe 16 States have done when we begin to protect the unborn. Some States define it differently. My colleague has cited what California and some States do. They are defined differently. But we follow in this statute what some others States have done.

In our proposed statute, we use this language, and I would say it is not what my colleague, with all respect, has said. This is what the language is:

. . . who is carried in the womb.

''Who is carried in the womb,'' that is the language, the precise term that is used, ''carried in the womb.''

As a practical matter, since this is a criminal statute, we all know that to prosecute under this statute, a prosecutor would have to prove beyond a reasonable doubt, to prosecute under this law, that there was this unborn child. They would have to prove the existence of the child. And then they would have to prove there was death or injury to the child beyond a reasonable doubt. They have to prove the existence, first of all, beyond a reasonable doubt, and then they have to prove the death or injury beyond a reasonable doubt.

It is not, with all due respect, a question of at the moment of conception that this protection, as a practical matter, would kick in. First, it has to be carried in the womb; second, you would have to be able to prove the existence and then prove there was injury or prove there was death. That is the practical application of the statute we propose to pass.

I yield to my friend and colleague from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven minutes.

Mr. GRAHAM of South Carolina. Will the Chair notify me when I have used 4 minutes?

The PRESIDING OFFICER. Yes.

Mr. GRAHAM of South Carolina. Mr. President, I wish to speak to how the bill was drafted and why.

Senator DEWINE articulated it well. You have to prove the pregnancy, and we defined the pregnancy like 16 other States. That is the dominant way of defining the child for the purpose of this statute. Thirteen States have a different view of it. In California, I think the law is at 6 weeks. If you can prove the child is beyond 6 weeks—not viable but beyond 6 weeks—the law kicks in.

In 1999, when we first drafted this statute—Senator DEWINE was carrying it in the Senate, I carried it in the House, and we are finally coming together to have a vote—it never made sense to me, if you believe this is not about abortion—because it is not; we wrote it so it is not—why would you give a criminal a break who destroyed a family's life in two ways, not one?

You are not going to prosecute medical researchers under this statute. You have to hurt the mother. This is not about medical research. It is not about abortion. It is about criminals who attack pregnant women.

Why would you give the criminal a break at 3 weeks? You could prove the baby has been around for 3 weeks. The criminal just totally gets away with it.

The Feinstein amendment—as much as I like Senator FEINSTEIN, and she is truly one of my favorites—nobody goes this way because this is not the way you would want to go if you are prosecuting criminals. You do not want to ignore the reality of what happened to this family and to these victims. This is not about abortion. If it was abortion law, you would not have any prosecutions except until the late terms of the abortion. Why would you let a criminal do that? This is not about a mother's right to choose. Under the statute, you cannot prosecute the woman at any time. You cannot do anything about abortion rights because the statute protects lawful abortions.

For 30-something years in California, they had the ability to prosecute criminals who attacked pregnant women and have Roe v. Wade rights. Look in the phonebook anyplace in California and you will find people who will provide a lawful abortion. Look at the criminal law and you will find a statute that allows people to be put in jail who attack a pregnant woman and do damage to her unborn child at the 6-week period.

My point is, when criminals attack pregnant women, don't play this game of the abortion debate. Don't bring it over here. The reason we voted 417 to 0 in the House was to prevent an execution of a pregnant woman at the earliest stages of pregnancy. It does no good to kill the chance of that child to grow to render justice to the mother.

With a vote of 417 to 0, the House adopted the same definition as this statute because the purpose of that statute was to prevent the State from executing a woman who we know to be pregnant at the early stages of a pregnancy. The reason being, it does no good. It does not advance Roe v. Wade. It just does something you do not need to do to render justice. You do need the ability to bring two prosecutions at the earliest stages of pregnancy to render justice for those who choose to violently assault pregnant women. No medical researcher is going to be harmed. We will have the stem cell debate. The Roe v. Wade rights that exist today are not going to be eroded. They have existed in conjunction with these statutes for years and years, and that debate will go on for years and years. But here is what is likely to happen.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mr. GRAHAM of South Carolina. There will be, unfortunately, human nature being what it is, another assault against a pregnant woman where Federal jurisdiction would exist if we have this statute. It is going to happen because people are mean, people are cruel, and they need to be dealt with when they are mean and cruel.

The Senate enhancement option has been rejected by everybody who looked at this because it does not render justice. It creates a legal fiction that is not necessary and destroys the whole purpose of this statute.

I mentioned the Arkansas case. Three teenagers were prosecuted for beating up a pregnant woman for the purpose of making sure one of them did not have to pay child support. They are not on death row. I misspoke. One of them received 40 years, one received life imprisonment. It was a capital statute, but it was not a death penalty case. I was wrong. I apologize.

The PRESIDING OFFICER. The Senator used 5 minutes.

Mr. GRAHAM of South Carolina. Five more seconds.

The Laci Peterson case is a death penalty case because there are two victims.

All we are saying is Federal law should address reality. When Michael Lenz lost his wife in the Oklahoma City bombing incident, he also lost his son, Michael Lenz III. All I am asking for is that justice be rendered in cases such as that. When somebody chooses to destroy a family—the mother and the unborn child—let them pay a severe price, and let's debate abortion another day, another time, and not interject it into a statute where it should not be interjected.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, could you give us the time remaining on both sides, please?

The PRESIDING OFFICER. Yes. The Senator from California has 23 minutes remaining. The other side has 5 minutes remaining.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, this is a difficult discussion because I am very fond of both the Senators with whom I am debating. However, I certainly do not agree with the statement the Senator from Ohio just made with respect to the definition that is in the bill.

I will read the definition that is in the bill. The term ''a child who is in utero'' means:

> A member of the species Homo sapiens at any stage of development who is carried in the womb.

The one thing neither Senator DEWINE nor I know is how fast the egg gets to the womb, but I think it is pretty fast.

I just had a note passed to me by someone more erudite than I. I think we can all put this in our lexicon.

It takes about 7 days for a fertilized egg to get to the womb, but there is also the belief the underlying bill applies at the moment of conception. Let us say the egg gets to the womb in 7 days. The problem those of us on this side of the aisle have with the bill is it gives the status of a human being to that egg as soon as it is in the womb, and that creates for the first time in Federal criminal law a scenario whereby if that egg is hurt, criminal assault charges, criminal manslaughter charges, criminal murder charges can be brought because that egg, at any stage of development—they do not use trimesters, they do not use any way of deciding the development—at any stage of development, that egg in utero is a member of the species Homo sapiens, and that is where this, for criminal purposes, becomes so difficult.

That is why the letter from the professor from Stanford, who runs the criminal prosecution unit at Stanford Law School, becomes so relevant, because let's say I am in a jury pool and a woman has been beaten up and she was 7 days pregnant—at that moment it is a fertilized egg—and she lost the fertilized egg, and I was told the penalty would be an additional 10 years in prison because she lost that egg. Well, I would have to make a decision as to whether I want to be on that jury. So what the professor says is this can actually work contrary to our intent, particularly in these early cases.

He also said he suspects it is dependent on the administration as to whether early cases will be brought to a court or not, but the point is we cannot make that decision. We cannot say this is only going to be used when a mother is 7 months, 8 months, or 9 months, pregnant. In the horrific circumstances described by the Senator from Kansas, which got all of our hearts beating faster, we cannot assume that all cases will be of that type. The legislation clearly says for the purposes of definition the child is defined from the point it is in the womb at any stage of development as a child, as a person, with rights. That is the dilemma and that is why we have tried to craft a bill that does not do that, that says if someone harms or ends a pregnancy, they are subject to the same penalties.

This body is going to have to decide—and it is a very hard question. I think this is one of the most controversial bills we have had. This is probably why this bill has been around for 5 years now. I think it had a hearing in Judiciary in 2000. It has not had a hearing since. It has been rule XIVed to the floor.

Again, I wanted to make some small changes—I was not permitted to do so—by modifying my amendment. I believe, and my chief counsel believes, this bill provides the same penalties. The one difference is the definition is different. We use harm or end pregnancy, rather than that the unborn child becomes a child—well, that a child in utero and child who is in utero means a member of the species Homo sapiens, at any stage of development, who is carried in the womb. That is the problem and that is where for those of us who want to protect a woman's right to choose and who read the statements that are put out by the far right, we take them at their word that this is where they are going.

I did not make this up. This is a rather well-known statement. It clearly says, ''In as many areas as we can, we went to put on the books,''—this statute on the books—''that the embryo is a person . . . ''

For me, I am also very interested in being able to see that there are prudent regulations and Federal controls that will allow embryonic stem cell research. Well, if it is murder of a 7-day-old fertilized egg, then it is murder if it is used in stem cell research as well. That is where I think this is going.

There are also statements by people who want to ban embryonic stem cell research that also say this is the strategy. So I say, why get into it at all? Why not just say, if someone ends or terminates a pregnancy, the same penalties will apply. That is what we have tried to do. That is the intent of what we are doing.

I think the votes are very close. At this point, I will yield the floor, but I reserve the remainder of my time.

Mr. DEWINE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Five minutes.

Mr. DEWINE. And the Senator from California?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DEWINE. I suggest the absence of a quorum, with the time to run equally on both sides.

Mrs. FEINSTEIN. Equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. We are getting close to the end of this debate. I think there are just a few points about this amendment I would again like to stress. One is this whole debate today has nothing at all to do with abortion. I talked about that. I will not belabor the point. We have made that clear in the language we have written. It is set down in the precedent of States that have passed similar legislation. It has not had anything to do with abortion.

If Members of the Senate truly believe what the vast majority of the American people believe, and that is there are two victims, then they have to turn down the well-intended Feinstein amendment. The Feinstein amendment tries to provide for enhanced penalties. I believe it is clear, from what I have spelled out a few moments ago, she has failed to do that, that there are no enhanced penalties. Even if there were, it is a contortion of the law and logic to deny the fact that when a pregnant woman is violently attacked and she loses her child, for the law to say we refuse to recognize there is a second victim, and that is what the Feinstein amendment, unfortunately, says. The Feinstein amendment denies the fact there is a second victim.

We have heard on the Senate floor today, time and time again, these horrible stories that Senator FEINSTEIN and I—our hearts go out to these victims. Everyone's heart does. But how can we say to these families that these children who were lost, sometimes the grandchildren who were lost, were really not, in the eyes of the law, victims?

In the eyes of everyone else in society they are victims. Shouldn't the law also recognize them as victims? That is what we are saying with our bill. Unfortunately, the Feinstein amendment denies them that.

I reserve the remainder of my time.

Mr. KYL. Mr. President, I am pleased that the Senate is debating this sensible measure, and I certainly hope that the outcome will be the rejection

of the two amendments and passage of the underlying bill. Such an outcome will lead immediately to the enactment of the Unborn Victims of Violence Act, as the legislation has already passed the House and the President has stated that he will sign it.

The Unborn Victims of Violence Act would recognize an unborn child as a victim when he or she is killed or injured during the commission of a Federal or military crime. The gist of this debate is the question of whether there are one victim or two in such instances. Polling suggests that upwards of 80 percent of the American people believe that there are two victims, a view no doubt reinforced by the well-known case of Laci and Connor Peterson. It has been noted that when definitive evidence of foul play in that case came to light, two bodies washed up on the shore, not one. The Unborn Victims of Violence Act would codify that common sense observation in Federal law.

Opponents of the bill contend that the bill's ''two victims'' premise is ''unprecedented,'' but 29 State laws—including the law in California, where Laci and Connor Peterson were killed—relfect that exact understanding of what merits punishment when a violent crime is committed against a woman and her unborn child. It is the ''one victim'' idea the Feinstein amendment would inscribe in law that would depart form the understanding embedded in the State laws addressing this question.

Finally, I sincerely hope that my colleagues—whatever their views on the question of one victim versus two victims—will firmly reject the amendment offered by the senior Senator from Washington State. I am very proud of my record of support for victims of domestic violence, and I believe that some of the ideas contained in the Murray amendment merit our consideration.

But passing the amendment we are presented with today would be a serious mistake. First, I must note that the Murray amendment was obviously drafted in haste because it contains serious technical flaws—not the least of which is a provision that would—as I understand it—give an abusive family member the same rights as a victim!

The Murray amendment would create an unpaid leave provision that is distinct from the provisions contained in the Family Medical Leave Act, FMLA, and State laws. This new leave provision would apply to employers with as few as 15 employees—compared to 50 for FMLA. FMLA applies to workers who have been employed for at least a year, but the proposed Murray leave program has no minimum requirements for length of service. Moreover, under this amendment, domestic violence leave could be taken without advance notice, and without corroborating evidence beyond the employee's own sworn statement. Given the extraordinary degree of uncertainty such a regime could create for employers, Congress must proceed cautiously here. To pass the Murray amendment today would be to flout that imperative.

I strongly support the unamended version of this bill.

Mr. LEAHY. Mr. President, acts of violence against women are always abhorrent, but they are especially disturbing when committed against pregnant women. When a violent crime causes injury to a pregnant woman that results in a miscarriage or other damage to the fetus, we all share the desire to ensure that our criminal justice system responds decisively and firmly to exact appropriate punishment. This is not an issue on which you will find any disagreement among Members of Congress, no matter their party affiliation or whether they are pro-choice or anti-abortion. Protecting pregnant women and their families from violence is a serious and compelling problem that deserves to be elevated above political agendas and partisan politics.

Today we consider a bill that proposes a new Federal crime to punish conduct that violates a list of over 60 existing federal crimes and ''causes the death of, or bodily injury to, a child, who is in utero.'' The terms ''a child, who is in utero'' and ''unborn child'' are defined in this proposal to be ''a member of the species homo sapiens, at any stage of development.'' Through this proposal, we will be forced to revisit the divisive political debate about when human life begins and what is meant by these terms—whether, for example, the term ''any stage of development'' is intended to cover an unfertilized human egg or a zygote, and how far away from viability the proposal is designed to move the federal definition of a ''person.''

Generally, our Federal and State criminal laws only penalize conduct that affects a person who was born alive. That does not mean we cannot or should not go further. I support additional punishment if a violent crime against a pregnant woman causes her to miscarry or otherwise injures the fetus. Senator FEINSTEIN will offer an amendment on this point, which I support, and which I will discuss in a moment.

While no other Federal criminal statute identifies a fetus as a distinct victim of crime, this does not mean that a fetus is left unprotected under our criminal laws. The Justice Department pointed out the obvious, in a letter dated September 9, 1999, to then-Chairman of the House Judiciary Committee, Representative HYDE. That letter states that ''[b]ecause the criminal conduct that would be addressed . . . is already the subject of federal law (since any assault on an 'unborn child' cannot occur without an assault on the pregnant woman), [the bill] would not provide for the prosecution of any additional criminals.'' As Ronald Weich, a former prosecutor and former Special Counsel to the Sentencing Commission, noted in his February 2000 testimony, defendants whose violent attacks against pregnant women resulted in harm to a fetus have been prosecuted, and thus ''it is very clear that criminal liability may be imposed under current federal law.''

Moreover, the Federal Sentencing Guidelines already provide a sentencing enhancement of two levels where the defendant knew or should have known that the victim was a ''vulnerable victim,'' a term that is defined as someone who is unusually vulnerable due to age, or physical or mental condition. Guidelines Manual, §3A1.1(b)(1). This provision has been used to cover violent crimes against pregnant women. Mr. Weich described several cases in which a pregnant woman was treated as a vulnerable victim, resulting in enhancements and upward departures in the applicable guideline sentencing ranges for the defendants. Nevertheless, if there is any question about the application of these enhancements in violent crimes against pregnant women, we should clarify that matter promptly.

Respectfully, it seems to me that this bill has not been crafted to find that common ground, nor designed to provide an effective means to prosecute or prevent violence against pregnant women.

First, this bill unnecessarily injects the abortion debate into our national struggle against violence towards women. The Supreme Court in Roe v. Wade held that ''the word 'person', as used in the Fourteenth Amendment, does not include the unborn.'' This bill purposely employs terms designed to undermine a woman's right to choose by recognizing for the first time in Federal law the legal rights of a person as applied to the earliest stages of development of a fetus, an embryo or an egg.

Second, the National Coalition Against Domestic Violence has warned that a consequence of the bill is that battered women who are financially or emotionally reliant on the batterer may be less likely to seek appropriate medical attention if doing so could result in the prosecution of the batterer for an offense as serious as murder. We should pay attention to the experts about the consequences of legislative proposals such as this one, particularly when the experts say this bill could have devastating effects for victims of domestic violence.

Finally, the bill ignores the problems of domestic violence, sexual assault and other forms of violence against women; in fact, the UVVA does not even mention the woman. In short, this bill ignores the reality that an attack that harms a pregnancy is inherently an attack on a woman.

The senior Senator from California will offer a substitute amendment to S. 1019 that does what the Unborn Victims of Violence Act purports to do without wading into the political waters of the abortion debate. This amendment,

commonly referred to as the Motherhood Protection Act, creates a separate, additional Federal criminal offense for harm to a pregnant woman. Under this legislation, the prosecutor may (1) charge the defendant with an offense against the woman, and (2) subsequently charge the defendant with the separate offense of interrupting—e.g., causing brain damage to the child—or terminating the normal course of her pregnancy. A defendant would face a maximum of 20 years in prison for interrupting the pregnancy and a maximum of life imprisonment for terminating the pregnancy. Such sentences would be in addition to any penalties for the underlying federal crime. These terms of imprisonment reflect the same sentences included in the UVVA.

Senator FEINSTEIN's amendment addresses harm to a pregnant woman, while recognizing the loss she suffers through injury to the fetus. By excluding the language in the UVVA that defines a human to include a fetus, the Feinstein amendment accomplishes the stated goal of the UVVA without undermining reproductive rights or ignoring violence against women.

The senior Senator from Washington will offer an amendment in support of domestic violence victims, which I am proud to cosponsor. The Murray amendment would authorize HHS grants to nonprofit agencies to help service providers design and implement intervention programs for children who witness domestic violence. The grants would encourage domestic violence agencies and schools to work together to address the needs of affected children. The amendment would also establish entitlement standards and guidelines for employees to use emergency leave to address domestic and sexual violence.

Unlike UVVA, these two amendments address the issue of violence against women. If we are serious about addressing this problem and trying to end the violence, then we should put a stop to the partisan politics surrounding UVVA and vote for these amendments.

When it has focused on the real issue of violence against women, Congress has taken aggressive action to address the problem of violence against women. Congress made great strides in the fight against domestic violence by passing the bipartisan Violence Against Women Act as a part of the 1994 Violent Crime Control and Law Enforcement Act. Senator BIDEN and Senator HATCH contributed considerable time and leadership to achieve the enactment of VAWA, which marked a turning point in our Nation's effort to address domestic violence and sexual assault.

This landmark legislation created federal domestic violence offenses with severe penalties to hold offenders accountable for their destructive and criminal acts of violence. Since the end of 1994, the Department of Justice has brought over 1000 VAWA and VAWA-related indictments and awarded over one billion dollars in VAWA grants to communities working hard to combat violence against women and to help cure the pain and suffering that results from it.

I am proud to say that Vermont was the first State in the country to apply for and receive funding under VAWA, and I have seen the way in which groups such as the Vermont Network Against Domestic Violence and Sexual Assault have worked effectively to stem violence against women and children and to assist those who have suffered from it.

I am also pleased that the conference report on the AMBER Alert and PROTECT Acts included Leahy-Kennedy-Biden legislation to establish a transitional housing grant program within the Department of Justice to provide victims of domestic violence, stalking, or sexual assault the necessary means to escape the cycle of violence. It amends the Violence Against Women Act of 1994 to authorize $30 million for each of fiscal years 2004–2008 for the Attorney General to award grants to organizations, States, units of local government, and Indian tribes. The grants will help victims of domestic violence, stalking, or sexual assault who need transitional housing or related assistance as a result of fleeing their abusers, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. President Bush signed the conference report into law on May 7, 2003.

We know that violence against women pervades all areas of our country. It makes no difference if you are from a big city or a rural town; domestic violence and other violence against women can be found anywhere. This is a serious issue. We owe this country a serious response, not a debate on ideological proposals that ignore effective programs designed to help women crime victims. I urge my colleagues to join me in supporting the Feinstein and Murray amendments, and in voting against the Unborn Victims of Violence Act.

Mr. FEINGOLD. Mr. President, I will oppose H.R. 1997, the Unborn Victims of Violence Act, and instead support an alternative offered by Senator FEINSTEIN, and I would like to take a moment to explain why.

I join with Senator DEWINE and the supporters of this bill in condemning acts of violence against women, including pregnant women. The Unborn Victims of Violence Act would make it a Federal crime to injure or kill a fetus during the commission of a Federal crime against a pregnant woman. This separate offense would be punished as if injury or death had occurred to the pregnant woman. I believe that acts of violence against pregnant women are deplorable and should be punished severely. Congress has taken and should continue to take steps to protect women from violence and prosecute those who attack them. But I am concerned that by recognizing the fetus as an entity against which a separate crime can be committed, the Unborn Victims of Violence Act may undermine women's reproductive rights as set forth by the Supreme Court in Roe v. Wade.

That is why I plan to support a sound alternative, the Motherhood Protection Act, offered by my colleague Senator FEINSTEIN. the Motherhood Protection Act would accomplish the same stated goal as the Unborn Victims of Violence Act: establishing an additional, separate Federal offense for harm to a pregnant woman. It carries the same penalties as H.R. 1997: a maximum 20-year sentence for harm to a pregnancy and a maximum life sentence for termination of a pregnancy.

I believe that the Feinstein substitute is the better approach because it accomplishes the same goal that H.R. 1997 seeks to address without delving into the controversial issue of defining when human life begins. Regardless of our views on that highly charged question, we can agree that violence against pregnant women is a heinous crime and should be punished to the fullest extent of the law. That is why I will oppose H.R. 1997 and instead support the Feinstein substitute.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time does the other side have remaining?

The PRESIDING OFFICER. They have 1 minute 58 seconds.

Mrs. FEINSTEIN. Mr. President, I agree that the debate is concluding, and I thank the Senator from Ohio. This is a serious subject and it is a difficult subject and it is a controversial subject. I appreciate the manner in which the debate has been conducted, because I think it has been conducted in the best tradition of the Senate, with the exception of your not letting me modify my amendment. But I will only interpret that as caused by the fact that the other side is worried and doesn't want my amendment to get any better, so they refuse to let me modify it.

We have two different bills here. I think we have expressed the differences. The underlying bill does recognize the unborn at any stage of development, as long as they are in the womb, as a human being, as a victim and with rights.

My bill, rather than enter into where life begins, at what point in this gestation period life actually begins enough to say this is a person with rights—it doesn't get into that. It takes the penalties and does a double charge and says if the predicate crime is present, and you carry out the crime to harm or end the pregnancy, it is a double charge so you are charged accordingly.

The hard part of this is that we all know there has been a march to turn back Roe v. Wade. Every Member of

this Senate knows it. We have had vote after vote after vote. Since 1994, the pro-choice side has lost most of the votes. That is irrevocable fact. We know the march is on.

So those of us who are pro-choice naturally are going to look at laws to see if those laws can constitute, in addition to what they are supposed to do, any kind of bulwark from which to attack Roe.

Because of the definition of a child in utero being, at any stage of development, a member of the species Homo sapiens, we come to a conclusion. We asked the question, first, why do they use that definition? So many States have passed laws and many of them have used different definitions, why do they select that definition?

Answer, because it accomplishes the purpose of determining that once a fertilized egg is in the womb, it becomes a human being. That, then, buttresses statements such as this one on the easel.

This isn't the only statement. I can give another statement by another professor which I used in my opening remarks. It is a statement of a Republican strategist. Professor Charo is at the University of Wisconsin. She made the statement recently:

> If you can get enough of these bricks in place, [meaning laws] draw enough examples from different parts of life and law where embryos are treated as babies, then how can the Supreme Court say they are not? This is, without question, a conscious strategy.

So if you believe it is without question a conscious strategy—and I, based on the history of how the erosion against Roe is being waged, piece by piece, bit by bit, law by law, action by action, I believe it is a conscious strategy. The hard part about it for me is that you feel this terrible empathy for women who have been the victims and who are 7, 8, 9 months pregnant. That has been every case that has been before us today, it has reached that stage of gestation, where you know your child can exist outside of the womb and some animal has taken the child away from you by beating you to the point where they have killed the child and in many of the same cases—the Senator from Kansas illustrated today—killed the mother as well. We want to throw the book at that perpetrator. And we do. We believe our bill is clear, and we believe our bill will stand the test of time.

So we ask the Senate to support the substitute amendment and turn down the underlying bill. I reserve the remainder of my time. I yield.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I will again point out for those who are worried about some great precedent being set here in regard to abortion that over half the States have similar laws and many of them are absolutely identical to what we are writing. So people should not be concerned about this.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. I yield but I am reserving the remainder of my time. I may have something to say in a minute or so, and I may not.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I think I have just a short time left. How much time do I have?

The PRESIDING OFFICER. Five minutes.

Mrs. FEINSTEIN. Mr. President, for those who might have gotten involved in this late, I would like to use the 5 minutes to say a few things.

The first is that this is one of the most difficult areas in which to legislate because it is filled with so much emotion and so much difference of opinion. It is one of those great cultural problems that exists out there in our real world, as opposed to this world, where human lives are very much affected.

On the one hand, you have the situation the Senator from Kansas, the Senator from Ohio, and the Senator from South Carolina pointed out—situations where you have women who have terrible things done to them. It is just so hard for us to realize how that can happen, that any man can be that callous to beat to death a woman who is 7, 8, or 9 months pregnant; can use a knife; can cut her fetus when you know that child is capable of life.

I understand what drives this desire. What drives the desire is to see that there is equal punishment for the taking of that life, which I believe is a life because it can sustain life. Its pulmonary functions have cleared out in the last few weeks of pregnancy and those kinds of things. But basically it is a baby, and basically it is viable. I understand all of that.

When you get down to definitions, and when you look at the statute itself, what concerns many of us and makes us understand we are dealing with something much more than just what I have said is the definition of a child in utero who is made by this bill a person, a member of the species Homo sapiens at any stage of development as long as it is in the womb—that could be 3 days, I am now told, from conception—you are not only creating criminal law for the woman who can produce a child who can live and whose life is taken away but we are creating a sanction for an egg that is fertilized that may be 3 days old. That sanction can be murder and carry with it the full weight of murdering another human being. It is a very heavy sanction. You are giving rights to that newly conceived egg of a full person.

There are many of us who say this is another way of doing this. That is just saying if you harm or end a pregnancy, these full charges will revert.

The reason we do it that way is because it exists all around us. The fact that there is a reason for how this child in utero is defined and the reason is, as I have tried to elucidate—and there are many other cases—''In as many areas as we can, we want to put on the books that the embryo is a person.''

Why do they want to do that? It is simple. They want to do it because if we legislate, and the Federal crime is that if a 3-day-old egg is a person and has rights, then abortion under this same context is murder or manslaughter or assault. Full rights of a person are given.

I think that is a problem when you codify it in statute. This body is then saying: Yes, we agree. Therefore, a case can be brought against abortion of any kind at any time and also against embryonic stem-cell research that some of us believe is the new horizon of medicine, which is capable of finding cures for Parkinson's and Alzheimer's, and juvenile diabetes.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Just to sum up, I hope Members of the Senate will vote for the substitute amendment and against the underlying bill.

I thank the Chair. I thank the distinguished Senator from Ohio. It has been a very interesting morning.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from California. This has been a very good debate. No one in the Senate Chamber cares more about the victims we have been talking about than my colleague. I salute her for her compassion. I salute her for all the great work she does in this Chamber.

Three points: This bill has nothing to do with abortion. We shouldn't fear it. People who are on either side of abortion should not fear this bill. The States have already passed laws similar to this. They have not affected abortion. That is point No. 1.

Point No. 2: The Feinstein amendment denies that there is a second victim. If you care that there is a second victim, if you care about justice, don't vote for the Feinstein amendment.

Point No. 3: The Feinstein amendment is drafted, unfortunately, so there is no penalty for the killing or the injuring of the child.

That is a problem. I don't think anyone intends for that to be the case in the sense of voting that way. If you vote for the Feinstein amendment, you are denying that there is a second victim. You are also denying that there will be any penalty for the killing or the injuring of that victim. That is what a vote for the Feinstein amendment would do. I ask my colleagues to vote no on the Feinstein amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. DEWINE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is absent attending the funeral of his wife's grandmother.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—49

Akaka	Durbin	Lieberman
Baucus	Edwards	Lincoln
Bayh	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Chafee	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Collins	Kennedy	Schumer
Conrad	Kerry	Snowe
Corzine	Kohl	Specter
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	

NOT VOTING—1

Biden

The amendment (No. 2858) was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2859

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have an amendment No. 2859 at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2859.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. There are 2 hours equally divided on the amendment. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, today I am offering an amendment to help prevent violence against women and children. We have heard a lot of talk today about punishing abusers. Now it is time to see who is serious about preventing abuse in the first place.

As someone who has spent my entire public life talking with victims, visiting shelters, working with advocates in law enforcement, and funding the programs victims rely on, I am here this afternoon to offer an amendment that will help women and children get the help they need to be safe and, most importantly, to save their lives.

Mr. President, the amendment I am offering this afternoon is built on what victims and experts have told me they need. That is why this amendment has been endorsed by the National Coalition Against Domestic Violence and the Family Violence Prevention Fund. These organizations know what victims need, and they say the Murray amendment will really help victims of violence.

Mr. President, I am honored to say that my amendment is named for Paul and Sheila Wellstone, who were such champions for victims of domestic violence. Senator Wellstone and I introduced legislation which is today included in this amendment. Paul's desk was just behind me here on the Senate floor. I can still see him behind me waving his arms and making the case for people who have no voice.

This amendment is a real tribute to Paul and Sheila and the fight we carry on for the millions of people who need a voice in the U.S. Senate. Whenever Paul debated an issue, you could always tell who was really standing up for families and who was just talking. The vote on my amendment will reveal who is truly concerned about giving women and children the tools they need to escape violent relationships, and who is more interested in playing politics and attempting to undermine women's constitutional rights. Any Senator who is truly concerned about the safety of women and children will join me and give battered women the support they need to escape violent relationships before it is too late.

Now, I have a feeling that during this debate we are going to hear a lot of excuses. Some Senators are going to stand up here and claim that preventing violence against women is somehow not relevant. Senators will stand up here with the talking points that have been prepared for them by the Chamber of Commerce and say that protecting women from deadly abuse is somehow bad for business.

We are going to hear a lot of excuses. But I have something stronger. I have the actual stories of dozens of women who are being abused, who have escaped abuse, or who have been killed by their abusers. Those are the voices that need to be heard on the Senate floor, not talking points from lobbyists, not the same old excuses from the very people who are cutting Violence Against Women Act programs by $10 million. We have had enough of that. We know where it has gotten us: 2 million women assaulted every year.

Nearly 1 in 3 adult women are assaulted. There are 4.9 million intimate partner rapes and physical assaults, and thousands of women every year are killed by a spouse or a boyfriend. We know what all those excuses have produced: Women who are beaten, raped, and murdered.

Some lobbyists and Members of Congress want to bury my amendment. You know what. We have had to bury enough people already. Let's see who is serious about helping to prevent violence and who is just playing politics with the lives of battered women.

Let me read a note I received from an advocate for victims of abuse. She writes:

> I have had many many clients over the years who have come to me after they have been fired from work because they missed a day of work to go to court to get a civil protection order. In some of these instances, the women had sick days, but they were still fired. Several of these women were forced to return to their batterers after they lost their jobs because they lost their income and they and their children would have been homeless if they did not return.

These are some of the women who are trapped today and who desperately need our help. Mr. President, my amendment is especially important because the Bush administration is cutting or freezing funding for critical domestic violence programs. Every year, 2 million American women are sexually assaulted, stalked, or physically assaulted—2 million women every year. You would think that the White House would recognize the need to fund domestic violence programs, but the President's latest budget offers more bad news to victims of violence.

Let me give you some examples. The President's budget cuts Violence Against Women Act programs by $10 million. It cuts a Justice Department rape prevention program by $29 million. It freezes funding for the domestic violence hotline, and it freezes funding for grants for battered women shelters, precisely at a time when we need increases because evidence shows us that domestic violence increases during tough economic times just as we are having today.

So I find it pretty ironic to be here today with a bill before the Senate that purports to help victims of domestic violence while it ignores all we know about preventing it. Anyone who has talked with victims' advocates and law enforcement knows that domestic violence prevention requires more support, not less—not less. It is clear that we need to help victims escape violent relationships, and the Paul and Sheila Wellstone domestic violence prevention amendment will help.

Mr. President, my amendment does several things. It gives victims of abuse

access to unemployment insurance if they have been forced to leave their job because of violence. It gives victims of violence access to expanded emergency leave so they can go to court or to the police to stop the abuse. It protects victims from employment and insurance discrimination. It provides services for children who witness domestic violence so we can end that cycle of abuse. It helps health professionals screen for abuse and respond appropriately. It gives victims better access to critical health services. Those are the steps we need to take today to protect the more than 2 million women who are sexually assaulted, stalked, or physically assaulted every single year.

Mr. President, let me say a word about the relevance of my amendment. I expect some Senators will come here and claim that preventing violence against women is somehow not relevant to the bill we are debating today. To them, it never seems to be the right time. There is always an excuse. In fact, these Senators are sending a message that victims are not relevant until they are dead. If any Senator wants to come down here and tell women across America that the abuse they face is not relevant, then they will have to make that insulting claim alone because I am going to keep fighting to get victims the help they need, to prosecute abusers and break the cycle of violence. You tell a woman who is being abused she doesn't deserve more help; you tell a child who is witnessing abuse every night that my amendment is unnecessary. I am not going to tell victims that. My amendment gives them the real help they need.

Mr. President, victims of violence have heard a lot of excuses over the years. Claiming that their daily abuse is not relevant to this Senate debate is just another of the excuses that have trapped women every year in this country. That claim is as insulting as it is false.

Just look at the recent debate in the House of Representatives on this underlying bill. During that debate, every single anti-choice Member who spoke referred to criminal acts of violence against women. Violence against women is a central part of this debate. Preventing violence against women and helping women and children who are being abused is central to this discussion.

Opponents cannot have it both ways. They cannot claim that their bill is needed to address the violence against women and then claim we should not debate ways to prevent violence against women. This amendment is clearly relevant and will truly help women and children.

Anyone who wants to claim it is not relevant will have to answer to the victims to whom they are denying help. Either you are serious about helping women and victims or you are playing politics and making excuses.

Women and children who are being violently abused every day deserve to know where their Senators stand, and Members of Congress are certainly hearing from outside groups on this, from groups that are not known—not known—for their advocacy on fighting domestic violence.

Yesterday, Senators received a letter from the U.S. Chamber of Commerce urging them to oppose my amendment. Bruce Josten, the Chamber's Executive Vice President for Government Affairs, makes the Chamber's case rather forcefully in his letter. He writes:

> It is important to note as a preliminary matter that H.R. 1997 is clearly an inappropriate vehicle for this amendment as the issues involved are completely unrelated.

''Unrelated.'' We are dealing with a bill that claims to address the crime of violence against women, but an amendment that would actually prevent violence is ''unrelated,'' according to the Chamber of Commerce.

Mr. Josten goes on to write:

> The ill-designed programs promise to impose significant costs on business, particularly small business.

So the Chamber argues that the cost of preventing further violence against women is too high to pay. In other words, preventing domestic violence and giving women the tools to escape from abusive relationships is bad for the bottom line.

Let's, for a minute, examine the economics of domestic violence. There are costs associated with allowing domestic violence to continue, not just for women but for businesses.

In 2002, economists Amy Farmer of the University of Arkansas and Jill Tiefenthaler of Colgate University published a report on the economic impact of domestic violence. They examined publicly available studies performed in the United States, including the annual National Crime Victimization Surveys, two Physical Violence in American Families studies, and seven studies in the national violence against women survey.

As Ms. Farmer explained:

> Each study was intended to answer different questions, so the data sets have different strengths and weaknesses. When we incorporated these data into a single model of domestic violence, a different picture emerged that can be seen from any one study.

They found that absenteeism, tardiness, and turnover rates are all high among domestic abuse victims. Farmer's research also concludes that domestic abuse may result in almost 7 million lost work days annually—7 million—reduced workplace productivity, increased insurance costs, and lower profits.

The researchers also cited a 1995 Roper report that found that 49 percent of the Fortune 100 executives surveyed believed that domestic violence hurt their company's productivity, and 33 percent said it lowered their profits. So this is a problem that is real, and it has real costs for businesses.

If you go to the Corporate Alliance to End Partner Violence, you can learn some other interesting facts about domestic violence and how it affects the bottom line. On their site, you will find medical expenses from domestic violence costs $3 billion to $5 billion a year. Businesses are paying $3 billion to $5 billion a year in health care for victims of domestic violence.

You also learn that 94 percent of corporate security directors rank partner violence as a high security problem. They estimate that 75 percent of victims of domestic violence are harassed at work by their abuser.

Here is a startling fact they have on their Web site: Homicide is the No. 1 leading cause of death on the job, and 20 percent of those murders were committed by their intimate partner at the workplace.

What should we conclude from this data? Domestic violence is bad for business. It has real and it has painful costs on employers. So for those Members who want to weigh this measure against its economic merits, as the Chamber does, the facts are clear. Providing the tools that will allow abused women to escape abusive relationships can help offset billions of dollars in costs that domestic violence imposes on businesses.

But I hope my colleagues will consider more than the economics as they cast their vote. I hope my colleagues will consider the cost to the women and children who are the victims of domestic violence—the cost in pain, the cost in lives—and the pain and the lives we can protect by giving women the tools they need to escape abusive relationships.

I would like to share with my colleagues this afternoon some of the stories of the women we are trying to help with this amendment. These stories were shared with me by a nationally recognized advocate for domestic violence victims.

Let me tell my colleagues a story about a woman who had worked at a medium-sized organization for over a year as an administrative assistant. Her husband had been beating her on and off for over 15 years of their relationship. When things escalated, she missed work due to a severe beating. She called in to work and was honest about what happened to her. She came in to work the next day and was told she was fired. Her company told her they were afraid that her husband would come to the workplace and hurt her coworkers, although that had never happened before.

She did not qualify for job guaranteed leave under the Family and Medical Leave Act because the company employed less than 50 employees and, arguably, her injuries from the beating did not qualify as a serious health condition. So it made her firing legal.

If VESSA—the act we are talking about—had been in effect, she would have had access to job guaranteed leave or perhaps a provision prohibiting employers from discriminating against victims of domestic violence.

She applied for and was denied unemployment insurance.

This is a real woman. This is what happened to her. It could be your next-door neighbor. It could be your daughter.

There is another woman who worked as a hospital nurse. She just left her batterer and was concerned that he might follow her to her workplace. She told her employer of her fears, and they fired her. She applied for unemployment insurance. She was denied.

Another story: Abusers often contact employers themselves to get the women they are abusing fired. One batterer called up the workplace and told them his victim was HIV positive. He then told the employer that the woman was a liar and was missing work so she could file a frivolous restraining order against him. The woman took an earned sick day off from work, but when she returned to work, she was told she was fired because she was a victim of domestic violence. If VESSA had been in place, that would have been illegal.

Another story: A woman was assaulted by her batterer in the parking lot at her workplace. She was then fired for ''being in a fight.''

Let me tell you about a woman who was strangled by her batterer. Her doctor told her to stay home from work for 5 days after being strangled. She called in sick to work, and she was fired because she did not have enough vacation days and she did not qualify for family and medical leave because her employer was too small.

These are real people, Mr. President. These are our next-door neighbors. These are women who live in our communities. These are real stories.

Another example: One morning a woman was getting ready to go to work and her abuser came to her home with a gun. He told her that if she left the house, he would kill her. She was able to call the police, and the police came to her home and arrested the batterer. She got a police report. She called her workplace and explained why she was unable to come to work that day. The next day she returned to work and was fired for missing work and was denied unemployment insurance.

Let me tell you another story: One woman got a call at work from her abuser. Her coworker overheard the conversation, and then her employer took her aside and said since she was dealing with so much, she couldn't possibly continue to work for him and fired her.

Here is an example of what happens when a woman tried to go to court to get help. A woman told her employer that she was in a violent relationship and that she would need to take a day off from work to go to court to get a protection order.

The employer seemed supportive and agreed, so she took the day off and went to the court. The next day when she arrived at work, her supervisor called her into his office and she was fired for missing work, even though she had obtained permission the day before.

These are just some of the people who desperately need our help. These are real stories. These are real women. They need this amendment to break out of these abusive relationships.

Let me take a minute to put this amendment in context because it is the next logical step in the progress that we have been making in fighting domestic violence. We have come a long way over the past few years in dealing with domestic violence. Not long ago domestic violence was considered a family problem. It was something people did not talk about. That climate made it very difficult for victims to seek help. It prevented friends or neighbors from getting involved in what was considered someone else's business.

Today stopping domestic violence is everyone's business, thanks to the Violence Against Women Act, which I was proud to work on and help pass. For the first time, the Violence Against Women Act recognized domestic violence as a violent crime and a national public health crisis. It laid out a coordinated strategy to bring advocates, shelters, prosecutors, and law enforcement professionals together to fight domestic violence. I was proud to help reauthorize the Violence Against Women Act in 2000.

Over the years, I have been proud to work with advocates from Washington State and across the country to strengthen these violence against women programs, to increase the funding, and to help raise awareness. So the Violence Against Women Act was the first step and it helped us respond to the immediate threat of abuse. Now it is time for us to address the long-term problems that victims face. We need to break down the economic barriers that trap these women in abusive relationships, and we need to reach out to the children who witness this violence, help health care professionals stop the cycle of violence and truly protect women and children.

Let me take a few moments to walk through the parts of my amendment and show how it will help prevent and stop abuse. My amendment gives victims of violence access to unemployment compensation. Specifically, it provides victims of domestic violence, dating violence, sexual assault, or stalking with unemployment insurance if they have been separated from their employment as a result of the violence.

Many abusers trap their victims financially, limiting their ability to work and forcing them out of a job. I will share some statistics that have been compiled by the National Coalition Against Domestic Violence. Many victims of domestic violence have current or former partners who interfere with their efforts to work by harassing them on the job, threatening them and their children, withholding transportation, or beating them so severely they cannot work. In addition, more than 25 percent of domestic violence victims surveyed in three national studies reported they lost a job due at least in part to domestic violence.

We know that a job is often the only way for a victim to build up resources for themselves to eventually leave a violent relationship, but abuse and stalking can make it impossible for a victim to keep a job. We know of cases where abusers will deliberately sabotage a victim's ability to work, placing harassing phone calls, cutting off their transportation, showing up at the workplace and threatening employees. When a victim loses her job because of violence, she should have access to unemployment insurance compensation benefits.

During this debate some may claim this is some big, onerous expansion. I have seen the talking points from the groups that want to kill this genuine effort to protect women from violence, and they have it wrong. This is not some dramatic expansion. In fact, today 25 States already provide some type of unemployment insurance assistance for victims of domestic violence. We can offer that same protection to victims in every State, and we have an obligation to do it.

My amendment will also protect victims by allowing them unpaid time to get the help they need. Today a woman can use family and medical leave to care for a sick or injured spouse, but many women cannot use that act to go to court to stop the abuse. My amendment fixes that. We know that taking a day off of work to go to court or to go to the police can save a woman's life. My amendment ensures women will not be punished for taking those steps that they need to take to protect themselves from abuse.

Let me turn to another part of my amendment which deals with the children who witness domestic violence. Batterers often harm children as well as their intimate partners, and witnessing violence can have a serious impact on young children and all children. Let me offer some statistics about abuse and children to put this in perspective.

Between 3.3 million and 10 million American children annually witness assaults by one parent against another. In 43 percent of households where intimate violence occurs, at least one child under the age of 12 lives in that home. Children are caught in the crossfire of abuse, and while we know all children are affected differently, we do know that children who witness violence at home may display emotional and behavioral differences as diverse as withdrawal, low self-esteem, nightmares, or aggression against their peers, family members or property.

We know that witnessing abuse by a child can contribute to the cycle of violence. The Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice finds that as many as 40 percent of violent juvenile offenders come from homes where

there is domestic violence. In my home State of Washington, we are now all too aware of the price children pay in cases of domestic violence.

In April of 2003, the Tacoma police chief, David Brame, shot and killed his wife Crystal. Then he took his own life, all while their two young children watched. The final tragic act was the last in a long history of abusive events that often played out in front of their two small children.

According to the police report, David Brame had been driving around in a shopping center parking lot in Gig Harbor that day when he spotted his wife Crystal and the couple's children as she was parking the car. Brame shot her and then turned the gun on himself.

According to a witness, 7-year-old Haley told her:

> My daddy is a policeman and he is very mean to my mommy. I think my daddy has killed her.

Then Haley told officers she had seen her dad point a gun at her mom's head in the past.

Detectives talked to the son, David, 5 years old, at the hospital a few hours later as the mother was fighting for her life. They asked the little boy, 5 years old, ''Did you see the gun?''

He answered:

> Yeah. And, it shooted my mom into flat dead.

The children talked about past anger between their mother and their father and what led to that terrible day. That is just one terrible example of the trauma that children who live with domestic violence have to live with. It should be our collective goal to help them overcome it.

This is how this amendment would help children who witness domestic violence. It establishes grants to children who have been exposed to domestic violence such as I just described. It supports direct counseling and advocacy, early childhood and mental health services, legal advocacy and specialized services. It provides training for school personnel to develop effective prevention and intervention strategies. It helps child welfare agencies, domestic violence, and sexual assault service providers work together to protect the children.

Finally, it supports multisystem intervention models and crisis nurseries for children who are exposed to violence in their home.

Children who witness domestic violence have special needs. They are not being addressed today. We have an obligation to change that.

Let me turn to the next part of my amendment, which increases health screening so more victims can get assistance. More than one in three women who seek care in emergency rooms for violence-related injuries were injured by their intimate partner. Unfortunately, most victims who seek health care leave the doctor's office without addressing the underlying cause of their injuries. They leave that untreated, and that is the violence they suffered. The cost of intimate partner violence exceeds $5.8 billion every year; $4.1 billion of that is for direct medical and mental health care services.

Health care providers can do a great deal to stem the tide of domestic violence before it becomes life threatening. A 1999 study published in the Journal of the American Medical Association found only 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits, and 9 percent routinely screen during periodic checkups.

Emerging research shows us hospital-based domestic violence interventions could reduce health care costs by 20 percent. My amendment will help ensure health care providers are trained in how to identify and serve victims of domestic violence, and provide grants to strengthen health care systems' responses to domestic violence.

My amendment will promote public health programs that integrate family violence assessment and intervention into basic care. It encourages collaboration between health care providers, public health programs, and domestic violence programs.

My amendment will lead to more effective interventions, more coordinated systems of care, greater resources to educate health care providers about domestic violence, and ultimately what we all want, more women receiving help.

In December of 1999, the New England Journal of Medicine published a major study on the risk factors for injury to women from domestic violence. Here is what one of the researchers, Dr. Robert Muelleman, had to say.

> A lot of women who have died from domestic violence had been seen in their local emergency rooms at least 2 years before their deaths. In America, 2 to 4 million women are injured each year, and 1 to 2 million of those show up in emergency rooms. Of these, 2,000 to 3,000 a year end up as homicides.
>
> It's clear that medical professionals in the emergency room can be a great help in identifying at-risk women and directing many of them to supportive resources before it's too late.

That is from Dr. Robert Muelleman of the University of Nebraska Medical Center.

Let me turn to another part of my amendment, which expands the services available to victims of abuse. My amendment gives the States the option to use Medicaid to help victims, it ensures domestic violence screening and treatment is covered by the Federal Employees Health Benefit Program, and finally my amendment ensures States use some of the maternal and child health block grant on domestic violence screening and treatment.

Those are the main provisions of my amendment. Extending unemployment insurance benefits for victims of abuse, offering family and medical leave so a victim can go to court or the police station to get help, ending insurance and employment discrimination, providing help for those children who witness abuse, offering access to health care for victims, and improving the way our health care providers screen for domestic violence.

My amendment combines the protections and services victims, law enforcement, and advocates tell us are needed, based on their real world experiences every day on the front lines of domestic violence. We have an opportunity today finally to make a real difference for millions of women who are being assaulted. We can save lives and we can eliminate all the costs domestic violence imposes on our businesses, on our families, and on our communities. The question is whether we are serious about helping to prevent violence against women.

The underlying bill before the Senate today focuses only on penalties after a woman has been abused. My amendment aims to prevent that abuse in the first place. After a woman has been killed, it is too late. We have to stop this abuse before it ends up killing some woman. My amendment gives women today the tools to escape deadly abuse.

Are the Senators in the Chamber serious about helping victims of abuse? That is the question before us.

Frankly, I don't care what the lobbyists say out there. The Chamber of Commerce has lobbyists lined up and down the hall, and they have plenty of people making their case. But I tell you, the women whose stories I shared with you today don't have lobbyists lined up in the hall.

I have been to the shelters. I talked to the women who have been beaten. I have looked in their eyes and I know the odds they are up against. I know what I would say next time I am looking into the eyes of the victim of abuse.

My colleagues will have to decide for themselves if they are going to give her excuses or throw a lifeline to help her escape the violence that may kill her. I say to my colleagues, what are you going to say to the victims of abuse? Your vote will speak volumes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I want to take a moment to address my concerns about the amendment my friend and colleague from Washington, Senator MURRAY, has offered to the underlying bill.

First, let me commend my colleague for her passion, for her dedication to promoting public awareness about domestic violence, and for her dedication to this cause. She certainly is a tireless advocate in these efforts to help end domestic abuse. She is steadfast and unwavering in her commitment to these issues, and I applaud her for offering this amendment today.

But, reluctantly, I come to the floor this afternoon to oppose this amendment. I say this not because I am opposed to all the provisions of her amendment, but because the reality is

this is not the time or the place for this amendment. Her amendment being offered to this bill, as a practical matter, does not have any chance of becoming law. We understand how not only this body but the other body operates. The truth is, what the agreement to this amendment would do is stop the underlying bill. When we look at the calendar, when we look at the reality of the other body, when we look at what is going on in this body, the agreement to this amendment to this bill will stop this bill. It will kill this bill.

So when Members come to the floor, I implore them to think about this, however tempting it might be to agree to this amendment. It is a very big amendment. It is a very complex amendment. Some of my other colleagues in just a moment will talk about the merits of this amendment. I am not going to get into that.

I have a long history in the House, when I was in the House and later when I was Lieutenant Governor of Ohio, and now in the Senate, of supporting the cause of dealing with the problem of domestic violence. So many other Members of the Senate have done that as well. I don't say I am the only one. Other Members have had a great record. My colleague has a great record.

But the reality is this amendment, however well intended, cannot become law this way. It will not become law this way, and it will have the effect of killing this underlying bill. So, therefore, I must oppose this amendment. This amendment would kill this bill.

We are so close to seeing the underlying bill, a bill we have worked so hard to pass, actually go to the President.

The House has passed it. We are very close to passing it here in the Senate and sending it on to the President for his signature. The only thing, frankly, that now stands between this bill becoming law and going to the President for his signature is the Murray amendment.

At this point, I will yield time to my colleague from the State of Utah for his comments about this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I couldn't agree more with the comments the distinguished Senator from Ohio just made. This is a very important piece of legislation. It should not be killed on by this last-minute, 158-page amendment, which has not had a single hearing.

I have long been a supporter of ensuring that our Nation's laws extend all the protections available to women who are victimized by domestic and other violence.

Along with Senator BIDEN, I have taken the lead in addressing this issue through national legislation with the passage of Violence Against Women Act.

I commend Senator BIDEN for the work he has done on that. But it took a bipartisan effort to get that through. Of course, I worked very hard side by side with him to get that bill passed, and have stood up for it ever since.

Because of the passage of the Violence Against Women Act, the Department of Justice is now authorized to coordinate with Federal and State governments, as well as international governments, on matters concerning violence against women.

In fact, the Bush administration will allocate almost $400 million this year alone for these worthy programs.

I note with a sense of pride that a former adviser to my Woman's Advisory Council from Utah is now the director of the Office on Violence Against Women in the Department of Justice. She is doing a terrific job.

Violent crimes against women continue to be among the most under-reported. Even so, the statistics that are reported do not convey the feeling of fear and vulnerability millions of women across this country must face in our streets and all too often in their own homes.

To address this problem, effective intervention in the area of domestic violence requires coordinated efforts by police, prosecutors, counselors, and courts. It demands a major commitment by Government at all levels, Federal, State, and local. I am proud to help in coordinating the response to this important issue and have been very proud to have done so in the past. I intend to continue addressing these concerns in the future.

I say all of this to set the backdrop for why I urge my colleagues to vote against the Murray amendment.

Let me say at the outset I appreciate my colleague, Senator MURRAY, for attempting to advance the discussion on this issue. As someone who has been working on this matter my whole political career—and even before I officially began my political career—I know how difficult it is to craft effective legislation which truly makes a difference in this area of the law. It takes countless hours of hearings, meetings with interested and affected constituents, as well as committee markups to ensure what is ultimately passed is well formulated and well vetted so you accomplish the goals you set for yourself without causing unintended consequences.

This is a complex area of law. I am sorry to say, however, this amendment has not been adequately scrutinized. In fact, I am told no committee has examined this proposal, leaving it with far too many troubling provisions.

This is not a simple amendment. It is 158 pages long. Let me take a moment to point out just a few of the more troubling provisions contained within the Murray amendment. I am only talking about a few of them. There are plenty more.

In this Congress we have taken on a number of civil justice reforms. From class action to medical malpractice reform to asbestos reform, which I am hopeful we will consider in the next week or so, we have substantively addressed many of the more troubling aspects of civil lawsuit abuse. This amendment, however, takes us exactly in the wrong direction after all of that work.

For instance, section 112 allows plaintiffs to recover liquidated damages in addition to other damages under this amendment. This is a technical area of the law. But it is a very important area. What this amendment does makes absolutely no sense. It doesn't have a chance in the world of going through the whole Congress, but will in essence destroy this very worthy and important bill.

Liquidated damage provisions are appropriate when the actual damages are too difficult to ascertain. Accordingly, in lieu of actual damages, parties agree upon a reasonable estimate of liquidated damages. Thus, liquidated damages are used as a substitute for actual damages and not as a supplement to them. Courts simply do not enforce liquidated damages that are merely intended to serve as a penalty.

In this litigation-prone country we have right now, this would go completely awry, and it would undermine, it seems to me, what we are trying to do to prevent violence against women in the end.

What it seems the Murray amendment is trying to do is codify a set formula for determining punitive damages by automatically doubling the amount for compensatory damages with the possibility of a reduction if good faith is shown. But if that is the intent, the bill is not drafted properly to carry out that intent.

This glaring error is just one example of what occurs when a bill does not undergo the scrutiny required to pass sound legislation.

It took us years to pass the Violence Against Women Act—not because we were stupid and not because we didn't want to do it faster, but because we had to listen to experts and make the appropriate changes that have made it the great law it is today.

What will happen if this amendment is adopted? First of all, this amendment isn't going to go anywhere, anyway. But if it is adopted, it will destroy this bill. Basically it will undermine what all of us—a vast majority in this body—are trying to do.

The one reason we created the committee system, of course, is to correct and vet legislation rather than wasting valuable floor debate time.

An additional provision found in the Murray amendment pertaining to class action—section 112(g)—appears to fly in the face of the efforts of a vast majority of Senators. It makes no effort to take into consideration issues that trouble the majority of Senators. This amendment codifies in the United States Code a right to bring class actions.

I have helped lead the fight in this Congress to reform the substantial

abuses that have occurred by some unscrupulous trial lawyers, personal injury lawyers primarily, who have brought unjustified class actions in an attempt to extort settlements from companies across this country. That is right. Extort settlements. In fact, well over 50 of my colleagues—truth be known, over 60 of my colleagues have joined with me to take a stand against these abuses. In light of this clear expression of sentiment, it makes no sense to codify in the United States Code this class action authorization. It flies in the face of everything we are doing around here.

Obviously, there has been no serious effort to address the legitimate concerns of the bipartisan majority of the Senators working on the class action issue, and we have worked on it for years. We are still working on it. We have come a long way. We now have a supermajority of Senators who will support class action reform as it should be supported. But it took years for us to get there. Unlike some 158-page amendment that has not been well thought through but brought up on the floor suddenly. However well intentioned the efforts are, in the end, the result will be to destroy the underlying bill that the vast majority of us would like to pass.

I am sure Senators GRASSLEY, KOHL, CARPER, and I will work with the distinguished Senator from Washington in good faith, if she will work with us in good faith with regard to her concerns as exemplified in this 158-page amendment.

Finally, let me point out another provision of the Murray amendment that opens the door to further lawsuit abuse.

In a country that has long been known for its litigation abuse, and we all know this is true, these ill-thought-out litigation matters are running us into bankruptcy—ruining businesses throughout the country, not getting money to those who deserve them, and driving a set of unscrupulous trial lawyers who basically know better but who are more interested in making money than they are in doing what is right.

Section 134 of this 158-page amendment itemizes what can be recovered in a lawsuit brought under this amendment.

In addition to the ordinary recoveries already permitted in the civil justice system, this amendment proposed by the distinguished Senator from Washington would permit a money recovery when the plaintiff suffers ''inconvenience,'' ''loss of enjoyment,'' and other non-pecuniary losses. Recovery for inconvenience? Recovery for loss of enjoyment? My gosh, what does that mean in the law? Anyone who takes the metro during rush hour suffers from inconvenience. And, I might add, loss of enjoyment. This type of language is absurd. It should not even be considered by this right-thinking body.

I am just mentioning a few of the problems. I don't want to take much longer because there is only an hour on each side in this debate. These are just a few of the problems caused by this amendment as it relates to civil justice judiciary issues, important issues that should not be dealt with frivolously.

I have not touched on other problems caused by the amendment such as the increase in taxes on small business that will inevitably follow if it is passed, the wholesale restructuring of state unemployment insurance rules and regulations, as well as the substantial 11th amendment concerns raised by this poorly drafted but well-intentioned amendment.

I understand others will come to the floor to discuss these issues so I don't intend to repeat them now. They are important issues. This is not an itty-bitty amendment. This is a major amendment that literally has not had a day of hearings.

I take a backseat to no one, not anyone, in ensuring that Congress does everything it can to provide protections, support, and resources to combat domestic violence. But this amendment is not well written. Or perhaps I should say, not only is it not well written, it is overwritten in many respects.

Because of the problems replete in the Murray amendment, I cannot vote in favor of it. I recommend Senators on both sides of the aisle vote against this amendment. We will certainly sit down with the distinguished Senator and look at her goals and her aims, try to help her fashion this amendment so that it can pass the Senate in a form that literally makes sense in the law, makes sense in reality, and makes sense in practicality.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Who yields time?

Mr. HATCH. I yield such time as he needs to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise in opposition to the amendment offered by the Senator from Washington. This amendment is a sweeping expansion of Federal employment law without a hearing, without committee debate, without committee amendments, and without any potential for floor amendments. We never legislate like that. This bill does not just have one concept in it; it has many concepts in it. It is 158 pages. That makes it evermore unworkable to do in the Senate. This just is not how we legislate.

As chairman of the Subcommittee on Employment, Safety, and Training, I am compelled to discuss the implications of such an unprecedented and misguided expansion of current law.

Let me begin by saying I share Senator MURRAY's concern about domestic violence. Domestic violence shatters families and with it the very foundation of our society. My opposition to the amendment is not based on a lack of concern for victims of domestic violence. A good title does not make a good amendment. I am opposing this amendment because it is an unprecedented expansion of workplace laws without any consideration for the committee of jurisdiction.

This amendment greatly expands workplace laws without any hearings or Committee consideration. The amendment creates a new set of laws requiring businesses—including small businesses—to provide employees with additional leave and special accommodation. However, the amendment has not been reviewed by the Committee of jurisdiction. It creates new workplace requirements without considering the impact of its implementation or its relation with existing laws. The process is flawed and irresponsible.

The amendment creates broad, vague workplace requirements that conflict with existing law and invite litigation. It creates new rights to leave and prohibitions against employment discrimination against domestic violence victims that are inconsistent with current employment laws, including the Family and Medical Leave Act (the FMLA), the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991. The nondiscrimination provisions extend to ''perceived'' victims of domestic violence who have never been subjected to domestic violence. The Murray amendment defines a victim of domestic or sexual violence to include family members of domestic or sexual violence victims. Under this definition, abusers such as parents who molested their own children would be protected under the Murray Amendment.

This amendment creates unprecedented Federal workplace regulation on small business. Congress has recognized the burden of workplace regulation on small businesses with limited resources. The FMLA exempts businesses with fewer than 50 employees from coverage. The Murray amendment would cover all employers with 15 or more employees.

The lack of administrative alternatives increases litigation and burdens courts. Unlike existing federal anti-discrimination laws, the Murray amendment allows claimants to bypass the Equal Employment Opportunity Commission, EEOC, and file a private suit directly in court. This undermines the efficacy of the EEOC and this amendment.

These are unlimited damages for employment discrimination caused by someone else. Unlike existing Federal laws which cap damages for employment discrimination, the Murray Amendment allows unlimited compensatory damages, and punitive damages of up to 300 percent of actual damages. Why should a victim of domestic violence discrimination be able to recover greater damages than a victim of race or disability discrimination?

The amendment imposes an unfunded Federal mandate on State unemployment compensation. The Murray Amendment imposes a Federal Mandate to cover domestic violence under

state unemployment compensation programs. This requires states to pay the tab, but gives them no voice in whether or now to do so. Employers in States that fail to comply must pay huge penalties in the form of higher Federal Unemployment tax. Unemployment compensation is—and should remain—a state issue.

With vague, broad language that conflicts with current employment law, lawyers—not domestic violence victims—will be the biggest winners under the Murray amendment.

The Senator from Washington is the ranking Member of the Subcommittee on Employment, Safety, and Training. Many of the provisions in this amendment fall within that subcommittee's jurisdiction. The rest of them fall under the jurisdiction of the Senator from Utah, who chairs the Judiciary Committee, who just spoke from that perspective.

The first time we are considering this major expansion of Federal employment law is on the Senate floor on a bill totally unrelated to employment and, I have to add, unamendable. There is an agreement between the two sides there would be two amendments today, and those amendments would not be amendable, nor would there be allowed any intervening action. What we have is what we get. I have to say, no one is going to want to get that.

The overly broad and vague provisions of this amendment conflict with and undermine existing employment laws. The committee process is so important because that is where we carefully evaluate in a much less formal situation the impact of pending legislation and its relation with current law.

Let me explain a little bit more how that committee process works. Besides the hearing part where we get to bring panels of experts before us and ask them extensive questions so we have a better understanding of what is going on and to give them an opportunity to speak on the provisions that are before us, we also have what we call a committee markup.

The committee markup is where most of the work for this Chamber is done. It is a much smaller group; it is a much more informal group. People turn in their amendments ahead of time so that they can be reviewed by all. Even on the day of the markup people can get together and work on amendments to get agreement. It is fairly successful. The amendment process usually results in a bill coming from committee with about 80-percent agreement.

The unfortunate thing for this country is that the bill comes to the floor, and what we usually debate is the 20 percent we do not agree on. That is not the case on this particular item. This has not even been discussed in committee, so the 80-percent agreement is not there. The ability to work out issues with some flexibility is not there. I am sure there are provisions in this bill that are written in a way that the author probably wishes were different. I certainly wish they were different.

The first bill I ever did in the Wyoming legislature was only a three-sentence bill when I took it to the legislature. In committee, it got two amendments. On the floor, it got three amendments. When it went to the Senate side, it did not get any in committee but it got one on the floor. What I learned through that process was that every step of that made an important difference. It turned out to be a far better bill because all of the opinions of all of the people serving in that body were injected and they could see a lot more different directions than any one member of that body.

That is how we work it here. We work it so that the 100 Senators have an opportunity to take something as complicated as this and make changes to it. Then the House looks at the same thing. Again, there are a lot more opinions that get into the bill.

The committee process is so important because that is when we carefully evaluate the impact of pending legislation and its relationship to current law. We did not do that here. What we have here is a 158-page proposal which is not related to the underlying bill, and that proposal rewrites employment law without the benefit of hearings or committee consideration. That process is flawed and irresponsible.

So, more specifically, what will this amendment do? It creates a new Federal law that mandates employers, including small employers, to give up to 30 days of leave to an employee to address domestic or sexual violence. However, this proposal ignores important requirements that Congress applied to leave taken under the Family and Medical Leave Act, FMLA.

Let me highlight a few of the differences between FMLA and the Murray amendment.

The Family and Medical Leave Act applies to employers with 50 or more employees. The Murray amendment applies to employers with 15—that is 15, instead of 50—employees. Most small businesses do not have the processes or personnel necessary to begin complying with this new leave requirement.

In the past, Congress has recognized the burden of workplace regulations on small businesses. However, this amendment would impose workplace regulations on small businesses never before covered by Federal employment laws. This amendment would undermine the small business exemption Congress included in the Family and Medical Leave Act.

The Family and Medical Leave Act imposes a length-of-service requirement for employees to be eligible for leave. The Murray amendment has no service requirement for an employee to be eligible. Under this amendment, a worker is presumably eligible for leave on the first day of work.

Under the Family and Medical Leave Act, employers can require a health provider to certify the need for leave. This amendment invites misuse and abuse because there is no third-party verification—no third-party verification—for the leave to be required. So if a person says they were abused, that is good enough to take time off.

The Murray amendment does not amend the Family and Medical Leave Act itself; instead, it gives more capability to someone, under this amendment, than they would get under the regular law. It is a backdoor effort to expand Federal leave law at the expense of equity and clarity.

This amendment prohibits employers from discriminating against an individual who is ''perceived'' to be a victim—that is interesting wording, ''perceived'' to be a victim—of domestic or sexual violence. Individuals with absolutely no legitimate claims of domestic or sexual violence would have a cause of action under this vague and broad standard.

How are employers and courts to determine who a ''perceived'' victim is? Whatever the intent of this legislation, the result will be excessive confusion and, worse yet, excessive litigation. The amendment defines a ''victim of domestic or sexual violence'' to include—and I am sure the Senator from Alabama, who is on this committee that has not had a hearing on it yet, who is on the floor, will make some comments on this—an ''individual whose family or household member has been a victim of domestic or sexual violence.''

Under this definition, family-member abusers—such as parents who molested their own children—would be protected under this poorly drafted legislation. People could get time off for bad behavior.

There is a good reason for this process we have of hearings, committee markup, debate on the floor, with amendments, and then the discussion between the two bodies.

The problems with the amendment extend beyond poor drafting. This amendment is inconsistent with the remedy and enforcement provisions of existing employment discrimination laws. Under title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, Congress gave the Equal Employment Opportunity Commission the role of investigating and enforcing complaints of employment discrimination. These existing laws require a claimant to first file a complaint with the Equal Employment Opportunity Commission before being able to file a private suit in court.

The Equal Employment Opportunity Commission plays a vital role in employment nondiscrimination laws. The Commission's mediation activities expedite resolution of cases and reduce the backlog of employment cases in our courts. This amendment would

allow victims of domestic violence discrimination to bypass the administrative process and file suit in court. Allowing claimants to bypass the Equal Employment Opportunity Commission undermines the efficiency of the agency and the legislation.

This amendment disregards the remedy structure of other Federal employment discrimination laws. Existing laws limit available damages. For example, consequential and punitive damages for claims under title VII of the Americans with Disabilities Act are progressive with the size of the employer and capped at $300,000. This amendment provides unlimited compensatory damages and punitive damages up to three times the amount of the actual damages.

Why should a victim of domestic violence discrimination be able to circumvent the complaint process that victims of race or disability discrimination must follow? Why should a victim of domestic violence discrimination be able to recover greater damages than victims of race or disability discrimination? There is no justification for this unequal treatment. We must guard against enacting legislation that, in an effort to protect individuals from one type of discrimination, creates inequities for those who have been subjected to another type of discrimination.

I find the leave and discrimination provisions of this amendment very troubling. I find the unemployment compensation provisions to be misguided as well. The amendment requires States to provide unemployment compensation benefits to individuals who are separated from employment as a result of domestic violence. That has always been and is a State decision. Under the amendment, that is taken away from the States. States can decide and, in many instances, have decided. Individuals would receive unemployment compensation if they leave employment because of a reasonable fear of domestic violence, a desire to relocate to avoid domestic violence, or to obtain physical or psychological treatment.

Eligibility for unemployment compensation is and should continue to be a State—not a Federal—decision. The terms of unemployment compensation are decided on a State-by-State basis. States have the authority to extend unemployment compensation to victims of domestic violence. A number of States have already done so. This amendment imposes a Federal mandate and higher costs on State unemployment compensation programs. The Federal mandate will impose huge penalties on employers in States that fail to comply. It is estimated that the Federal unemployment tax on all employers in the State will be increased from $56 per worker to $434 per worker. How many jobs will that cost?

A Federal mandate to cover domestic violence under State unemployment compensation programs requires States to pay the tab. However, we give the States no voice in whether or how to do so. It is unfair and irresponsible for Washington to impose this burden—and, in fact, against the law—on already burdened State unemployment programs and employers.

Domestic violence is a serious problem that devastates lives and shatters families. However, we cannot allow a misguided attempt—with no hearings—to address this problem and create new problems that will impose unfair burdens on States and employers, particularly small businesses.

When I am back in Wyoming, I like to hold town meetings so I can find out what is on the minds of my constituents. At each town meeting, there is usually someone in attendance who is quite concerned about Government regulations. I am often told to rein big government in, keep the rules and regulations simple and responsive, and make sure they make sense.

This amendment takes the opposite approach. It is a classic example of one size fits all that doesn't fit outside the beltway.

The amendment ignores the careful consideration Congress has given to existing employment laws with vague and broad language that conflicts with current Federal employment law. Lawyers, not domestic violence victims, will be the big winners in this one.

I will close by sharing a letter from a survivor of domestic violence who divorced her first husband in 1978 because of abuse and, in addition, is an employment attorney with 23 years of experience specializing in employment law.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OVERLAND PARK, KS,
March 22, 2204.

Re Murray amendment S.A. 2859 (Domestic Violence Prevention Act) to H.R. 1997 (Unborn Victims of Violence Act of 2004).

Senator SAM BROWNBACK,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BROWNBACK: I am writing to ask that you oppose S.A. 2859 (Domestic Violence Prevention Act), proposed by Senator Murray as an amendment to H.R. 1997.

I have reviewed the Murray Amendment from what I believe is a rather unique perspective. I am a survivor of domestic violence and divorced my first husband in 1978 because of the abuse. I have also served on the Board of Directors for two organizations devoted to the prevention of domestic violence (see attached Exhibit ''A'' for more information). In addition, I am an employment attorney with almost 23 years of experience specializing in employment law.

As a result of my background and experiences, I am sensitive to the victims' perspective, but also sensitive to the employers' perspective. To say the least, the path from victim status to survivor status is not easy, and it is beneficial for victims to have resources available to help them. At the same time, I am aware of the challenges faced by employers in complying with new employment laws, especially laws with good intent but which are poorly written and which have not been given proper thought.

Although I very much appreciate the intent of the Murray Amendment, I cannot support it, particularly Subtitle A (Entitlement to Emergency Leave for Addressing Domestic and Sexual Violence). Its intent may be laudable, but it will have unintended consequences that could easily be avoided if a more thoughtful approach to such a law were to be taken.

I have a number of concerns about Subtitle A of the Murray Amendment. I have summarized my primary concerns below (with a more detailed explanation attached as Exhibit ''B''):

1. Potential for Misuse and Manipulation. Subtitle A has many loopholes that will allow it to be misused and manipulated by employees and their abusers. I have identified five different ways that Subtitle A can be easily misused or manipulated (see Exhibit ''B''). The potential for misuse and manipulation is directly related to the fact that an employee merely has to sign a self-serving certification stating that he/she is a victim of domestic violence. No verification is required, nor are any mechanisms included in Subtitle A to enable an employer to question the veracity of the certification or to prevent fraud.

2. Perpetuation of Domestic Violence. One of the outcomes of Subtitle A will be the perpetuation of domestic violence in some situations. This can occur in two ways. First, an abuser will be able to force a victim, under threat of violence, to take domestic violence leave from work whenever the abuser wants the victim to take time off from work for reasons unrelated to the proposed law's stated purposes. Second, a victim who is not making any effort to remove himself/herself from a domestic violence situation can simply take time off work after suffering abuse to ''recover'' from injuries, even if he/she seeks no medical or other help. In either situation, domestic violence leave will become a method of merely ''managing'' or ''tolerating'' abuse and threats of abuse. It will enable abuse instead of helping a victim become a survivor.

3. Adequate Time Off From Work Already Available. I seriously question the necessity of this law. I believe that most employees already have adequate time off work programs available to them in the event they need domestic violence leave. Those time off programs include family and medical leave under the Family and Medical Leave Act (FMLA) and its state counterparts, leave of absence or other accommodations under the Americans with Disabilities Act (ADA) and its state counterparts, employers' existing vacation and sick day policies, and employers' existing attendance policies. The proponents of Subtitle A have not provided any data to verify that employers' existing time off programs are inadequate.

4. Lack of Due Process for Employers. Considering that Subtitle A requires employers to provide a new benefit to employees, I find it appalling that employers have had no opportunity to provide input or be heard on this proposed law. Basic principles of fairness would seem to suggest that employers be given due process (rather than be dictated to) on an issue of this importance. I have no doubt that employers could provide very useful comments and suggestions.

Subtitle A of the Murray Amendment raises many questions that obviously have not been given much, if any, thought. This letter is by no means to be read as including all of my concerns about Subtitle A. I have others, but have tried to focus on the major ones in this letter.

For the sake of sound policy for victims of domestic violence like myself, for other employees who will have to absorb their workload when they are absent due to domestic

violence issues, and for employers who will have to comply with this proposed law, I urge you to oppose Senator Murray's Amendment S.A. 2859. Thank you for your thoughtful consideration of my comments.

Sincerely,

SUE KENNEDY WILLMAN.

Mr. ENZI. She writes:

Although I very much appreciate the intent of the Murray amendment, I cannot support it.

She gives an explanation and lists four very specific reasons: One, the potential for misuse and manipulation; two, the perpetuation of domestic violence; three, adequate time off from work already available; and four, the lack of due process for employers.

This is a person who has been there. This is a person who has been abused. She did find a way out. And incidentally, in her credentials, she has devoted most of her life to helping battered women in the Kansas City metro area and has an astounding record of doing that and is very concerned about us going this way.

Again, without a hearing, I am concerned, too. I urge my colleagues to oppose this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I listened carefully to the Senators from Ohio and Utah and Wyoming express their concerns about the amendment as we have written it. I know the underlying bill was not marked up in committee either, so I find that argument hard to believe.

I hear their argument. I understand they are going to defeat this amendment. I want to move forward on the issue of domestic violence. It is extremely important that when we are talking about the abuse of women, that we do something to prevent it. I want to make sure we do take a step forward.

Therefore, I ask unanimous consent to send a modified amendment to the desk.

Mr. DEWINE. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Mr. President, that is frustrating. I listened to the Senators from the other side say they want to do something about prevention. I hear them saying they have objection to specific concerns. I am willing to make a modification to my amendment to move it forward. It is fairly clear the Republican leadership simply doesn't want to engage in a serious debate to address the cycle of violence. That is unfortunate. We could take steps forward to change lives for women who have been victims of abuse.

I yield 15 minutes to the Senator from Louisiana, and I ask unanimous consent that she be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized for 15 minutes.

Ms. LANDRIEU. Mr. President, I come to the floor to support my colleague from the State of Washington and her comprehensive amendment on this important bill and discussion this afternoon. I thank her for the extraordinary work she has done in the area of domestic violence, not just this year but in every year she has been a Member of this body, over a long period of time, her intense interest and advocacy for women and for children and for families and for communities which her effort shows today.

I have a great deal of respect for the Senator from Ohio. He and I usually don't find ourselves on opposite sides, so it is unusual that I would be here supporting an amendment and the Senator from Ohio, Mr. DEWINE, would be opposing it. I understand there are a few—not many—good reasons that people could raise today against this amendment. But I will tell you what one of the reasons is not that I have heard in this Chamber and I have seen sent out by such groups as the U.S. Chamber of Commerce and the U.S. Right to Life organization, two organizations that oppose Senator MURRAY's amendment. They have some legitimate arguments in this document about some of the details of the amendment, but they also go so far as to say that one of the reasons we should not support this amendment is because it is irrelevant to the underlying subject.

Irrelevant? Domestic violence is irrelevant to the deaths of pregnant women, when experts across the board, Republican and Democratic, people who have been prosecutors before—go look at any study—will tell you the majority of women who are killed in the latter terms of their pregnancies are killed not by strangers, not by people who just happen on to their house, but they are killed by the hands of their husbands or the fathers of their children?

I have to sit here and read a vote alert from the Chamber of Commerce, supposedly representing women who own businesses, supposedly representing women, many of whom are business owners, who perhaps have been victims of domestic violence, and not a word in this memo about ''so sorry that you were beaten so badly that you and your unborn died,'' nothing. They go on to say this is an inappropriate vehicle for this amendment because the issues involved are ''completely unrelated.''

I hope my Chamber of Commerce in Louisiana did not approve this document because I don't believe businesses in Louisiana think these subjects are unrelated, since one of the recent things that just happened in my State was a woman shows up to go to work about 2 years ago in Jefferson Parish, gets out of her car, and in front of about 50 people, going through the revolving doors to get into her place of business, her husband comes up to her, takes out a revolver, sticks it in her face and blows her head off. Whether she was pregnant or not, I can't recall. But to say that it is irrelevant to the subject that we are debating is an insult to many people.

Let me clarify one other point. People come to this floor and act like the Senator from Washington and the cosponsor, who was Senator Wellstone, before his death—he did a magnificent job on this subject the years he represented his State in the Senate. In his memory, I will say this: He worked like a Trojan on this subject. This bill was introduced in the 106th Congress, the 107th Congress, and the 108th Congress. But this bill, although there has been one hearing, pushed mostly by Democrats, has never received a markup, not in the 106th, 107th, and not in the 108th. Evidently, there is not enough Republican leadership thought that this is an important subject to discuss.

Those of us who came to the floor today to debate this issue to try to protect people from murder—women and, yes, their unborn children—wonder what we have actually accomplished today because with the underlying bill, the only way you can prosecute people is if the murder actually occurs on Federal property.

The bill we are going to pass today is not nearly as good as the 21 or 31 statutes that are already on the books that are legitimate and genuine efforts. When we asked to have some help for the victims of domestic violence, who are women and their children, we get all kinds of ''can't do it,'' ''too complicated,'' ''too expensive.'' Then I have to read the Chamber of Commerce business alert that says the whole subject is not relevant.

I want to read from ABCNEWS.com for the RECORD, ''Expectant Victim,'' April 25.

On Monday, police found the remains of 20-year-old April Renee Greer, whose dismembered body was found in a trash can that had washed into a farmer's field. She was 8½ months pregnant when she was reported missing on March 8.

Experts and women's advocates are not surprised to find that pregnant women are especially prone to violent deaths. In many cases, pregnant women are killed by their husbands or significant others.

''Most pregnant women are killed by people they know, like husbands or boy friends''. . . .

Think of that. It is one thing to get attacked in a dark alley by somebody you don't know; you are coming home later than you should be. It is another thing to be beaten to death by someone who is supposed to love you. It is very terrible for a child to sit there and watch their father, in many cases, beat up their mother in front of them. It breaks more than their spirit. It crushes their heart and destroys their life.

You would think that somebody on the other side of the aisle would think this was significant and relevant and would want to do something about it and put some money in this bill to do something about it. But, no, we don't have time for it, we can't have a hearing on it, and it is too complicated for anybody to understand.

I don't think this is complicated. Let me go on to read this:

''Sometimes it depends on how far along the woman is in the pregnancy,'' she said.

This is Pat Brown, a criminal profiler and CEO of the Sexual Homicide Exchange. I am sorry, I don't know what State.

''Sometimes it depends on how far along the woman is in the pregnancy,'' she said. ''If it's a serial killer, they normally go after women who may be three months pregnant and are not showing very much. With serial killers, the women are tiny, easy to handle, not too big—someone they can easily overcome. They go after a 'neat package,' something that is desirable where they could get something big.

''With husbands or boyfriends, women tend to be eight months pregnant—they're there and the baby is coming,'' Brown continued. ''They can see the woman and unborn child as something that is in the way, keeps them from living the lifestyle they want.''

And we come to the floor and ask for a little help for domestic or sexual violence, maybe a little time off of work to get her situation in order because her husband is working and he also happens to be the one beating her. She needs 30 days to get a job. They say: No, we cannot give you 30 days. We ask for 30 days of unpaid leave, and the Chamber of Commerce goes wild saying they can't afford it—and they don't have to pay for it.

We talk about increasing grants to local communities to help them provide shelters, since we have not seen a significant increase in shelters, but that is too complicated.

So I ask, What have we done today? Are we going to save any lives, whether it is the life of the unborn, or whether it is the life of a woman? No, because there is no money in this for prevention. We, obviously, want to just prosecute people in a very small place, on Federal land, maybe just to make a point. I came to the Senate to do more than just make a point, and I think the Senator from Washington came here to make more than a point. We came here to make a difference. This afternoon, there is no difference being made and it is a shame.

In conclusion, I want to say something about the Right to Life Association. I have worked with them on cloning. I don't support human cloning. Some people do; I don't. I have worked with them. When they came to my office yesterday to tell me they were sorry that they could not support the Murray amendment because it would ''mess up the bill''—and they need a clean bill—I would like to think they need an effective bill. But they just need a clean bill. For what, I am not sure. Maybe for television commercials.

I think we need an effective bill. I would like to prevent these deaths of unborn children, of women, give prevention on the front end, and then go ahead and prosecute people. In my State, that is what we do because we already have a law on the books. So I am happy that Louisiana is already there. The Right to Life Association said they could not support help for domestic violence victims because they, again, agreed with the Chamber of Commerce that it is not relevant.

I hope people who support the Right to Life Association might write them an e-mail or something today and explain to them that regardless of how you feel, whether you are pro-choice or pro-life, clearly, this is relevant to the underlying bill.

With that, I yield the floor. I support the Murray amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, before I yield to my friend and colleague from Alabama, let me say that I understand what my colleague from Louisiana has said and what my colleague from Washington State has said. I will reiterate what I said a few minutes ago.

The reality of the way this place works, the way the House works, is that whatever the merits of this amendment, the passage of this amendment will effectively mean, that the underlying bill will simply die. The only thing to prevent the underlying bill from going to the White House and being signed by the President of the United States is the Murray amendment. That is what the facts are.

If the Murray amendment is attached to this bill, we can kiss this bill goodbye. That is a fact. I yield to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Ohio for his leadership on this issue. He has taken the issue and considered it thoughtfully and prepared a seven-page piece of legislation that I believe, as a former prosecutor, stands the test of careful draftsmanship and is worthy of passage. I believe we have a majority in the Senate prepared to pass this legislation. But it is threatened by this amendment. The Senator is correct that if this amendment passes, this bill will not become law. So a vote for this amendment is a vote against the underlying legislation.

I further say the amendment—the 158-page amendment—is not so carefully drafted, has quite a number of problems, and does not deal effectively with the issue that the Senator seeks to promote.

The day before yesterday, in my office, I met with a group of people from one of America's great corporations, an international corporation. I asked the human resources officer—and I asked them all—how things were going out there and what can we do to help, what problems do they have. The human resources officer said: The one thing causing us the most grief is the Family Leave Act. For a lot of different reasons, complex reasons, this act is subject to abuse. We certainly believe and support a mother being home with a young child. We support the purposes of the act, but there are problems with it. We would like for you to look at it and see.

That was shared with me the other day. It was totally unrelated to this 158-page amendment that has not undergone careful scrutiny, and I believe goes much further and provides benefits that far exceed what is under the current Family Leave Act, which has problems with it.

We need to, as Members, be careful what we pass, what we mandate on private entities, and what we tell them they must do. We should do so in a way that furthers the public policy we want to further, which is to help families who need leave for family emergencies. We want to do that, and the act does it in many different ways. But it is not perfect. This amendment is even less perfect.

Let me show you a couple things we discovered in a brief reading of the Murray amendment. It says:

The term ''victim of domestic or sexual violence'' includes an individual whose family or household member has been a victim of domestic or sexual violence.

Clearly, I think I can say, as a former prosecutor, that would include the perpetrator. That would include the wrongdoer. So now is the wrongdoer going to be able to ask for time off? The law would mandate it, I suspect. Some say that would not happen. But I am telling you, people use the law as it is written to further their agendas when they want to. Maybe he had to go to court to defend himself, and he is going to claim time off for that. I bet you his lawyer would say he is entitled to time off.

Here is another one:

The term ''employee'' means any person employed by an employer on a full or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, or as an independent contractor.

That is not even in the current Federal Leave Act. So we have added this statement. So the businessperson has to take care and provide leave or suffer. I think that is a step to which we ought to give a lot of thought before we put it into law.

Another thing that hit me in talking with this lady the day before yesterday, and talking about problems with the act, is the difficulty of a business in having any proof to ascertain that the person really does need leave. Under the act, after you get one approval, say, for a child's asthma, you never have to present proof again, or even just make a statement that it is so and the businesses are bound by it.

A lot of businesses on a manufacturing basis try to do things well. They have a team that produces a product. When one member of that team unexpectedly or routinely misses, it makes it difficult for them. If they have a legitimate excuse, OK. This says:

An employee may satisfy the certification requirement of paragraph (1) by providing to the employer . . . a sworn statement of the employee.

That automatically takes care of it—no proof of a doctor's certificate, a lawyer's statement, or anything else. I just point that out.

The hour is late. As a member of the Health, Education, Labor, and Pensions Committee, as Senator ENZI said so eloquently and in detail, these issues need to be given careful thought. Let's don't kill this underlying bill Senator DEWINE worked so hard on and has dealt with so many Members of this body to refine language so everybody can agree to it and it will have a majority vote.

Let's don't kill this legislation that is important to protecting those unborn victims of violence in America by tacking on an amendment that is not ready, that has problems with it, on which we have not had hearings and should not be added to this bill, anyway. If it is added to the bill, the bill will be in trouble.

I thank the Chair. I thank Senator DEWINE for his leadership. I yield the floor.

Mr. DEWINE. Mr. President, I yield time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I had a chance to hear my colleague from Ohio speak in humble terms about the work he did, the commitment he made when he was working in Ohio at the State level and now in the Senate regarding issues of domestic abuse and sexual violence.

I don't know if there is a stronger champion in the Senate than my colleague from Ohio, Senator DEWINE, on these issues. I know where his heart is. I know where his passion is.

When I look at the Murray amendment, there are provisions in this amendment I would like to support. There are principles in this amendment on which I would like to work with her and I would like to see happen. I believe—I know my colleague from Ohio feels the same way, and we have to be very candid, we have to be very blunt—that the reality is that the effect of the Murray amendment, if it were to pass, would simply kill the underlying bill.

We have an opportunity to do something today for unborn victims of violence. We have an opportunity to do something. Or we can do what I see going on far too often in this Chamber, and that is to—I don't know whether it is political gamesmanship, I don't know if it is ''gotcha'' policy, I don't know what it is, but it is not about getting something done. We can get something done today. We can pass a clean Unborn Victims of Violence Act. For those of us who would like to work with my colleague from Washington on some of these important principles, who really want to get something done, let's be honest and let's do it in a form and manner in which we know something will happen.

If this amendment is attached to this bill, this bill dies. Some of the principles I may believe in and want to work on that are in the Murray amendment will go nowhere, and we all know that.

I did not come here to play a game, to participate in endless debates for the sake of debating, to cast votes to be measured on ''you are for sexual violence or you are against.'' That is not what this is about. I got elected on a belief that we could get some things done, and that is hard in this body because it is so easy to kill a bill. It is so easy to tack on an amendment that is so hard to vote against because we are afraid of being accused of being against domestic violence.

I am passionate about dealing with domestic violence. I was a prosecutor in the State of Minnesota and prosecuted some of the early child abuse cases. I was mayor of the city of St. Paul. I thought we did cutting edge things to deal with domestic and sexual violence. I want to do more about domestic and sexual violence while I am here in the Senate, but we are not going to do more about it by voting for the Murray amendment today.

I am going to cast my vote against the Murray amendment, even though I share a belief in some of the principles the good Senator from Washington is trying to raise. I am going to vote against it because I want to get something done, and the one opportunity we have today, I say to my colleagues, to get something done is to pass out of this body a clean Unborn Victims of Violence Act. If we pass this bill and it is signed into law, we have provided protection on the Federal level—by the way, it is similar to what many States do and what we do in the State of Minnesota—for a mom and an unborn baby, such as the Laci and Conner Peterson case. We all know many cases like that.

Again, I appreciate the principles my colleague from Washington is attempting to raise, but I think it is time to be very blunt and very honest. If you want to do something about that issue, this bill is not the place to do it. It will not go forward. It will not further the ends about which we are talking.

We have an opportunity to do something today, and that is to pass the Unborn Victims of Violence Act. I support this bill in a clean manner. Tomorrow I will work with my colleague from Washington and my colleague from Ohio and do what needs to be done to further some of the very laudable goals she desires.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield to my colleague from Oklahoma. How much time do I have?

The PRESIDING OFFICER. Eleven minutes 50 seconds.

Mr. DEWINE. I yield to my colleague from South Carolina first.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I thank Senator DEWINE for yielding. I will be brief.

We just rejected the idea Roe v. Wade rights should be used by criminals to avoid prosecution for their criminal activity that results in the mother being denied to have a child. Roe v. Wade is an honest, genuine debate that exists in this land. Eighty percent of Americans, when polled, believe if a criminal takes the right to have a child away from a mother, they ought to be prosecuted to the fullest extent of the law for what has happened to that family—damage to the mother and damage to the unborn baby.

Professor Walter Dellinger, a former adviser to President Clinton, said:

> . . . although he is a strong advocate for a woman's right to choose abortion, he sees no major problem with fetal-homicide laws. ''I don't think they undermine Roe v. Wade,'' he said. ''The legislatures can decide that fetuses are deserving of protection without having to make any judgment that the entity being protected has freestanding constitutional rights. I just think that proposals like this ought to be considered on their own merit.''

That is all we are asking. Senator MURRAY has a very long and complicated amendment that deals with domestic violence, family leave, and other issues. South Carolina, to its shame, for lack of a better word, has one of the leading number of domestic violence cases against women. Our legislature is dealing with that. We can do more here. But this should stand on its own.

Just as we said no to Roe v. Wade being an impediment to prosecuting a criminal who attacks a mother who chooses to have a child, we will not let the criminal benefit from Roe v. Wade, nor should we allow an amendment to destroy a bill whose purpose is to put people in jail who attack pregnant women and do damage to the mother and the child.

No good purpose is served by destroying this bill, even though the underlying problem is very real. This bill should stand on its merits. There are more cases such as this than we would all like to admit. We have a chance to do something about it today. Please vote against Senator MURRAY's amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield to my colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, to inform my colleague from Washington, at the appropriate time, when she concludes her statement, I plan on making a budget point of order.

First, I compliment my colleague, Senator GRAHAM from South Carolina, for his leadership on this issue for years. I believe today we are going to pass a bill that is long overdue.

I also compliment my colleague, Senator DEWINE from Ohio, for his leadership.

I complimented him in private. I have observed his very high quality of debate. We have had some excellent debate today, and I compliment Members

on all sides. I think it has been very important and we are going to pass a good bill today, largely due to the leadership of the Senator from Ohio, Mr. DEWINE, and also Senator GRAHAM of South Carolina. I compliment both of our colleagues for their effort. This is an important bill, one that deserves to be passed and sent to the President.

I rise today to speak against the amendment of our colleague from Washington. I have great respect for our colleague from Washington, especially for the title of the amendment. The Wellstone Domestic Violence Act is very well named, but when looking at the substance of the bill I find it leaves a lot to be desired.

I happen to believe in the legislative process. This bill has not had a hearing. I happen to be on the Finance Committee. There are two or three things that deal with Finance Committee issues that we have not touched. It did not go through the Labor Committee. It addresses family leave, not the Family Medical Leave Act. It is basically a whole new act. It is not consistent with the Family Medical Leave Act. To qualify for the Family Medical Leave Act, we exempt employers with 50 employees or less. This says employers of 15 or less. That does not make sense to me.

I look at the unemployment section of it, and a lot of people are not even aware of this—I have not heard very much debate about this—but if a State does not comply with the unemployment dictates given by this bill we tell the States they must have unemployment compensation for people who are victims of abuse as defined by this. The tax to the State goes from $56 a year to $434 a year. That is a 675-percent increase. That is a heavy penalty on the States.

One could say, well, they give States time to amend their law. They are given 25 days if they are in session and 180 days if they are not in session. Oklahoma is shortly going to be out of session and we do not go back into session for the rest of the year, so 180 days would not be adequate. I guess there would have to be a special session. I used to serve in the Oklahoma Legislature. Most legislatures are kind of like Congress, they do not move that fast. If they do not move that fast, they have a very heavy penalty increase in their unemployment compensation taxes.

The main thing I guess I am objecting to, as I look at it, there is a new tax credit in this bill. It is a 40-percent tax credit for a provision that is very expensive. It applies to a lot of things. It applies to a long definition that would qualify expenses that an employer might incur to implement workplace safety.

I used to be an employer in the private sector, and I know all employers are interested in safety. Almost all of those expenses related to safety are expensed. None of them, to my knowledge, get a tax credit. This amendment would say, for some safety provisions employers are going to get a 40-percent tax credit.

Then I started looking at the definition. It applies to basically any new security personnel, purchase, or installation of new security equipment and so on. That is wide open. In this day and age of terrorist threats, there are a lot of people who are going to be hiring more security personnel and they are going to say: Thank you very much, Government, because you just gave us a 40-percent tax credit.

If a company is profitable, that is worth a lot. If they are not profitable, it is not worth much.

I asked the Joint Tax Committee to give an estimate on how much this would cost. I just received it. I ask unanimous consent that a letter I received from Dr. George Yin, that gives the revenue estimate, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT COMMITTEE ON TAXATION,
Washington, DC, March 23, 2004.

Hon. DON NICKLES,
U.S. Senate, Committee on the Budget, Washington, DC.

DEAR SENATOR NICKLES: This letter is in response to your request dated March 17, 2004, for a revenue estimate for Senate amendment 2859, which according to your request may come up for a vote on March 24, 2004, under a unanimous consent agreement for H.R. 1997.

In general, the amendment would establish a new general business tax credit equal to 40 percent of the domestic and sexual violence safety and education cost paid or incurred by an employer during the taxable year. Any amount taken into account for purposes of determining the credit would not be eligible for any other credit or deduction. Under the amendment, the types of cost that may be included for purposes of determining the amount of the credit include, among other things, the hiring of new security personnel and the purchase or installation of new security equipment, the purpose of which is to address domestic or sexual violence. Because the hiring of all new security personnel and the purchase or installation of all new security equipment is, in part, for the safety of employees, we have assumed that all such expenditures would be eligible for the tax credit.

The amendment would apply to taxable years beginning after December 31, 2003. Estimated changes in Federal fiscal year budget receipts are as follows:

[By fiscal years in billions of dollars]

2004	−0.6
2005	−1.3
2006	−1.5
2007	−1.7
2008	−1.8
2009	−1.8
2010	−1.9
2011	−1.9
2012	−1.9
2013	−2.0
2014	−2.0
2004–09	−8.7
2004–14	−18.4

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

GEORGE K. YIN.

Mr. NICKLES. He says the cost of this provision in 5 years is estimated at $8.7 billion, and over 10 years, $18.4 billion.

That is a lot of money. We are going to say companies get a 40-percent tax credit if they do something in the realm of safety, which one could almost drive a truck through anything and call it safety.

I am not a big fan of tax credits anyway, but that is beside the point. This is a very expensive provision, one, in my opinion, that has not been well thought out, one that is enormously expensive, one that is not paid for.

A week before last, we had votes saying we should be paying for these new spending proposals and tax cuts. Well, this is a big tax cut that is not paid for. Frankly, it is a big loophole that is not paid for. It also causes other little constitutional problems.

We have a Constitution that says all revenue measures have to originate in the House. We do not have a tax bill before us. This did not originate in the House of Representatives. I know my colleagues very well in the House. I respect them and I know they will blue-slip this if this amendment is passed because this would turn this into a tax bill. So this amendment would kill this bill.

Our colleagues in the House want to pass the bill as it is. I hope that a majority in the Senate want to pass the bill as it is.

As it is, this amendment does a couple of things. It increases spending and it increases taxes, both of which violate the budget, both of which I can make a budget point of order against, and at the appropriate time I will make a budget point of order against this amendment, certainly for the tax provision, and I will leave it at that.

I yield the floor.

MURRAY AMENDMENT TO THE UNBORN VICTIMS OF VIOLENCE ACT

Mr. KENNEDY. Mr. President, I support Senator MURRAY's amendment, and I want my colleagues to support it too. Violence against women—especially those who are pregnant—is a tragic example of violence in our society, and we need to do all we can to prevent it. Congress is right to address this issue and do more to protect women. But if the administration and Congress are serious about addressing the issue of domestic violence, let us do it effectively, and not turn it into yet another battleground in the debate over abortion.

As domestic violence experts and advocates make clear, the Unborn Victims of Violence Act will do nothing to provide the protection that battered women need to be safe. Instead of protecting women, the bill focuses solely on the fetus and what happens after the crime.

It does nothing to prevent domestic violence, and it punishes only one of the many possible consequences of such violence.

The harm to women at the hands of their abusers and attackers is not addressed anywhere in this bill. The support and services they need to avoid violence in their homes or escape from it are not addressed. It offers no financial safety net for women who move away from their homes to escape from abusers. It does not address children affected by the abuse. It offers no health care assistance for abused women.

The real purpose of this bill is obviously not to protect and support women who are victims of abuse. Its real purpose is to give new legal rights to the fetus, in a blatant effort to undermine women's rights under the Constitution and Roe v. Wade. In other words, this bill is a threat to women, not a protection for them.

Proponents of this measure also call it the Laci Peterson Act, but this bill would have done nothing to prevent that tragedy. Federal criminal jurisdiction over violent crimes is very limited. The bill would apply only to federal and military crimes. It would have no bearing on the law of California or any other State. Today, 95 percent of all criminal prosecutions, like the prosecution of Laci Peterson's murderer, take place at the State or local level.

A majority of States already have laws that enable prosecutors to file fetal homicide charges. In Massachusetts, the courts have treated the fetus as a separate victim of crime if the developing fetus has reached the stage of viability. That view is consistent with the careful balance between women's rights and fetal rights established by the Supreme Court in Roe v. Wade and reaffirmed in Planned Parenthood v. Casey. This bill completely ignores the Supreme Court's viability standard.

In cases where federal law or military law applies, prosecutors and judges already have ample discretion to impose longer sentences for flagrant crimes committed against vulnerable victims. Courts have regularly held that the Federal Sentencing Guidelines provide for a sentencing enhancement based on the victim's pregnancy or injury to a fetus. The military also makes clear that the pregnancy of the victim can lead to a harsher sentence.

The administration says it wants to prevent violence against women and children. But that priority is not reflected in the budget. The President's budget is cutting or starving key violence-prevention programs.

If Congress genuinely intends to do more to prevent such tragedies, we should be discussing ways to strengthen the Violence Against Women Act and its funding.

Since its enactment in 1994, violence against women has been reduced by 21 percent, so we are clearly making progress. We are on the right track, and there's no excuse for making a u-turn.

The most urgent priority is the need for additional funds. The services available today to victims of domestic violence come nowhere close to meeting the obvious need. The New England Learning Center for Women in Transition in Greenfield, MA, has to turn away ten families from its shelter for each family it is able to serve. Life-saving services such as hotlines and emergency shelters for battered women are funded $48 million below the level authorized by Congress. Women across the country are not obtaining the help they need when they face these dangers or suffer from them. We can do far more than we are doing to see that women do not suffer from domestic violence.

Senator MURRAY's amendment will do that. Unlike the underlying bill, her proposal will genuinely help to combat the serious problem of domestic violence in our country.

Incredible as it seems, nearly one-third of all American women report being physically or sexually abused by their husbands or boyfriends at some time in their lives. A shocking 25 percent to 40 percent of all women who are battered are battered when they are pregnant. One study found that 37 percent of all women who visited a hospital emergency room for violence-related injuries were injured by a current or former husband or boyfriend. According to a study published in the Journal of the American Medical Association, murder is actually the leading cause of death among pregnant women.

Over 3 million children are exposed to parental violence in the United States every year. According to a report of the American Psychological Association, a young boy who sees his father abusing his mother is the strongest risk factor for future violent behavior by that child.

Far from preventing such violence, the so-called Unborn Victims of Violence Act will actually prevent victims of abuse from seeking help. Juley Fulcher, Public Policy Director of the National Coalition Against Domestic Violence, testified before the House Subcommittee on the Constitution last July. She said that if a battered woman is financially or emotionally dependent on her batterer, she is less likely to seek medical assistance if she thinks it may result in the criminal prosecution of her batterer.

The underlying bill contains none of these urgently needed protections for battered women. The Murray amendment will give them the security and support they need to leave an abusive relationship before it's too late.

According to a GAO report in 1998, between a quarter and a half of domestic violence victims report that they lost their job at least partly because of domestic violence. A victim who was forced to change her name and Social Security number in order to escape her abuser testified before the Massachusetts Commission on Domestic Violence. She said that when she met with the human resources officers at her workplace to explain why she needed help, she lost her job because they thought her abuser might attack her in the office and be a safety threat to her co-workers too. Victims of domestic violence need job stability. They need economic independence in order to leave their abuser.

Without a viable source of income, victims to often have no way to escape from their abusive relationship.

Senator MURRAY's amendment helps these victims by guaranteeing them access to emergency leave to obtain medical attention, counseling or other services without fear of losing their job. It provides unemployment compensation. It supports the specific training for medical providers to recognize the signs of abuse, so that frightened women who arrive in the emergency room with tell-tale bruises will know that help is available and will be more likely to reveal and seek the further support they recall is available.

It will ensure that children who witness violence in the home will receive the help they need in order to break the tragic cycle of violence before it consumes the next generation in their families too.

We need laws that genuinely protect women in all of these ways, as Senator MURRAY's amendment will do. And it does so without undermining a woman's fundamental right to choose.

The Murray amendment provides long and overdue support to victims, employers, public health professionals and families to combat violence against women, and I urge my colleagues to support it.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Ohio.

Mr. DEWINE. I think we are about ready to close this out.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, if my colleagues on the other side are going to yield back, I will take a couple of minutes to wrap up. I know my colleagues want to get to the vote and final passage, so I will take only a few minutes to end the debate on this amendment.

I have listened carefully to the other side. They raised concerns about the tax credit side of it, and the budget point of order. I asked unanimous consent to send an amendment to the desk to at least move the other parts of the bill forward without the objectionable part and they refused. That says to me that, despite the rhetoric we have heard from the other side, they are not very willing to do something truly about preventing domestic violence.

I have heard my colleagues on the other side of the aisle say the reality of this place is that if this amendment gets added that it will kill the bill. I have been in the Senate almost 12 years and I know the reality of this place is when Members believe in something and want to solve a problem we can move mountains to get it done.

To the millions of women across this country who have been victims of domestic violence, what they are going to

see on the Senate floor today is Senators being allowed the opportunity to say whether they are actually going to do something to prevent domestic violence or if Senators are only willing to deal with domestic violence after the woman has died.

I believe we have the responsibility to do everything we can to prevent domestic violence. I hope the bill Senators are putting forward today never has to be used because we have prevented violence, but the fact is they are going to prevent us today from offering an amendment that would preclude the underlying bill from ever having to be used. I think that is a tragedy. I think it is a tragedy for the Senate. I think it is a tragedy for the country. I certainly think it is a tragedy for women who face abuse every single day.

Two million women are assaulted every year. I introduced this bill with my colleague Senator Paul Wellstone 3 years ago. We introduced it in three consecutive Congresses and the other side has not allowed us to bring it forward. I keep hearing that we have not had hearings on it. Well, we would love to have hearings on it. We would love to move forward, but it is always said that the time is never right. That is certainly something victims of abuse hear far too often.

This bill simply allows women the time to be able to go to court to get a court order to prevent their abuser from tracking them down and killing them. It allows them the ability to make sure that children who have seen domestic violence get the kind of help they need so they do not create a cycle of violence in their lives, which we know happens too often. It makes sure we offer health care to victims of domestic violence. These are victims who are still alive and need help. It makes sure our health care providers screen for domestic violence so we do not end up with murdered victims every single day. Not relevant? The Chamber of Commerce says this is unrelated? How can anyone look in the eye a woman who has been abused by a batterer and tell her we are not going to help you until you are gone, until you die? I think that is a real tragedy. I am sorry my colleagues on the other side see it that way. I don't.

I have heard rhetoric out here from some of my colleagues—and I do want to commend the Senator from Ohio. He has worked on this issue. I do want to work with you. But I find it a tragedy today that, again, the time is not right. That is what women who are victims of domestic violence hear every single day: The time is not right. We can't help you today. That is what we are doing today. I find that a tragedy.

I am going to continue to work on this issue. I know my colleagues on the other side are going to defeat it today. I know they are going to move on. They have other issues they are going to deal with. But this issue is critical. I have been to the shelters; I have looked the women in the eyes; I have promised them I will not forget, and I will not.

This amendment is named after Senator Paul Wellstone. Every one of us here know he and Sheila cared and were adamant that we provide victims of abuse with the ability to get out of their abusive situation. I hope my colleagues will continue to work with us and that the rhetoric we have heard on the other side about working with us is not forgotten when this bill is gone.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I commend my colleague again for her dedication to this issue, and her passion. But the fact is, as I have said, this bill cannot pass through this method. It will have the unintended effect of killing the underlying bill. That is why I must come to the floor and oppose it.

Let me yield the remainder of my time to my colleague from Oklahoma.

Mr. NICKLES. Mr. President, is all time yielded back from our colleague from Washington?

Mrs. MURRAY. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this bill has a big tax provision that is estimated to cost $18.4 billion. Therefore, a budget point of order does lie against this amendment.

Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. NICKLES. Mr. President, the pending amendment offered by our colleague from Washington, Mrs. MURRAY, decreases revenues and if adopted would cause an increase in the deficit in excess of the levels permitted in the most recent budget resolution. Therefore, I raise a point of order against the amendment pursuant to section 505 of House current resolution on the budget for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, pursuant to section 505(b) of H. Con. Res. 95 of the 108th Congress, I move to waive the Budget Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—46

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Pryor
Byrd	Hutchison	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—53

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Feingold	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this question, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. NICKLES. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RIGHT TO CHOOSE

Ms. COLLINS. Mr. President, I rise to engage the distinguished Senator from South Carolina, Senator GRAHAM, in a brief colloquy in order to make clear the intent behind the language in this bill. It is my understanding that there is nothing in the language of this bill that would, in any way, undermine the constitutional right of a woman to choose to terminate a pregnancy, as expressed by the Supreme Court in Roe v. Wade, and subsequent decisions.

I inquire of the Senator, who is one of the coauthors of the bill, if my understanding of the intent behind the language in the bill is correct.

Mr. GRAHAM. The Senator from Maine is correct. Nothing in the language of this bill is intended in any way to undermine the legal basis for abortion rights, as expressed by the Supreme Court in Roe v. Wade, and subsequent decisions.

Based on my extensive experience as a prosecutor in the U.S. Air Force, this legislation would, however, fill a gap in our Federal laws.

Ms. COLLINS. Mr. President, it is also my understanding that at least 27 States have statutes that criminalize the killing of a fetus or an ''unborn

child.'' Am I correct in understanding that there is no legal precedent where a court has held that any of these State statues in any way undermine abortion rights of a woman, as expressed by the Supreme Court in Roe v. Wade, and subsequent decisions?

Mr. GRAHAM. The Senator from Maine is correct. There is no legal precedent where a court has concluded that any of these State statutes undermines the legal basis for abortion rights.

Ms. COLLINS. Mr. President, I have one final inquiry I would like to make of my colleague. It is my understanding that the intent behind the language of this bill, H.R. 1997, is that this bill, like those State laws, not be construed to undermine the legal basis for abortion rights.

Mr. GRAHAM. The Senator from Maine is correct.

Ms. COLLINS. I thank my colleague for making the intent in this respect clear.

Mr. VOINOVICH. Mr. President, I rise today in strong support of the Unborn Victims of Violence Act. I firmly believe that we need this legislation to correct the loophole in federal law that currently does nothing to criminalize violent acts against unborn children. Sadly, we live in a violent world where unborn babies are the victims, intended or otherwise, of violent acts. I find this horrifying, and believe that all children, born or unborn, are a precious gift and responsibility.

This is something we have already recognized in Ohio. I am proud to say that we got this done on my watch when I was Governor of Ohio. In June 1996, I signed legislation making it a crime to injure or kill a prenatal child who could survive on his or her own outside the mother's womb. We passed this legislation in record time due to public outcry over a case in Indian Hill, a suburb of Cincinnati in 1995. Joseph Daly's wife and her unborn baby were killed in a car accident when a drunk driver hit her car. People were outraged that action could be brought on behalf of Mrs. Daly, but not their unborn daughter, who was 2 weeks away from being born. And people will be outraged.

Under current Federal law, an individual who commits a Federal crime of violence and kills or injures an unborn child cannot be prosecuted separately for those violent acts against the unborn child because Federal criminal law does not recognize the unborn child as a crime victim. Can you imagine? A baby that could be viable outside of its mother's womb would not be considered a crime victim? This bill will close that gap.

Under this bill, if an unborn child is injured or killed during the commission of a Federal crime of violence, the assailant could be charged with a separate offense on behalf of the unborn child. In 29 States, including Ohio, if a person commits a crime of violence against a pregnant woman under State law and kills or injures her unborn child, that person can be punished for the violence against both the mother and the unborn child. But if a person commits a Federal crime of violence against a pregnant woman and injures or kills her unborn baby, the death or injury of the unborn child would not be punished as a crime.

This bill extends the protections currently available in 29 States to the unborn victims of violent acts committed in violation of Federal law. Thus, where a Federal crime of violence has been committed and the injury or death of an unborn child results, the perpetrator will be held to account for the crime of violence against the unborn child.

I know some of my colleagues will want to paint this as an abortion issue. But, it is important to note that this bill has been drafted narrowly to apply only where the death or injury to the unborn baby occurs as a result of an existing Federal crime. The bill expressly excludes any death or injury to an unborn baby caused by abortion, any medical treatment of the mother, or an act of the mother herself.

As I stated before, we live in a violent world where unborn babies are the victims, intended or otherwise, of violent acts. And these babies, the smallest and most helpless victims, deserve justice, too. We must pass this legislation and take a stand against crimes committed against women and children. I therefore ask my colleagues to support this very important legislation.

Mr. BOND. Mr. President, I rise today to express my support for the Unborn Victims of Violence Act.

Any pregnant woman will tell you that all she wants is for her baby to be born healthy. A pregnant mother can take her vitamins, follow the instructions of her doctor, and do everything in her power to deliver a healthy baby. But, no amount of prenatal care can protect her unborn child from the hands of a violent criminal.

This question before us is simply—when a violent crime is committed against a pregnant woman—is there one victim or two? Pregnant women who have been harmed by criminal violence and their families know that there are two victims.

In a letter to the sponsors of this bill, the family of Laci and Conner Peterson, whose lives were brutally ended, requested that the bill before us today be referred to as ''Laci and Conner's Law in their memory.'' The Peterson family can, better than any of us, express the impact of this terrible loss. They wrote, ''As the family of Laci Peterson and her unborn son, Conner, this bill is very close to our hearts. We have not only lost our future with our daughter and sister, but with our grandson and nephew as well.'' No one can tell the Peterson family that there was only one victim. The Peterson family mourns for two lives that were brutally ended. There is no question that the criminal responsible should be accountable for the loss of both lives.

When pregnant women suffer at the hands of violent criminals I urge my colleagues to protect both victims under Federal law.

Mr. ALLEN. Mr. President, I rise today in support of the Unborn Victims of Violence Act, or what many individuals refer to as ''Laci and Conner's Law.''

We have all heard the tragic story of Laci and Conner Peterson; Laci, 8 months pregnant with her unborn son Conner, were viciously murdered at the hands of a killer. Regrettably, Laci and Conner's story is only one of many instances where a woman is harmed and may not only lose her life but the life of her unborn child.

In my Commonwealth of Virginia, we had a similar tragic situation occur in April of 2002. Ronda Robinson was maliciously gunned down in her Lynchburg home, while her two daughters watched in terror. Like Laci, Ronda was in her third trimester when she and her unborn child had their lives taken.

At that time, Virginia did not have a fetal homicide law on the books, and the Commonwealth was unable to bring a homicide charge against the murderer for the killing of Ronda's unborn child.

Unfortunately, the situation in Virginia and many other States remains the same. If a mother survives an assault, but loses her unborn child, the law currently does not recognize any loss of any human life at all.

However, I am pleased that the Virginia General Assembly has taken steps to correct this wrong. This year, the Virginia General Assembly overwhelmingly passed legislation that would hold an individual accountable who, ''unlawfully, willfully, deliberately, maliciously, and with premeditation kills the fetus of another.'' Twenty-Nine senators or 72 percent of the senate and 77 members of the house of delegates or 77 percent of the house supported this legislation.

While this legislation has not yet been signed into law, I am hopeful that Virginia will follow the lead of the 29 other States that have passed this important and meaningful legislation.

I have the same optimism for the Unborn Victims of Violence Act. We have a chance to hear the voice of the voiceless and bring fairness to a system that has essentially told hundreds of women and their families, their unborn child never existed.

I have been blessed with four great gifts, my loving wife and my three wonderful children. I have witnessed my children grow and live healthy and happy lives. I see what my children have accomplished so far in their lives and I am eager to see what other great accomplishments will follow. But many individuals are unable to witness the birth and growth of their child because of a violent criminal act.

Throughout my tenure in public service, whether it was in the Virginia

House of Delegates, U.S. House of Representatives, Governor's office, or now in the U.S. Senate, I have always tried to be tough on criminals. I have always believed in the principle that if you commit a crime, you should be punished.

The Unborn Victims of Violence Act closely upholds my beliefs by making criminals accountable for their actions. Under current Federal law, an individual who commits a Federal crime of violence and kills or injures an unborn child cannot be prosecuted for those violent acts against the unborn child. The Unborn Victims of Violence Act seeks to rectify this situation and close that loophole.

Under this bill, if an unborn child is injured or killed during the commission of an already-defined Federal crime of violence, then the assailant could be charged with a separate offense for the second, enhanced crime upon the unborn child.

Opponents of the Unborn Victims of Violence Act contend that this will hamper a woman's right to choose and constitute an attack on Roe v. Wade. This is simply false. In fact, this legislation explicitly provides that it does not apply to any abortion to which a woman has consented, to any act of the mother herself, legal or illegal, or to any form of medical treatment.

In addition, opponents have brought numerous challenges against State unborn victims laws, based on Roe and other constitutional arguments, and all of these challenges have been rejected by State and Federal courts.

I have always been a strong supporter of rights of the people in the States to determine their laws so long as it does not harm interstate commerce or our Constitution. This bill safeguards those States' laws. This legislation does not supersede State unborn victims laws, nor does it impose such a law in a State that does not have one on the books. The Unborn Victims of Violence Act merely applies to an already defined set of Federal crimes.

The bottom line is that criminals must be held accountable for their actions. The Unborn Victims of Violence Act ensures that justice is sought and available for the totality of the violent murderous act. This is good, solid legislation that is tough on crime, appropriately punishes criminals, and meets the ends of justice desired by law-abiding citizens.

I urge my colleagues to support this bill so that we can send it to President Bush for his signature and ensure that justice will be served.

Mr. DODD. Mr. President, I share the outrage of every other Member in this Senate over the heinous and violent crimes that are committed against over 300,000 women a year. These crimes are especially horrific when the perpetrator knows his victim and knows her to be pregnant.

Today, a significant number of States already allowed stricter penalties for crimes of violence committed against pregnant women. At the Federal level, I believe that it is appropriate and necessary to conform our Federal laws to the statutes of these States.

Particularly heinous crimes ought to receive particularly harsh penalties. And for that reason, I strongly supported the Feinstein amendment during today's debate. Like the underlying legislation, the Feinstein amendment would have allowed Federal prosecutors to ''double-charge'' those individuals convicted of crimes against pregnant women, and would have set forth severe and just punishments for those crimes. Unfortunately, this amendment was defeated.

I also realize that punishing individuals for crimes against women, both pregnant and not, is only one step toward reducing domestic violence. We must do more as a society not only to punish but to prevent domestic violence. For this reason, I strongly supported the Murray amendment today. This amendment would have protected the economic security of women who are victims of domestic violence by allowing them to keep their jobs if and when they needed to take time off to attend court and receive medical care related to an act of domestic violence committed against them. It would have also authorized important new initiatives for the establishment of family violence research and education centers to develop, implement, disseminate, and evaluate family violence prevention and early intervention services and strategies. Again, I was disappointed when this amendment failed.

We have come a long way from the days when domestic violence was considered a private matter. Major initiatives like the Violence Against Women Act have offered protection for women while treating domestic violence for what it is—crimes committed by cowards. However, as the continued prevalence of domestic violence cases show, we have a long way to go.

Regrettably, the underlying bill that was before us today is not principally focused on curbing violence and punishing those individuals found guilty of committing these heinous crimes. Rather, the legislation was focused on advocating a cause about which its proponents feel very deeply, but a cause that a majority of Americans do not share—the cause of eroding and ultimately ending women's right to choose.

I happen to support a woman's right to choose as set forth in the Roe vs. Wade decision. And I find it regrettable and inappropriate that legislation that ought to be focused on eroding the number of heinous crimes committed against all women focuses instead on eroding a woman's right to choose. For this reason, while I supported both the Feinstein and Murray amendments, I am unable to support the underlying bill.

For those who wish to advocate a cause not related to the issue of domestic violence, I urge them to advocate it in the open and not by stealth. But for those who want to reduce further the number and severity of crimes against women to continue working with people like Senators FEINSTEIN and MURRAY. Working together, I am confident we can make a substantial difference in the lives of hundreds of thousands of women across the country.

Mr. SMITH. Mr. President, I rise today to speak about the Unborn Victims of Violence Act and our duty to protect the most innocent among us.

A woman becomes a mother the moment she hears she is with child. From that time forward, her primary concern is providing for and protecting the new life within. Our concerns should be no different.

It is horrifying that an expectant mother could be the target of violence—yet it happens. And when such a crime is committed, there is not one victim, but two. Recognizing this fact in Federal law not only fulfills our commitment to mothers and the unborn, it also serves as a deterrent to crimes against the innocent.

Under the laws of 29 States, if a person commits a violent crime against a pregnant woman and seriously injures or kills her unborn child, that assailant can be punished for both the violence against the mother and the unborn child. This is not the case in federal law. A perpetrator who commits a violent crime under Federal jurisdiction and kills an unborn child cannot be prosecuted for that death. This is wrong.

Today, I am proud to join my colleagues in voting in favor of the Unborn Victims of Violence Act. Under this legislation, an assailant who commits a Federal crime and kills or injures an unborn child can be charged with a separate offense on behalf of the child. Passage of this bill sends an immediate message to criminals that they will be punished for violence against women and their unborn children.

This legislation and the ban on partial-birth abortion enacted last year further protect the sanctity of life. Like the ban on partial-birth abortions, this bill is supported by the vast majority of Americans who recognize it as a reasonable stop we can take to protect women and children.

I look forward to President Bush signing this legislation into law. It will show criminals that they can no longer act with impunity and it will tell expectant parents what they already know—that their unborn children have value, too.

Mr. DEWINE. I am prepared to yield back our time on the general debate.

The PRESIDING OFFICER. There is still time on the underlying bill.

The minority leader.

Mr. DASCHLE. We yield back on the minority side.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the information of our colleagues, the next vote is the last vote of the week. We will begin consideration of welfare reauthorization on Monday. There will be no rollcall votes on Monday. Any votes ordered will be stacked on Tuesday of next week.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Both sides having yielded back their time and the bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—61

Alexander	Dayton	Miller
Allard	DeWine	Murkowski
Allen	Dole	Nelson (NE)
Bennett	Domenici	Nickles
Bingaman	Dorgan	Pryor
Bond	Ensign	Reid (NV)
Breaux	Enzi	Roberts
Brownback	Fitzgerald	Rockefeller
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Carper	Hagel	Smith
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Conrad	Landrieu	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
Daschle	McConnell	

NAYS—38

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham (FL)	Lincoln
Biden	Harkin	Mikulski
Boxer	Hollings	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Jeffords	Reed (RI)
Chafee	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Kerry	Snowe
Dodd	Kohl	Stabenow
Durbin	Lautenberg	Wyden
Edwards	Leahy	

NOT VOTING—1

Gregg

The bill (H.R. 1997) was passed.

Mr. SPECTER. Mr. President, I support enhanced penalties for criminal acts of violence against pregnant women.

My concern with the DeWine bill is that it unnecessarily seeks to weigh in on the abortion controversy with the definition of ''unborn child'' and ''child in utero.''

I voted for the Feinstein amendment because it accomplishes the substantive criminal law objectives of the DeWine bill without raising a potential issue on a possible challenge to Roe v. Wade.

When the Feinstein Amendment lost, I voted for final passage of the DeWine Bill in order to impose appropriate double sanctions for the murder or assault of a pregnant woman that interferes with a pregnancy.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, am I right that we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

DRUG TRAFFICKING AND TERRORISM

Mr. GRASSLEY. Mr. President, since the tragic events of September 11, we have all strived mightily to ensure that our great homeland is never subjected to a terrorist attack by the evildoers again. But everyday those very evildoers weaken the fabric of our country, their enemy, by flooding our great society with addictive and deadly drugs. While the link between terrorists and drugs has been made countless times publically, we, as a Nation, have yet to attack the problem with an approach that is consistent and successful.

On March 13, 2002, Rand Beers, Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Francis Taylor, Ambassador-at-large for Counterterrorism, made the points in joint testimony prepared for a hearing on ''Narco-Terror: The Worldwide Connection Between Drugs and Terror'' held by the Judiciary Committee Subcommittee on Technology, Terrorism and Government Information. Taylor, who delivered the opening testimony, told us that ''relations between drug traffickers and terrorists benefit both.''

''Drug traffickers benefit from the terrorists' military skills, weapons supply, and access to clandestine organizations. Terrorists gain a source of revenue and expertise in illicit transfer and laundering of proceeds from illicit transactions,'' he said.

Taylor listed terrorist groups with known links to drug trafficking around the world—from the South American nations of Colombia, Peru, Bolivia and Paraguay to Afghanistan, which, he said, accounts for more than 70 percent of the world's supply of opiates.

Mr. President, we know that 12 of the 25 major terror organizations identified by the State Department in 2002 have ties to drug traffickers and we know that drugs are a major source of funding for these terrorist groups. We know these groups sometimes work as conspirators to carry out their evil purposes.

The Lebanese Hezbollah group is increasingly involved in drug trafficking and terrorist organizations in Europe and Southeast Asia also are tied to illicit drugs.

The Revolutionary Armed Forces of Colombia, commonly known as the FARC, protects cocaine laboratories and clandestine airstrips in southern Colombia and some FARC units directly control local cocaine base markets.

As evidence that terrorist groups cooperate and work together, the Colombian National Police arrested three members of the IRA in July, 2001, who are believed to have used the demilitarized zone to train the FARC in the use of explosives.

While we know these connections, we have not taken full advantage of the vast resources and knowledge available to exploit this connection. The link between terrorism and drug trafficking that may take many forms, ranging from facilitation—protection, transportation, and taxation—to direct trafficking by the terrorist organization itself in order to finance its activities. Traffickers and terrorists have many of the same needs in terms of the secret movement of goods, people and money.

There are no swans in the sewer, and the relationships between drug traffickers and terrorists benefit both. As Mr. Beers stated, ''Drug traffickers benefit from the terrorists' military skills, weapons supply, and access to clandestine organizations. Terrorists gain a source of revenue and expertise [from drug traffickers] in illicit transfer and laundering of proceeds from illicit transactions.'' Corrupt officials who are influenced by the dirty money of the narco-terrorists make it easier for the groups to get access to fraudulent documents, including passports and travel documents. This allows the terrorists to travel abroad under the stealth and protection of a shadowy network that is virtually undetectable.

Terrorists and drug traffickers also use the same methods to hide their illegal profits and conduct fundraising to feed their evil plans. The schemes used by the terrorists for the transferring and laundering of drug money for general criminal purposes are similar to those used to move money to support terrorist activities. The use of ''charities'' and informal networks such as ''hawalas'' are easy and efficient ways to launder money.

Yet these are the only methods we know about. Congress is in the process

of crafting a budget for the 2005 fiscal year. We have some tough choices ahead of us. But as we move forward, I would urge my colleagues to keep in mind the lessons we have learned in our efforts to go after drug trafficking organizations.

First, to be successful, we need the assistance of other nations. Though many countries have been quick to update their regulations, few have the law enforcement structure in place to carry out interdiction. Law enforcement capabilities must improve globally. In addition, communication between law enforcement agencies nationally and internationally, must become seamless in order to rapidly and effectively identify, target and eradicate terrorists and their drug trafficking brothers before they eradicate us.

Second, our various law enforcement efforts within the United States must be coordinated. As our efforts to catch drug traffickers have taught us, no one agency has all of the tools, information, resources or skills to get the job done alone. Encouraging interagency cooperation, then, must be a priority.

And third, the efforts made at the State and local level to go after drug traffickers are also an important piece of our war on terror. We cannot, should not, and must not, overlook the efforts and expertise of our State and local law enforcement officers. They know best what's going on in their communities and often have the best, most effective approach to stem the flow of crime within their borders.

I will say more about the links between drug trafficking and terrorism in the future. But the connection is there and should not be ignored. Whether we discuss the financing or smuggling by terrorists, document fraud or corruption by drug traffickers, the sewer where the individuals bent on these activities dwell needs to be cleaned up. Let's not overlook the other filth in the water just because the sewer rat floats by.

A STEW POT OF TROUBLE

Mr. GRASSLEY. Mr. President, I think we have a bubbling stew pot of trouble brewing in Afghanistan, and we need to take stronger action action requested by President Karzai, by the way—soon, or much of our effort to root out lawlessness in Afghanistan may be undercut.

What am I talking about? Narcotics—particularly about the significant increase in opium production and trafficking in Afghanistan. I am not challenging the significant progress which has been made in the past 2 years. Removing the Taliban and preparing the groundwork for a democratically elected government is no small feat. Working with our allies, we have gathered all of the right ingredients together to build a new Afghanistan that will benefit everyone—particularly the people of Afghanistan. But the outcome is far from certain, and it doesn't seem as if we are paying enough attention to the danger signs.

According to the latest International Narcotics Control Strategy Report, released by the State Department at the beginning of this month, Afghanistan had the potential to produce 2,865 metric tons of opium in 2003. This represents almost two-thirds of the total potential opium production in the world. We know the havoc that drug use creates in a society. We know the corruption that drug trafficking encourages whereever it occurs. Experience has shown us that ignoring drug production and trafficking has only made things worse. These factors alone should be a reason for concern.

We should also be concerned about who is profiting from this resurgence. The difference between what the Afghan farmer is getting and what an eightball of heroin is worth on the streets of Paris is astronomical. And I am certain those reaping this enormous profit are not the same individuals who support the Karzai government, or who are happy to see coalition troops there.

The profits and instability that follow drug production wherever it occurs should be raising alarms for everyone involved. What is most worrisome, however, is we have seen these ingredients thrown together before, in Colombia. We can go down that same road, or we can take action now, before events boil over into chaos.

Earlier this week I spoke on this floor about the connections between drug trafficking and terrorism. The clearest nexus between drug trafficking and terrorism is in Colombia, where there are three major terrorist organizations using drugs to fund their efforts to overthrow the government.

The State Department has designated these three groups, the Revolutionary Armed Forces of Colombia, FARC, the National Liberation Army, ELN, and the United Self-Defense Groups of Colombia, AUC, as Foreign Terrorist Organizations. But these terrorist organizations began with more ideological roots, and more localized objectives.

Together, these three terrorist organizations have killed thousands of innocents. Three American civilians are currently being held hostage by the FARC, and have not been allowed any contact with the outside world for over a year.

For nearly 40 years the FARC have been pressing a pro-Marxist ideology. Similarly, the ELN held a more Maoist philosophy, but also strove for the same revolutionary objective. Initially these efforts were supported by donations from both the Soviet Union and Cuba. But that support ended with the fall of the Soviet Union.

While not as old, the AUC began as a series of para-military groups initially funded by the wealthy landlords in Colombia. These groups, initially endorsed by the government, were created because the government was unable to protect these rural landlords from attacks by the guerrillas.

But the end of the cold war did not mean an end to the guerrilla activities in Colombia. Instead, all three of these organizations were able to turn to the narcotics trade for funding. Because of this, their membership and the violence associated with each of these organizations has increased dramatically. It is now estimated that these groups receive a significant portion of their operating revenues from narcotics.

With that move, much of the ideology and even the pretense of being a guerrilla group disappeared as well. At first, they just provided security and other support to the drug lords and were paid for their services. But that was not enough.

Today we know that both the AUC and the FARC fight each other for access to the best smuggling routes into and out of Colombia. They fight the government to protect their drug production and transportation networks. They have also begun reaching out to foreign terrorist organizations as well, using narcotics as currency in exchange for guns and training.

Until recently, these terrorist organizations were able to move freely throughout a significant portion of rural Colombia, forcing the displacement of millions of Colombians as they battled the government and each other over drugs and politics. Only after coming to the conclusion that both drug trafficking and terrorism must be addressed equally has there been progress in restoring the control of Colombia to the legitimate government.

Fast forward to Afghanistan. Like the FARC, there are groups within Afghanistan, primarily operating in the remote areas of the country, who for ideological reasons would like to overthrow the government. The Taliban is perhaps the best known, but there are others as well. Numerous warlords also operate throughout the countryside, some whom have even had the blessing of the government.

The Taliban, like the FARC after the fall of the Soviet Union, need to secure an alternative means of financing their operations if they are to survive. Our success in choking off their traditional funding sources has created this necessity. Opium—like coca for the FARC—is an easy, local, and available opportunity to do exactly that, and will not be a new source of revenue for the Taliban. While the Taliban banned opium production for a period of time when they controlled Afghanistan, they also taxed the trafficking and resulting profits from the sale of stored opium after the ban.

Add to this equation some of the many warlords that control various areas of Afghanistan. Some of these warlords even worked with coalition forces to oust the Taliban. But most have no intention of surrendering any

of their power or authority to the central government in Kabul, preferring to fight for their own fiefdoms.

They have no interest in enforcing edicts from Kabul, or in taking any action that might give the central government additional legitimacy. Profits from opium production and trafficking are a key method for continuing to fund their war clan.

These efforts are not as blatant or as well organized as what we have in Colombia today, but the ingredients are there. It is time we start connecting the dots.

Today, several thousand U.S. and coalition soldiers are hunting down terrorists. These terrorists are receiving physical and financial support from somewhere. Meanwhile, the Karzai government is working furiously to establish the police, judicial, and military systems necessary to ensure that the people of Afghanistan can equitably govern themselves. But they must overcome the chaos created by 20 years of occupation and civil war. The last thing that they need is a well funded rebellion in their backyard.

The Karzai government recognizes the dangers posed by bumper crops of opium. They know the profits being generated by this drug production go not to the Afghani people, but to the few powerful enough to move the opium out of Afghanistan. These drug traffickers flourish in the same kind of lawless environment where terrorists train.

We need to start connecting the dots. We cannot continue to separate terrorism and narco-trafficking. I fear that if the United States narcotics policy in Afghanistan does not catch up to that of the Karzai government, we will be facing the same mess that we are working to clean up in Colombia. We have watched this pot before. We need to begin looking at our options now, before it boils over and we have a real mess.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEWIS AND CLARK MOUNT HOOD WILDERNESS ACT OF 2004 DRAFT LEGISLATIVE PROPOSAL

Mr. WYDEN. Mr. President, I rise today to discuss a draft legislative proposal I have developed and am soliciting comment from people in my State to add 160,000 acres of new wilderness in the Mount Hood National Forest.

The year 2004 is momentous for wilderness in Oregon. It marks the 40th anniversary of the 1964 Wilderness Act and the 20th anniversary of the last Oregon wilderness bill. Perhaps most importantly, 2004 marks the bicentennial of the single most important exploratory committee ever launched by the Federal Government and that is the Lewis and Clark Expedition.

One way to mark this very special time would be to enact a new Oregon wilderness bill, which I could conceive of as the Lewis and Clark Mount Hood Wilderness Act of 2004. In tribute to the great river-dependent journey of Lewis and Clark, I believe it would also be appropriate to add four free-flowing stretches of rivers to the National Wild and Scenic River System.

In the last few years, Congress has protected some of my home State's most important treasures: Steens Mountain is now home to 170,000 acres of wilderness. The Little Sandy watershed is now part of the Bull Run Management unit and will help provide drinking water for over 700,000 Oregonians. Soda Mountain has been designated a national monument. Fort Clatsop National Memorial has been expanded, and this year it may be designated as Oregon's second national park.

The draft I have been discussing with my constituents would take a fresh look at protecting the lower elevation forests surrounding Mount Hood and the Columbia River Gorge. These forests symbolize the natural beauty of my home State. They provide the clean water for the biological survival of threatened steelhead, Coho, and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, and of course the majestic bald eagle. These are the forests that provide unparalleled recreational opportunities for millions of Oregonians and all of our visitors.

Mount Hood is the highest mountain in my home State. Captain Clark described it as ''a mountain of immense height, covered with snow,'' while John Muir described Mount Hood a bit more poetically as ''one glorious manifestation of divine power.''

''Wy'East'' is the American Indian name for Mount Hood. Before Lewis and Clark came to what we now know as my home State, these forests and species they supported in turn supported native Indians for thousands of years. These are the forests that connect the high elevation snowfields with the rich, diverse lower valleys that produce our famous salmon which were described as so plentiful one could walk across the river on their backs.

Although the history of Mount Hood and her environs are fascinating, the need to designate these areas as protected wilderness and wild and scenic rivers is best expressed by the very modern stories of increased pressures from development and recreational use that are at the heart of our State's future.

The need to protect and build on Oregon's wilderness system that is as important now as it was in 1804, 1964, or 1984. There are currently 189,200 acres of designated wilderness on the Mount Hood National Forest. I believe it would be appropriate this year, 2004, to discuss a draft bill which would almost double that amount by designating approximately 160,000 new acres of wilderness thereby lessening the pressures of overuse while also staving off the threat of development.

Today, the economic role of these important public lands has shifted. Communities on the highway to Mount Hood often market themselves as the ''Gateway to Mount Hood,'' and see this as a special opportunity to improve their tourism.

They should. On weekends, crowds of Oregonians come out of the cities seeking a natural and often wild experience. In the 20 years that has elapsed since any new wilderness has been designated in the Mount Hood area, the population in the local counties has increased significantly—20 percent in my home county of Multnomah, 24 percent in Hood River County, and 41 percent in Clackamas County.

With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness, and the need for opportunities for diverse outdoor recreation, it seems to me that very often we are in jeopardy of loving our wild places to death. A few years ago, the Forest Service made a proposal to limit the number of people who could hike the south side of Mount Hood. I can tell you the public outcry was staggering.

So it seems to me, rather than to tell people they are going to be restricted from using our public lands, the solution lies in providing more opportunities for them to enjoy our great places. I have heard from community after community that they fear a threat to their local drinking water or the need for further protections from development. Congressional statutory designation as wilderness provides the only real protection of the historic, scientific, cultural, environmental, scenic, and recreational values that contribute to the quality of life of which the people of my State are so proud.

The protection of the special Oregon places is going to depend on the hard work and dedication of all Oregonians, and especially my colleagues in the Congress.

I have had a chance already to discuss this with Senator SMITH. He and I always work in a bipartisan way. As always, he has been very gracious with respect to saying he would work with me and will join me in listening to the people of Oregon.

I have also been pleased today to be able to talk to Congressman WALDEN, who is the new chair of an important subcommittee who will be in a position to listen to the people of our State, take their ideas, and take their input on this draft. I also have talked to Congressman BLUMENAUER today, who represents the congressional district that I was so proud to represent for 15 years in the House of Representatives.

I believe the four of us in particular will take the time now to listen to the people of our State, the county commissioners, the environmentalists, the

entrepreneurs, the chambers of commerce, the Governor, various State-elected officials who have an interest in this issue, and other interested parties and work to try to get this important work done in the right fashion.

I have been very proud to have been involved in two natural resource efforts in the last few years where people thought the polarization was so great that you could not get anything done. With respect to the county payments legislation Senator CRAIG and I teamed up on a matter that was absolutely critical to funding schools and roads. We worked in a bipartisan way, listened to people, and got an important piece of legislation passed.

We did the same thing with respect to forest health legislation earlier in this Congress. People said we couldn't get a bill out of the Senate. A lot of people of good will, including the Presiding Officer tonight, came together and we got 80 votes for it in the Senate.

When you listen to people, it is possible to get important natural resources legislation passed. I think it would be very appropriate to take the draft I am now circulating to the people of Oregon, spend the necessary time listening to people of our State, and turn it into legislation that could be considered formally by the Congress and perfect it in the coming weeks and days ahead. Congress ought to try to pass this legislation after listening to the people of my home State. The grandeur of Mount Hood and other Oregon treasures can be assured for future generations if we can come together and approach this in a bipartisan way.

That is what I am committed to doing based on my conversations today with Congressman WALDEN and Congressman BLUMENAUER, the Members who are most affected by the legislation, and Senator SMITH who has joined me so often. I am convinced our delegation is committed to doing this job right, recognizing that 2004 is a momentous year for wilderness in our State.

I would very much like to see the people of our State, working with our congressional delegation, coming together and passing a Lewis and Clark Mount Hood Wilderness Act of 2004. We have a lot of work ahead of us in the days ahead, but we are committed to approaching this in a responsible and bipartisan fashion. I want to tell the people of my State I think it would be exciting to make sure that we could take steps in this session to ensure that, for the millions who will come to visit Mount Hood in the days ahead, we have acted to preserve the grandeur of this spectacular treasure.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few minutes we will be closing for the evening, but over the next several minutes I would like to comment on a couple of events from today, and then, in closing, we will talk a bit about what to expect over the next several days and next week.

CONGRESS BUILDING AMERICA NATIONAL BUILD

Mr. FRIST. Mr. President, I, first, would like to comment on the way my day began. It happened to begin with the distinguished Presiding officer, the Senator from Minnesota, early this morning, as we engaged in a project that many people around the country have participated in. For those who have not, I hope they do participate in it; and that is, to build—I was not going to say a house—but, indeed, a home as part of Habitat for Humanity.

Not too far from here—about 15 minutes from our Nation's Capitol—there is a plot of land. We have been blessed in many ways because, right now, we have been part of a group of people who put up several houses. We did not put them all up today, but eventually that whole site—and it is probably a couple-acre site; actually, it must be larger than that—will have 50 different houses with individual homeowners, families who will call those houses their homes.

Many of those people have no homes today, but they have devoted a fair amount of planning, with their sweat and their equity and their spirit, in helping to construct these houses through Habitat for Humanity.

We were there with a number of House Members and Senate Members. It was bipartisan, bicameral. It was part of what is called ''Congress Building America.'' Today was called: ''Congress Building America National Build.''

It was a great celebration this morning. Millard Fuller was there. Millard Fuller is the man who had the vision and the heart to first think of and then lay out and then implement Habitat for Humanity International. His commitment reflects a merging, a coming together of faith, a call to service. He has professional training. He has been a very successful attorney. We had an opportunity to congratulate him, but also to spend most of the morning working side by side with him.

Millard is a fascinating individual. He travels around the world both promoting and educating people about Habitat for Humanity. I talked to him a bit this morning about recent trips I have had the opportunity to make, again, one with the Presiding Officer to Africa, where, to me, we have a great opportunity, but also there is great hope, as we look at that continent today.

This morning there were teams of five or six people who worked together, with a leader in that team. I was not the leader for those 3 to 4 hours. We had a young woman by the name of Dawn, who is part of the AmeriCorps affiliation with Habitat for Humanity, who walked us through the construction of this house that was nothing but a slab of concrete, but by the time we left, it had the walls up around it.

But part of my team was also Charlissa Tomlinson. Charlissa is the owner of the home, who began, about 2 years ago, with this dream, and now, with her three children there today, participated in the construction of that very house.

As we put up that last wall, and there was a window there, and we looked out the window, I asked: Whose bedroom is this going to be? She very quickly told me which child's bedroom it was going to be.

She has been very active in her church, very active in her community. The realization of her family's dream shows us how powerful volunteers can be, how the very best of the public sector, Government, which funds, in part, Habitat for Humanity, and the 10 or 15 sponsors, organizations, companies that invest, and invest heavily, in support of Habitat for Humanity can come together.

I thank my colleagues because this is the first year we have had broad bipartisan, bicameral participation. A number of Senators have gone out and participated before, but today we broke all records in terms of Senate participation in this wonderful, wonderful project.

We were there to demonstrate our commitment, as elected leaders. I should also add that the spouses of the Senators were there as well throughout the morning. They even stayed into the afternoon. But we really were there to demonstrate our commitment, our deep, personal commitment to affordable home ownership for low-income American families.

We were also there to show our appreciation for faith-based groups and other nonprofits such as Habitat for Humanity that do provide these critical services to individuals and families in need across America.

Home ownership is such an essential part of our lives, of our social investments, of our economic investments. It is empowering to families. It is empowering to communities. It contributes economic vitality to areas and regions in communities where these beautiful new homes arise. So it was an exciting project this morning. We have done a lot.

As we were there and looking around, we saw the AmeriCorps volunteers. There was a group of college students from Cornell who, instead of going where 99.9 percent of the college students go—to vacation, which I guess is Florida or the west coast or to warmer weather—dedicated their spring vacation to being there and hammering nails, and spending their 8 days away from Cornell—again, colleges all over the country are doing this, but they

were with us today, and the volunteers from the community, working with the corporate executives, working with the Members of the Senate. It was really, really gratifying.

The Congress participates and works with the administration. We provided $27 million this year for the Self-Help Homeownership Opportunity Program, SHOP. Under this grant program, homeowners contribute significant amounts of their own volunteer labor to the construction or to the rehabilitation of a property. President Bush requested $67 million next year for this particular program, SHOP, Self-Help Homeownership Opportunity Program.

The 108th Congress passed and President Bush signed the American Dream Downpayment Act of 2003. That is going to help over 40,000 families a year with their downpayment and closing costs and further strengthen our housing market all over the country. Seeing the Senate in action, as we hammered and nailed and put the siding up, made me realize how much this body does do and cares in terms of eliminating poverty housing in America. I hope that demonstrates our commitment to that goal and our continued commitment for affordable housing throughout America but in particular for low-income American families.

UNBORN VICTIMS OF VIOLENCE

Mr. FRIST. Mr. President, the rest of today was spent on a very important initiative that was really long overdue. That was addressing the issue of the Unborn Victims of Violence Act.

I very much appreciate the Democratic leadership working with us to have a unanimous consent agreement today where we could begin this morning and continue straight through in a very orderly way, have very good debate, very good amendments on the floor of the Senate, and then, 8 hours after we began, to come to a conclusion with a vote that will have a huge impact, an impact on victims of violence that were protected in some States but in many States were not.

The issue at hand really boiled down to that single question, that when a pregnant woman is murdered along with her unborn baby, is there one victim or are there two? All of this is very simple. It is simple to me in terms of understanding it, but also simple in that it applies so directly to humanity.

There is a case that I never talked about on the floor today. It came to mind this afternoon in a press conference later where there were four families that were victims of violence, and they told their stories. It was very powerful. I am not sure if it was captured by the news cameras there or not, or if many people will see it—very powerful stories.

But it did remind me of a story, a recent case in my own State of Tennessee. It was an early morning in January, and two young men gunned down Tracey Owens on an empty street in south Nashville. Tracey was between 38 and 40 weeks pregnant, just about ready to deliver, could have delivered any day. The perpetrators said they believed they had hit the pregnant woman with their truck and they were afraid they would get in trouble. So they stopped and they got out, and as Tracey was laying there crying out for help, one of the assailants just looked at her and said: Here is your help. And with that, he shot her in the abdomen, actually shot her five times with a .22-caliber pistol. One of those bullets actually hit the baby and she was about ready to deliver.

After murdering Tracey and her unborn baby, the two men went back to an ex-girlfriend's apartment. They cleaned the weapon off, and then they fell asleep. They were picked up after a motorist found Tracey's body and a witness at the scene told investigators they had seen the two men shooting at parked cars. Investigators quickly found the culprits, and they quickly confessed. The perpetrators now sit in jail awaiting the grand jury.

A police detective in the case said: In my 22 years on the job, I have never seen anyone executed—and I mean executed—because someone thought they had hit the person with a vehicle.

Tennessee is one of 29 States with a fetal homicide law on the books. So then the question arises, was Tracey's baby, who was only days away from delivery, also slain? That is what this bill was about today. That is what this act was about. That is why it is so important that this body responded and responded so positively with the final vote, now just an hour or an hour and a half ago. The answer to that question to me is simple. I think it is simple. Ultimately, no matter how you voted today, the answer is straightforward.

The reason why I use this example is because it is so obvious. You only have to look at the autopsy results themselves. The medical examiner did not examine just Tracey alone; she examined the baby as well. Indeed, that is how we know that the baby was shot by one of those five shots. That little baby was hit. And common sense tells us that in examining the murder victims, the coroner was faced not just with one dead body but with two dead bodies.

We have groups such as the American Civil Liberties Union which opposed the bill, the Unborn Victims of Violence Act. They said that counting two victims is a ''dangerous attempt to separate a woman from her fetus in the eyes of the law.'' In other words, they tried to cast this as an abortion issue.

One of the wonderful things about the discussion today is that everytime someone tried to cast it as an abortion issue, that was debunked and was made very clear that this is not an abortion issue.

When a husband intentionally punches his expectant wife in the abdomen with the express purpose of causing a miscarriage, it is he who is separating the woman from the fetus.

I would argue that when a boyfriend tires of his pregnant girlfriend and hires an assassin to dispose of the girlfriend and the baby, he is killing two human beings. One may even argue that the baby is in fact—and many times is—the primary target.

But we don't need to examine the motives of the perpetrators in these real life cases to reach those conclusions. Even if an assailant is unaware of his victim's pregnancy, should he, the perpetrator, decide whether or not the baby exists? Should we accept that because he didn't know when he was killing one person he was snuffing out the life of a second, there is no second crime?

The Unborn Victims of Violence Act does. And now we know it is going to go to the President. This was the exact same act that passed in the House of Representatives and, thus, we know there is no stopping this one. It is going to go to the President. This act protects the rights of the baby to come into this world as the mother intends, and it holds the criminal responsible for endangering the life and the health of the child.

We did have an amendment today from the senior Senator from California that was offered that said it was sufficient to add special penalties for attacking a woman who is pregnant. Indeed, it really pushed aside the intent of the underlying bill and said it is sufficient to add special penalties for attacking a woman who is pregnant. And tougher laws will assuage the feelings of the devastated family and compensate the mother for her sense of loss. All of that misses the point, the heart and soul of this underlying legislation. The harmed child is not notional. The harmed child is not a sense. The harmed child is not an emotion. The baby is real and the loss is real.

Again, I wish my colleagues could have heard today the four families who suffered such real and tragic losses. The second life has been harmed, whether intentional or not. Verbal evasions and euphemisms simply cannot hide this plain fact. I think about an expectant mother, her excitement about her family, her future family, how she starts to show, and even strangers, when she walks by, begin to smile and ask, ''When is the baby due?'' You cannot help but think of friends who are throwing showers or the metro rider who stands up and offers his seat for that expectant mother.

Our natural reaction is to celebrate the miracle of life and offer our love and compassion, not for a theory, or a theoretical baby, but for an actual baby—a baby we hope will be born and will be healthy.

Well, this act, the Unborn Victims of Violence Act, which now is going to be the law of the land, recognizes the simple reality. It is not about abortion, as its opponents took great pains to argue but which was debunked today. It doesn't undermine the 1973 Roe v. Wade Supreme Court decision, as even pro-

choice legal scholars admit. The Unborn Victims of Violence Act is about simple humanity, simple reality.

A child in the womb, whether you call it a baby or a fetus, is alive, it is real, and it deserves our best efforts to protect it from criminal harm, and with the action of this body today, and with the action of the House of Representatives in the past, this act will become the law of the land, soon to be signed by the President of the United States.

ORGAN DONATION

Mr. FRIST. Mr. President, it has been a satisfying day. Shortly, I will finish the day with a third issue which means a great deal to me. I will be asking unanimous consent for action on a bill that promotes organ donation, and for other purposes. I would like to close on that third topic.

The bill is called the Organ Donation and Recovery Improvement Act. For the 10, 12, to 15 years before I came to the Senate, that is what I had the privilege of doing, transplanting hearts and lungs together, for end stage disease, for people who would otherwise die but had the opportunity and blessing to be able to have taken out those diseased organs—out of somebody who otherwise would die usually within 3 to 6 months, and replace those with organs that would allow them to live 10, 15, 20, or 40 years.

It is marvelous what American medicine and science can do generally, but also that the good Lord allows that miraculous procedure to happen today. It was only imagined not too long ago.

This particular bill, which we will be passing shortly, represents the most significant reforms to organ donation in over a decade. It improves research, improves public awareness, and helps us improve the process, which makes organ transplantation possible. It is not hard to take the diseased organs out. The real challenge we have is finding the available, appropriate organs to transplant, actually implant into that chest. That is the shortage. People are dying every day, waiting for a heart, waiting for a lung, waiting for kidneys, a liver, or a pancreas, and the problem is the shortage of donors. But in truth, there are plenty of donors out there. It is how you get this potential supply to meet this huge demand. Right now, the supply is too small. When the demand is high, all these people are dying. If we increase the supply, these people begin to live. It is as simple as that. This legislation moves us in that direction.

I want to applaud the work of Senator CHRIS DODD, our colleague from Connecticut, who helped lead the fight to pass this legislation in the Senate, and also our colleague from New Hampshire, JUDD GREGG, chairman of the Health, Education, Labor, Pensions Committee, for his support. This particular bill that will pass tonight was passed by the House of Representatives yesterday. I recognize the leadership of Representative BILIRAKIS and BILLY TAUZIN, who have been instrumental in leading this initiative in the House.

Organ donation is one of the most challenging issues we face today because of this supply-demand issue. The real supply is bigger than the realized supply, and that is what this bill sets out to achieve. About 82,000 to 84,000 people are waiting today for an organ to become available. Many will become available tonight—hopefully, a lot—tomorrow, and every day. But it is not enough. You have people dying.

I will be speaking principally, using figures on America, the U.S. While organ donations increased by 7.5 percent since 2002, it is a small increase. The 84,000 people waiting have far outstripped that in terms of the number of people added to the waiting list. By improving public awareness to encourage organ donation, we literally save lives, hundreds and thousands of lives.

This legislation takes a comprehensive approach. It will not solve the problem, but it is a comprehensive approach to increase organ donation and, at the same time, improving the overall efficiency of the organ donation process. I believe patients and families will soon benefit from this very important legislation tonight.

AMENDING THE PUBLIC HEALTH SERVICE ACT TO PROMOTE ORGAN DONATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3926, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3926) to amend the Public Health Service Act to promote organ donation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3926) was read the third time and passed.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 21, 2000, in Fort Worth, TX, a 17-year old high school student was hospitalized after two peers allegedly attacked him in a parking lot. The young assailants beat the victim and scratched anti-gay slurs into his car. The victim suffered a broken nose and numerous other injuries, including blood clots on his brain.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

SPECIALIST CHRISTOPHER E. HUDSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Carmel, IN. Specialist Christopher Hudson, 21 years old, died in Abu Ghraib, just west of Baghdad, on March 21, 2004, during an attack when the Humvee he was riding in was struck by an improvised explosive device.

After joining the Army in November of 2002, Chris was assigned to the 2nd Battalion, 12th Cavalry Regiment, 1st Cavalry Division based in Fort Hood, TX. Chris served as a gunner during his deployment, which began when his unit joined the efforts in Iraq one year ago. With his entire life before him, Chris chose to risk everything to fight for the values Americans hold close to our hearts, In a land halfway around the world.

Chris was the twenty-fifth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father; his mother, Sally; his wife, Michelle; his 1-year-old son, Gavon; and 3-year-old daughter, Veronika. May Chris' children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Chris' family, his friends, and the entire Carmel community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Chris, a memory that will burn brightly during these continuing days of conflict and grief.

When looking back on the life of her late husband, Chris' wife Michelle told the Indianapolis Star that he ''was proud to defend his country . . . His family loves him, misses him and is very proud of him.'' Today and always, Chris will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while serving his country.

As I search for words to do justice in honoring Chris' sacrifice, I am reminded of President Lincoln's remarks

as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Chris' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Christopher E. Hudson in the Official Record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Chris' can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may Gold bless America.

OPPOSITION UNDER ATTACK IN BELARUS

Mr. CAMPBELL. Mr. President, in recent days the Belarusian Prosecutor General's office opened criminal proceedings against one of the leaders of the embattled Belarusian democratic opposition, Anatoly Lebedka. Anatoly, who is chairman of the United Civic Party, has been accused of defaming Belarusian dictator Alexander Lukashenko during an interview with Russian television last month where he linked the recent Belarusian-Russian dispute over gas deliveries with the Belarusian authorities' failure to build an efficient economy. Anatoly also mentioned a shadow budget replenished through illegal arms sales and the cover-up of the truth about political disappearances in Belarus.

Given the pattern of behavior of the Lukashenko regime, it is crystal clear that this case is politically motivated and designed to suppress dissent. Lebedka's United Civic Party is a member of the Popular Coalition Five Plus, an opposition bloc which is planning to field candidates in this fall's parliamentary elections.

The action against Anatoly Lebedka and on the opposition fits squarely within a pattern of the suppression of independent thought and action in Belarus. Lukashenko's repression of those who would dare to challenge him has only intensified over the past year. Just last week, a criminal case was opened against the Belarusian Helsinki Committee chairperson Tatiana Protska and accountant Tatiana Rudkevich. This comes after politically-motivated economic sanctions were imposed on the Committee recently. Also within the last few days, a court seized property of Iryna Makavetskaya, a correspondent for one of Belarus' leading independent newspapers, Beloruskaya Delovaya Gazeta.

Lukashenko has a choice—he can continue to act as a pariah, suppressing the voices of democracy in Belarus, or he can realize that the only way to reverse his self-imposed isolation from the international community and increasingly, from his own people is to end his offensive against democracy and civil society.

Meanwhile, it is essential that the United States back up its rhetorical support for democratic forces in Belarus through concrete assistance. Earlier this Congress, I introduced the Belarus Democracy Act, a measure with bipartisan support designed to promote democracy, human rights and the rule of law in Belarus. In light of the campaign of repression against democratic forces in Belarus, timely consideration of the Belarus Democracy Act is warranted. I urge colleagues to support this important legislation.

CLOSING THE GUN SHOW LOOPHOLE

Mr. LEVIN. Mr. President, three weeks ago the Senate passed an amendment during consideration of the gun immunity bill which would close the gun show loophole. I supported this amendment because I believe it is common sense gun safety legislation.

Under current law, when an individual buys a handgun from a licensed dealer, there are federal requirements for a background check to insure that the purchaser is not a person prohibited from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement to ensure that the purchaser is not in a prohibited category. This creates a loophole in the law, which makes it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns. This loophole is the gateway to the illegal market because criminals know they are not subject to a background check and no record is made of the sale.

I cosponsored the amendment offered by Senators JACK REED and JOHN MCCAIN, which would close the gun show loophole, because I believe it is a critical tool in preventing guns from getting into the hands of criminals and other ineligible buyers. This amendment would have simply applied existing law governing background checks to individuals buying firearms at gun shows. Preventing easy and unchecked access to guns is critical in preventing gun violence.

This amendment also had the support of major law enforcement organizations including the International Association of Chiefs of Police, the National Troopers Coalition, the International Brotherhood of Police Officers, the Police Executive Research Forum, the Major Cities Chiefs, the National Association of School Resource Officers, the National Black Police Association, the National Organization of Black Law Enforcement Executives, and the Hispanic American Police Command Officers Association.

The gun industry immunity legislation would have provided unprecedented protection from liability to gun manufacturers and dealers, even in cases where their own gross negligence or recklessness led to someone being injured or killed. I opposed the bill and it was defeated in the Senate. However, before the bill was defeated, the gun show loophole amendment passed with bipartisan support. Given that, I hope the Senate will take up and pass gun show loophole legislation this year.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time Senate Report No. 108–233 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report, which is now available, be printed in the RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 22, 2004.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1107, the Recreational Fee Authority Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 1107—RECREATIONAL FEE AUTHORITY ACT OF 2004

Summary: S. 1107 would authorize the National Park Service (NPS) to establish, charge, and modify admission and user fees at units of the National Park System. Section 3 of the bill would allow the NPS to retain and spend all offsetting receipts collected under this authority without further appropriation. Both the authority to collect and to spend NPS recreation receipts would become effective on January 1, 2006, the day after the existing recreation fee demonstration program expires. (Created in 1996, the demonstration program authorizes the NPS and other federal land management agencies to charge higher recreation fees than would otherwise be permitted and to spend the proceeds.)

The effect of S. 1107 on total recreation fee receipts and spending would partly depend on how the NPS would use the bill's authorities in conjunction with current law following the expiration of the current demonstration program. For this estimate, CBO assumes that the NPS would use the authorities provided under S. 1107 to continue the

recreation fee demonstration program permanently. We estimate that direct spending would increase under the bill by $592 million over the 2006–2014 period because the bill would authorize the spending of fee collections that would not otherwise be available.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated net budgetary impact of S. 1107 is summarized in the table below. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
	DIRECT SPENDING										
NPS Recreation Fee Program Net Spending Under Current Law:											
Budget Authority [1]	0	0	−63	−79	−81	−82	−84	−86	−88	−89	−91
Estimated Outlays	6	30	76	5	−59	−79	−84	−86	−88	−89	−91
Proposed Changes:											
Authorization Level	0	0	63	79	81	82	84	86	88	89	91
Estimated Outlays	0	0	−4	33	62	77	82	83	85	86	88
NPS Recreation Fee Program Net Spending Under S. 1107:											
Authorization Level	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	6	30	72	38	3	0	−2	−3	−3	−3	−3

[1] The current law amounts represent net direct spending of the NPS under the existing recreation fee demonstration program (which expires on December 31, 2005) and under the Land and Water Conservation Fund Act (LWCFA), which will govern the collection and spending of NPS recreation fees after December 31, 2005.

Basis of Estimate: For this estimate, CBO assumes that the NPS would collect and spend recreation fees at all park units under the authority provided by S. 1107, at rates similar to those it now charges under the recreation demonstration program. S. 1107 would provide broad, permanent authority to collect and spend recreation fees at NPS sites similar to that contained in the temporary recreation fee demonstration program. Unlike that program, however, the bill would not specifically repeal or override the fee-related provisions in the Land and Water Conservation Fund Act (LWCFA). The LWCFA will govern the collection and spending of recreation fees after December 31, 2005. Moreover, the bill would not apply to other federal land management agencies that offer similar, often competing, recreation opportunities. This estimate is based on information provided by NPS and assumes that the NPS determines that the fee caps, fee prohibitions, and other fee limitations contained in the LWCFA would not apply to fees that would be established under S. 1107.

CBO estimates that enacting S. 1107 would essentially continue the current recreation demonstration program. The bill—like the demonstration program—would allow the NPS to spend 100 percent of all receipts. Starting in 2006, the LWCFA would otherwise authorize the spending of 15 percent of recreation receipts.

The net effect of these changes would be an increase in direct spending authority of $63 million for fiscal year 2006, $79 million in 2007 (the first full year after the new authority would become effective), and $745 million through fiscal year 2014. CBO estimates that outlays from this new spending authority would total $592 million over the 2006–2014 period.

Under the bill, recreation fees could also increase by as much as $32 million in 2006 and between $41 million and $47 million a year thereafter, but any new receipts would be offset by an identical increase in new spending. If the NPS were to determine that it must abide by specific restrictions in the LWCFA when establishing fees under S. 1107, the agency would probably not implement any significant increase in offsetting receipts. In the event that no new receipts could be collected under S. 1107, the NPS would be authorized to spend recreation fees under the bill, and the net budget impact would be similar.

In addition, because fees charged by other land-management agencies would not be increased under S. 1107, it is possible that the NPS might not be able to charge higher fees at some parks without putting itself at a competitive disadvantage with other federal recreation providers. In that event, the NPS may not be able to increase rates to the level estimated here; however, the net budget impact would be the same because spending would fall by the same amount.

Intergovernmental and private-sector impact: S. 1107 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis (226–2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220); and Impact on the Private Sector: Selena Caldera (226–2966).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

STAND-ALONE RELIABILITY

Ms. CANTWELL. Mr. President, I rise today to begin the process of placing directly on the Senate calendar stand-alone electric reliability legislation.

As all my colleagues in this body are well aware, devising a comprehensive policy that will help this nation achieve its energy independence is a task that has divided the Energy and Natural Resources Committee on which I serve, the United States Senate and the Congress as a whole for three years now. Regardless, I believe that there is at least one thing on which every Senator can agree—and that is the need to pass legislation giving the Federal Energy Regulatory Commission, working closely with regional entities, the statutory authority to put in place mandatory and enforceable reliability standards.

The call for legislation of the kind we are introducing today dates back to at least 1997, when both a Task Force established by the Clinton Administration's Department of Energy and a North American Electric Reliability Council, or NERC, blue ribbon panel independently determined that reliability rules for our nation's electric system needed to be mandatory and enforceable.

In response, the Senate passed stand-alone legislation on this matter, authored by my predecessor Senator Gorton, in June 2000. Since then, under the leadership of both parties, the Senate has twice passed consensus-based electric reliability provisions—most recently, last July.

There is no doubt that this nation's consumers and businesses cannot afford further delay in improving the reliability of the electricity grid. Last August's Northeast/Midwest blackout, which affected 50 million consumers from New York to Michigan, again sounded the wake up call for federal electric reliability legislation.

I would like to quote from a January 1, 2004 letter published in the New York Times from North American Electric Reliability Council President and CEO Michehl R. Gent. Mr. Gent wrote that interim steps NERC has taken to improve grid reliability since last August's blackout does ''not reduce the need for federal legislation that would provide authority to impose and enforce mandatory reliability standards. Whether legislation is adopted on a stand-alone basis or as part of a comprehensive energy bill, passage is essential. If reliability legislation had been enacted when first proposed [in 1999], I believe that the blackout would not have occurred.''

Mr. Gent reiterated this position in February 24, 2004 testimony before the Senate Energy and Natural Resources Committee. I asked Mr. Gent whether in fact it wouldn't be irresponsible of this body not to pass reliability legislation this year, even if we are to pass it on a stand-alone basis. Quite simply, Mr. Gent replied, ''I agree.''

We are beginning the process of putting this legislation directly on the Senate calendar because we believe American consumers have waited long enough for Congress to take this simple step, putting in place mandatory and enforceable reliability standards to govern operation of the electric transmission grid—the backbone of our nation's economy.

There are those who will argue that we are ill-advised to take this step. They ill argue in favor of taking up and passing last year's failed energy bill conference report (H.R. 6), or S. 2095—the so-called ''slimmed down'' energy bill introduced this year, which happens to be 100 pages longer than the original. However, I am of the firm belief that we cannot allow these crucial reliability provisions to be held hostage to a flawed comprehensive energy bill.

Now, I know that the distinguished Chairman of the Senate Energy and

Natural Resources Committee has worked to strip one of the most outrageous provisions of the H.R. 6 conference report—the MTBE liability protection, which many Senators simply cannot abide—from the new version of his energy bill. But I am one of the many who believe that the bill that remains requires very, very substantial revision and thorough debate. With its origins in last year's conference report, there are far too many provisions in the new bill that the Senate Energy Committee has simply never considered. Moreover, if one of our primary policy goals is to improve the reliability of our nation's electricity grid, I am hard-pressed to see how many of the provisions in that bill are relevant.

How will weakening the Safe Drinking Water Act help keep the lights on?

Will providing MTBE producers with $2 billion in taxpayer-funded ''transition'' assistance in any way reduce the likelihood of outages?

How would delaying Clean Air Act implementation in our nation's most polluted cities ensure reliable operation of our electricity grid?

Can anyone really argue that exempting oil companies form Clean Water Act requirements will make our high-voltage transmission lines more reliable?

S. 2095 might not subsidize Hooters, but there remain plenty of handouts to the polluters and corporate looters—none of which have anything to do with bolstering the reliability of our transmission infrastructure. And that's before a non-existent conference with the House, the Leadership of which has publicly expressed its complete disinterest in revisiting the provisions of H.R. 6 most objectionable to the Senate. In fact, I ask my colleagues to consider the following passage, published in the February 14, 2004 edition of CQ Today.

''You can't start carving out pieces of a deal you already made,'' said Frank Maisano, a lobbyist who represents several MTBE producers. 'What the Senate does at this point is irrelevant. This is just a vehicle to get to conference.'' MTBE lobbyists—and perhaps our colleagues on the other side of the Capitol—believe that whatever the Senate does within the context of a debate on the new energy bill is ''irrelevant.'' As the saying goes, ''fool us once, shame on you. Fool us twice, shame on us.''

So Mr. President, in view of the existing gridlock on comprehensive energy legislation, I believe the only responsible course is for this body to bring up and pass stand-alone electric reliability legislation. I reject the notion that passing comprehensive energy legislation—such as it is—is the sole path to improving the reliability of our nation's electricity grid. We can pass stand-alone reliability legislation. We've done it before. We can—and must—do it again. Good energy policy must not be held hostage to the bad, and I am pleased to begin the process of placing the bill directly on the Senate calendar.

RULING AGAINST MICROSOFT

Mrs. LINCOLN. Mr. President, I rise today to voice my strong opposition to yesterday's ruling by the European Commission against the Microsoft Corporation.

While Arkansas is not the headquarters of the Microsoft Corp., we are keenly aware of the negative impact that the European Union's protectionist trade actions have on American business and our Nation's economic growth and job creation.

Time and time again, farmers and agribusiness in my state have been denied the opportunity to compete in the European market.

As a member of the Senate Finance Committee, I am dedicated to ensuring a level playing field with our trading partners.

This goal cannot be accomplished alone. It will require a multinational cooperative effort which developed countries like the United States and Europe must lead.

The EU's actions, specifically the one taken yesterday, are a significant step in the wrong direction.

I encourage the administration to continue to engage their European counterparts and demand a more cooperative effort.

I yield the floor.

GREEK INDEPENDENCE DAY

Mr. SARBANES. Mr. President, March 25 has very special meaning in Greek history. On this date 183 years ago, a small but resolute band of Greek patriots began the struggle to end the foreign domination that for nearly four centuries had oppressed and impoverished Greek lands. For 8 difficult years, resolute and courageous Greek patriots fought against tremendous odds to secure the liberty of their homeland. On this same date 30 years ago the military junta, which had seized power in 1967 and for 7 long years suppressed democratic institutions and civil rights, was brought down, and democracy was restored to the land of its invention. These two events, distant in time and nature as they are from one another, both mark milestones on the road to the vigorous and prosperous democracy that is Greece today.

Nearly 200 years ago, the United States and Greece were two young republics for whom the future was still uncertain. Inspired by democratic ideas in a world that was largely uncomprehending and hostile, both took on the formidable challenge of building viable democratic institutions. That shared commitment has endured. The United States and Greece have stood together in every major struggle for freedom and democracy: through two devastating World Wars, and through the long decades of the Cold War.

The Hellenic Republic was established in 1974. Since that time, Greece has built itself into a strong democracy, a vibrant economy, a regional leader and an ever more solid partner of the United States. Greece has reclaimed its leading role in the region, joining the European Community in 1981. In April 2003, the European Union, under the Greek presidency, signed the Accession Treaty to accept 10 new members in the ancient agora marketplace of Athens, that city serving once again as a cradle for democratic expansion.

Greece's democracy has flourished and prospered over the past 30 years. Recent elections have again demonstrated the stability and openness of the nation's political institutions. With the transfer of power from one party to another, a new generation of Greek leaders is emerging, a generation that promises to build on the strength of the existing relationship with the United States to develop new avenues of cooperation.

Today Greece is preparing for the 2004 Olympics. It is a matter of profound satisfaction for those of us of Greek ancestry that the Games this year are returning to their birthplace, and that Greece will play host to more than two million athletes and visitors from every corner of the world. In connection with the Olympic Games, Greece has undertaken structural improvements that are transforming Athens into a thoroughly cosmopolitan and modern city, and building facilities and infrastructure throughout the country. The investment Greece has made in connection with the Olympics holds out the prospect of a new era, for the people of Greece and visitors to Greece alike. The Games offer a splendid opportunity to present Greek achievements to the international community not only in sports but also in cultural, economic and political terms.

The founders of the American republic were ardent students of the classics, and they looked to the wisdom and experience of ancient Greece as they shaped our nascent political order. In turn, Greek patriots struggling to win independence in 1821 turned to the principles of the new American democracy as they sought to build their own new order. In today's turbulent world, the strong and enduring ties between the two countries are momentous achievements. They give us cause for reflection and celebration on this independence day.

Mr. REED. Mr. President, I rise today to recognize the 183rd anniversary of Greek Independence and pay tribute to the contributions of Greece and our Greek-American community. It was on this day in 1821, that Greek patriots rose up against the Ottoman empire and began an 8-year struggle that culminated in a new Greek Republic.

It is fitting that we take this day to reflect on the enormous contributions

the Greek people have made to the modern world. Our own democratic principles have their very foundation in the practices of the ancient Greek republic. Indeed, the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people. Our own Founding Fathers modeled the American government on the principles of Greek democracy. Thomas Jefferson studied the Greek classics in his youth and was inspired by their philosophy throughout his life, most dramatically when he crafted the Declaration of Independence. When formulating his vision for this country, Jefferson specifically referred to the integrated assertions, theories, and aims of the classic Greek world.

Today, our admiration for Greece continues. Greece and the United States, partners in NATO, are at the forefront of the effort for freedom, democracy, peace, stability, and human rights, forging a close bond between the two nations. We look forward to working closely with Greece in the coming years as we examine ways to bring full peace, stability, and prosperity to all the nations of Europe and the world.

As we celebrate Greek independence, we must also remember the history of those who sacrificed their lives to preserve American freedom and democracy. Greek Americans have served proudly and honorably in every U.S. engagement and war. It is through their efforts and others that we maintain a Nation committed to fighting and winning this war or terrorism.

Today, we join the world in anticipating the momentous 2004 Summer Olympic Games, which will be held in Athens, the birthplace of the Olympic tradition. This event not only highlights the achievements of thousands of world athletes, but signifies the importance of working together to provide greater opportunity and freedom for the citizens of the world.

I am proud to join many of my colleagues as a cosponsor of S. Res. 308 designating March 25, 2004 as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. We value our friendship and continuing partnership with the government and people of Greece. I would especially like to offer all Greek Americans my best wishes as they celebrate this day of independence. Finally, I ask all citizens to reflect on the many important contributions to freedom, democracy, peace, and stability Greece and Greek Americans have made to this country and our world.

THE OCEANS AND HUMAN HEALTH ACT

Mr. DEWINE. Mr. President, I thank Senators MCCAIN and HOLLINGS and the members of the Commerce Committee for their leadership in moving the Oceans and Human Health Act, S. 1218. I also express my appreciation for their willingness to include Senator LEVIN's request and my request to ensure that this bill addresses the needs of the Great Lakes.

The Great Lakes are the largest freshwater bodies on earth, holding approximately 20 percent of the world's freshwater. While we all know that water is essential for our survival, scientists are only just beginning to appreciate the connection between human health and our waters. It takes approximately 198 years for the lakes to flush themselves. So a pollutant dropped into Lake Superior in Duluth-Superior Harbor in 1805—during the time of the Lewis and Clark expedition, Thomas Jefferson's presidency, and the organization of the Michigan Territory—would just now be exiting the water system this year. That means that these large bodies of water are holding much of what we have put into them following the Industrial Revolution.

Industrial development in the Great Lakes region resulted in bacterial contamination and floating debris, as well as the release of persistent organic pollutants, such as PCBs. By the 1950s, Lake Erie showed signs that there was a great imbalance in the Lake with massive algal blooms and depleted oxygen. These problems resulted in contaminated drinking water and polluted beaches, which contributed to epidemics of waterborne diseases, such as typhoid fever. More serious health problems were discovered years later when scientists began to understand that some of the nonbiodegradable chemicals would bio-accumulate in wildlife and in humans.

During the 1970s, Lake Erie was declared dead. It was at that time that significant legislative measures were put in place to control the pollution entering the Lakes, and for the last several years, the region has benefited from the great improvements to the quality of our water.

Until recently, many of us thought that the Great Lakes were well on their way to becoming drinkable, fishable, and swimable—goals of the United States/Canadian Great Lakes Water Quality Agreement. However, today, we face new challenges. We now understand that our environmental problems are more than single-issue, cause and effect problems. Scientists must consider the entire ecosystem.

Over this past year, there are reports of unexplained botulism outbreaks on the Lakes, a rise in beach closures and swimming bans, and a new ''dead zone'' in Lake Erie. Additionally, the Lakes are being threatened by extremely challenging invasive species. People from the Great Lakes region are quite familiar with the more infamous invaders like the zebra mussel, sea lamprey, and Eurasian milfoil, but there are now over 160 nonindigenous aquatic species in the Great lakes with many others on their way. Invasive species are drastically changing the ecosystem and imperiling the health of the Great Lakes and the wildlife.

Though changes to the Great Lakes are not seen immediately, we know we can impact the Lakes, for better or for worse, through our management policies. As the Director of the Great Lakes Environmental Research Lab said, ''The one thing that we can predict with near certainty is that the Great Lakes ecosystem will continue to change and the challenges for effective use and management will only increase.''

Because of the many challenges threatening the health of the Great Lakes and the health of the people who use the Lakes for their drinking water, fishing, or swimming, it is important to understand the link between our waters and human health. That is why we introduced the Oceans and Human Health Act. It would authorize the establishment of a coordinated Federal research program to aid in understanding and responding to the role of oceans in human health. The bill would establish a Federal interagency Oceans and Human Health initiative and create an Oceans and Human Health program at the Department of Commerce National Oceanic and Atmospheric Administration, NOAA. The bill also would direct the Secretary of Commerce to establish a coordinated public information and outreach program to provide information on potential ocean-related human health risks.

So, again, I thank Senator HOLLINGS and Senator MCCAIN for their efforts on this legislation and for accommodating my request and the request of my colleague, Senator LEVIN, to ensure that this legislation includes the Great Lakes. It is a good bill and will help us improve the quality of the Lakes and protect them for future generations.

IN HONOR OF DR. DOROTHY IRENE HEIGHT—A NATIONAL TREASURE

Mr. DURBIN. Mr. President, I rise today to honor Dr. Dorothy Irene Height, a great leader in the struggle for equality, social justice, and human rights for all people, and a true American hero.

A recognized leader in the cause of civil and human rights, Dr. Height has shown her strength and vision through her efforts to promote school desegregation, educate others regarding the status of women in our society, and close our Nation's racial divide.

As a tireless advocate for women's rights, Dr. Height was a valued friend of First Lady Eleanor Roosevelt. She later encouraged President Eisenhower to desegregate the Nation's schools and promoted the appointment of African-American women to sub-Cabinet posts under President Johnson.

Dr. Height served as the tenth national president of Delta Sigma Theta Sorority, Inc. from 1947 to 1956 and was responsible for advancing the organization's political and social activism, both nationally and internationally.

Subsequently, as president of the National Council of Negro Women, NCNW,

Dr. Height worked ceaselessly to bring attention to the struggle of African-American women. Some of these innovative programs include: Operation Woman Power, a project to expand business ownership by women; the Women's Center for Education and Career Advancement, a facility established to empower minority women in nontraditional careers; and the Bethune Museum and Archives, a museum devoted to the history of African-American women.

Among her other roles, Dr. Height was the only female member of the ''Big Six'' civil rights leaders, alongside James Farmer, Roy Wilkins, Whitney Young, A. Philip Randolph, and Rev. Dr. Martin Luther King, Jr. She was a mainstay at countless civil and human rights events in the 1960s and organized ''Wednesdays in Mississippi,'' a program that brought together Black and White women from the North and South to create a dialogue of understanding.

Throughout her years of public service, Dr. Height has received numerous awards for her pursuit of equality including: the Spingarn Award, the highest honor given by the National Association for the Advancement of Colored People, NAACP; the Presidential Medal of Freedom, awarded by President Clinton; the William L. Dawson Award, given by the Congressional Black Caucus for decades of service to people of color and women; the Citizens Medal Award for distinguished service, presented by President Reagan; and her most recent honor, the Congressional Gold Medal, presented by the 108th Congress of the United States.

Dr. Dorothy Height has been a clear voice in expressing the needs of not only African-American women, but of all women. She is a living legend, a catalyst for growth and positive change in our great country.

I proudly congratulate Dr. Dorothy Irene Height on the awarding of the Congressional Gold Medal and for her commitment to equality and civil rights in America.

ADDITIONAL STATEMENTS

THE GREEN STREET BAPTIST CHURCH

● Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the 160th birthday of the Green Street Baptist Church in Louisville, KY.

The Green Street Baptist Church is one of the oldest and most established African-American churches in Kentucky. It has served as a spiritual focal point for Louisville since it was founded as the Second African Baptist Church by nine slaves. On September 29, 1844 it was opened as the Green Street Baptist Church by pastor Brother George Wells.

The Green Street Baptist Church is a historic place that has played a significant role for African-Americans in Louisville. The present church was built in 1930 by the noted African-American architect Samuel Plato. In August of 1967, with H.W. Jones as pastor, the church hosted a rally for voter registration led by Dr. Martin Luther King.

As one of the U.S. Senators from Kentucky, I know how important a wonderful center like the Green Street Baptist Church can be to a community. One of the more prominent trustees and a treasurer of the church was a man named Ben Duke, who lived to be 100 years old. I have no doubt that his rewarding involvement with such a great organization like the Green Street Baptist Church contributed to his longevity.

I congratulate the Green Street Baptist Church on this momentous occasion of its 160th anniversary. I hoe the church will continue to serve the Louisville community another 160 years and beyond.●

LEAGUE OF UNITED LATIN AMERICAN CITIZENS

● Mr. HARKIN. Mr. President, this year marks the 75th Anniversary of the League of United Latino American Citizens, commonly known as LULAC. This national organization was founded in 1929 to fight for the civil rights of all Hispanic Americans. The LULAC founders saw a need for an organization that would strive for equality, fight discrimination and injustice, help Hispanics to claim their rights as United States Citizens and to have access to the American Dream.

Due to their success in the southwest, LULAC continued to open up chapters all over the United States. LULAC's first council was formed in Iowa in 1959 and continues to have a strong presence today. They have prospered over the past 45 years and continue to be a leader in Iowa, fighting for the rights of Latino Iowans.

LULAC has worked to affect national policy so that it better reflects the different cultures living in the United States. They continue to work tirelessly to reduce discrimination, close the achievement gap and improve the immigration laws and system.

LULAC seeks to reduce disparities in political representation. They work to develop leaders among the young Latino men and women in Iowa. Rita Vargas, a previous member of my staff, was nominated as ''LULAC's Woman of the Year'' in 2001, and has since been elected to the position of Scott County Recorder.

The Latino community is a vital, growing part of today's Iowa. In this great country, we find strength in our diversity. Iowa is stronger economically and richer culturally thanks to the many contributions of our Latino friends, neighbors and colleagues.

I would like to say thank you to LULAC for all their hard work in Iowa and throughout the country. I wish them the best as they continue their community activism.●

TRIBUTE TO COLONEL JOELLEN de BERG, UNITED STATES AIR FORCE NURSE CORPS

● Mr. INOUYE. Mr. President, I wish to recognize a great American and true military heroine who has honorably served our country for over 31 years in the United States Air Force Nurse Corps: COL Joellen de Berg. Colonel de Berg began her military career as a reservist with assignments in Arizona, Pennsylvania, and Ohio. After serving as flight nurse, instructor, and evaluator in C–123 and C–130 aircraft, she entered active duty in July, 1978, at Malcolm Grow Medical Center, Andrews Air Force Base, MD. She quickly rose through the ranks and served throughout the world, including in the Philippines, Ohio, California, Oklahoma, Maryland, Illinois, Texas, Washington, District of Columbia, and Japan.

In each assignment, Colonel de Berg excelled and was rewarded with greater responsibilities. In 1983, her performances led to a below-the-zone promotion to the rank of major 3 years ahead of her peers. After serving as manager of emergency services at Wright-Patterson AFB, she transitioned from the clinical arena to medical readiness inspector, Air Force Inspector General, Norton AFB, CA. Once again, her exemplary performance led to a second below-the-zone promotion to lieutenant colonel. After serving as the associate director of nursing at Malcolm Grow Medical Center, she went on to serve as congressional fellow, U.S. Senate, Defense Appropriations Subcommittee. Her service in this capacity lead to her appointment as chief of strategic plans, U.S. Air Force Surgeon General's Office, Bolling AFB, Washington, DC.

With her path to executive leadership clearly set, Colonel de Berg served as chief nurse at Tinker AFB and Andrews AFB. At Andrews, she assumed command of the Eighty-ninth Medical Operations Squadron. Her remarkable leadership earned her selection as group commander, Thirty-fifth Medical Group, Misawa, Japan. Colonel de Berg then assumed responsibilities as command nurse and chief, Primary Care Optimization, Office of the Command Surgeon, Air Mobility Command, Scott AFB, IL.

Colonel de Berg's last assignment was in the State she considers home. She returned to Texas, as chief, Nurse Utilization and Education Branch, Air Force Personnel Center, Randolph AFB. In this position, she was responsible for managing assignments, career progression, and sponsored educational opportunities for 4,000 Air Force nurses.

Colonel de Berg is a meritorious leader, administrator, clinician, educator, and mentor. Throughout her career she has served with valor and profoundly

impacted the entire Air Force Medical Service. Her performance reflects exceptionally on herself, the United States Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation to COL Joellen de Berg on behalf of a grateful Nation for more than 31 years of dedicated military service.●

NAVY AIRMAN JUSTIN TEAGUE

● Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor U.S. Navy Airman Justin Teague of Benton, KY. Eighteen-year-old Justin Teague shipped out aboard the USS *Enterprise* in October of 2003 as a teenager newly graduated from high school and returned March 28, 2004, as an American soldier.

The USS *Enterprise* was deployed October 1, 2003 and visited the northern Arabian Gulf, Afghanistan, Italy, Spain, as well as a few other countries. Teague's job on the flight deck, where he secured planes that had landed and towed them into position, is vital for the function of the carrier. Justin admits his position was stressful but the hardest thing he had to endure was losing his best friend from home in a car accident while at sea. Despite missing the funeral, he remained positive throughout his journey and hopes to make a career out of the military.

Justin Teague's parents are exceedingly proud of their son, and I am proud to have him as a fellow Kentuckian. In this time of conflict, it is important to remember the young people who risk their lives to ensure our freedom. Men like Justin should be commended for their dedication and hard work in the military. We need to remember to thank our soldiers whenever the opportunity arises.●

100TH ANNIVERSARY OF THE AMERICAN LUNG ASSOCIATION

● Mr. SARBANES. Mr. President, I would like to take a moment to extend my congratulations to the American Lung Association as it celebrates its 100th anniversary.

One of our Nation's foremost health advocacy groups, the American Lung Association was established in 1904 as the National Association for the Study and Prevention of Tuberculosis, a cause to which it remains very much devoted. From its early years during which it focused on promoting basic sanitation measures, the ALA has grown into a leader in the fields of health education and biomedical research, contributing over $11 million in 2003 alone to the study of lung disease.

The American Lung Association has long been at the forefront of efforts to warn the American public of the dangers of smoking. In fact, the ALA predated the Surgeon General by 4 years in establishing a link between tobacco use and chronic lung disease, issuing a public health statement on the risks of tobacco use as early as 1960. Subsequent public information campaigns, especially those targeting America's youth, have helped cut smoking rates drastically over the past two decades.

In the hope of addressing a root cause of lung disease, the American Lung Association has worked tirelessly to improve the quality of the air we breathe. This organization played a crucial role in the development and implementation of the 1970 Clean Air Act, and since then has provided a strong voice for improving emissions standards and reducing children's exposure to poor air quality in schools.

Over the years, the American Lung Association has risen time after time to the task of combating new health challenges. Recognizing the growing problem of asthma, the ALA has initiated a number of programs to help local officials, parents, and their children combat and manage this disease. And in 1996, the ALA established their Asthma Clinical Research Center network, a program with an annual budget of $3.5 million, consisting of 19 university and hospital centers and a coordinating center at the Johns Hopkins University.

I commend the ALA for its outstanding achievements over the past century, and I offer my best wishes for a successful future.●

OREGON VETERAN HERO

● Mr. SMITH. Mr. President, today I rise to honor an Oregon veteran who went above and beyond the call of duty in service to his country. On February 19, 1941, 16-year-old Mike Ryan left high school and voluntarily enlisted in the United States Army to serve in World War II.

Private Ryan underwent basic training at Fort Mills on Corregidor in Manila Bay. Japanese bombing attacks on the island intensified and ultimately led to the fall of Corregidor. U.S. forces surrendered on May 6, 1942. Pvt. Mike Ryan and other troops in the southern part of the Philippines became Japanese prisoners of war.

Ryan and hundreds of other prisoners were taken to Manila, were paraded through the streets and taken to prison, and transported to a prison camp in Cabanatuan, Philippines.

For the next 3 years, Mike Ryan suffered immensely, enduring hunger, fatigue, and sickness in a Japanese forced labor camp. The conditions were dismal; food and clothing were scarce and the heat was intense. After spending time in a holding area, which was nothing more than a cow pasture with no sanitary facilities, Ryan was sent out on work details and later transferred to prison.

Thirty-seven percent of the prisoners did not survive. Mike says he never gave up hope, saying he always knew he would come back someday. On September 13, 1945, Ryan and his fellow prisoners were released from captivity. Mike Ryan had spent a total of 3 years, 4 months, and 6 days as a prisoner of war.

After spending a short time in a military hospital in Denver, CO, Ryan was honorably discharged from the service on June 20, 1946.

On March 30, 1948, he married and moved to Oregon. Mike worked at a plywood mill in Lebanon for more than 40 years until it shut down in 1985. Ryan served as the department commander of American Ex-prisoners of War. Now retired, Ryan enjoys spending his time with his wife of 56 years and his family. He has two sons, four grandchildren, and four great-grandchildren.

Mike Ryan made many sacrifices by entering the military at such a young age. He never had the opportunity to finish high school and receive his diploma. Last session, the Oregon Legislative Assembly passed S. 374 allowing World War II veterans who left school to serve in the war to receive their high school diploma. Ryan is hoping he will graduate this year with the Lebanon, OR class of 2004.

Now 79 years old, Ryan looks back on his life and gratitude, thankful for the opportunity to serve his country.

For his selfless service to others, and to the United States in time of war, I salute Mike Ryan as an Oregon veteran hero.●

NOTIFICATION OF THE PRESIDENT'S INTENT TO ENTER INTO A FREE TRADE AGREEMENT WITH THE GOVERNMENT OF THE DOMINICAN REPUBLIC—PM 74

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107–210; the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a free trade agreement (FTA) with the Government of the Dominican Republic.

This agreement will create new opportunities for America's workers, farmers, businesses, and consumers by eliminating barriers to trade with the Dominican Republic, the largest economy in the Caribbean Basin. At the same time, it will help bring to the Dominican Republic expanded economic freedom and opportunity, and it will provide an opportunity for regional stability, democracy, and economic development through closer ties of commerce, investment, and friendship.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of entering into an agreement with the Dominican Republic. My administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH

THE WHITE HOUSE, *March 24, 2004.*

MESSAGE FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1768. An act to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes.

H.R. 3059. An act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

H.R. 3873. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes.

H.R. 3926. An act to amend the Public Health Service Act to promote organ donation, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 189. Concurrent resolution celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY–2) in 2007–08.

H. Con. Res. 328. Concurrent resolution recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

The message further announced that the House agree to the amendment of the Senate to the bill (H.R. 254) to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

The message also announced that pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (38 U.S.C. 1101 note), and the order of the House of December 8, 2003, the Speaker appoints the following members on the part of the House of Representatives to the Veterans' Disability Benefits Commission: Mr. Nick B. Bacon of Rosebud, Arkansas and Mr. Donald M. Cassiday of Aurora, Illinois.

MEASURES REFERRED

The following joint resolution previously received from the House of Representatives on February 4, 2004, for concurrence was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 84. Joint Resolution recognizing the 93d birthday of Ronald Reagan; to the Committee on the Judiciary.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1768. An act to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

H.R. 3059. An act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''; to the Committee on Governmental Affairs.

H.R. 3873. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 189. Concurrent resolution celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY–2) in 2007–08; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 328. Concurrent resolution recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 339. To prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

H.R. 3717. To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmissions of obscene, indecent, and profane material, and for other purposes.

S. 2236. A bill to enhance the reliability of the electric system.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6761. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date'' (Doc. No. 03–072–2) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6762. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance'' (FRL#7341–3) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6763. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Cry3Bb1; Exemption from the Requirement of a Tolerance'' (FRL#7350–5) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6764. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance'' (FRL#7347–7) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6765. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Time-Limited Exemption from Requirement of a Tolerance; Exemption from the Requirement of a Tolerance'' (FRL#7350–8) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6766. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zoxamide; Pesticide Tolerance for Emergency Exemptions'' (FRL#7349–3) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6767. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Japanese Beetle; Domestic Quarantine and Regulations'' (Doc. No. 03–057–2) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6768. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plant Protection Act; Revisions to Authority Citations; Technical Amendment'' (Doc. No. 00–063–3) received on March 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6769. A communication from the Principal Deputy Under Secretary of Defense for Policy, Department of Defense, transmitting, pursuant to law, a report relative to progress towards achieving militarily significant benchmarks in Kosovo during the period of July 1 to December 31, 2003; to the Committee on Armed Services.

EC–6770. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Federal Acquisition Regulation Supplement; to the Committee on Armed Services.

EC–6771. A communication from the Director, Defense Procurement and Acquisition Policy, transmitting, pursuant to law, the report of a rule entitled ''Memorandum of Understanding—Sweden'' (DFARS Case 2003–D089) received on March 23, 2004; to the Committee on Armed Services.

EC–6772. A communication from the Deputy Chief of Naval Operations for Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, a report relative to the conversion to contractor performance a function of the Department of Defense performed by 176 civilian employees; to the Committee on Armed Services.

EC–6773. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Additional Form 80K Disclosure Requirements and Acceleration of Filing Date'' (RIN3235–AI47) received on March 23, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6774. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for Fiscal Year 2003; to the Committee on Energy and Natural Resources.

EC–6775. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Energy Outlook 2004; to the Committee on Energy and Natural Resources.

EC–6776. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance Rules'' (RIN1991–AB66) received on March 23, 2004; to the Committee on Energy and Natural Resources.

EC–6777. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material and Volatile Organic Compound'' (FRL#7635–5) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6778. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Control Emission of Oxides of Nitrogen (NOx) from Cement Kilns'' (FRL#7638–5) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6779. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Illinois'' (FRL#7632–7) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6780. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Ohio; Approval and Revision to Oxides of Nitrogen Regulations'' (FRL#7632–4) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6781. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2006–2007 and Revisions to Set-Aside Requirements'' (FRL#7634–6) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6782. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana'' (FRL#7638–7) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6783. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Research, Development, and Demonstration Permits for Municipal Solid Waste Landfills'' (FRL#7637–9) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6784. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan; Yolo-Solano Air Quality Management District'' (FRL#7636–7) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6785. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2004 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–6786. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–6787. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, seven Uniform Resource Locators (URLs) issued related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC–6788. A communication from the Director, California Bay-Delta Authority, transmitting, pursuant to law, the Authority's 2003 Annual Report; to the Committee on Environment and Public Works.

EC–6789. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to Regulation 23, Section 10-Aerospace Coatings'' (FRL#7639–4) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6790. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Florida: Tampa Bay Area Maintenance Plan Update'' (FRL#7640–6) received on March 25, 2004; to the Committee on Environment and Public Works.

EC–6791. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment as of November 15, 1996 and Reclassification of the Beaumont/Port Arthur Ozone Nonattainment Area; State of Texas; Final Rule'' (FRL#7641–2) received on March 25, 2004; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2231. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes; considered and passed.

By Mr. CAMPBELL (by request):

S. 2232. A bill to amend the Indian Gaming Regulatory Act of 1988 to revise the fee cap on National Indian Gaming Commission funding and make certain technical amendments; to the Committee on Indian Affairs.

By Mr. VOINOVICH (for himself and Mr. CARPER):

S. 2233. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1979 to establish in the Environmental Protection Agency the position of Deputy Administrator for Science and Technology; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REED, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. REID, and Mr. DODD):

S. 2234. A bill to amend title XVIII of the Social Security Act to ensure that prescription drug card sponsors pass along discounts to beneficiaries under the medicare prescription drug discount card and transitional assistance program; to the Committee on Finance.

By Mr. HOLLINGS:

S. 2235. A bill to rename the Department of Commerce as the Department of Trade and Commerce and transfer the Office of the United States Trade Representative into the Department, to consolidate and enhance statutory authority to protect American jobs from unfair international competition, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. BINGAMAN):

S. 2236. A bill to enhance the reliability of the electric system; read the first time.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2237. A bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING (for himself, Mr. SHELBY, Mr. SARBANES, Mr. SCHUMER, Mrs. DOLE, and Mr. HAGEL):

S. 2238. A bill to amend the National Flood Insurance Act of 1968 to reduce loses to properties for which repetitive flood insurance claim payments have been made; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 2239. A bill to establish a first responder and terrorism preparedness grant information hotline, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 2240. A bill to improve seaport security; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself and Mr. BROWNBACK):

S. Res. 324. A resolution expressing the sense of the Senate relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 486

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 525

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 525, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 693

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 693, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits.

S. 875

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1081

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1081, a bill to amend section 504(a) of the Higher Education Act of 1965 to eliminate the 2-year wait out period for grant recipients.

S. 1085

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1085, a bill to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, and for other purposes.

S. 1217

At the request of Mr. ENZI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1217, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1287

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1287, a bill to amend section 502(a)(5) of the Higher Education Act of 1965 regarding the definition of a Hispanic-serving institution.

S. 1344

At the request of Mr. CORZINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1344, a bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions, and for other purposes.

S. 1549

At the request of Mrs. DOLE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1684

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1934

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1934, a bill to establish an Office of Intercountry Adoptions within the Department of State, and to reform United States laws governing intercountry adoptions.

S. 1946

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1946, a bill to establish an independent national commission to examine and evaluate the collection, analysis, reporting, use, and dissemination of intelligence related to Iraq and Operation Iraqi Freedom.

S. 1980

At the request of Mr. GRAHAM of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1980, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 1992

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1992, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate privatization of the medicare program, to improve the medicare prescription drug benefit, to repeal health savings accounts, and for other purposes.

S. 2002

At the request of Mr. BAUCUS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2002, a bill to improve and promote compliance with international intellectual property obligations relating to the Republic of Cuba, and for other purposes.

S. 2054

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2054, a bill to require the Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories.

S. 2059

At the request of Mr. FITZGERALD, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2059, a bill to improve the governance and regulation of mutual funds

under the securities laws, and for other purposes.

S. 2065

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2065, supra.

S. 2076

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2089

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2089, a bill to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2183

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2183, a bill to amend the Child Nutrition Act of 1966 to create team nutrition networks to promote the nutritional health of school children.

S. 2186

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2186, a bill to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958, through May 15, 2004, and for other purposes.

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 2186, supra.

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2186, supra.

S. 2193

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 2193, a bill to improve small business loan programs, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2193, supra.

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2193, supra.

S.J. RES. 28

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 313

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

AMENDMENT NO. 2690

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2690 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2698

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 2698 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2858

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2858 proposed to H.R. 1997, a bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

AMENDMENT NO. 2859

At the request of Mrs. MURRAY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2859 proposed to H.R. 1997, a bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (by request):

S. 2232. A bill to amend the Indian Gaming Regulatory Act of 1988 to revise the fee cap on National Indian Gaming Commission funding and make certain technical amendments; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, at the request of the administration, today I am introducing the Indian Gaming Regulatory Act Amendments of 2004 to amend and update the act.

These amendments are proposed by the administration to update the Indian Gaming Regulatory Act by: clarifying how vacancies in the National Indian Gaming Commission (NIGC) are filled; expanding the NIGC's regulatory responsibilities; revising the NIGC statutory rates of pay to correspond with other current Federal rates of pay; and expanding the NIGC's reporting requirements to Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2232

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 ''Indian Gaming Regulatory Act Amendments of 2004''.

SEC. 2. DEFINITIONS.

Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (10), as paragraphs (6), (7), (8), (3), (4), (5), and (11), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) REGULATED PERSON OR ENTITY.—The term 'regulated person or entity' means—

''(A) an Indian tribe;

''(B) a tribal operator of an Indian gaming operation;

''(C) a management contractor engaged in Indian gaming;

''(D) any person that is associated with—

''(i) a gaming operation, or any part of a gaming operation, of an Indian tribe; or

''(ii) a gaming-related contractor of an Indian tribe; and

''(E) any person that—

''(i) agrees, by contract or otherwise, to provide a tribal gaming operation with supplies, a service, or a concession with an estimated value in excess of $25,000 annually (not including a contract for a legal or accounting service, commercial banking service, or public utility service); or

''(ii) requests a suitability determination by the Commission, or by an Indian tribe or State, as part of an effort—

''(I) to acquire a direct financial interest in, or management responsibility for, a management contract for operation of a tribal gaming facility; or

''(II) to participate in a gaming-related activity that requires a licensing decision by an Indian tribe or State.''.

SEC. 3. NATIONAL INDIAN GAMING COMMISSION.

Section 5 of the Indian Gaming Regulatory Act (25 U.S.C. 2704) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B);

(2) by striking subsection (c) and inserting the following:

''(c) VACANCIES.—

''(1) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

''(2) SERVICE AFTER EXPIRATION OF TERM.—A member may serve after the expiration of the member's term at the pleasure of the officer of the United States who appointed the member.''; and

(3) in the second sentence of subsection (e), by striking ''during meetings of the Commission in the absence of the Chairman'' and inserting ''in the absence of, or during any period of disability of, the Chairman''.

SEC. 4. POWERS OF CHAIRMAN.

Section 6 of the Indian Gaming Regulatory Act (25 U.S.C. 2705) is amended—

(1) in subsection (a)—

(A) by striking '', on behalf of the Commission,'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(5) to issue to a regulated person or entity an order that—

''(A) requires an accounting and disgorgement, with interest;

''(B) reprimands or censures; or

''(C) places a limitation on a gaming activity or gaming function.''; and

(2) by adding at the end the following:

''(c) DELEGATION.—The Chairman may delegate to any member of the Commission, on such terms and conditions as the Chairman may determine, any power of the Chairman under subsection (a).

''(d) MANNER OF EXERCISE.—Authority under subsection (a) shall be exercised in a manner that is consistent with—

''(1) due process of law;

''(2) this Act; and

''(3) the rules, findings, and determinations made by the Commission in accordance with applicable law.''.

SEC. 5. POWERS OF THE COMMISSION.

Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended—

(1) in subsection (a)(5), by striking ''permanent'' and inserting ''final'';

(2) in subsection (b)—

(A) in paragraphs (1), (2), and (4), by inserting ''and class III gaming'' after ''class II gaming'';

(B) in paragraph (9), by striking ''and'' at the end;

(C) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(11) may, in case of contumacy by, or refusal to obey any subpoena issued to, any person, request the Attorney General to invoke the jurisdiction of any court of the United States, within the geographical jurisdiction of which a person to whom the subpoena was directed is an inhabitant, is domiciled, is organized, has appointed an agent for service of process, transacts business, or is found, to compel compliance with the subpoena to require the attendance and testimony of witnesses and the production of records; and

''(12) subject to subsection (c), may accept gifts on behalf of the Commission.''; and

(3) by striking subsection (c) and inserting the following:

''(c) GIFTS.—

''(1) IN GENERAL.—The Commission shall not accept a gift—

''(A) that attaches a condition that is inconsistent with any applicable law (including a regulation); or

''(B) that is conditioned on, or will require, the expenditure of appropriated funds that are not available to the Commission.

''(2) REGULATIONS.—The Commission shall promulgate regulations specifying the criteria to be used to determine whether the acceptance of a gift would—

''(A) adversely affect the ability of the Commission or any employee of the Commission to carry out the duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of any official involved in a program of the Commission.

''(d) REGULATORY PLAN.—

''(1) IN GENERAL.—The Commission shall develop a nonbinding regulatory plan for use in carrying out activities of the Commission.

''(2) TREATMENT.—In developing the regulatory plan, the Commission shall not be bound by chapter 6 of title 5, United States Code.

''(3) CONTENTS.—The regulatory plan shall include—

''(A) a comprehensive mission statement describing the major functions and operations of the Commission;

''(B) a description of the goals and objectives of the Commission;

''(C) a description of the general means by which those goals and objectives are to be achieved, including a description of the operational processes, skills, and technology and the human resources, capital, information, and other resources required to achieve those goals and objectives;

''(D) a performance plan for achievement of those goals and objectives, including provision for a report on the actual performance of the Commission as measured against the goals and objectives;

''(E) an identification of the key factors that are external to, or beyond the control of, the Commission that could significantly affect the achievement of those goals and objectives; and

''(F) a description of the program evaluations used in establishing or revising those goals and objectives, including a schedule for future program evaluations.

''(4) DURATION.—The regulatory plan shall cover a period of not less than 5 fiscal years, beginning with the fiscal year in which the plan is developed.

''(5) REVISION.—The regulatory plan shall be revised biennially.''.

SEC. 6. COMMISSION STAFFING.

Section 8 of the Indian Gaming Regulatory Act (25 U.S.C. 2707) is amended—

(1) in subsection (a), by striking ''basic pay payable for GS–18 of the General Schedule under section 5332 of title 5'' and inserting ''pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as adjusted under section 5318 of that title'';

(2) in the second sentence of subsection (b), by striking ''basic pay payable for GS–17 of the General Schedule under section 5332 of that title'' and inserting ''pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as adjusted under section 5318 of that title''; and

(3) in subsection (c), by striking ''basic pay payable for GS–18 of the General Schedule'' and inserting ''pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as adjusted under section 5318 of that title''.

SEC. 7. TRIBAL GAMING ORDINANCES.

Section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) is amended—

(1) in subsection (b)(2)(F)(i)—

(A) by inserting ''tribal gaming commissioners, key tribal gaming commission employees, and'' after ''conducted on'';

(B) by inserting ''primary management officials and key employees'' after ''oversight of''; and

(C) by striking ''such officials and their management''; and

(2) in subsection (d)(9), by striking ''the provisions of subsections (b), (c), (d), (f), (g), and (h) of''.

SEC. 8. MANAGEMENT CONTRACTS.

Section 12(a)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2711(a)(1)) is amended by inserting ''or a class III gaming activity that the Indian tribe may engage in under section 11(d)'' after ''section 11(b)(1)''.

SEC. 9. CIVIL PENALTIES.

Section 14 of the Indian Gaming Regulatory Act (25 U.S.C. 2713) is amended—

(1) by striking the section heading and all that follows through ''provide such tribal operator or management contractor'' in subsection (a)(3) and inserting the following:

''SEC. 14. CIVIL PENALTIES.

''(a) IN GENERAL.—

''(1) LEVY AND COLLECTION.—Subject to such regulations as the Commission may promulgate, the Chairman shall have authority to—

''(A) levy and collect appropriate civil fines, not to exceed $25,000 per violation, per day;

''(B) issue orders requiring accounting and disgorgement, including interest; and

''(C) issue orders of reprimand, censure, or the placement of limitations on gaming activities and functions of any regulated person or entity for any violation of any provision of this Act, Commission regulations, or tribal regulations, ordinances, or resolutions approved under section 11 or 13.

''(2) APPEAL.—The Commission shall by regulation provide an opportunity for an appeal and hearing before the Commission of an action taken under paragraph (1).

''(3) COMPLAINT.—If the Commission has reason to believe that a regulated person or entity is engaged in activities regulated by this Act (including regulations promulgated

under this Act), or by tribal regulations, ordinances, or resolutions approved under section 11 or 13, that may result in the imposition of a fine under subsection (a)(1), the permanent closure of a game, or the modification or termination of a management contract, the Commission shall provide the regulated person or entity.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''game'' and inserting ''gaming operation, or any part of a gaming operation,''; and

(B) in paragraph (2)—

(i) in the first sentence, by striking ''permanent'' and inserting ''final''; and

(ii) in the second sentence, by striking ''order a permanent closure of the gaming operation'' and inserting ''make final the order of closure''; and

(3) in subsection (c), by striking ''permanent closure'' and inserting ''closure, accounting, disgorgement, reprimand, or censure or placement of a limitation on a gaming activity or function''.

SEC. 10. SUBPOENA AND DEPOSITION AUTHORITY.

Section 16 of the Indian Gaming Regulatory Act (25 U.S.C. 2715) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) JUDICIAL ENFORCEMENT.—On application of the Attorney General, a district court of the United States shall have jurisdiction to issue a writ of mandamus, injunction, or order commanding any person to comply with this Act.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively, and inserting after subsection (c) the following:

''(d) FAILURE TO OBEY SUBPOENA.—

''(1) IN GENERAL.—In case of a failure to obey a subpoena issued by the Commission or the Chairman and on request of the Commission or Chairman, the Attorney General may apply to the United States District Court for the District of Columbia or any United States district court within the geographical jurisdiction of which a person to whom the subpoena was directed is an inhabitant, is domiciled, is organized, has appointed an agent for service of process, transacts business or is found, to compel compliance with the subpoena.

''(2) REMEDIES.—On application under paragraph (1), the court shall have jurisdiction to—

''(A) issue a writ commanding the person to comply with the subpoena; or

''(B) punish a failure to obey the writ as a contempt of court.

''(3) PROCESS.—Process to a person in any proceeding under this subsection may be served wherever the person may be found in the United States or as otherwise authorized by law or by rule or order of the court.''.

SEC. 11. COMMISSION FUNDING.

Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) LIMITATION.—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gaming revenues of all gaming operations subject to regulation by the Commission.''.

SEC. 12. PRESERVATION OF EXISTING STATUS.

Nothing in this Act or any amendment made by this Act expands, limits, or otherwise affects any immunity that an Indian tribe may have under applicable law.

By Mr. VOINOVICH (for himself and Mr. CARPER):

S. 2233. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1979 to establish in the Environmental Protection Agency the position of Deputy Administrator for Science and Technology; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with my friend and colleague, Senator CARPER, which will strengthen the use of science at the Environmental Protection Agency. By improving science at the Agency, we will be improving the framework of our regulatory decisions. It is important that these regulations be effective, not onerous and inefficient. To make government regulations efficient, they must be based on a solid foundation of scientific understanding and data.

In 2000, the Nation Research Council released a report, ''Strengthening Science at the U.S. Environmental Protection Agency: Research Management and Peer Review Practices'' which outlined current practices at the EPA and made recommendations for improving science within the agency. The bill we are introducing today, the ''Environmental Research Enhancement Act,'' builds on the NRC report.

When the Environmental Protection Agency was created in 1970 by President Nixon, its mission was set to protect human health and safeguard the environment. In the 1960s, it had become increasingly clear that ''we needed to know more about the total environment—land, water, and air.'' The EPA was part of President Nixon's reorganizational efforts to effectively ensure the protection, development and enhancement of the total environment.

For the EPA to reach this mission, establishing rules and priorities for clean land, air and water require a fundamental understanding of the science behind the real and potential threats to public health and the environment. Unfortunately, many institutions, citizens and groups believe that science has not always played a significant role in the decision-making process at the EPA.

In NRC's 2002 report, it was concluded that, while the use of sound science is one of the Environmental Protection Agency's goals, the EPA needs to change its current structure to allow science to play a more significant role in decisions made by the Administrator.

The legislation we are introducing today looks to address those shortcomings at the EPA by implementing portions of the report that require congressional authorization.

Under our bill, a new position, Deputy Administrator for Science and Technology will be established at the EPA. This individual will oversee the Office of Research and Development; the Environmental Information Agency; the Science Advisory board; the Science Policy Council; and the scientific and technical activities in the regulatory program at the EPA. This new position is equal in rank to the current Deputy Administrator and would report directly to the Administrator. The new Deputy would be responsible for coordinating scientific research and application between the scientific and regulatory arms of the Agency. This will ensure that sound science is the basis for regulatory decisions. The new Deputy's focus on science could also change how environmental decisions are made.

Assistant Administrator for Research and Development, currently the top science job at the EPA, will be appointed for 6 years versus the current 4 years political appointment. Historically, this position is recognized to be one of the EPA's weakest and most transient administrator positions according to NRC's report, even though in my view, the position addresses some of the Agency's more important topics. By lengthening the term of this Assistant Administrator position and removing it from the realm of politics, I believe there will be more continuity in the scientific work of the Agency across administrations and allow the Assistant Administrator to focus on science conducted at the Agency.

In 1997, we learned the problems that can arise when sound science is not used in making regulatory decisions. Following EPA's ozone and particulate matter regulations there was great uncertainty on the scientific side.

When intitally releasing the Ozone/PM regulations, the EPA greatly over estimated the impacts for both ozone and PM, and they had to publicly change their figures later on. Additionally, they selectively applied some study results while ignoring others in their calculations. For example, the majority of the health benefits for ozone are based on one PM study by a Dr. Moogarkar, even though the Agency ignored the PM results of that study because it contradicted their position on PM.

The legislation that Senator CARPER and I are introducing will ensure that science no longer takes a ''back seat'' at the Environmental Protection Agency in terms of policy making. I call on my colleagues to join us in cosponsoring this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2233

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 ''Environmental Research Enhancement Act''.

SEC. 2. ENVIRONMENTAL PROTECTION AGENCY RESEARCH ACTIVITIES.

(a) IN GENERAL.—Section 6 of the Environmental Research, Development, and Demonstration Authorization Act of 1979 (42 U.S.C. 4361c) is amended by adding at the end the following:

''(e) DEPUTY ADMINISTRATOR FOR SCIENCE AND TECHNOLOGY.—

''(1) ESTABLISHMENT.—There is established in the Environmental Protection Agency (referred to in this section as the 'Agency') the position of Deputy Administrator for Science and Technology.

''(2) APPOINTMENT.—

''(A) IN GENERAL.—The Deputy Administrator for Science and Technology shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) CONSIDERATION OF RECOMMENDATIONS.—In making an appointment under subparagraph (A), the President shall consider recommendations submitted by—

''(i) the National Academy of Sciences;

''(ii) the National Academy of Engineering; and

''(iii) the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).

''(3) RESPONSIBILITIES.—

''(A) OVERSIGHT.—The Deputy Administrator for Science and Technology shall coordinate and oversee—

''(i) the Office of Research and Development of the Agency (referred to in this section as the 'Office');

''(ii) the Office of Environmental Information of the Agency;

''(iii) the Science Advisory Board;

''(iv) the Science Policy Council of the Agency; and

''(v) scientific and technical activities in the regulatory program and regional offices of the Agency.

''(B) OTHER RESPONSIBILITIES.—The Deputy Administrator for Science and Technology shall—

''(i) ensure that the most important scientific issues facing the Agency are identified and defined, including those issues embedded in major policy or regulatory proposals;

''(ii) develop and oversee an Agency-wide strategy to acquire and disseminate necessary scientific information through intramural efforts or through extramural programs involving academia, other government agencies, and the private sector in the United States and in foreign countries;

''(iii) ensure that the complex scientific outreach and communication needs of the Agency are met, including the needs—

''(I) to reach throughout the Agency for credible science in support of regulatory office, regional office, and Agency-wide policy deliberations; and

''(II) to reach out to the broader United States and international scientific community for scientific knowledge that is relevant to Agency policy or regulatory issues;

''(iv) coordinate and oversee scientific quality-assurance and peer-review activities throughout the Agency, including activities in support of the regulatory and regional offices;

''(v) develop processes to ensure that appropriate scientific information is used in decisionmaking at all levels in the Agency; and

''(vi) ensure, and certify to the Administrator of the Agency, that the scientific and technical information used in each Agency regulatory decision and policy is—

''(I) valid;

''(II) appropriately characterized in terms of scientific uncertainty and cross-media issues; and

''(III) appropriately applied.

''(f) ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.—

''(1) TERM OF APPOINTMENT.—Notwithstanding any other provision of law, the Assistant Administrator for Research and Development of the Agency shall be appointed for a term of 6 years.

''(2) APPLICABILITY.—Paragraph (1) applies to each appointment that is made on or after the date of enactment of this subsection.

''(g) SENIOR RESEARCH APPOINTMENTS IN OFFICE OF RESEARCH AND DEVELOPMENT LABORATORIES.—

''(1) ESTABLISHMENT.—The head of the Office, in consultation with the Science Advisory Board and the Board of Scientific Counselors of the Office, shall establish a program to recruit and appoint to the laboratories of the Office senior researchers who have made distinguished achievements in environmental research.

''(2) AWARDS.—

''(A) IN GENERAL.—The head of the Office shall make awards to the senior researchers appointed under paragraph (1)—

''(i) to support research in areas that are rapidly advancing and are related to the mission of the Agency; and

''(ii) to train junior researchers who demonstrate exceptional promise to conduct research in such areas.

''(B) SELECTION PROCEDURES.—The head of the Office shall establish procedures for the selection of the recipients of awards under this paragraph, including procedures for consultation with the Science Advisory Board and the Board of Scientific Counselors of the Office.

''(C) DURATION OF AWARDS.—Awards under this paragraph shall be made for a 5-year period and may be renewed.

''(3) PLACEMENT OF RESEARCHERS.—Each laboratory of the Office shall have not fewer than 1 senior researcher appointed under the program established under paragraph (1).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(h) OTHER ACTIVITIES OF OFFICE OF RESEARCH AND DEVELOPMENT.—

''(1) ACTIVITIES OF THE OFFICE.—The Office shall—

''(A) make a concerted effort to give research managers of the Office a high degree of flexibility and accountability, including empowering the research managers to make decisions at the lowest appropriate management level consistent with the policy of the Agency and the strategic goals and budget priorities of the Office;

''(B) maintain, to the maximum extent practicable, an even balance between core research and problem-driven research;

''(C) develop and implement a structured strategy for encouraging, and acquiring and applying the results of, research conducted or sponsored by other Federal and State agencies, universities, and industry, both in the United States and in foreign countries; and

''(D) substantially improve the documentation and transparency of the decisionmaking processes of the Office for—

''(i) establishing research and technical-assistance priorities;

''(ii) making intramural and extramural assignments; and

''(iii) allocating funds.

''(2) ACTIVITIES OF THE ADMINISTRATOR.—The Administrator of the Agency shall—

''(A) substantially increase the efforts of the Agency—

''(i) to disseminate actively the research products and ongoing projects of the Office;

''(ii) to explain the significance of the research products and projects; and

''(iii) to assist other persons and entities inside and outside the Agency in applying the results of the research products and projects;

''(B)(i) direct the Deputy Administrator for Science and Technology to expand the science inventory of the Agency by conducting, documenting, and publishing a more comprehensive and detailed inventory of all scientific activities conducted by Agency units outside the Office, which inventory should include information such as—

''(I) project goals, milestones, and schedules;

''(II) principal investigators and project managers; and

''(III) allocations of staff and financial resources; and

''(ii) use the results of the inventory to ensure that activities described in clause (i) are properly coordinated through the Agency-wide science planning and budgeting process and are appropriately peer reviewed; and

''(C) change the peer-review policy of the Agency to more strictly separate the management of the development of a work product from the management of the peer review of that work product, thereby ensuring greater independence of peer reviews from the control of program managers, or the potential appearance of control by program managers, throughout the Agency.''.

(b) DEPUTY ADMINISTRATOR FOR POLICY AND MANAGEMENT.—

(1) IN GENERAL.—The position of Deputy Administrator of the Environmental Protection Agency is redesignated as the position of ''Deputy Administrator for Policy and Management of the Environmental Protection Agency''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Deputy Administrator of the Environmental Protection Agency shall be deemed to be a reference to the Deputy Administrator for Policy and Management of the Environmental Protection Agency.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Administrator of the Environmental Protection Agency and inserting the following:

''Deputy Administrator for Policy and Management of the Environmental Protection Agency.

''Deputy Administrator for Science and Technology of the Environmental Protection Agency.''.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REED, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. REID, and Mr. DODD):

S. 2234. A bill to amend title XVIII of the Social Security Act to ensure that prescription drug card sponsors pass along discounts to beneficiaries under the medicare prescription drug discount card and transitional assistance program; to the Committee on Finance.

Mr. DASCHLE. Mr. President, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 created a temporary drug discount card program. We expect that program to go into effect this summer. Under the new law, it is the only prescription drug assistance seniors will see until 2006. And it isn't much. This program has a lot of problems and I am very skeptical that it will provide meaningful assistance to most beneficiaries.

Today, the administration announced which private companies have been selected to receive beneficiary enrollment fees and provide the cards to beneficiaries. The applicants included

big pharmaceutical companies, pharmaceutical benefit managers, and HMOs. And the list of approved companies is a who's who of the insurance industry.

One of the most glaring problems with the program is that the Medicare legislation fails to ensure that these private companies pass along the discounts they negotiate to beneficiaries. Today, I am introducing legislation to remedy that failure. My bill would require card sponsors to pass at least 90 percent of the discounts along to beneficiaries. It seems like common sense, but, true to form, the Republican Medicare bill allows the private companies to keep the discounts as profits. And the administration's regulations only require that they pass along a ''share'' of the discounts they negotiate. Well, I think that's giving them too much leeway.

The administration is promising seniors discounts in order to convince them to pay private companies a $30 fee. My bill would ensure that these private companies pass the discounts along to those seniors. It's only fair. The sponsors will still have plenty of room for benefitting from participating in the program—they get the $30 enrollment fee and they will be able to retain up to 10 percent of the negotiated price concessions.

Despite all the hoopla, the cards themselves are nothing new. Some low-income beneficiaries will see $600 in assistance on their cards, and that is real help. Unfortunately, the process for gaining access to that money is so cumbersome, I worry that many will not get it. And I have serious doubts about whether the cards will add any other meaningful assistance. The General Accounting Office has found that similar cards now available on the market offer discounts on average of less than 10 percent—that's about what seniors could save by comparison shopping at local pharmacies.

Worse, under the Medicare drug program, seniors will only be able to use one Medicare-endorsed card. Before the program, people could use as many cards as they wanted and compare discounts. And the real kicker is that once seniors pay a fee to participate, they're locked into that card for a year. But the card sponsor isn't locked into anything. It can change everything whenever it wants—even the amount of the discount or whether a discount is offered on a particular drug.

And here's the worst part, this drug card program may already be harming all American drug consumers. As the Wall Street Journal noted just yesterday, recent drug price increases are eroding even the meager savings the administration predicts. What's more, all Americans are already paying higher drug prices. According to the Wall Street Journal, since the Bush administration proposed a Medicare drug card in 2001, the prices of many drugs the elderly use have ''surged.'' For example, the article notes that since that time, the price of Lescol, a cholesterol drug, has increased by more than a third. Similarly, the price for Celebrex, a popular drug for arthritis pain, has risen 23 percent since the administration proposed the cards.

The administration is claiming the discount cards will result in beneficiary savings of between 10 and 25 percent. But the pharmaceutical industry's price hikes negate what little savings the administration optimistically predicts. Unfortunately, the discount cards are just one example of the new law's failure to address drug prices. The Boston University School of Public Health recently found that the new Medicare law could lead to an additional $139 billion in profits for the drug companies. The new law actually prohibits Medicare from using its negotiating power to obtain lower drug prices for seniors. And the reimportation provisions are meaningless. We know from experience that seniors can save much more than 10 to 25 percent by getting their drugs from Canada.

As Families USA points out on its website, the drug cards actually create an incentive for the drug companies to raise their prices: ''Neither the new law nor the regulations specify the 'base prices' to which discounts will be applied. Any discount will be meaningless if the base price is undefined—especially if the base price continues to rise very substantially. It would be like a department store marking up prices on products so that it can later offer them 'on sale' at tremendous 'savings.' ''

The bill I am introducing addresses only one flaw in a program riddled with problems. I feel that it is a critical step. At the very least, we should ensure that if this program does offer some sort of price concession, that Medicare beneficiaries—not private companies like HMOs—are the ones to profit from the results.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2234

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 ''Drug Discount Card Improvement Act of 2004''.

SEC. 2. ENSURING THAT PRESCRIPTION DRUG CARD SPONSORS PASS ALONG DISCOUNTS TO BENEFICIARIES.

(a) IN GENERAL.—Section 1860D–31(e)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–141(e)(1)(A)(ii)), as added by section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071), is amended by striking ''take into account'' and inserting ''reflect at least 90 percent of all''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066).

By Mr. HOLLINGS:

S. 2235. A bill to rename the Department of Commerce as the Department of Trade and Commerce and transfer the Office of the United States Trade Representative into the Department, to consolidate and enhance statutory authority to protect American jobs from unfair international competition, and for other purposes; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that a copy of an article I wrote for the Washington Post Outlook section be printed and that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2235

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 ''Domestic Workforce Protection Act''.

SEC. 2. COMMERCE DEPARTMENT RENAMED AS DEPARTMENT OF TRADE AND COMMERCE.

(a) IN GENERAL.—The Department of Commerce is hereby redesignated the Department of Trade and Commerce, and the Secretary of Commerce or any other official of the Department of Commerce is hereby redesignated the Secretary or official, as appropriate, of Trade and Commerce.

(b) REFERENCE TO DEPARTMENT, SECRETARY, ETC. OF COMMERCE DEEMED REFERENCE TO DEPARTMENT, SECRETARY, ETC. OF TRADE AND COMMERCE.—Any reference to the Department of Commerce, the Secretary of Commerce, or any other official of the Department of Commerce in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Trade and Commerce or the Secretary of Trade and Commerce, respectively.

SEC. 3. TRANSFER OF THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE TO WITHIN THE DEPARTMENT OF COMMERCE AND TRADE.

Section 141(a) of the Trade Act of 1974 (19 U.S.C. 2171(a)) is amended by striking ''Executive Office of the President'' and inserting ''Department of Trade and Commerce''.

SEC. 4. TERMINATION OF DEFERRAL TO ELIMINATE TAX BENEFITS FOR OFFSHORE PRODUCTION.

(a) GENERAL RULE.—Paragraph (1) of section 951(a) of the Internal Revenue Code of 1986 (relating to amounts included in gross income of United States shareholders) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (A)(iii);

(2) by striking ''959(a)(2).'' in subparagraph (B) and inserting ''959(a)(2); and''; and

(3) by adding at the end thereof the following:

''(C) the amount determined under section 956A with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(3)).''.

(b) AMOUNT OF INCLUSION.—Subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 956 the following new section:

''SEC. 956A. EARNINGS OF CONTROLLED FOREIGN CORPORATIONS.

''(a) GENERAL RULE.—In the case of any controlled foreign corporation, the amount

determined under this section with respect to any United States shareholder for any taxable year is the lesser of—

''(1) the excess (if any) of—

''(A) such shareholder's pro rata share of the amount of the controlled foreign corporation's assets for such taxable year, over

''(B) the amount of earnings and profits described in section 959(c)(1)(B) with respect to such shareholder, or

''(2) such shareholder's pro rata share of the applicable earnings of such controlled foreign corporation determined after the application of section 951(a)(1)(B).

''(b) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' means, with respect to any controlled foreign corporation, the sum of—

''(1) the amount referred to in section 316(a)(1) to the extent such amount was accumulated in taxable years beginning after February 29, 2004, and

''(2) the amount referred to in section 316(a)(2),

reduced by distributions made during the taxable year and reduced by the earnings and profits described in section 959(c)(1) to the extent that the earnings and profits so described were accumulated in taxable years beginning after February 29, 2004.

''(c) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION DURING TAXABLE YEAR.—If any foreign corporation ceases to be a controlled foreign corporation during any taxable year—

''(1) the determination of any United States shareholder's pro rata share shall be made on the basis of stock owned (within the meaning of section 958(a)) by such shareholder on the last day during the taxable year on which the foreign corporation is a controlled foreign corporation,

''(2) the amount of such corporation's assets for such taxable year shall be determined by only taking into account quarters ending on or before such last day, and

''(3) in determining applicable earnings, the amount taken into account by reason of being described in paragraph (2) of section 316(a) shall be the portion of the amount so described which is allocable (on a pro rata basis) to the part of such year during which the corporation is a controlled foreign corporation.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the avoidance of the provisions of this section through reorganizations or otherwise.''.

(c) PREVIOUSLY TAXED INCOME RULES.—

(1) IN GENERAL.—Subsection (a) of section 959 of the Internal Revenue Code of 1986 (relating to exclusion from gross income of previously taxed earnings and profits) is amended by striking ''or'' at the end of paragraph (1), by adding ''or'' at the end of paragraph (2), and by inserting after paragraph (2) the following:

''(3) such amounts would, but for this subsection, be included under section 951(a)(1)(C) in the gross income of,''.

(2) ALLOCATION RULES.—

(A) Subsection (a) of section 959 of the Internal Revenue Code of 1986 is amended by striking ''paragraph (2)'' in the last sentence and inserting ''paragraphs (2) and (3)''.

(B) Section 959(f) of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—For purposes of this section—

''(A) amounts that would be included under subparagraph (B) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2), and then to earnings described in subsection (c)(3), and

''(B) amounts that would be included under subparagraph (C) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2) to the extent the earnings so described were accumulated in taxable years beginning after February 29, 2004, and then to earnings described in subsection (c)(3).''; and

(ii) by striking ''section 951(a)(1)(B)'' in paragraph (2) and inserting ''subparagraphs (B) and (C) of section 951(a)(1)''.

(3) CONFORMING AMENDMENT.—Subsection (b) of section 989 of the Internal Revenue Code of 1986 is amended by striking ''section 951(a)(1)(B)'' and inserting ''subparagraph (B) or (C) of section 951(a)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after February 29, 2004, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(e) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury shall, within 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate, a draft of any technical and conforming changes in the Internal Revenue Code of 1986 that are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this section.

SEC. 5. DISALLOWANCE OF DEDUCTIONS FOR CERTAIN OFFSHORE ROYALTY PAYMENTS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 280I. CERTAIN OFFSHORE ROYALTY PAYMENTS.

''(a) IN GENERAL.—In the case of a corporation, no deduction shall be allowed for the payment of a royalty to an affiliated entity organized and operated outside the United States in exchange for the use of rights to a copyrighted or trademarked product if those rights were transferred by the corporation or a related party to that entity.

''(b) EXCEPTION.—Subsection (a) does not apply to the payment of a royalty if the taxpayer establishes, to the satisfaction of the Secretary, that—

''(1) the transfer of the rights to the entity was for a sound business reason (other than the reduction of liability for tax under this chapter); and

''(2) the amounts paid or incurred for such royalty payments are reasonable under the circumstances.''.

(b) CLERICAL AMENDMENT.—The part analysis for such part is amended by adding at the end the following:

''280I. Certain offshore royalty payments.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2003.

SEC. 6. INCREASE IN AUTHORITY OF THE INTERNAL REVENUE SERVICE TO THWART USE OF TAX HAVENS BY CORPORATIONS.

(a) IN GENERAL.—Subchapter B of chapter 78 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 7625. AUTHORITY TO FRUSTRATE USE OF CORPORATE TAX HAVENS.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to deny any otherwise allowable deduction or credit under chapter 1,

''(2) to recharacterize, reallocate, and resource income,

''(3) to recharacterize transactions, and

''(4) to disregard any transaction, trust, or other legal entity,

determined by the Secretary to be necessary to prevent the use by a corporation of a tax haven to avoid liability for tax under this chapter.

''(b) TAX HAVEN DEFINED.—In this section, the term 'tax haven' means any country that meets the tax haven criteria established by the Organization for Economic Co-operation and Development.''.

(b) CONFORMING AMENDMENT.—The subchapter analysis for subchapter B of chapter 78 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''6725. Authority to frustrate use of corporate tax havens''.

SEC. 7. ASSISTANT ATTORNEY GENERAL FOR TRADE.

(a) POSITION ESTABLISHED.—The Attorney General shall appoint an Assistant Attorney General for Trade.

(b) DUTIES.—The Assistant Attorney General for Trade shall—

(1) investigate anticompetitive conduct by foreign companies that has an adverse impact on the economy of the United States (including manufacturing, agriculture, and employment) or the global competitiveness of United States companies;

(2) investigate violations of international trade agreements to which the United States is a party that have an adverse impact on the economy of the United States (including manufacturing, agriculture, and employment) or the global competitiveness of United States companies and take appropriate action to seek redress or punishment for those violations; and

(3) investigate and initiate appropriate action against other activities throughout the world that have an adverse impact on the economy of the United States (including manufacturing, agriculture, and employment) or the global competitiveness of United States companies.

(c) AUTHORITY IS IN ADDITION TO OTHER AUTHORITIES.—The authority granted to the Assistant Attorney General for Trade by this section is in addition to, and not in derogation or in lieu of, any authority provided by law to any other officer or agency of the United States charged with enforcement of the trade laws of the United States or of international agreements to which the United States is a party.

(d) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by striking ''(10)'' in the item relating to Assistant Attorney General and inserting ''(11)''.

SEC. 8. EMPLOYMENT OF ADDITIONAL CUSTOMS INSPECTORS FOR ILLEGAL TRANSSHIPMENTS OF TEXTILES.

The Secretary of Homeland Security shall hire, train, and deploy 1,000 customs agents in addition to the number of customs agents otherwise authorized by law or otherwise employed by the Department of Homeland Security for the purpose of detecting and preventing illegal transshipments of textiles to avoid textile import quotas and in violation of trade agreements to which the United States is a party.

SEC. 9. INCREASED DOMESTIC PRODUCTION OF NATIONAL DEFENSE CRITICAL GOODS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Homeland Security, and the Administrator of the Small Business Administration shall develop a program to encourage and support increased domestic production of goods and products that are essential or critical to national security in order to decrease the United States' dependence upon imports of such goods and products.

(b) SUPPORT PROGRAM.—The Secretary of Commerce shall implement the program developed under subsection (a) to the maximum extent feasible through existing programs, including programs administered by the Small Business Administration. The Secretary shall transmit to the Congress a report, within 18 months after the date of enactment of this Act, describing the program and making such recommendations, including legislative recommendations, as the Secretary deems necessary for expanding the scope or improving the efficacy of the program. The Secretary may submit the report in both classified and redacted form.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out the program.

SEC. 10. SENSE OF THE SENATE CONCERNING APPROPRIATIONS FOR CERTAIN PROGRAMS.

It is the sense of the Senate that the Congress should appropriate the full amount authorized by law to carry out the Regional Centers for the Transfer of Manufacturing Technology program under section 25 of the National Institute of Standards and Technology Act (15 U.S. C. 278k) and the Advanced Technology Program authorized by section 28 of that Act (15 U.S. C. 278n).

SEC. 11. TRANSFER OF INTERNATIONAL TRADE COMMISSION FUNCTIONS.

(a) ABOLISHMENT OF ITC.—Effective on the first day of the seventh month beginning after the date of enactment of this Act, the United States International Trade Commission established by section 330 of the Tariff Act of 1930 (19 U.S.C. 1330) as in effect on the last day of the sixth month beginning after the date of enactment of this Act is abolished.

(b) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this Act, all functions that on the last day of the sixth month beginning after the date of enactment of this Act are authorized to be performed by the United States International Trade Commission are transferred to the Department of Commerce effective on the first day of the seventh month beginning after the date of enactment of this Act and shall be performed by the Assistant Secretary of Commerce for Import Administration.

(c) DETERMINATION OF CERTAIN FUNCTIONS.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under this section.

SEC. 12. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary of Commerce, shall make such determinations as may be necessary with regard to the functions, offices, or portions thereof transferred by this Act, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to carry out this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and, in consultation with the Administrator, for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

[From the Washington Post, March 21, 2004]

PROTECTIONISM HAPPENS TO BE CONGRESS'S JOB

(By Ernest F. Hollings)

Free trade is like world peace—you can't get there by whining about it. You must be willing to fight for it. And the entity to fight for free trade is the U.S. Congress.

Instead, Congress—whose members are shouting ''fair trade'' and ''level the playing field''—is the very group tilting the playing field when it comes to trade.

By piling items onto the cost of doing business here, Congress has helped end the positive trade balance that the United States ran right up until the early 1980s. Over the past 40 years, the minimum wage went up, the Environmental Protection Agency was established, and the Occupational Safety and Health Administration was set up. Lawmakers added the Equal Pay Act, the Age Discrimination in Employment Act and the Employment Retirement Income Security Act. Then came the sharp increase in payroll taxes for Social Security in 1983, measures requiring plant closing notice and parental leave, and the Americans With Disabilities Act. Health costs increased, too, making it $500 a car cheaper in health costs alone for General Motors to make Pontiacs in Canada. All this helped give us a trade deficit that hit a record $43.1 billion in January alone.

Even if wages were equalized, it would still pay for U.S. companies to move operations to places such as China, which requires none of these aspects of America's high standard of living. Recently, columnist George Will wrote: ''The export of jobs frees U.S. workers for tasks where America has a comparative advantage.'' But in global competition, what matters is not the comparative advantage of our ability so much as the comparative disadvantage of our living standard.

To really level the playing field in trade would require lowering our living standard, which is not going to happen. We value our clean air and water, our safe factories and machinery, and our rights and benefits. Both Republicans and Democrats overwhelmingly support this living standard and many are prepared to raise its. The only course possible, then, is to protect the standard.

To talk in these terms raises cries of ''protectionism.'' But the business of government is protection. The oath of the public servant is ''to preserve, protect and defend.'' We have the Army to protect us from enemies without and the FBI to protect us from enemies within. We have Medicare and Medicaid to protect us from ill health, and Social Security to protect us from poverty in old age. We have the Securities and Exchange Commission to protect us from stock fraud; banking laws to protect us from usurpers; truth in lending laws to protect us from charlatans.

When it comes to trade, however, multinational corporations contend that we do not need to protect, but to educate and to improve skills; productivity is the problem, they say. But the United States is the most productive industrial nation in the world, with skills galore. BMW is producing better-quality cars in South Carolina than in Munich. There are other obstacles that need addressing. For 50 years we have tried to penetrate the Japanese market, but have barely done so. To sell textiles in Korea, U.S. firms must first obtain permission from the private Korean textile industry. If you want to sell in China, it's a lot easier if you produce in China.

''But we will start a trade war,'' is the cry. Wake up! We have been in a trade for more than 200 years. And it's the United States that started it! Just after the colonies won their freedom, the mother country suggested that the United States trade what we produced best and, in exchange, Britain would trade back with what it produced best—as economist David Ricardo later described in this theory of ''comparative advantage.'' Alexander Hamilton, in his famous ''Report on Manufactures,'' told the Brits, in so many words, to bug off. He said, we are not going to remain your colony shipping you our natural resources—rice, cotton, indigo, timber, iron or—and importing your manufactured products. We are going to build our own manufacturing capacity.

The second bill ever adopted by Congress, on July 4, 1789, was a 50 percent tariff on numerous articles. This policy of protectionism, endorsed by James Madison and Thomas Jefferson, continued under President Lincoln when he launched America's steel industry by refusing to import from England the steel for the Transcontinental Railroad. President Franklin Roosevelt protected agriculture, President Eisenhower protected oil and President Kennedy protected textiles. This economic and industrial giant, the United States, was built on protectionism and, for more than a century, financed it with tariffs. And it worked.

The Washington mantra of ''retrain, retrain'' comes up short. For example, Oneita Industries closed its T-shirt plant in Andrews, SC, back in 1999. The plant had 487 employees averaging 47 years of age. Let's assume they were ''retrained'' and became 487 skilled computer operators. Who is going to hire a 47-year-old operator over a 21-year-old operator? No one is going to take on the retirement and health costs of the 47-year-old. Moreover, that computer job probably just left for Bangalore, India.

In global competition there is a clash between standards of living. I supported free trade with Canada because we have relatively the same standard of living. But I opposed free trade with Mexico, and therefore voted against the North American Free Trade Agreement (NAFTA), preferring to raise the standards in Mexico, as Europe did with Portugal, Spain and Greece before admitting them to Europe's common market. To be eligible for a tree trade agreement you should first have a free market, labor rights, ownership of property, contract rights of appeal and a respected judiciary. Mexico lacked these, and after NAFTA there was an immediate flow of jobs out of the United States because of Mexico's lesser standards. Australia, on the other hand, has labor rights, environmental rights and an open market, so the trade agreement reached with Australia this month should be approved.

We must engage in competitive trade. To eliminate a barrier, raise a barrier. Then eliminate them both.

Our trouble is that we have treated trade as aid. After World War II, we were the only country with industry, and in order to prosper we needed to spread prosperity. Through the Marshall Plan, we sent money, equipment and expertise to Europe and the Pacific Rim. And it worked. Capitalism defeated communism in the Cold War. Our hope in crying ''free trade'' was that markets would remain open for our exports. But our cries went unheeded, and now our Nation's security is in jeopardy.

National security is like a three-legged stool. The first leg—values—is solid. Our stand for freedom and democracy is respected around the world. The second leg of military strength is unquestioned. But the third leg, economic leg, is fractured and needs repair. We are losing jobs faster than we can create them. Some time ago the late Akio Morita, founder of Sony Corp., was lecturing leaders of third-world countries, admonishing them to develop their manufacturing capacity to become nation states. Then, pointing at me in the audience, he stated, ''That world power that loses its manufacturing capacity will cease to be a world power.''

What should we do? First, we need to stop financing the elimination of jobs. Tax benefits for offshore production must end. Royalty deductions allowed for offshore activities must be eliminated, and tax havens for corporations must be closed down.

Next, we need an assistant attorney general to enforce our trade laws and agreements. At present, enforcement is largely left to an injured party. It can take years to jump over legal hurdles. Then at the end, based on national security, the president can refuse to implement a court order. Rather than waste time and money, corporate America has moved offshore.

We need to organize government to produce and protect jobs, rather than export them. The Commerce Department recently co-sponsored a New York seminar, part of which advised companies on how to move jobs offshore. This aid for exporting jobs must stop. The Department of Commerce should be reconstituted as a Department of Trade and Commerce, with the secretary as czar over the U.S. trade representative. The department's International Trade Administration should determine not only whether goods have been dumped on the U.S. market, but how big the ''injury'' is to U.S. industry. The International Trade Commission should be eliminated.

While it is illegal to sell foreign-made goods below cost in the U.S. market (a practice called dumping), we refuse to enforce such violations. The Treasury Department reports $2 billion worth of illegal transshipments of textiles into the United States each year. Customs agents charged with drug enforcement and homeland security are hard-pressed to stop these transshipments. We need at lead at 1,000 additional Customs agents.

It won't be easy. A culture of free trade has developed. The big banks that make most of their money outside the country, as well as the Business Roundtable, the Conference Board, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation (whose members make bigger profits on imported articles) and the editorial writers of newspapers that make most of their profits from retail ads—all these descend on Washington promoting ''free trade'' to members of Congress. Members looking for contributions shout the loudest.

Not just jobs, but also the middle class and the strength of our very democracy are in jeopardy. As Lincoln said, ''The dogmas of the quiet past, are inadequate to the stormy present. . . . As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.''

Today's dogma is the belief that protectionism will mean trade war and economic stagnation. But we are already in a trade war, one from which the president and the Congress are AWOL.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2237. A bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, the advent of the digital age promises the efficient distribution of music, films, books, and software on the Internet, and an easily-accessed, unprecedented variety of content online. Unfortunately, to see this promise realized, we must overcome some of the challenges presented by digital content distribution. Today I am pleased that Senator HATCH is joining me in sponsoring the ''Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004,'' which will respond to one such challenge. It will bring the resources and expertise of the United States Attorneys' Offices to bear on wholesale copyright infringers.

The very ease of duplication and distribution that is the hallmark of digital content has meant that piracy of that content is just as easy. The very real—and often realized—threat that creative works will simply be duplicated and distributed freely online has restricted, rather than enhanced, the amount and variety of creative works one can receive over the Internet. Part of combating piracy includes offering a legal alternative to it. Another important part is enforcing the rights of copyright owners. Senator HATCH and I have been working with artists, authors, and software developers to create an environment in which copyright is protected, so that we can all enjoy American creativity, and so that copyright owners can be paid for their work.

For too long, Federal prosecutors have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and he must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament.

Some steps have already been taken. The Allen-Leahy Amendment to the Foreign Operations Appropriations Bill, on Combating Piracy of U.S. Intellectual Property in Foreign Countries, provided $2.5 million for the Department of State to assist foreign countries in combating piracy of U.S. copyright works. By providing equipment and training to law enforcement officers, it will help those countries that are not members of OECD (Organization for Economic Cooperation & Development) to enforce intellectual property protections.

The PIRATE Act will give the Attorney General civil enforcement authority for copyright infringement. It also calls on the Justice Department to initiate training and pilot programs to ensure that Federal prosecutors across the country are aware of the many difficult technical and strategic problems posed by enforcing copyright law in the digital age.

This new authority does not supplant either the criminal provisions of the Copyright Act, or the remedies available to the copyright owner in a private suit. Rather, it allows the government to bring its resources to bear on this immense problem, and to ensure that more creative works are made available online, that those works are more affordable, and that the people who work to bring them to us are paid for their efforts.

The challenges presented by digital content are multifaceted, and no single response will resolve all of them. We must, and we will, offer a broad array of solutions that taken together will help ensure the protection of intellectual property, encourage the deployment of digital content, and allow technology to develop unimpeded. This bill is just one step in this process. I am working with colleagues, members of the private sector, and officials from the Executive Branch, to craft careful and effective responses to other such challenges in the intellectual property arenas.

I hope that my colleagues support the ''Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004,'' and I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2237

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 ''Protecting Intellectual Rights Against Theft and Expropriation Act of 2004''.

SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

''§ 506a. Civil penalties for violations of section 506

''(a) IN GENERAL.—The Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

''(b) OTHER REMEDIES.—

''(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law or administrative remedy, which is available by law to the United States or any other person;

''(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.''.

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting '', or the Attorney General in a civil action,'' after ''The copyright owner''; and

(ii) by striking ''him or her'' and inserting ''the copyright owner''; and

(B) in the second sentence by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(B) in paragraph (2), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

''506a. Civil penalties for violation of section 506.''.

SEC. 3. AUTHORIZATION OF FUNDING FOR TRAINING AND PILOT PROGRAM.

(a) TRAINING AND PILOT PROGRAM.—Not later than 180 days after enactment of this Act, the Attorney General shall develop a program to ensure effective implementation and use of the authority for civil enforcement of the copyright laws by—

(1) establishing training programs, including practical training and written materials, for qualified personnel from the Department of Justice and United States Attorneys Offices to educate and inform such personnel about—

(A) resource information on intellectual property and the legal framework established both to protect and encourage creative works as well as legitimate uses of information and rights under the first amendment of the United States Constitution;

(B) the technological challenges to protecting digital copyrighted works from online piracy;

(C) guidance on and support for bringing copyright enforcement actions against persons engaging in infringing conduct, including model charging documents and related litigation materials;

(D) strategic issues in copyright enforcement actions, including whether to proceed in a criminal or a civil action;

(E) how to employ and leverage the expertise of technical experts in computer forensics;

(F) the collection and preservation of electronic data in a forensically sound manner for use in court proceedings;

(G) the role of the victim copyright owner in providing relevant information for enforcement actions and in the computation of damages; and

(H) the appropriate use of injunctions, impoundment, forfeiture, and related authorities in copyright law;

(2) designating personnel from at least 4 United States Attorneys Offices to participate in a pilot program designed to implement the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(3) reporting to Congress annually on—

(A) the use of the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(B) the progress made in implementing the training and pilot programs described under paragraphs (1) and (2) of this subsection.

(b) ANNUAL REPORT.—The report under subsection (a)(3) may be included in the annual performance report of the Department of Justice and shall include—

(1) with respect to civil actions filed under section 506a of title 17, United States Code, as added by this Act—

(A) the number of investigative matters received by the Department of Justice and United States Attorneys Offices;

(B) the number of defendants involved in those matters;

(C) the number of civil actions filed and the number of defendants involved;

(D) the number of civil actions resolved or terminated;

(E) the number of defendants involved in those civil actions;

(F) the disposition of those civil actions, including whether the civil actions were settled, dismissed, or resolved after a trial;

(G) the dollar value of any civil penalty imposed and the amount remitted to any copyright owner; and

(H) other information that the Attorney General may consider relevant to inform Congress on the effective use of the civil enforcement authority;

(2) a description of the training program and the number of personnel who participated in the program; and

(3) the locations of the United States Attorneys Offices designated to participate in the pilot program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2005 to carry out this section.

Mr. HATCH. Mr. President, I rise to join Senator LEAHY in sponsoring the Protecting Intellectual Rights Against Theft and Expropriation Act—the ''PIRATE Act''—a measure that will provide the Department of Justice with tools to combat the rampant copyright piracy facilitated by peer-to-peer filesharing software.

Let me underscore at the outset that our bill does not expand the scope of the existing powers of the Department of Justice to prosecute persons who infringe copyrights. Instead, our proposal will assist the Department in exercising existing enforcement powers through a civil enforcement mechanism. After considerable study, we have concluded that this is the most appropriate mechanism.

Peer-to-peer file sharing software has created a dilemma for law-enforcement agencies. Millions of otherwise law-abiding American citizens are using this software to create and redistribute infringing copies of popular music, movies, computer games and software.

Some who copy these works do not fully understand the illegality, or perhaps the serious consequences, of their infringing activities. This group of filesharers should not be the focus of federal law-enforcement efforts. Quite frankly, the distributors of most filesharing software have failed to adequately educate the children and young people who use their software about its legal and illegal uses.

A second group of filesharers consists of those who copy and redistribute copyrighted works even though they do know that doing so violates federal law. In many cases, these are college students or young people who think that they will not get caught. Many of these filesharers are engaging in acts that could now subject them to federal criminal prosecution for copyright piracy.

It is critical that we bring the moral force of the government to bear against those who knowingly violate the federal copyrights enshrined in our Constitution. But many of us remain concerned that using criminal law enforcement remedies to act against these infringers could have an overly-harsh effect, perhaps, for example, putting thousands of otherwise law-abiding teenagers and college students in jail and branding them with the lifelong stigma of a felony criminal conviction.

The bill I join Senator LEAHY in sponsoring today will allow the Department of Justice to supplement its existing criminal-enforcement powers through the new civil-enforcement mechanism. As a result, the Department will be able to impose stiff penalties for violating copyrights, but can avoid criminal action when warranted.

In advancing this measure, I must note that I view this civil-enforcement authority as another tool, hopefully a transitional tool at that. In the long run, I believe that we must find better mechanisms to ensure that our most vulnerable citizens—our children—are not being constantly tempted to infringe the copyrights that have made America a world leader in the production of creative works.

Only recently has America faced the specter of widespread copyright-enforcement actions against individual users of copyrighted works. For nearly 200 years, copyright enforcement was rarely directed against the millions of ordinary American citizens who use and enjoy copyrighted works. Instead, creators and distributors of copyrighted content worked together to negotiate the complex licensing agreements and technological protections needed to distribute copyrighted works in ways that accommodated both the expectations of users and the copyrights of artists.

But recently, some unscrupulous corporations may have exploited new technologies and discovered that the narrow scope of civil contributory liability for copyright infringement can be utilized so that ordinary consumers and children become, in effect, ''human shields'' against copyright owners and law enforcement agencies. Unscrupulous corporations could distribute to children and students a ''piracy machine'' designed to tempt them to engage in copyright piracy or pornography distribution.

Unfortuantely, piracy and pornography could then become the cornerstones of a ''business model.'' At first, children and students would be tempted to infringe copyrights or redistribute pornography. Their illicit activities then generate huge advertising revenues for the architects of piracy. Those children and students then become ''human shields'' against enforcement efforts that would disrupt the flow of those revenues. Later, large user-bases and the threat of more piracy would become levers to force American artists to enter licensing agreements in which they pay the architects of piracy to distribute and protect their works on the Internet.

Federal enforcement action is surely warranted if such ''business models''

are driving the increasing ease of piracy on peer-to-peer filesharing networks. Such business models exploit children, cheat artists, and threaten the future development of commerce on the Internet.

Indeed, our government recognizes that its enforcement powers are appropriate when protecting intellectual property and public safety. Recently, in a speech to the United States Chamber of Commerce, Deputy Attorney General James B. Comey, Jr. asserted that the Department of Justice should assist private enforcement of intellectual property rights if any of three criteria are met: (1) the level of piracy becomes particularly egregious; (2) public health and safety are put at risk; or (3) private civil remedies fail to adequately deter illegal conduct.

In the case of peer-to-peer filesharing, all three criteria may be met. The level of piracy on these networks is not merely egregious, it is unprecedented. Public health and safety are also directly threatened by business models that tempt children toward piracy and pornography and then use them as ''human shields'' against law enforcement.

Finally, the recording industry and other affected rights holders have tried—so far largely unsuccessfully—to use civil remedies to halt the operations of those who would profit by turning teenagers and college students into copyright pirates or pornography distributors.

As a result, our creative industries' only remaining option to deter piracy is to bring enough civil enforcement actions against users of filesharing software. Tens of thousands of continuing civil enforcement actions might be needed to generate the necessary deterrence. I doubt that any nongovernmental organization has the resources or moral authority to pursue such a campaign.

If enforcement actions against end-users were really the best or only way to enforce copyrights on the Internet, then civil enforcement authority would be necessary. But there may be other ways to combat this piracy at the root, not at the branch. I thus invite the Department of Justice and other federal law enforcement agencies to work with me, Senator LEAHY and other members of the Judiciary Committee to determine how the enforcement powers of the federal government can best be deployed to solve the problems arising from piracy and pornography on peer-to-peer filesharing networks.

I also understand that others may be developing proposals to increase criminal enforcement authority against piracy, and I hope to work with them on such proposals. Today, I stand with Senator LEAHY to buttress the enforcement of copyrights by enabling the Department of Justice to proceed with a robust program of civil enforcement.

For the reasons I have just delineated, I urge my colleagues to join us in supporting the Protecting Intellectual Rights Against Theft and Expropriation Act.

By Mrs. BOXER:

S. 2240. A bill to improve seaport security; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, at the end of 2002, the Maritime Transportation Security Act became law.

I was a member of the conference committee on that bill, and I think it was a good first step in improving security at our nation's ports.

It had many good provisions, such as the creation of national and regional maritime transportation/port security plans to be approved by the Coast Guard; better coordination of federal, state, local, and private enforcement agencies; and the establishment of a grant program for port authorities, waterfront facilities operators, and state and local agencies to provide security infrastructure improvements.

The problem was that the bill had no guaranteed funding mechanism. As a result, we are underfunding port security. Since the passage of the Maritime Transportation Security Act, the Department of Homeland Security has released $517 million in port security grants. This is not enough. According to the Coast Guard, it is estimated that the ports directly need $1.4 billion this year and $6 billion over the next ten years. Yet, the Administration only requested $46 million in its fiscal year 2005 budget.

Last year, I visited many of California's ports including Crescent City in the north down through Stockton to Los Angeles/Long Beach in the south. I have seen what the ports are confronting. They need more funding for homeland security.

And, with over 40 percent of the nation's goods imported through California's ports, freight rail is extremely important to the nation's commerce. A terrorist attack at a California port would not only be tragic but would be devastating for our nation's economy.

So, today, I am introducing the Senate version of a bill introduced by Representative MILLENDER-MCDONALD. This legislation will provide more funding to the ports. Specifically, it will: create a Port Security Grant Program in the Department of Homeland Security; provide $800 million per year for five years in grant funding; and—this is very important to California's ports—allow the federal government to make multiyear grants to help finance larger projects similar to what is done with many of our airports for aviation security.

I hope that the Senate will act on this bill. Now is not the time to slow down or delay our efforts to increase and improve transportation security. The job is not done, and it must be done.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—EXPRESSING THE SENSE OF THE SENATE RELATING TO THE EXTRAORDINARY CONTRIBUTIONS RESULTING FROM THE HUBBLE SPACE TELESCOPE TO SCIENTIFIC RESEARCH AND EDUCATION, AND TO THE NEED TO RECONSIDER FUTURE SERVICE MISSIONS TO THE HUBBLE SPACE TELESCOPE

Ms. MIKULSKI (for herself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 324

Whereas discoveries from the Hubble Space Telescope have dominated space science news over the last 10 years;

Whereas the Hubble Space Telescope has provided proof of black holes, insights into the birth and death of stars, spectacular views of Comet Shoemaker-Levy 9's collision with Jupiter, the age of the Universe, and evidence that the expansion of the Universe is accelerating;

Whereas the inspiring scientific discoveries from the Hubble Space Telescope reach millions of students each year and have been important in encouraging students to study the sciences;

Whereas the inspiring scientific discoveries from the Hubble Space Telescope reach millions of students each year and have been important in encouraging students to study the sciences;

Whereas the 2000 National Academy of Sciences Decadal Survey endorsed a plan to maintain the Hubble Space Telescope until 2010;

Whereas the Hubble Space Telescope has been the National Aeronautics and Space Administration's most scientifically productive mission, accounting for 35 percent of all National Aeronautics and Space Administration discoveries in the last 20 years;

Whereas the demand for research time on the Hubble Space Telescope in 2003 was approximately 8 times that available;

Whereas approximately $200,000,000 worth of instruments have largely been built, including scientific instruments that would provide significant improvements in Hubble's scientific power and including replacement gyroscopes and batteries, which could keep the telescope in operation until 2011 or 2012 and make the Hubble Space Telescope's final years its most scientifically capable and productive;

Whereas the distinguished panel that studied scientific priorities for ultraviolet and optical astronomy in 2003 considered the continued operation of the Hubble Space Telescope by means of the SM–4 servicing mission to be its highest priority; and

Whereas the American Astronomical Society, the largest professional scientific association for astronomers and astrophysicists, believes a panel of experts should review the decision to limit prematurely the lifespan of the Hubble Space Telescope: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education;

(2) strongly recommends that the Administrator of the National Aeronautics and Space Administration appoint an independent panel of expert scientists and engineers inside and outside of the National Aeronautics

and Space Administration to examine all possible options for safely carrying out the planned servicing mission to the Hubble Space Telescope and assess alternative servicing methods; and

(3) expresses its strong sentiment that the National Aeronautics and Space Administration should continue all planning, preparation, and astronaut training activities for the SM–4 servicing mission without interruption until the expert panel issues its report and until the National Aeronautics and Space Administration provides a timetable of compliance with recommendation R6.4–1 of the Columbia Accident Investigation Board report, which calls for ''a fully autonomous capability for all missions to address the possibility that an International Space Station mission fails to achieve the correct orbit, fails to dock successfully, or is damaged during or after undocking'', since National Aeronautics and Space Administration compliance with the recommendation will allow both a Hubble servicing mission and missions to the International Space Station to be carried out safely.

Ms. MIKULSKI. Mr. President, I rise to submit a Senate Resolution with my distinguished colleague from Kansas, Senator BROWNBACK. This Resolution expresses the desire of the Senate for NASA to undertake a comprehensive independent review of the decision to terminate the final servicing mission for the Hubble Space Telescope and that all planning and preparation activities continue during this period.

On January 14, 2004, the NASA Administrator announced that he was terminating the final servicing mission for the Hubble Telescope that was scheduled to be launched in 2007.

When the NASA Administrator announced his decision, I was shocked. Hubble has been the most successful NASA program since Apollo. In fact, it is arguably the greatest scientific instrument since Galileo's telescope.

Pictures from Hubble have helped scientists prove that the universe is expanding, that black holes exist, and how stars are born and how stars die.

Earlier this month, the Space Telescope Science Institute released what may be considered the greatest photograph ever taken of the universe. It is a picture showing what the universe was like almost 12 billion years ago. Galaxies and stars never seen before are shown in extraordinary detail that will usher in a new era of discovery for years to come.

With the scientific value of Hubble undisputed, I was shocked that there was no report, analysis or study that supported the Administrator's decision.

It is imperative that we have a full understanding of all the issues, including the potential risks, scientific benefits and alternative servicing methods for a Hubble servicing mission. This decision is too important to be left to just one person. We need the best advice from the best minds to determine Hubble's future.

Let me be clear. I want to stand up for Hubble. I will always stand up for the safety of our astronauts. We must do everything possible to ensure the safety of our astronauts, whether they are traveling to the Space Station or fixing Hubble. Putting safety first means that NASA must fully implement all of the recommendations of the Columbia Accident Investigation Board as soon as possible. As the Ranking Member of the Appropriations Subcommittee that funds NASA, working on a bi-partisan basis with my distinguished colleague from Missouri, Senator BOND, we are committed to providing whatever resources are needed to ensure that safety of our astronauts and the safety of the Space Shuttle.

Before an irrevocable decision is made about Hubble's future, I want the best minds in science and engineering to tell us what are the risks and how can we reduce them.

I know many of my colleagues share these concerns. That's why Senator BROWNBACK and I are submitting this resolution today. The decision to terminate the Hubble servicing mission represents a major change in our science and space policies. Congress, the American people and the world deserve nothing less than a rigorous and independent review so we can fully understand all of the issues surrounding a servicing mission.

Finally, I want to thank the outstanding employees of the Goddard Space Flight Center and Space Telescope Science Institute. Without their hard work and dedication to the cause of science, exploration and discovery, Hubble would not be what it is today, the greatest scientific instrument mankind has ever created.

Mr. BROWNBACK. Mr. President, I recognize the significant scientific accomplishments of the Hubble Space Telescope. Space telescopes such as Hubble are an important part of our future space program and the President's vision for revitalized human exploration of space.

Several months ago NASA made a decision to forego planned Space Shuttle servicing missions for the Hubble Space Telescope. This is a difficult and complicated issue and technical experts reasonably differ on the best approach. I believe that NASA might benefit from the counsel of the best experts the nation can muster inside and outside of the Government. Correspondingly, I've joined my colleague Senator MIKULSKI in urging NASA to sponsor a comprehensive study on the full range of options and risks associated with various approaches for maintaining the Hubble Space Telescope and its capabilities. I would also hope that this study would include imaginative new concepts for robotic servicing.

As we fulfill the promise of space exploration the President has outlined, the enormous success of the Hubble Space Telescope and other NASA successes such as the recent Mars Rover Program provide us with a sound basis upon which to build. NASA can count on my continued support of their endeavors to provide unlimited opportunity to future generations of Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2936. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2936. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV add the following:

Subtitle G—Provisions Designed To Restrict Use of Abusive Tax Shelters and Offshore Tax Havens

SEC. 499. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking ''a penalty'' and all that follows through the period in the first sentence of subsection (a) and inserting ''a penalty determined under subsection (b)'', and

(3) by inserting after subsection (a) the following new subsections:

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 150 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

''(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 415(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 499A. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting ''the tax liability or'' after ''respect to,'' in paragraph (1),

(2) by inserting ''aid, assistance, procurement, or advice with respect to such'' before ''portion'' both places it appears in paragraphs (2) and (3), and

(3) by inserting ''instance of aid, assistance, procurement, or advice or each such'' before ''document'' in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 150 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.''.

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

''(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 499B. PENALTY FOR FAILURE TO REGISTER TAX SHELTER.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION ON POTENTIALLY ABUSIVE TAX SHELTER OR LISTED TRANSACTION.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111 with respect to any potentially abusive tax shelter—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such shelter,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be not less than $50,000 and not more than $100,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 100 percent of the gross income derived by such person for providing aid, assistance, procurement, advice, or other services with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '150 percent' for '100 percent' in the case of an intentional failure or act described in subsection (a).

''(c) CERTAIN RULES TO APPLY.—The provisions of section 6707A(d) allowing the Commissioner of Internal Revenue to rescind a penalty under certain circumstances shall apply to any penalty imposed under this section.

''(d) POTENTIALLY ABUSIVE TAX SHELTERS AND LISTED TRANSACTIONS.—The terms 'potentially abusive tax shelter' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''regarding tax shelters'' and inserting ''on potentially abusive tax shelter or listed transaction''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 408(c) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 499C. PENALTY FOR FAILING TO MAINTAIN CLIENT LIST.

(a) IN GENERAL.—Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters) is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day. If such person makes available an incomplete list upon such request, such person shall pay a penalty of $100 per each omitted name for each day of such omission after such 20th day.

''(2) GOOD CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if, in the judgment of the Secretary, such failure is due to good cause.''.

(b) PENALTY NOT DEDUCTIBLE.—Section 6708 is amended by adding at the end the following new subsection:

''(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made by the Secretary of the Treasury after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 409(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 499D. PENALTY FOR FAILING TO DISCLOSE POTENTIALLY ABUSIVE TAX SHELTER.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE POTENTIALLY ABUSIVE TAX SHELTER INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a potentially abusive tax shelter which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—Except as provided in paragraph 3, the amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR INTENTIONAL NONDISCLOSURE.—In the case of an intentional failure by any person under subsection (a), the penalty under paragraph (1) shall be $100,000 and the penalty under paragraph (2) shall be $200,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) POTENTIALLY ABUSIVE TAX SHELTER.—The term 'potentially abusive tax shelter' means any transaction with respect to which information is required to be included with a return or statement, because the Secretary has determined by regulation or otherwise that such transaction has a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a potentially abusive tax shelter which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of a penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a potentially abusive tax shelter other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact,

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or

the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

A copy of such opinion shall be provided upon written request to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, or the General Accounting Office.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any potentially abusive tax shelter at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by this section shall be in addition to any other penalty provided by law.

''(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include potentially abusive tax shelter information with return or statement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 402(c) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 499E. IMPROVED DISCLOSURE OF POTENTIALLY ABUSIVE TAX SHELTERS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF POTENTIALLY ABUSIVE TAX SHELTERS.

''(a) IN GENERAL.—Each material advisor with respect to any potentially abusive tax shelter shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing such shelter,

''(2) information describing any potential tax benefits expected to result from the shelter, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date which is 30 days before the date on which the first sale of such shelter occurs or on any other date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to designing, organizing, managing, promoting, selling, implementing, or carrying out any potentially abusive tax shelter, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a potentially abusive tax shelter substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $100,000 in any other case.

''(2) POTENTIALLY ABUSIVE TAX SHELTER.—The term 'potentially abusive tax shelter' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of potentially abusive tax shelters.''.

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF POTENTIALLY ABUSIVE TAX SHELTERS MUST KEEP CLIENT LISTS.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any potentially abusive tax shelter (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such shelter, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''.

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of potentially abusive tax shelters must keep client lists.''.

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN CLIENT LISTS WITH RESPECT TO POTENTIALLY ABUSIVE TAX SHELTERS.''.

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain client lists with respect to potentially abusive tax shelters.''.

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

''For purposes of this section, the identity of any person on such list shall not be privileged.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

(2) NO CLAIM OF CONFIDENTIALITY AGAINST DISCLOSURE.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 142 of the Deficit Reduction Act of 1984.

(e) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 407(d) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 499F. EXTENSION OF STATUTE OF LIMITATIONS FOR UNDISCLOSED TAX SHELTER.

(a) IN GENERAL.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

''(10) POTENTIALLY ABUSIVE TAX SHELTERS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a potentially abusive tax shelter (as defined in section 6707A(c)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 2 years after the earlier of—

''(A) the date on which the Secretary is furnished the information so required; or

''(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 416(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 499G. PENALTY FOR FAILING TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $10,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314, the amount of the civil penalty imposed under subparagraph (A) shall be—

''(i) not less than $5,000,

''(ii) not more than 50 percent of the amount determined under subparagraph (D), and

''(iii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 412(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 499H. CENSURE, CIVIL FINES, AND TAX OPINION STANDARDS FOR TAX PRACTITIONERS.

(a) CENSURE; IMPOSITION OF MONETARY PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX OPINION STANDARDS.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) The Secretary of the Treasury shall impose standards applicable to the rendering of written advice with respect to any potentially abusive tax shelter or any entity, plan, arrangement, or transaction which has a potential for tax avoidance or evasion. Such standards shall address, but not be limited to, the following issues:

''(1) Independence of the practitioner issuing such written advice from persons promoting, marketing, or recommending the subject of the advice.

''(2) Collaboration among practitioners, or between a practitioner and other party, which could result in such collaborating parties having a joint financial interest in the subject of the advice.

''(3) Avoidance of conflicts of interest which would impair auditor independence.

''(4) For written advice issued by a firm, standards for reviewing the advice and ensuring the consensus support of the firm for positions taken.

''(5) Reliance on reasonable factual representations by the taxpayer and other parties.

''(6) Appropriateness of the fees charged by the practitioner for the written advice.''.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 414(a)(2) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 499I. INFORMATION SHARING FOR ENFORCEMENT PURPOSES.

(a) PROMOTION OF PROHIBITED TAX SHELTERS OR TAX AVOIDANCE SCHEMES.—Section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new paragraph:

''(7) DISCLOSURE OF RETURNS AND RETURN INFORMATION RELATED TO PROMOTION OF PROHIBITED TAX SHELTERS OR TAX AVOIDANCE SCHEMES.—

''(A) WRITTEN REQUEST.—Upon receipt by the Secretary of a written request which meets the requirements of subparagraph (B) from the head of the United States Securities and Exchange Commission, an appropriate Federal banking agency as defined under section 1813(q) of title 12, United States Code, or the Public Company Accounting Oversight Board, a return or return information shall be disclosed to such requestor's officers and employees who are personally and directly engaged in an investigation, examination, or proceeding by such requestor to evaluate, determine, penalize, or deter conduct by a financial institution, issuer, or public accounting firm, or associated person, in connection with a potential or actual violation of section 6700 (promotion of abusive tax shelters), 6701 (aiding and abetting understatement of tax liability), or activities related to promoting or facilitating inappropriate tax avoidance or tax evasion. Such disclosure shall be solely for use by such officers and employees in such investigation, examination, or proceeding.

''(B) REQUIREMENTS.—A request meets the requirements of this subparagraph if it sets forth—

''(i) the nature of the investigation, examination, or proceeding,

''(ii) the statutory authority under which such investigation, examination, or proceeding is being conducted,

''(iii) the name or names of the financial institution, issuer, or public accounting firm to which such return information relates,

''(iv) the taxable period or periods to which such return information relates, and

''(v) the specific reason or reasons why such disclosure is, or may be, relevant to such investigation, examination or proceeding.

''(C) FINANCIAL INSTITUTION.—For the purposes of this paragraph, the term 'financial institution' means a depository institution, foreign bank, insured institution, industrial loan company, broker, dealer, investment company, investment advisor, or other entity subject to regulation or oversight by the United States Securities and Exchange Commission or an appropriate Federal banking agency.''.

(b) FINANCIAL AND ACCOUNTING FRAUD INVESTIGATIONS.—Section 6103(i) (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE OF RETURNS AND RETURN INFORMATION FOR USE IN FINANCIAL AND ACCOUNTING FRAUD INVESTIGATIONS.—

''(A) WRITTEN REQUEST.—Upon receipt by the Secretary of a written request which meets the requirements of subparagraph (B) from the head of the United States Securities and Exchange Commission or the Public Company Accounting Oversight Board, a return or return information shall be disclosed to such requestor's officers and employees who are personally and directly engaged in an investigation, examination, or proceeding by such requester to evaluate the accuracy of a financial statement or report or to determine, require a restatement, penalize, or deter conduct by an issuer, investment company, or public accounting firm, or associated person, in connection with a potential or actual violation of auditing standards or prohibitions against false or misleading statements or omissions in financial statements or reports. Such disclosure shall be solely for use by such officers and employees in such investigation, examination or proceeding.

''(B) REQUIREMENTS.—A request meets the requirements of this subparagraph if it sets forth—

''(i) the nature of the investigation, examination, or proceeding,

''(ii) the statutory authority under which such investigation, examination, or proceeding is being conducted,

''(iii) the name or names of the issuer, investment company, or public accounting firm to which such return information relates,

''(iv) the taxable period or periods to which such return information relates, and

''(v) the specific reason or reasons why such disclosure is, or may be, relevant to such investigation, examination or proceeding.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures and to information and document requests made after the date of the enactment of this Act.

SEC. 499J. CERTAIN DISCLOSURES BY SUBPOENA NOT SUBJECT TO PENALTY.

(a) IN GENERAL.—Section 7216(b)(1) (relating to disclosure) is amended by striking ''or''at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following new subparagraph:

''(C) pursuant to a subpoena which is issued in the performance of its duties by any Federal agency or Congress (including any committee or subcommittee thereof).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 499K. CONTINGENT FEE PROHIBITION.

(a) IN GENERAL.—Section 6701, as amended by this Act, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively,

(2) by striking ''subsection (a).'' in paragraphs (2) and (3) of subsection (g) (as redesignated by paragraph (1)) and inserting ''subsection (a) or (f).'', and

(3) by inserting after subsection (e) the following new subsection:

''(f) CONTINGENT FEE PROHIBITION.—

''(1) IN GENERAL.—Any person who makes an agreement for, charges, or collects a fee which is for services provided in connection with the internal revenue laws, and which is contingent upon the actual or projected achievement of—

''(A) Federal tax savings or benefits, or

''(B) losses which can be used to offset other taxable income,

shall pay a penalty with respect to each such fee activity in the amount determined under subsection (b).

''(2) REGULATIONS.—The Secretary may issue rules to carry out the purposes of this subsection and may provide for exceptions for fee arrangements that are in the public interest.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fee agreements, charges, and collections made after the date of the enactment of this Act.

SEC. 499L. DISCLOSING PAYMENTS TO PERSONS IN UNCOOPERATIVE TAX HAVENS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

''SEC. 6038D. DETERRING UNCOOPERATIVE TAX HAVENS THROUGH LISTING AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—Each United States person who transfers money or other property directly or indirectly to any uncooperative tax haven, to any financial institution licensed by or operating in any uncooperative tax haven, or to any person who is a resident of any uncooperative tax haven shall furnish to the Secretary, at such time and in such manner as the Secretary shall by regulation prescribe, such information with respect to such transfer as the Secretary may require.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to a transfer by a United States person if the amount of money (and the fair market value of property) transferred is less than $10,000. Related transfers shall be treated as 1 transfer for purposes of this subsection.

''(c) UNCOOPERATIVE TAX HAVEN.—For purposes of this section—

''(1) IN GENERAL.—The term 'uncooperative tax haven' means any foreign jurisdiction which is identified on a list maintained by the Secretary under paragraph (2) as being a jurisdiction—

''(A) which imposes no or nominal taxation either generally or on specified classes of income, and

''(B) has corporate, business, bank, or tax secrecy or confidentiality rules and practices, or has ineffective information exchange practices which, in the judgment of the Secretary, effectively limit or restrict the ability of the United States to obtain information relevant to the enforcement of this title.

''(2) MAINTENANCE OF LIST.—Not later than November 1 of each calendar year, the Secretary shall issue a list of foreign jurisdictions which the Secretary determines qualify as uncooperative tax havens under paragraph (1).

''(3) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of paragraph (1), a jurisdiction shall be deemed to have ineffective information exchange practices if the Secretary determines that during any taxable year ending in the 12-month period preceding the issuance of the list under paragraph (2)—

''(A) the exchange of information between the United States and such jurisdiction was inadequate to prevent evasion or avoidance of United States income tax by United States persons or to enable the United States effectively to enforce this title, or

''(B) such jurisdiction was identified by an intergovernmental group or organization of which the United States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in the determination.

''(d) PENALTY FOR FAILURE TO FILE INFORMATION.—If a United States person fails to furnish the information required by subsection (a) with respect to any transfer within the time prescribed therefor (including extensions), such United States person shall pay (upon notice and demand by the Secretary and in the same manner as tax) an amount equal to 20 percent of the amount of such transfer.

''(e) SIMPLIFIED REPORTING.—The Secretary may by regulations provide for simplified reporting under this section for United States persons making large volumes of similar payments.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 6038C the following new item:

''Sec. 6038D. Deterring uncooperative tax havens through listing and reporting requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date which is 180 days after the date of the enactment of this Act.

SEC. 499M. DETERRING UNCOOPERATIVE TAX HAVENS BY RESTRICTING ALLOWABLE TAX BENEFITS.

(a) LIMITATION ON DEFERRAL.—

(1) IN GENERAL.—Subsection (a) of section 952 (defining subpart F income) is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by inserting after paragraph (5) the following new paragraph:

''(6) an amount equal to the applicable fraction (as defined in subsection (e)) of the income of such corporation other than income which—

''(A) is attributable to earnings and profits of the foreign corporation included in the gross income of a United States person under section 951 (other than by reason of this paragraph or paragraph (3)(A)(i)), or

''(B) is described in subsection (b).''.

(2) APPLICABLE FRACTION.—Section 952 is amended by adding at the end the following new subsection:

''(e) IDENTIFIED TAX HAVEN INCOME WHICH IS SUBPART F INCOME.—

''(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'applicable fraction' means the fraction—

''(A) the numerator of which is the aggregate identified tax haven income for the taxable year, and

''(B) the denominator of which is the aggregate income for the taxable year which is from sources outside the United States.

''(2) IDENTIFIED TAX HAVEN INCOME.—For purposes of paragraph (1), the term 'identified tax haven income' means income for the taxable year which is attributable to a foreign jurisdiction for any period during which such jurisdiction has been identified as an uncooperative tax haven under section 6038D(c).

''(3) REGULATIONS.—The Secretary shall prescribe regulations similar to the regulations issued under section 999(c) to carry out the purposes of this subsection.''.

(b) DENIAL OF FOREIGN TAX CREDIT.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

''(l) REDUCTION OF FOREIGN TAX CREDIT, ETC., FOR IDENTIFIED TAX HAVEN INCOME.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part—

''(A) no credit shall be allowed under subsection (a) for any income, war profits, or excess profits taxes paid or accrued (or deemed paid under section 902 or 960) to any foreign jurisdiction if such taxes are with respect to income attributable to a period during which such jurisdiction has been identified as an uncooperative tax haven under section 6038D(c), and

''(B) subsections (a), (b), (c), and (d) of section 904 and sections 902 and 960 shall be applied separately with respect to all income of a taxpayer attributable to periods described in subparagraph (A) with respect to all such jurisdictions.

''(2) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which treat income paid through 1 or more entities as derived from a foreign jurisdiction to which this subsection applies if such income was, without regard to such entities, derived from such jurisdiction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, April 27, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding sustainable, low emission, electricity generation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Dr. Pete Lyons at 202–224–5861 or Shane Perkins at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 25, 2004, at 9:30 a.m., in open and closed session to receive testimony on the role of U.S. Northern Command and U.S. Special Operations Command in defending the homeland and in the global war on terrorism, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on March 25, 2004, at 2 p.m., to conduct a hearing on ''The Administration's Proposed Fiscal Year 2005 Budget for the Federal Transit Administration.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 2004, at 9:30 a.m., on Cable Rates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on Hazard Communication in the Workplace during the session of the Senate on Thursday, March 25, 2004 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 25, 2003 at 9:30 a.m. to hold a hearing on AGOA III: the United States Africa Partnership Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 25, 2004 at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 25, 2004, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.

The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DEWINE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 25, 2004 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Subcommittee on Economic Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 25, 2004, at 10 a.m. to conduct a hearing on ''National Flood Insurance Repetitive Losses.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON STRATEGIC FORCES

Mr. DEWINE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 25, 2004, at 2:30 p.m., in open session to receive testimony on National security space programs, and management, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. DEWINE. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 25 at 2:30 p.m. to receive testimony regarding the following bills: S. 1085, a bill to provide for a bureau of reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, and for other purposes; S. 1732, a bill to direct the Secretary of the Interior to establish a rural water supply program in the reclamation states to provide a clean, safe, affordable, and reliable water supply to rural residents: S. 2218, a bill to direct the Secretary of the Interior to establish a rural water supply program in the reclamation states to provide a clean, safe, affordable, and reliable water supply to rural residents and establish guidelines for projects and for other purposes; S. 1727, a bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; and S. 1791, a bill 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 2201

Mr. FRIST. Mr. President, I ask unanimous consent that S. 2201 be star printed with the change which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—H.R. 339, H.R. 3717, and S. 2236, EN BLOC

Mr. FRIST. Mr. President, I understand there are three bills at the desk, and I ask that they be read for the first time en bloc.

The PRESIDING OFFICER. Without objection, the clerk will read the titles of the bills for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 339) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

A bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmissions of obscene, indecent, and profane material, and for other purposes.

A bill (S. 2236) to enhance the reliability of the electric system.

Mr. FRIST. Mr. President, I now ask for their second reading, and in order to place the bills on the calendar under rule XIV, I object to further proceedings on these matters en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read a second time on the next legislative day.

EXECUTIVE SESSION

PROTOCOL AMENDING TAX CONVENTION WITH SRI LANKA—TREATY DOCUMENT NO. 108–9

INCOME TAX CONVENTION WITH SRI LANKA—TREATY DOCUMENT NO. 99–10

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar: Nos. 14 and 15. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that any statements relating to the treaties be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification, to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

[Protocol Amending Tax Convention with Sri Lanka (Treaty Doc. 108–9) and Income Tax Convention with Sri Lanka (Treaty Doc. 99–10)]

Resolved (two-thirds of the Senators present concurring therein) That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America, and the Government of the Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Colombo on March 14, 1985 (Treaty Doc. 99–10), and the Protocol amending the Convention, together with an Exchange of Notes, signed at Washington on September 20, 2002 (Treaty Doc. 180–9), subject to the understanding that the authorities to which information may be disclosed under Article 27 include appropriate congressional committees and the General Accounting Office.

Mr. FRIST. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolutions of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, MARCH 26, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, March 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. The Senate will be in session tomorrow. However, no rollcall votes will occur. On Monday, the Senate will begin consideration of the welfare authorization bill. The chairman and ranking member of the Finance Committee will be here on Monday to begin the amendment process on the bill. I do encourage all Senators who have amendments to contact the bill managers as soon as possible.

As announced earlier, there will be no rollcall votes on Monday, but Senators are encouraged to come to the floor on Monday in order to make progress on the bill.

I again want to congratulate Senators DEWINE and GRAHAM of South Carolina and all of the Members who participated in today's debate on the Unborn Victims of Violence bill. I congratulate all of them on the passage of the bill which will go to the President's desk for his signature.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Friday, March 26, 2004, at 9:30 a.m.

Daily Digest

HIGHLIGHTS

Senate passed S. 2231, Welfare Reform Extension Act.

Senate passed H.R. 1997, Unborn Victims of Violence Act.

Senate passed H.R. 3626, Organ Donation and Recovery Improvement Act.

The House agreed to H. Con. Res. 393, Concurrent Resolution on the Budget for FY 2005.

Senate

Chamber Action

Routine Proceedings, pages S3119–S3198

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 2231–2240, and S. Res. 324. **Page S3180**

Measures Passed:

Welfare Reform Extension Act: Senate passed S. 2231, to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004. **Pages S3120–21**

Unborn Victims of Violence Act: By 61 yeas to 38 nays (Vote No. 63), Senate passed H.R. 1997, to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, after taking action on the following amendments proposed thereto, clearing the measure for the President: **Pages S3124–67**

Rejected:

By 49 yeas to 50 nays (Vote No. 61), Feinstein Amendment No. 2858, in the nature of a substitute. **Pages S3125–51**

During consideration of this measure today, Senate also took the following action:

By 46 yeas to 53 nays (Vote No. 62), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 505 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Murray Amendment No. 2859, to provide for domestic violence prevention. Subsequently, the point of order, that the amendment would cause an increase in the deficit in excess of the levels permitted and thus be in violation of section 505 of H. Con. Res. 95 of the 108th Congress, was sustained, and the amendment thus falls. **Pages S3151–64**

Organ Donation and Recovery Improvement Act: Senate passed H.R. 3926, to amend the Public Health Service Act to promote organ donation, clearing the measure for the President. **Page S3172**

Welfare Reauthorization Bill—Agreement: A unanimous-consent agreement was reached providing that on Monday, March 29, 2004, at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate begin consideration of H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care. **Page S3120**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Protocol Amending Tax Convention with Sri Lanka (Treaty Doc. 108–9) **Pages S3197–98**

Income Tax Convention With Sri Lanka (Treaty Doc. 99–10) **Pages S3197–98**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a notification of the President's intent to enter into a free trade agreement with the Government of the Dominican Republic; to the Committee on Finance. (PM–74) **Page S3178**

Messages From the House: **Page S3179**

Measures Referred: Page S3179

Measures Read First Time: Page S3179

Statements on Introduced Bills/Resolutions: Pages S3182–92

Additional Statements: Pages S3177–78

Amendments Submitted: Pages S3192–96

Notices of Hearings/Meetings: Page S3196

Authority for Committees to Meet: Page S3196–97

Record Votes: Three record votes were taken today. (Total—63) Page S3151, S3164, S3167

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:31 p.m., until 9:30 a.m., on Friday, March 26, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3198.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of Health and Human Services, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services.

APPROPRIATIONS: DEPARTMENT OF THE INTERIOR

Committee on Appropriations: Subcommittee on Interior concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of the Interior, after receiving testimony from Gale A. Norton, Secretary, and Lynn Scarlett, Assistant Secretary for Policy, Management and Budget, both of the Department of the Interior.

APPROPRIATIONS: EPA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Environmental Protection Agency, after receiving testimony from Michael O. Leavitt, Administrator, Environmental Protection Agency.

APPROPRIATIONS: DEPARTMENT OF STATE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of State, after receiving testimony from Colin L. Powell, Secretary of State.

APPROPRIATIONS: DEPARTMENT OF AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of Agriculture, after receiving testimony from Ann M. Veneman, Secretary of Agriculture.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the proposed Defense Authorization Request for fiscal year 2005, focusing on the role of U.S. Northern Command and U.S. Special Operations Command in defending the homeland and in the global war on terrorism, after receiving testimony from Thomas W. O'Connell, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; Paul McHale, Assistant Secretary of Defense for Homeland Defense; General Ralph E. Eberhart, USAF, Commander, North American Aerospace Defense Command and United States Northern Command, U.S. Air Force; General Bryan D. Brown, USA, Commander, United States Special Operations Command, U.S. Army.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the proposed Defense Authorization Request for fiscal year 2005, focusing on national security space programs and management, after receiving testimony from Peter B. Teets, Under Secretary of the Air Force, Director, National Reconnaissance Office; Admiral James O. Ellis, Jr., USN, Commander, United States Strategic Command, U.S. Navy; General Lance W. Lord, USAF, Commander, Air Force Space Command, U.S. Air Force; and Vice Admiral Arthur K. Cebrowski, USN (Ret.), Director, Office of Force Transformation, U.S. Navy.

FLOOD INSURANCE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy concluded a hearing to examine the National Flood Insurance Program, focusing on certain measures to address repetitive loss properties, after receiving testimony from Senator Mikulski; Representatives Bereuter and Blumenauer; Anthony Lowe, Federal Insurance Administrator and Mitigation Division Director, Federal Emergency Management Agency, Department of Homeland Security; William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, General Accounting Office; William Stiglitz III, Hyland,

Block, Hyland Insurance, Louisville, Kentucky, on behalf of the Independent Insurance Agents and Brokers of America and the National Association of Professional Insurance Agents; Steven M. Feldmann, The Fischer Group, Crestview Hills, Kentucky, on behalf of the National Association of Home Builders; Chad Berginnis, Association of State Floodplain Managers, Inc., Columbus, Ohio; and Greg Kosse, Kentucky Farm Bureau Mutual Insurance Company, Louisville, on behalf of the Property Casualty Insurers Association of America.

FEDERAL TRANSIT ADMINISTRATION BUDGET

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2005 for the Federal Transit Administration, Department of Transportation, after receiving testimony from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; Timothy W. Martin, Illinois Department of Transportation, Springfield, on behalf of American Association of State Highway and Transportation Officials; and William Millar, American Public Transportation Association, Dale J. Marsico, Community Transportation Association of America, and Rolf Th. Lundberg, Jr., United States Chamber of Commerce, all of Washington, D.C.

CABLE RATES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine causes and potential solutions regarding escalating cable rates, after receiving testimony from Mark L. Goldstein, Director, Amy Abramowitz, Assistant Director, and Michael Clements, Senior Analyst, all of Physical Infrastructure Issues, General Accounting Office; James O. Robbins, Cox Communications, Inc., Atlanta, Georgia; George Bodenheimer, ESPN, Inc. and ABC Sports, New York, New York; Gene Kimmelman, Consumers Union, Washington, D.C.; Marilyn Praisner, Montgomery County Council, Rockville, Maryland, on behalf of National Association of Counties and Telecommunity; and Rodger L. Johnson, Knology, Inc., West Point, Georgia, on behalf of Broadband Service Providers Association.

RURAL WATER SUPPLY

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 1085, to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, S. 1732, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, S. 2218, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States for the purpose of providing a clean, safe, affordable, and reliable water supply to rural residents and for other purposes, to authorize the Secretary to conduct appraisal and feasibility studies for rural water projects, and to establish the guidelines for any projects authorized under this program, S. 1727, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978, and S. 1791, 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, after receiving testimony from John W. Keys III, Commissioner, Bureau of Reclamation, Department of the Interior; Mike Keegan, National Rural Water Association, Duncan, Oklahoma; and David J. Koland, Garrison Diversion Conservancy District, Carrington, North Dakota.

UNITED STATES-AFRICA PARTNERSHIP

Committee on Foreign Relations: Committee concluded a hearing to examine proposed legislation to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, after receiving testimony from Alan P. Larson, Under Secretary of State for Economic, Business, and Agricultural Affairs; Florizelle B. Liser, Assistant United States Trade Representative for Africa; and Constance B. Newman, Assistant Administrator for Africa, U.S. Agency for International Development.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Miles T. Bivins, of Texas, to be Ambassador to Sweden, who was introduced by Senators Hutchison and Cornyn; Michael Christian Polt, of Tennessee, to be Ambassador to Serbia and Montenegro, Thomas Bolling Robertson, of Virginia, to be Ambassador to Slovenia, John M. Ordway, of California, to be Ambassador to Kazakhstan, and Earle I. Mack, of New York, to be Ambassador to Finland, who was introduced by Senators Schumer and Lautenberg, after each nominee testified and answered questions in their own behalf.

HAZARD COMMUNICATION

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety, and Training concluded a hearing to examine hazard communication in the 21st Century workplace, focusing on

steps that the Occupational Safety and Health Administration (OSHA) is taking to improve implementation of OSHA's Hazard Communication Standard, after receiving testimony from John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health; Thomas G. Grumbles, American Industrial Hygiene Association, Fairfax, Virginia; Jon Hanson, Wyoming Medical Center, Casper; Anne Jackson, Pepperidge Farm, Denver, Pennsylvania, on behalf of American Bakers Association; Michele R. Sullivan, MRS Associates, Cherry Hill, New Jersey, on behalf of Society for Chemical Hazard Communications; and Michael J. Wright, United Steelworkers of America, Pittsburgh, Pennsylvania.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 4030–4048; 1 private bill, H.R. 4049; and 8 resolutions, H.J. Res. 91; H. Con. Res. 396–399, and H. Res. 577–579, were introduced. **Pages H1592–93**

Additional Cosponsors: **Pages H1593–94**

Reports Filed: Reports were filed today as follows:

H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse" (H. Rept. 108–447);

H.R. 2538, to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse" (H. Rept. 108–448);

H.R. 3147, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building", amended (H. Rept. 108–449); and

H.R. 3713, to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building" (H. Rept. 108–450). **Page H1592**

Budget Resolution for FY 2005: The House agreed to H. Con. Res. 393, establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009, by a yea-and-nay vote of 215 yeas to 212 nays, Roll No. 92. The measure was also considered on Wednesday, March 24. **Pages H1495–H1565**

Rejected:

Cummings amendment in the nature of a substitute (Congressional Black Caucus) printed in H. Rept. 108–446 that provides for $43.3 billion in additional spending and $5 billion for deficit reduction in FY 2005 (rejected by a recorded vote of 119 ayes to 302 noes, Roll No. 88); **Pages H1499–H1508**

Stenholm amendment in the nature of a substitute (Blue Dog Coalition) printed in H. Rept. 108–446 that balances the budget by 2012 and cuts the deficit in half in the next two years (rejected by a recorded vote of 183 ayes to 243 noes, Roll No. 89); **Pages H1508–22**

Hensarling amendment in the nature of a substitute (Republican Study Committee) printed in H. Rept. 108–446 that calls for more tax cuts and less discretionary spending and would cut the deficit in half in three years (rejected by a recorded vote of 116 ayes to 309 noes, Roll No. 90); and **Pages H1522–34**

Spratt amendment in the nature of a substitute (Democratic substitute) printed in H. Rept. 108–446 that projects a balanced budget in FY 2012, with $1.5 trillion less public debt than the resolution (rejected by a recorded vote of 194 ayes to 232 noes, Roll No. 91). **Pages H1535–53**

Agreed by unanimous consent to the modification of the amendment offered by Representative Spratt that is printed in H. Rept. 108–446. **Page H1547**

H. Res. 574, the rule providing for further consideration of the concurrent resolution was agreed to by a voice vote after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 201 nays, Roll No. 84. **Pages H1487–93**

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, March 24:

Community Recognition Act of 2003: H.R. 3095, amended, to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and

local officials, by a ⅔ yea-and-nay vote of 374 yeas to 2 nays, Roll No. 93; **Pages H1565–66**

Bureau of Engraving and Printing Security Printing Act of 2004: H.R. 3786, to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis, by a ⅔ yea-and-nay vote of 422 yeas to 2 nays, Roll No. 85; **Pages H1493–94**

District of Columbia and United States Territories Circulating Quarter Dollar Program Act: H.R. 2993, to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, by a ⅔ yea-and-nay vote of 414 yeas to 14 nays, Roll No. 86; and **Page H1494**

Authorizing the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank: Agree to the Senate amendment to H.R. 254, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, by a ⅔ yea-and-nay vote of 377 yeas to 48 nays, Roll No. 87—clearing the measure for the President. **Pages H1494–95**

Late Report: Agreed that the Committee on Transportation and Infrastructure have until midnight on March 29 to file a report on H.R. 3550, to authorize funds for federal-aid highways, highway safety programs, and transit programs. **Page H1566**

Committee Resignation: Read a letter from Representative Bell wherein he resigned from the Committee on International Relations, effective March 26. **Page H1566**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12:30 p.m. on Monday, March 29 for Morning Hour debate. **Page H1567**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 31. **Page H1567**

Presidential Message: Read a letter from the President wherein he notified Congress of his intention to enter into a free trade agreement with the Government of the Dominican Republic—referred to the Committee on Ways and Means and ordered printed (H. Doc. 108–178). **Page H1495**

Senate Messages: Messages received from the Senate today appear on pages H1493 and H1566.

Senate Referrals: S. 2231 was referred to the Committees on Ways & Means and Energy & Commerce; S. 1218 was referred to the Committees on Science and Ways & Means. **Pages H1590–91**

Quorum Calls—Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings today and appear on pages H1492–93, H1493–94, H1494, H1494–95, H1508, H1521–22, H1534, H1552–53, H1565, and H1565–66. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:20 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on Rural Development. Testimony was heard from the following officials of the USDA: Gilbert G. Gonzalez, Acting Under Secretary, Rural Development; Hilda Gay Legg, Administrator, Rural Utilities Service; Authur A. Garcia, Administrator, Rural Housing Service; John Rosso, Administrator, Rural Business-Cooperative Service; Luis Luna, Deputy Administrator, Community Development; and Dennis Kaplan, Budget Officer.

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies held a hearing on SBA. Testimony was heard from Hector Barreto, Administrator, SBA.

The Subcommittee held a hearing on the U.S. Trade Representative. Testimony was heard from Ambassador Robert B. Zoellick, U.S. Trade Representative.

The Subcommittee also held a hearing on the EEOC. Testimony was heard from Cari M. Dominguez, Chairwoman, EEOC.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development met in executive session to hold a hearing on the National Nuclear Security Administration. Testimony was heard from Linton F. Brooks, Under Secretary, Nuclear Security and Administrator, National Nuclear Security Administration, Department of Energy.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Bureau of Customs and Border Protection. Testimony was heard from Robert Bonner, Commissioner, Bureau of Customs and Border Protection, Department of Homeland Security.

The Committee also held a hearing on the United States Citizenship and Immigration Services. Testimony was heard from Eduardo Aguirre, Director, Bureau of Citizenship and Immigration Services, Department of Homeland Security.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the National Park Service. Testimony was heard from Fran Mainella, Director, National Park Service, Department of the Interior.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on the Child Development Research and Programs. Testimony was heard from Grover J. Whitehurst, Director, Institute of Education Sciences, Department of Education; and the following officials of the Department of Health and Human Services: G. Reid Lyon, Chief, Child Development and Behavior Branch, National Institutes of Health; and Wade F. Horn, Assistant Secretary, Administration for Children and Families.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on European Command. Testimony was heard from GEN. James L. Jones, Jr., USMC, Supreme Allied Commander Europe, and Commander, U.S. European Command

TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Treasury and Independent Agencies held a hearing on Highway Safety Programs. Testimony was heard from Jeffrey W. Runge, Administrator, National Highway Safety Administration, Department of Transportation.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued appropriation hearings. Testimony was heard from public witnesses.

2005 BASE REALIGNMENT AND CLOSURE PROCESS

Committee on Armed Services: Subcommittee on Readiness held a hearing on the 2005 Base Realignment and Closure Process. Testimony was heard from Raymond F. DuBois, Jr., Deputy Under Secretary, Installations and Environment, Department of Defense; and Barry W. Holman, Director, Defense Capabilities and Management, GAO.

NATIONAL DEFENSE AUTHORIZATION REQUEST—MISSILE DEFENSE PROGRAMS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Fiscal Year 2005 National Defense Authorization budget request—Missile Defense Programs. Testimony was heard from the following officials of the Department of Defense: LTG Ronald T. Kadish, USAF, Director, Missile Defense Agency; LTG Larry J. Dodgen, USA, Commander, Space and Missile Defense Command; and Thomas P. Christie, Director, Operational Test and Evaluation.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—NAVY AND AIR FORCE TACTICAL WEAPON ACQUISITION PROGRAMS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on the Fiscal Year 2005 National Defense Authorization budget request—Department of the Navy and Department of the Air Force Tactical Weapon Acquisition Programs. Testimony was heard from the following officials of the GAO: Allen Li, Director, Acquisition Sourcing Management—(F/A–22); and Mike Sullivan, Director, Acquisition Sourcing Management—(Joint Strike Fighter (JSF)); and the following officials of the Department of Defense: John J. Young, Jr., Assistant Secretary (Research, Development and Acquisition); VADM John B. Nathan, USN, Deputy Chief of Naval Operations, Warfare Requirements and Programs (N7); and LTG Michael A. Hough, USMC, Deputy Commandant for Aviation, U.S. Marine Corps, all with the Department of the Navy; Marvin R. Sambur, Assistant Secretary (Acquisition) and LTG Ronald E. Keys, USAF, Deputy Chief of

Staff, Air and Space Operations, both with the Department of the Air Force.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—DOD SCIENCE AND TECHNOLOGY POLICY AND PROGRAMS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2005 National Defense Authorization budget request—Department of Defense Science and Technology Policy and Programs. Testimony was heard from the following officials of the Department of Defense: Ronald M. Sega, Director, Defense Research and Engineering; Anthony J. Teter, Director, Defense Advanced Research Projects Agency; Thomas H. Killion, Deputy Assistant Secretary, Research and Technology, Department of the Army; RADM Jay M. Cohen, USN, Chief, Naval Research, Department of the Navy; and James B. Engle, Deputy Assistant Secretary (Science, Technology and Engineering), Department of the Air Force.

DOE'S YUCCA MOUNTAIN PROJECT; ALTER NUCLEAR WASTE TRUST FUND

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled ''A Review of the Department of Energy's Yucca Mountain Project,'' and Proposed Legislation to Alter the Nuclear Waste Trust Fund (H.R. 3429 and H.R. 3981).'' Testimony was heard from Representatives Gibbons, Berkley and Porter; Robert G. Card, Under Secretary, Energy, Science, and Environment, Department of Energy; Nils J. Diaz, Chairman, NRC; David J. Duquette, member, U.S. Nuclear Waste Technical Review Board; and public witnesses.

''NIH: RE-ENGINEERING CLINICAL RESEARCH''

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''NIH: Re-engineering Clinical Research.'' Testimony was heard from Elias A. Zerhouni, M.D., Director, NIH, Department of Health and Human Services; and public witnesses.

INTERNATIONAL FINANCIAL SYSTEM STATUS

Committee on Financial Services: Held a hearing on the state of the international financial system. Testimony was heard from John W. Snow, Secretary of the Treasury.

D.C. COLLEGE ACCESS ACT REAUTHORIZATION

Committee on Government Reform: Held a hearing entitled ''Maintaining a Level Playing Field for D.C. Graduates: Legislation to Reauthorize the D.C. College Access Act.'' Testimony was heard from the following officials of the District of Columbia: Anthony A. Williams, Mayor; Kelly Valentine, Acting Director, Tuition Assistance Grants Program; and Argelia Rodriquez, Executive Director, College Access Program; and public witnesses.

DEVELOPMENTS IN BURMA

Committee on International Relations: Subcommittee on Asia and the Pacific and the Subcommittee on International Terrorism, Nonproliferation and Human Rights held a joint hearing on Developments in Burma. Testimony was heard from the following officials of the Department of State: Lorne Craner, Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and Matthew P. Daley, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs; and public witnesses.

RESOLUTION REGARDING APPROPRIATE ROLE OF FOREIGN JUDGMENTS IN THE INTERPRETATION OF AMERICAN LAW

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H. Res. 568, Expressing the sense of the House of Representatives that Judicial determinations regarding the meaning of the laws of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the laws of the United States, and the Appropriate Role of Foreign Judgments in the Interpretation of American Law. Testimony was heard from public witnesses.

''PROGRESS IN CONSOLIDATING TERRORISM WATCHLISTS—THE TERRORIST SCREENING CENTER''

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Intelligence and Counterterorism of the Select Committee on Homeland Security held a joint oversight hearing entitled ''Progress in Consolidating Terrorism Watchlists—The Terrorist Screening Center (TSC).'' Testimony was heard from Donna A. Bucella, Director, Terrorist Screening Center (Administered by FBI); Charlie Bartoldus, Director, National Targeting Center, Customs and Border Protection, Department of Homeland Security; James W. McMahon, Director, Office of Public Security, State of New York; and a public witness.

MARINE TURTLE CONSERVATION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 3378, Marine Turtle Conservation Act of

2003. Testimony was heard from Marshall Jones, Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior; Rebecca Lent, Deputy Assistant Administrator, Fisheries, NOAA, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Commmittee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1517, Land Reinvestment Act; H.R. 2663, To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System; and H.R. 3874, To convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal. Testimony was heard from Representatives Bono and Graves; Robert Lamb, Special Advisor to the Assistant Secretary, Policy, Management and Budget, Department of the Interior; and public witnesses.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT

Committee on Science: Subcommittee on Environment, Technology, and Standards approved for full Committee action, as amended, H.R. 3598, Manufacturing Technology Competitiveness Act of 2003.

SPIKE IN METAL PRICES

Committee on Small Business: Continued hearings entitled ''Spike in Metal Prices—Part II.'' Testimony was heard from public witnesses.

BALLAST WATER MANAGEMENT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation and the Subcommittee on Water Resources and Environment held a joint hearing on Ballast Water Management: New International Standards and National Invasive Species Act Reauthorization. Testimony was heard from RADM Thomas H. Gilmour, USCG, Assistant Commandant, Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Department of Homeland Security; and public witnesses.

JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Joint Military Intelligence Program and Tactical Intelligence and Related Activities. Testimony was heard from departmental witnesses.

BRIEFING—GLOBAL INTELLIGENCE UPDATED

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Global Intelligence Updated. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

VETERANS' LEGISLATIVE PRESENTATIONS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of certain veterans' organizations, after receiving testimony from S. John Sisler, AMVETS, Lanham, Maryland; F. Paul Dallas, American Ex-Prisoners of War, Arlington, Texas; Edward Chow, Jr., Vietnam Veterans of America, Silver Spring, Maryland; Colonel Robert F. Norton, USA (Ret.), Military Officers Association of America, Alexandria, Virginia; and Joey Strickland, National Association of State Directors of Veterans' Affairs, Baton Rouge, Louisiana.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 26, 2004

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No Committee meetings are scheduled.

Next Meeting of the **SENATE**

9:30 a.m., Friday, March 26

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Monday, March 29

House Chamber

Program for Monday: To be announced.

Congressional Record

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