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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 20, 2004.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

PRAYER

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

Under Your Divine Providence, this Nation was established and has been guided through the years. Through turmoil, strife, disasters, and even wars, You have brought Your people to renewed faith, greater strength, and a deeper longing for peace.

Be with us now. Protect our Armed Forces wherever they may be. Confirm their families in Your love. Guide and enable the Members of Congress today as they take up the Nation's business and seek to protect and defend its people.

Through suffering and death, bring forth new life and true freedom by Your almighty power, Lord God, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BEREUTER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 129. An act to provide for reform relating to Federal employment, and for other purposes.

S. 1108. An act to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

The message also announced that pursuant to Public Law 108–173, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Commission on Systemic Interoperability:

Frederick W. Slunecka, of South Dakota.

The message also announced that pursuant to Public Law 94–201, as amended by Public Law 105–275, the Chair, on behalf of President pro tempore, appoints the following individuals as members of the Board of Trustees of American Folklife Center of the Library of Congress:

Mickey Hart of California, and
Dennis Holub of South Dakota.

The message also announced that pursuant title VI, section 637 of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Steven K. Berry of Washington, DC.

The message also announced that pursuant to Public Law 108–199, the Chair, on behalf of the Democratic Leader, announces the appointment made during the adjournment of Douglas G. Ohmer of South Dakota to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program on April 14, 2004.

CONTINUITY OF GOVERNMENT

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

Mr. DELAY. Mr. Speaker, before I start my remarks, I was just moved by the prayer by the chaplain, and I hope everyone hearing our voice and through the miracle of television can pick that up on the Web site and read it once again because it is a prayer that the American people need to focus on and take to heart.

Mr. Speaker, by taking up the Continuity in Representation Act this week, the House will not only address a glaring deficiency in Federal law, it will also make an unequivocal statement about America's national resolve on the war on terror.

None of us in this Chamber or in this Nation wants to think of a scenario that would compel the Speaker to invoke this legislation, but such are the responsibilities of leadership in the post-9/11 world.

The bill will therefore put in place a process by which Congress can quickly reconstitute itself after a catastrophic event. If such an event occurs and an extreme number of resulting vacancies threaten the continuity of congressional activity, the Speaker may, under this legislation, order States to call special elections to fill those vacancies within 45 days.

By passing this legislation, we will guarantee the failure of any terrorist

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attempt to decapitate the legislative branch of the United States Government. But just as importantly, the vote this week will show our Nation and our enemies two things: our unity and our resolve. The Continuity in Representation Act has bipartisan support thanks to the long and tireless work of the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary. And despite our policy differences, everyone on both sides of the aisle can plainly see the need that this bill meets; and everyone has come to this issue, even in an election year, with sincerity and patriotism.

Many believe that bipartisanship disappears whenever the calendar year ends with an even number, but this issue and this bill disprove that cynical assumption.

The vote this week will also affirm once again our national commitment to victory in the war on terror. Our prosecution of this war must be relentless and comprehensive. On the battlefield we have to continue to take the war to the terrorists. And here at home we have to maintain a united front and advance every policy we can to support our troops and discourage our enemies.

So with this legislation that we pass this week, the House will send a very clear message to those enemies that no amount of violence that they hope to visit upon us will interrupt the continuity of our national service.

CYPRUS

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

Mr. BEREUTER. Mr. Speaker, last summer this House overwhelmingly adopted a resolution calling on the citizens of Cyprus to accept a U.N.-sponsored plan designed to end 29 years of separation and to unite the island. During the floor debate, this Member expressed the sincere hope that in 2004 we would be celebrating the first anniversary of a united Cyprus, not the 30th anniversary of a divided one.

Regrettably, this hope may not be realized. Although the U.N. plan is scheduled to be voted on in a referendum on April 24, the recent very disappointing decision by the president of Cyprus to recommend a ''no'' vote to Cypriots may have doomed the best chance to reunify that country in a very long time.

Turkish Cypriots today appear to be strongly in favor of the referendum, and Ankara has played a most positive role in moving the process forward. Both should be commended for their actions and resolve.

It is unfortunate that, in a reversal of positions, it may now be the Greek Cypriots who will block unification.

In Athens it is believed that both the current government and the opposition remain supportive of the U.N. plan. A strong public statement of support from Athens would be very helpful in this critical time.

Mr. Speaker, as chairman of the Subcommittee on Europe, this Member believes there is still a chance that Cyprus may enter the EU on May 1 as a united country. The U.S. has pledged $400 million to help implement the U.N. plan. To the Cypriots, I say do the right thing for their own sake.

HAPPY BIRTHDAY TO WILLIE VAUGHN

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

Mr. DAVIS of Illinois. Mr. Speaker, today marks the 100th birthday of my uncle who lives in St. Louis, Missouri; and I guess on May 1 hundreds of my relatives are going to converge on that city to pay tribute to him. So I simply rise to wish a happy birthday to ''Uncle Dude,'' as we finally called him. His name is Willie Vaughn. But he has lived a long and productive life. His mind is great. He is still active. Happy birthday to Uncle Dude.

FIGHTING THE GLOBAL WAR ON TERROR

(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, this month I served on a bipartisan delegation led by the gentleman from Michigan (Mr. ROGERS) and the gentleman from North Carolina (Mr. ETHERIDGE) to visit Iraq. But I found every stop in Qatar, Iraq, Jordan, and Hungary to be a crucial part of the global war on terror. I saw firsthand courageous coalition forces of dozens of nations working with determination to stop terrorism from destroying modern civilization.

As evidenced by another bombing in Madrid, while terrorist cells with truckloads of explosives were arrested in England and Jordan, this is truly a worldwide conflict, not solely in Iraq.

Despite the renewed violence, we found troop morale high. Incredibly, the South Carolina troops who walk the streets said 90 percent of the Iraqis were grateful for liberation.

September 11 confirmed we are in a global war we did not seek. We must confront the terrorists overseas where they train, or we will fight them in America at our homes. From Qatar to Iraq to Jordan to Hungary, competent and dedicated patriots are making a difference.

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

A MESSAGE OF GRATITUDE FROM IRAQIS

(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, it is said that a picture is worth a thousand words. And yesterday this photograph was taken by a UPI photographer, remarkably, on the streets of Fallujah in Iraq. It depicts the gratitude of an ordinary Iraqi to a United States Marine who, along with many Marines and constituents of mine from Indiana, are patrolling the streets of that war-torn city at this very hour.

I bring this photograph because in the midst of the heartbreak of the loss of American soldiers over the past several weeks, some say this means that the Iraqi people do not want us there, that they fail to appreciate the sacrifices that we have made in the blood of our countrymen.

But, Mr. Speaker, that is not what I saw when I was in Iraq a month ago, in Basra and in Baghdad. The Iraqis with whom I met spoke with passion and emotion the same message depicted in this picture: a message of gratitude to the American soldier, gratitude to the American people, not only for ending the reign of Saddam Hussein but for staying the course and seeing them through to freedom. And as the President said, in the interest of these good people, these soldiers and this country will not waver.

A CALL FOR HEARINGS ON THE WAR IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, we now know the truth was the first casualty of the President's war in Iraq. Ironically, the truth was not shot down by a cruise missile but by the Commander in Chief.

Instead of openly telling Congress and the American people that he wanted to take out Saddam, the President secretly diverted $700 million from the war in Afghanistan to prepare for the invasion in Iraq without telling the Congress, $700 million meant to help find and deal with Osama bin Laden on behalf of the 9/11 victims, on behalf of America.

Another Republican in the White House the last time America faced this secrecy was Richard Nixon, whose legacy is a profound mistrust in government that lingers to this day.

Just as America did 3 decades ago, it is time to shine the bright light of an open and democratic society on what the administration did. I call on the Speaker and the Congress to hold hearings, just as America did during Watergate, to get to the truth, the whole truth, and nothing but the truth about the President's war in Iraq.

□ 1415

WE HAD OSAMA BIN LADEN IN OUR SIGHTS

(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 fall of the year 2000, a Predator drone captured Osama bin Laden on tape. At that time, the Predator could not be armed.

But the tape is revealing. It was relayed in real time to CIA headquarters, and the CIA was watching bin Laden as he moved, when he moved. The tape proves that the Clinton administration had bin Laden in its sights, as it did several times during its 8 years in office, but did nothing.

A former CIA station chief in Afghanistan said that the Clinton White House issued an ultimatum to the CIA, ''Capture bin Laden, don't kill him.'' They wanted to arrest bin Laden and send him to court. Unfortunately, since then we have learned that you cannot fight terrorism by filing legal papers.

We cannot hesitate to act in defense of our national interests, even if that means acting alone or acting preemptively. We cannot wait for appropriate international committees to give us permission.

Our national security is far too important to be left to the whims of world opinion, and it is far too important to wait for legal papers to be filed.

CELEBRATING THE LIFE OF ALFRED MANSOUR OF LAGRANGE, GEORGIA

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

Mr. GINGREY. Mr. Speaker, I rise this afternoon to celebrate the life of a great Georgia citizen. Alfred Mansour of LaGrange, Georgia, passed away April 17, 2004. He was a great example of how love for church, family and business can unify, strengthen and better an entire community.

Alfred Mansour was a man of family and faith who lived a life of service to his community. In the business world, Alfred Mansour was the first president of Mansour's, Incorporated, which included his family's business, Mansour's Department Store, a cornerstone of the LaGrange business community.

After serving his country during World War II, Mr. Mansour returned to LaGrange as a community leader, a loving husband, and a devoted father of five children. He was a member of the St. Peter's Catholic Church, where I have had the opportunity to worship with him and his wife Nini. He was a Member of the Knights of Columbus, a past president of LaGrange Lions Club, a founding member of the Chattahoochee Valley Art Association, a member of the LaGrange/Troup County Chamber of Commerce and a member of the Highland Country Club.

Friends and those who knew him described Alfred Mansour as a humble man of God and an astute businessman. Most importantly, those who loved him as a husband and a father, Nini and children Priscilla, Martha, Rita, Fred and Larry, knew him as a man of unremitting love and passion.

Indeed, Alfred Mansour will be so missed for his service to God, family and community.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. CULBERSON) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 5, 2004 at 1:50 p.m.:

That the Senate passed without amendment H. Con. Res. 404.

With best wishes, I am

Sincerely,

MARJORIE C. KELAHER
(For Jeff Trandahl, Clerk of the House).

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

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

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2 (h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 8, 2004 at 3:50 p.m.:

That the Senate agreed to conference report H.R. 3108.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker Pro Tempore WOLF signed the following enrolled bill on Friday, April 9, 2004:

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

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 14, 2004.

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

DEAR MR. SPEAKER: Pursuant to (10 U.S.C. 111 note) I hereby appoint Mr. Keith Martin of Shavertown, Pennsylvania, to the Commission on the Review of the Overseas Military Facility Structure of the United States.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Anthony Reed, Legislative Director of the Honorable J. DENNIS HASTERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2004.

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

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

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

Sincerely,

ANTHONY REED,
Legislative Director.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4037) 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''.

The Clerk read as follows:

H.R. 4037

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

SECTION 1. RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY.

(a) DESIGNATION.—The facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, shall be known and designated as the ''Richard G. Wilson Processing and Distribution Facility''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Richard G. Wilson Processing and Distribution Facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4037.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of H.R. 4037, which honors the life of Richard G. Wilson by naming this U.S. Postal Service processing and distribution facility in Cape Girardeau, Missouri, after him.

Private First Class Wilson was an Army corpsman who served with gallantry during the Korean War. He distinguished himself by aiding wounded soldiers in harm's way outside Opari, Korea, in October of 1950.

At the bottom of the valley near Opari, enemy forces engaged Private Wilson's company. As the U.S. forces suffered casualties, the unarmed Private Wilson charged into harsh combat to provide aid to his wounded company men, despite their protest. He treated several soldiers in the face of the merciless enemy attack.

The company was forced to retreat, and Private Wilson's whereabouts were initially unknown. Two days later, a U.S. patrol found him lying next to one of the troops that he had helped during the firefight. Wilson had been shot several times.

Private Wilson was posthumously awarded the Nation's highest military award for valor, the Congressional Medal of Honor, on June 21, 1951. The medal was presented to Wilson's widow Yvonna in a ceremony at the Pentagon that day.

Mr. Speaker, this postal facility designation, introduced by the gentlewoman from Missouri (Mrs. EMERSON), will memorialize Richard Wilson's bravery and selflessness in his hometown of Cape Girardeau, Missouri. I understand that members of his family still live in Cape Girardeau, and I certainly hope this exceedingly deserved honor for Richard Wilson will be meaningful to them.

Mr. Speaker, while heroes of today fight for freedom across the globe in places like Afghanistan and Iraq, it is always appropriate to recognize America's military heroes of yesterday. I strongly urge every Member of the House to support this legislation.

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

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

Mr. Speaker, as a Member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4037, legislation naming a postal facility in Cape Girardeau, Missouri, after Richard G. Wilson. This measure was introduced by the gentlewoman from Missouri (Mrs. EMERSON) on March 25, 2004, and unanimously reported by our committee on April 1, 2004. It enjoys the support and cosponsorship of the entire Missouri delegation.

Mr. Speaker, Richard G. Wilson, Private First Class, United States Army, was attached to Medical Company 1 of the 187th Airborne Infantry Regiment and served in the Korean War. According to military accounts, Pfc. Wilson distinguished himself by ''conspicuous gallantry and intrepidity above and beyond the call of duty in action.''

As a medic, he accompanied his unit in Opari, Korea, administering medical attention to his wounded comrades in the midst of fierce enemy fighting. After his unit was forced to withdraw from the area, Pfc. Wilson moved his wounded colleagues to safety and searched to make sure that no man was left behind.

After realizing that one soldier was missing, Pfc. Wilson returned to the area in search of his colleague. Pfc. Wilson was found 2 days later lying beside the man he had been searching for. For his bravery, courage and self-sacrifice for his comrades, he was posthumously awarded the Nation's highest award for valor, the Medal of Honor.

Mr. Speaker, I commend my colleagues for seeking to honor the legacy of Richard Wilson by naming a postal facility in his name in his hometown of Cape Girardeau, Missouri.

Mr. Speaker, I urge swift passage.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, first I would like very much to thank my colleagues from the Committee on Government Reform for so swiftly passing this very important bill out of the committee. I know that the family of Private First Class Wilson is very proud at this moment, and will be even prouder when we pass this bill later today.

I do have the honor, Mr. Speaker, to speak on behalf of this bill to honor a true American hero from the district I represented in southern Missouri.

H.R. 4037 would dedicate the Cape Girardeau Processing and Distribution Facility for mail to hometown and American hero Private First Class Richard G. Wilson. I know that my other colleagues who have spoken have mentioned some of the important things that Private First Class Wilson did, but I would like to mention them once again.

Private First Class Wilson joined thousands of courageous soldiers who fought in the Korean War when he enlisted in the United States Army and became part of Company 1, Medical Company, 187th Airborne Infantry Regiment.

As a U.S. Army medic in active combat during the Korean War at the age of 19, Private First Class Wilson accompanied his unit during a reconnaissance mission through Opari in Korea. When the troops were ambushed in a narrow valley, Pfc. Wilson administered aid to his wounded comrades. Even though his company commander ordered the unit to move out, Pfc. Wilson returned to the field of battle to rescue a soldier who was left for dead, but was attempting to crawl to safety. Private First Class Wilson was unarmed, but that did not deter him from his mission.

Two days later, Private First Class Wilson was found dead beside the man he gave his life trying to save. This is an example of the superb bravery that reflects Richard Wilson's character and so rightly earned him the Nation's highest military award, the Medal of Honor.

In 1951, the Medal of Honor was awarded to Richard G. Wilson's widow, Yvonna Wilson, at the Pentagon. Today she and hundreds of Cape Girardeau residents remember and honor Pfc. Wilson's bravery and commitment to our country. It is very appropriate his memory become a prominent part of our community.

Naming the postal facility after Pfc. Wilson will serve as a lasting testament of our gratitude to him for his brave example, just as we are proud of all men and women from southern Missouri and around the country who have served our country so honorably.

Richard Wilson exemplifies the valor of so many men and women who have served our Nation in uniform. This simple reminder of his brave actions will stand as a testament in Cape Girardeau that we respect his sacrifice, but it also will signal that we wish him to serve as an example for generations of Americans to come. With this designation we claim him for our own and honor his memory.

Our definition of the word ''hero'' has changed many times over the years. Private First Class Wilson, however, is a hero for any era.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support H.R. 4037.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4037.

The question was taken.

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

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1430

GENERAL JOHN J. PERSHING POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3855) to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

The Clerk read as follows:

H.R. 3855

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

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, shall be known and designated as the ''General John J. Pershing Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the General John J. Pershing Post Office.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3855, which honors one of our Nation's greatest patriots and champions of freedom, General John Joseph Pershing. This legislation designates the U.S. Postal Service facility in Laclede, Missouri, as the General John J. Pershing Post Office.

John Joseph Pershing was born on September 13, 1860, in Linn County, Missouri. As a teenager, Pershing became a teacher at a school for African American children in Laclede. While later teaching at Prairie Mound, he entered and won a competitive examination for an appointment to the United States Military Academy at West Point, enrolling in 1882.

Pershing was only average in his studies at West Point, but he excelled in leadership roles and displayed extraordinary soldierly qualities. Pershing held the highest possible rank in the Cadet Battalion each year; and in 1886 he was elected president of his class, and he graduated as senior cadet captain, the highest honor at West Point.

Mr. Speaker, General Pershing worked his entire life to protect and preserve freedom. His nickname, Black Jack, dates from his service with the 10th Cavalry, a unit of the Buffalo Soldiers in Montana. It became a subtle accolade to both him and the Buffalo Soldiers he fought with and praised. Pershing took the nickname with pride as an honor to the soldiers that he fought with. He was concerned about the welfare of all soldiers, especially minorities; and as a result of his service in the 10th Cavalry, Pershing remained instrumental in coordinating minority organizations throughout his entire military career.

Mr. Speaker, General Pershing was a man who consistently praised his soldiers and understood their commitments to freedom and to this great Nation. Despite his numerous awards and honors, General Pershing was a man of humility.

He was promoted to brigadier general in 1906 over 862 senior officers. As a major general, Pershing was appointed commander of the American Expeditionary Forces following the U.S. declaration of war against Germany.

The Regular Army at that time consisted of only 25,000 men, and there was no reserve core as we know it today. General Pershing literally organized an army from scratch. And within a year and a half, the national Army consisted of approximately 2.5 million men, a result of recruiting and training programs initiated by Pershing. These same programs stood as a model for the mobilization training plan of World War II.

Following the Great War, General Pershing became chief of staff to the U.S. Army in 1921. Up until his death, he worked to ensure American forces were prepared in a changing global environment. He was truly ahead of his time as our Nation came to realize our importance on the global stage.

Mr. Speaker, General Pershing's service to this country in World War I was so phenomenal that the 66th Congress revived the rank called the General of the Armies of the United States. General Pershing was appointed to that office on September 3, 1919. He accepted the appointment on September 8 of that year and retired with that rank on his birthday in 1924.

General Pershing passed away on July 15, 1948, at Walter Reed Hospital in Washington D.C. He was a great American. He stands as an inspiration to all those who have served this great Nation in our Armed Forces.

Mr. Speaker, I commend the gentleman from Missouri for honoring General Pershing. This post office will stand as a testament to his dedication to freedom and as a permanent token of appreciation from a grateful Nation. I encourage all Members of the House to support H.R. 3855.

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

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

Mr. Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3855, legislation naming a postal facility in Laclede, Missouri, after General John J. ''Blackjack'' Pershing. This measure, which was introduced by the gentleman from Missouri (Mr. GRAVES) on February 26, 2004, and unanimously reported by our committee on March 4, 2004, enjoys the support and cosponsorship of the entire Missouri delegation.

John Pershing was born in a small town in Missouri in 1860. He graduated from West Point and served in the Spanish-American War, the Philippines Insurrection, the Mexican Expedition, and was the overall American commander in Europe during World War I.

Long on experience and recognized as a celebrated hero and soldier, the United States Congress honored John Pershing by creating a new title, General of the Armies. And following the war, he served as Army chief of staff.

General Pershing died in Washington D.C. at Walter Reed Army Medical Center. His funeral, held at the Memorial Amphitheater in Arlington National Cemetery, was attended by thousands of Americans as well as leaders of government and the military. He was buried according to his wishes, under a simple white grave stone in section 34 near the grave sites of his Doughboys from World War I.

Mr. Speaker, it is indeed a fitting honor to name the postal facility in Missouri after General Pershing, especially one who was so celebrated for his great courage, exceptional ability, and the ability to command troops from different races and backgrounds at a time unheard of.

I support this resolution and urge its swift passage.

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

Mrs. MILLER of Michigan. Mr. Speaker, I commend the gentleman

from Missouri (Mr. GRAVES) and urge all Members to support the passage of H.R. 3855, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3855.

The question was taken.

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

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

DOSAN AHN CHANG HO POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1822) to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

The Clerk read as follows:

H.R. 1822

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

SECTION 1. DOSAN AHN CHANG HO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, shall be known and designated as the ''Dosan Ahn Chang Ho Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Dosan Ahn Chang Ho Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I rise today in support of H.R. 1822. This post office designation introduced by the distinguished gentlewoman from California (Ms. WATSON), also a member of the committee, honors one of the earliest Korean American leaders of our Nation, Dosan Ahn Chang Ho. Each of the other 52 members of the California congressional delegation has also cosponsored the legislation, which I think in itself is worthy of mention.

Ahn Chang Ho emigrated to San Francisco from Korea in 1902. After Japan colonized Korea in 1910, Ahn Chang Ho traveled around the world to pull together financial and political opposition to Japan's imperial rule in Korea, and that lasted until the end of World War II. In addition to fighting for Korean freedom, Ahn Chang Ho worked hard here in the United States to establish schools, social organizations, and job-training programs for Korean Americans in California.

In 1932, the Japanese arrested Ahn Chang Ho in Shanghai, China, and accused him of a bombing incident in which he was not involved. He was taken to prison and ultimately died at a Korean hospital in 1938.

Mr. Speaker, Dosan Ahn Chang Ho was an extremely important political leader and educator and a humanitarian for people in the United States and Korea at the beginning of the 20th century. Therefore, I am pleased that the House is considering H.R. 1822. I commend the gentlewoman from California (Ms. WATSON) for her work.

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

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

Mr. Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 1822, legislation naming the postal facility in Los Angeles, California, after the honorable Dosan Ahn Chang Ho. This measure, which was introduced by the gentlewoman from California (Ms. WATSON) on April 11, 2003, was unanimously reported by our committee on April 1, 2004. It enjoys the support and cosponsorship of the entire California delegation.

Mr. Ahn was emigrated from Korea in 1902. He moved to San Francisco with his new wife. While en route to America, Mr. Ahn resolved to stand tall above the sea of turmoil existing at that time in Korea and to call himself Dosan, which means Island Mountain.

While living in San Francisco, Dosan organized and guided the Koreans living in the area to form the first Korean American community. Two years later, he moved with his family to Riverside, California, and again worked tirelessly to unite and organize Korean Americans. He established the first English school for Koreans and formed a cooperative association which later became the basis for the Korean National Association. Years later, Mr. Ahn served as president of that association.

Nine years later in 1913, Dosan Ahn Chang Ho moved to Los Angeles and again played a significant role in the growth of the Korean American community in that city. In Los Angeles, he founded the Hung Sa Dahn, the Young Korean Academy. Mr. Ahn is credited with helping to relieve the blighted living conditions of his fellow Korean Americans and became the spiritual leader of the Korean Independence Movement.

Except for a brief 2-year return to the United States, Mr. Ahn then went to Shanghai to establish the Korean provisional government. He was a devoted independence fighter in China until his death in 1938.

Mr. Speaker, I commend my friend and colleague, the gentlewoman from California (Ms. WATSON), for seeking to honor the spiritual and humanitarian legacy of Dosan. His efforts to assist, organize, and lift up the Korean community in California were noble indeed. Naming a postal facility in Los Angeles after this great man is recognition of all his work on behalf of Korean Americans, and all Koreans.

I urge the swift adoption of this measure.

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

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support H.R. 1822, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1822.

The question was taken.

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

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING THE 91ST ANNUAL MEETING OF THE GARDEN CLUB OF AMERICA

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 97) recognizing the 91st annual meeting of the Garden Club of America.

The Clerk read as follows:

S. CON. RES. 97

Whereas The Garden Club of America is holding its 91st annual meeting in Washington, DC April 24 through 27, 2004;

Whereas The Garden Club of America has 195 member clubs in 40 States and the District of Columbia, representing more than 17,000 members;

Whereas since its founding in 1913, The Garden Club of America has become a recognized leader in the fields of horticulture, conservation, historic preservation, and civic improvement, and an influential organization in the protection of America's environment; and

Whereas in our Nation's Capital, The Garden Club of America was instrumental in the founding of the National Arboretum, the development of the Archives of American Gardens at the Smithsonian Institution, and the creation and installation of the Butterfly Habitat Garden which now graces The National Mall at the National Museum of Natural History: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends The Garden Club of America for the many contributions it has made in our Nation's Capital and in communities across the United States, and sends its best wishes on the occasion of its 91st annual meeting in Washington, DC, April 24 through 27, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

□ 1445

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 97.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 97 recognizes the 91st annual meeting of the Garden Club of America. The resolution is timely because the Garden Club's annual meeting is here in Washington, D.C., this weekend from April 24 to 27.

So what is the Garden Club of America? The club is a national nonprofit organization that promotes gardening activities and restores, improves, and protects the quality of numerous aspects of the environment. The club has more than 17,000 members in 195 local chapters across the Nation.

We acknowledge the contributions of the Garden Club today because of their work to beautify so many of our Nation's communities.

Twelve local clubs here in the District of Columbia and nearby Maryland will host the annual national meeting this weekend. This year's meeting theme is ''Capital Landscapes,'' and the distinguished honorary chair for the weekend is the First Lady of the United States, Laura Bush. It has been 20 years since Washington has hosted a national meeting, and so it is appropriate that we celebrate the Garden Club's return to our Nation's Capital.

I encourage all Members of the House to support Senate Concurrent Resolution 97.

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

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

Mr. Speaker, as the cold of winter warms to spring, and as trees bud and flowers bloom, we pause to appreciate the beauty of nature. And so it is appropriate on this perfect spring day in our Nation's Capital that we recognize the Garden Club of America for its outstanding work throughout the United States.

Founded in 1913, the Garden Club of America has worked to share with others a respect for nature and an appreciation for its beauty. Today there are 195 member clubs in 40 States that work towards this collective goal for the benefit of us all.

By spreading its message of conservation and civic improvement, the Garden Club of America has helped to develop our scenic landscape and thereby had a profound impact on our country. We need to look no further than our Nation's Capital to understand that positive impact. While Washington, D.C., is known for its political debate, it is cherished by residents and visitors alike for the lush gardens and parks that provide us with a respite from brick and concrete of the city. The Garden Club of America has been instrumental in the beautification of our Nation's Capital by helping to create the National Arboretum, the Archives of American Gardens at the Smithsonian, as well as the annual cherry blossom display which brings joy to the many people it draws from around the world.

When George Washington chose this land to be our Nation's Capital, it was little more than swampland. It is now a beautiful city in which all Americans can take pride.

I know that there are those who will probably even admonish the Congress for taking time out to acknowledge the work done by those who have actually worked to help make and keep America beautiful. And I guess the realization has to be that America would not be as beautiful as it is unless there were some helping to make it so.

For this and for all the hard work the Garden Club of America does, we say thank you to the Garden Club. I urge passage of this resolution.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), a very good friend of the Garden Club, who also sponsored an identical piece of legislation, House Concurrent Resolution 368, here in the House.

Mr. PETRI. Mr. Speaker, I rise in support of Senate Concurrent Resolution 97 recognizing the Garden Club of America's 91st annual meeting this week here in Washington, D.C.

The Garden Club of America, founded in 1913, is a recognized national leader in the fields of horticulture, conservation, education, and civic improvement with 195 member clubs in 40 States and the District of Columbia.

Each year the Club holds its annual meeting in a different host city. This year 12 Garden Clubs in the District of Columbia and the State of Maryland are hosting the meeting, which occurs in Washington, D.C., only once every 20 years.

In our Nation's Capital, the Garden Club of America was instrumental in the founding of the National Arboretum, the development of the Archives of American Gardens at the Smithsonian Institution, and the creation and installation of the Butterfly Habitat Garden which now graces the Mall at the National Museum of Natural History.

I urge my colleagues to join me in supporting Senate Concurrent Resolution 97 to recognize the many contributions this organization has made in communities across our country and to send our best wishes on the occasion of the Garden Club of America's 91st annual meeting in Washington, D.C., April 24 through the 27.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend both the Senator from Maryland as well as the gentleman from Wisconsin (Mr. PETRI) for their work to recognize the Garden Club of America prior to their annual meeting this weekend. I urge the House to adopt Senate Concurrent Resolution 97.

Mr. HOLT. Mr. Speaker, I rise in support of S. Con. Res. 97 and in recognition of the Garden Club of America and its members in central New Jersey.

Since its inception in 1913, the Garden Club of America has evolved from simply focusing on good gardening practices to becoming a leading advocacy group for environmental protection and community involvement. The men and women of the Garden Club work intimately with the soil and plants and know the value of clear air, clean water, and uncontaminated earth.

I work with Garden Club members in New Jersey and here in Washington, DC. They come to Capitol Hill to inform members of Congress about necessary protections for our air and water and necessary funding for preserving open space. Their hands-on work, literally, plays an equally important role in preserving the land and water around us. Garden Club members disseminate information on good gardening practices and maintenance of healthy lawns or golf courses with a minimum of chemicals. They also organize community events around gardening and provide scholarships and fellowships for young people interested in studying related fields.

The Garden Club of America has gone to great lengths to demonstrate the joys of horticulture to all Americans. They were instrumental in the founding of the National Arboretum and the Archives of American Gardens at the Smithsonian Institution and have played a significant role in the founding and upkeep of numerous other major gardens around the country.

Now, more than ever, these activists are turning their energies on the major environmental issues of the day. They are together a force to be reckoned with.

I ask my colleagues to join me in supporting this resolution and continuing to encourage the work of Garden Club of America members in their districts.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 97.

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

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 2 o'clock and 52 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 4037, by the yeas and nays;

H.R. 3855, by the yeas and nays;

H.R. 1822, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4037.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4037, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 41, as follows:

[Roll No. 118]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
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)
Blackburn
Blumenauer
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)
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
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)
Kirk
Kline
Knollenberg
Kolbe
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
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
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
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
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
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—41

Andrews
Bishop (UT)
Blunt
Buyer
Cantor
Cox
Davis (AL)
Davis (FL)
DeLay
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kingston
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Portman
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

SPEAKER pro tempore (Mr. TERRY) (during the vote). There are 2 minutes remaining in this vote.

□ 1855

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.

GENERAL JOHN J. PERSHING POST OFFICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3855.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3855, 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 389, nays 0, not voting 44, as follows:

[Roll No. 119]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
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)
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
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)
Kirk
Kline
Knollenberg
Kolbe
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
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
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
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
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
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
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
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—44

Andrews
Beauprez
Bishop (UT)
Blunt
Buyer
Cantor
Cole
Cox
Davis (AL)
Davis (FL)
DeLay
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kingston
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Nunes
Portman
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1904

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.

THE HON. BILLY TAUZIN, MEMBER OF CONGRESS, THANKS MEMBERS FOR THEIR SUPPORT

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

Mr. WELDON of Florida. Mr. Speaker, I was with the Governor of Texas yesterday, and we called the gentleman from Louisiana (Mr. TAUZIN) at M.D. Anderson, and he asked that I rise tonight and thank Members on both sides of the aisle for your letters and prayers. He specifically asked me to thank all Members for the support that you have been providing him. He is doing well. He made a good recovery from his surgery. He is beginning his chemotherapy and radiation, and he asked that I extend his thanks to each and every Member.

DOSAN AHN CHANG HO POST OFFICE

The SPEAKER pro tempore (Mr. TERRY). The pending business is the question of suspending the rules and passing the bill, H.R. 1822.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1822, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 120]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
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)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
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
Kline
Knollenberg
Kolbe
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
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt

Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
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
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
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
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baldwin
Bishop (UT)
Buyer
Collins
Davis (AL)
Davis (FL)
Deutsch
Dooley (CA)
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Granger
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Radanovich
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

□ 1925

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 118, No. 119, and No. 120. Had I been present, I would have voted "yea" on all of these votes.

HOUR OF MEETING ON THURSDAY, APRIL 22, 2004

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 21, 2004, it adjourn to meet at 9 a.m. on Thursday, April 22, 2004, for the purpose of receiving in this Chamber former Members of Congress.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, APRIL 22, 2004, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, April 22, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of Congress.

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

There was no objection.

SPECIAL ORDERS

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

ASSAULT WEAPONS

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

Mrs. MCCARTHY of New York. Mr. Speaker, in 146 days assault weapons will be back on our streets. In 146 days drug lords, criminals, cop killers will be able to buy the gun of their choice. If this House is not allowed to bring up the renewal of assault weapons ban, in 146 days we will be going back 10 years in time.

We have proof that, since assault weapons have been off the streets, many lives have been saved.

Unfortunately, today is the fifth anniversary of the Columbine High School shooting. One of the weapons used in the shooting that day was the Tec-9. This weapon of war allowed two high school students to fire 55 rounds into students and teachers in a matter of minutes. Thirteen people were killed that day, 21 wounded.

The gun did what it was designed to do. It is an excellent product. It is a product that is out there to shoot rapidly, to kill as many people as possible in a short period of time. This gun did its job that day. In 146 days we are going to allow these guns back on the street.

These are the guns that we see being used over in Iraq, the same as an AK–47, the Uzis, the guns that were on our streets 10 years ago. And now we are going to go back and allow those guns back on the streets?

Where is the common sense? Gun owners across this country agree that these guns should not be allowed on the streets. Our police throughout this Nation have enough on their hands trying to find the terrorists that are supposedly in this country; and yet this administration, this House, will do nothing.

President Bush in 2000 said that he would sign a bill to renew the assault weapons if it came onto his desk. The President has been extremely effective. Every bill that has come through this House has landed on his desk. But that is because he worked it.

It is going to be up to the American people to start e-mailing their Congressmen, their Senators, the Speaker of the House, everyone, to allow this bill to come back on the floor for a vote.

Mother's Day in 2000, we had over 750,000 moms, dads, uncles, victims gathered down here in Washington to try to do something about gun violence in this country.

□ 1930

This Mother's Day, again, the million moms are coming down here to have their voices heard. We are going to be doing this all over the Nation. Again, the American people have the opportunity to make a difference, but you cannot just talk about it. You have to really get out there and say, enough is enough.

We should be having an assault on the assault weapons. The millions of dollars that are spent every single year on gun violence in this country could be used towards our schools. The billions of dollars that it costs this country on health care because of gun violence could be used towards our health care system.

One person can make a difference, but it is a lot easier when that one becomes two and three and then thousands. We can do this. Many of us here on the House floor will fight for you, but we have to outnumber the NRA. Believe me, the numbers are small. They talk about 4 million NRA members. There are only actually 435,000 of them that have a grip on this House. Our nurses across the country, our doctors, if we only took the health care providers, we could make a difference.

I ask the American people for help. It is 146 days before the assault weapons go back on our streets. Is that what we want in our communities? Is that what we want for our children of this Nation? Is that the bloodshed we want to see in this country?

THE FREEDOM FLAT TAX ACT

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

Mr. BURGESS. Mr. Speaker, during these last 2 weeks back home in my district, I had a lot of discussion about income tax, because, of course, April 15 fell during our recess this year. A lot of people are asking me, what has ever happened to the concept of fundamental tax reform in the House of Representatives? Why can we not as the

American people create a system that promotes fairness and economic prosperity by treating everyone the same, regardless of income or occupation, and removing special preferences and disincentives for economic growth that characterize our current IRS Tax Code? They also ask, when will it be time to eliminate our current code's bias against savings and investment?

Currently interest rates are at historic lows. It is hard enough to convince people to put money in a savings account, because it doesn't pay very much, and, on top of that, you pay at the highest rate on the money you earn on that savings account, certainly a disincentive for savings. When savings are no longer taxed twice, I believe people will save and invest more, leading to higher productivity and greater take-home pay.

Mr. Speaker, a year ago, my third month in Congress, I introduced a bill, H.R. 1783, called The Freedom Flat Tax Act. The Freedom Flat Tax Act allows people to opt into a progrowth tax system that restores fairness, simplicity and efficiency to our current Tax Code. It replaces our current costly tax system with a single-rate system that, most importantly, only taxes income one time.

This flat tax could be phased in over a 3-year period, with a 19 percent rate for the first 2 years, with a 17 percent rate in subsequent years. There would be no deductions or loopholes. It will allow some personal exemptions, including $5,500 for each dependent.

The key is this flat tax was a little different from other flat taxes that have been introduced in this Congress. The most important difference is that this fundamental change in tax structure is actually within our reach. It is within our reach this year, if we were to choose to do it.

It is optional. If a family has constructed their savings or their life so that they do well under the IRS code, they are welcome to stay in the IRS code. But if they find that they would like simplicity and efficiency in their life, they are allowed the option to elect into a simple, fairer system; a simple, fairer, single-rate system. There would be no ability to move in between the two systems once the election has been made. It would be permanent.

Mr. Speaker, back in my district in Dallas, there is a financial columnist who writes an article for the Dallas Morning News named Scott Burns. He is certainly no great friend of the Republican Party. He has been critical of us on several occasions. But he wrote an article that dealt with home ownership and the home mortgage deduction, and you do get a lot of concern from people who say, gosh, I get my home mortgage deduction now, and I would hate to give that up.

But Mr. BURNS' study showed across the country, the amount that you are able to save off your income taxes varies greatly depending upon where you live. Around Dallas, Texas, the average homeowner's savings over 3 years' time is about $1,000. Down in San Antonio, Texas, it is even less. It is about $100. In Santa Barbara, California, it is $42,000, so clearly a resident of Santa Barbara, California, would probably like to stay in the current IRS code, but my constituents around Dallas should be given the option of a code that makes more sense for them.

It would be enormously easier to figure current tax bill under a single-rate system. Simply subtract and pay 17 percent of your wages after the personal exemptions.

Mr. Speaker, the time has come for us in this body to take the concept of fundamental fairness in the Tax Code to the next level. I know there are others on my side of the aisle who argue for a Federal retail sales tax. I can tell you there are parts of that that seem agreeable to me as well, but the reality is the implementation of that type of tax would be costly, and it would be disruptive in the economy.

Our current situation, people who fill out the 1040–EZ form spend 3½ hours to do their taxes; The regular form, they will spend 13½ hours doing their taxes. Billions of hours are spent complying with Tax Code forms instead of being with your family.

The current Tax Code is expensive. The average household pays $2,000 a year in compliance costs. For the year 2001 alone, Americans lost $183 billion in opportunity costs instead of working on money-producing activity for themselves or their families.

As I stated before, the current Tax Code punishes hard work and doubly punishes savings. We pay the government to take our hard-earned money off our hands just so they can punish us for job-creating behavior.

Mr. Speaker, the time is now, the power is within our grasp. I urge my colleagues to take a look at H.R. 1783, and let us see if we cannot make that a reality for the American people next year.

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

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

SAVE THE HUBBLE SPACE TELESCOPE

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

Mr. MCDERMOTT. Mr. Speaker, I rise to deliver the thoughtful opinions about the Hubble Space Telescope from the fifth grade math class at Island Park Elementary School. All 25 students unanimously believe that the Hubble Space Telescope should be saved.

I recently visited Thelma Ritchie's class as a part of Hubble Awareness Day. It is a program I started to listen directly to the American people about the future of the Hubble Space Telescope. According to the Administrator of NASA, the Hubble has no future. Mr. O'Keefe may be the only person in America who actually believes that, but he certainly is one person who can kill the Hubble if he wants to.

Students at Island Park Elementary believe Hubble should have a future. So do I. So do millions of other students and scientists and ordinary people across America.

Thelma Ritchie's students recently spent the entire week working on Hubble-related activities. The day I was there, students were using Hubble images and math to learn how to accurately estimate the billions of stars visible without counting all of them.

The classroom fueled inspiration amid the wonder of scientific discovery. Hubble pictures were everywhere. You could see the excitement and wonder in the eyes of very young students. Some had crafted Hubble models. Others had drawings. Many of them were totally engaged in the pursuit of scientific discovery inspired by the Hubble Telescope.

Thelma's classroom, like every math and science classroom in America, is an incubator for future scientists, astronauts and astronomers, and one tool at their disposal will be lost if we do not act and save the Hubble.

Before I arrived, Ms. Ritchie had given her young scientists an assignment: Read the House Resolution that 47 colleagues and I have sponsored to save the Hubble and tell us what to do. Here is what the students said.

From Claire and Juliana: ''Without the Hubble, space would be a half-solved code for us to crack.''

Byron said: ''In my opinion, NASA should go and fix the Hubble, since it has been giving tons of information.''

Matt said: ''I think NASA should keep Hubble up there,'' and Charlotte added, ''because then younger kids can get more interested in science.''

Shoshana offered this: ''Advice for NASA would be pretty much to listen to the public and scientists and do what is best for us all.''

Sidney said: ''Not only does it give scientists answers, but it teaches kids way more about space.''

Alyssa was even more direct: ''I disagree with NASA and I think they should keep the Hubble.''

NASA's Administrator claimed that safety is the reason for letting the Hubble die, that it would be too risky to send the space shuttle to service the Hubble, as it has in the past.

Let us be clear: Space flight is risky, and safety must be paramount. But it is hard to follow the Administrator's logic on safety at the same time the administration wants to go to Mars. I think Mr. O'Keefe is seeing red, partly over the criticism of Hubble, but mostly because the President wants to go to

Mars. Personally, I wish he would, but that is a different discussion.

Hubble's mission is not over. Hundreds of millions of dollars in new Hubble equipment, some of it designed with the help of University of Washington astronomers, is built, paid for and ready for deployment. Tens of millions of dollars of equipment is already built.

Hubble's mission is not over. There are new worlds to discover, new images to take us even closer to the moment of creation and more children across America to inspire.

The Hubble Space Telescope has produced great advancements in science, yet Hubble's most important contribution may be its inspiration. It is the cheapest ad ever produced to encourage young children to become scientists. If anyone needs reassurance that America can compete globally in math and science, they should visit Thelma Ritchie's fifth grade class at the Island Park School. You know how to do math, and so do they. Here is their answer: Two plus two equals save the Hubble.

COMMISSIONER GORELICK MUST STEP DOWN FROM 9/11 COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today seeking answers to very tough questions. Like many Americans, I have been following the 9/11 Commission hearings with very keen interest. As an American, I want to know how the terrorists infiltrated our borders without detection, and, as a Congresswoman, I have a responsibility to implement policies that protect our country. I view this duty as one of my most urgent and most sacred obligations.

At the outset, let me be clear: I do not seek to blame anyone for 9/11, not anyone but the terrorists and their evil supporters. However, I do want to know what happened and what our government can do to make sure that attacks like those on 9/11 never happen again. Therefore, like millions of others, I am eagerly awaiting the report from the 9/11 Commission.

Unfortunately, and to my disappointment, during the hearings last week it became clear that Americans may not be able to get the complete and honest picture that we deserve. Let me explain what I mean.

Last week, under oath, Attorney General John Ashcroft introduced a recently declassified memo by Commissioner Jamie Gorelick regarding the now familiar wall separating the Federal agencies from intelligence agencies. For her part, Ms. Gorelick responded to these charges in an editorial in the Washington Post. However, many tough questions still remain. Ms. Gorelick highlighted why her testimony is so crucial, if not critical, to understanding why our government failed in detecting these attacks.

At the closing of her editorial, Ms. Gorelick says she made all relevant opinions and briefs available to the Commission. However, the Commission would not accept this reply from National Security Director Condoleezza Rice, and they most definitely should not accept this excuse from one of their own members.

Now, I am not in a position right now to judge the validity of these competing claims. Most of us are not in a position to say whether Attorney General Ashcroft is right or wrong. I do not know if, in fact, Ms. Gorelick's policies prevented us from catching the terrorists. I do not know if the current administration could have done more to tear down this wall. But I do know that we need to have, and Americans deserve, the full and complete answer to these questions.

Never mind that resolving the dispute between Attorney General Ashcroft and Commissioner Gorelick is the essence of this Commission's charge. Never mind that Condoleezza Rice was subject to intense criticism for refusing to testify under oath, which, by the way, she finally did. Never mind the fact that Dr. Kissinger was widely criticized and stepped down for far less of an appearance of conflict of interest than Ms. Gorelick has. Never mind that the Gorelick memo is the biggest news out of the hearings thus far. And, obviously, we must keep in mind the glaring self-interests of this Commissioner.

We believe that the Commission's charge is that all witnesses with essential information, particularly with the ability to clarify policies, must testify. Why is Ms. Gorelick above the standard? The American people, the victims' families and the Commission have a right to hear from Ms. Gorelick in public under oath.

□ 1945

Simple logic tells us that simply recusing herself from her activities will not suffice. Ms. Gorelick must step down.

She must submit her actions and the actions of her Justice Department to the same scrutiny that Dr. Rice and the current administration faces.

How can she claim impartial judgment on policies she so obviously disagrees with?

How can she comment on the failings of our intelligence and law enforcement communities if her policies actually influence those failings?

In short, how can she be on both sides of the witness table?

We created this commission to assess our weaknesses and to make recommendations. To that end, we need to continue the tough, honest questionings that have been the hallmark of these hearings. If Ms. Gorelick refuses to step aside and submit herself under oath to questioning, then the outcome of this commission must be looked at in an entirely different and very tainted light.

We would have to ask ourselves what we do not know from what now seems to be destined to be an incomplete record. Knowing what we know about Ms. Gorelick's policies, we must demand she answer for them if only to clear up the charges brought by Attorney General Ashcroft that her policies were to blame.

There are many questions to be answered. And obviously Ms. Gorelick must step down and testify under oath.

THE FAILED ECONOMIC POLICIES OF THIS ADMINISTRATION

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

Mr. EMANUEL. Mr. Speaker, prior to our recess, the House voted on a $2.3 trillion budget with a $521 billion deficit, showing that it is impossible to finance three wars with three tax cuts.

This budget, the budget by the President and Republican majority, repeats the same mistakes that have resulted in a jobless economy and a health care and wage recession with the lowest growth in wages in the period of economic growth in the last 30 years.

We have 2.5 million Americans that have lost their jobs in the last 3 years, 43 million Americans without health care, 2 million Americans who were once in the middle class and now in poverty, 1.6 percent job wage growth in the areas of salaries, and $1 trillion in corporate and individual foreclosures and bankruptcies. That is the economic record of this administration as embodied by the budget the President submitted.

During the 2000 Presidential election, President Bush declared that he was opposed to nation-building. Who knew it was America he was talking about when he said he was opposed to nation-building. This budget and the President's economic vision is really a tale of two budgets. We look at his vision for the United States, and we look at his vision for Iraq. We spent more than $100 billion in Iraq on the occupation, but without promising the same promise and same future here at home to the American people.

I am not opposed to rebuilding in Iraq, but I am opposed to making the investments at home while we are making the same investments in Iraq.

Let us take a look at it. Today we provide universal health care coverage in Iraq as one of our goals. 44 million Americans are without health insurance; 33 million Americans work full time with no health care.

There is universal job training in Iraq, and yet in the President's own budget we have cut back on the funds for job training. In health, 2,200 Iraqis health professionals and 8,000 volunteers are receiving free training. In

America, health training funds in the President's budget were cut by 64 percent. 150 clinics and hospitals have been rebuilt to serve 3 million Iraqis, and yet in America community health care clinics are cut by 91 percent in the President's budget.

Under veterans, $60 million has been spent to train Iraqi veterans of past wars, but we are cutting veterans medical care here in the United States by $257 million.

In the area of education, we have built or rebuilt 2,300 schools in Iraq, but Leave No Child Behind is underfunded by $8 billion in the President's budget.

Iraqi universities are getting $20 million for higher ed partnerships; but in America, the Pell grant has been frozen for 3 years while the cost for education has gone up 10 percent.

The area of law enforcement, $500 million to train the Iraqi police, yet the COPS program in the United States under the President's budget was cut by $659 million.

In the area of public housing, $470 million is being spent for Iraqi public housing; yet here in the United States, $791 million is cut from section 8 vouchers.

In the environment, we are paying $3.6 billion for clean water and sewage systems in Iraq; and in America, under the President's budget, we cut $500 million from the clean water for safe drinking water here in the United States.

In the area of infrastructure, the port of Umm Qasar was completely rebuilt in Iraq, yet the Corps of Engineers budget under the President's budget was cut by 10 percent.

Roads, we spent $240 million on roads and bridges in Iraq. Here at home, the President has a veto threat on our highway and mass transit programs.

As President Bush seeks reelection, he can say he kept his commitment against nation-building. The problem is his opposition to nation-building is here at home. With this budget, the administration, the President is telling the American people that they have two priorities, two sets of values, two sets of books: one for the Iraqi people and one for the American people. And yet those are the wrong values.

The American people are the most generous people in the world. They are willing to commit to Iraq's future, one of a better tomorrow, but not at the expense that comes at the expense of America's tomorrow; not that comes at the expense of America's children.

America can no longer be so generous around the world if the future that we hold for the American people is less than the one we are promising in Iraq.

Mr. Speaker, the same values that we hold for Iraq we must pledge for all Americans.

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

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

THE PRESIDENT'S INATTENTION TO MANUFACTURING AND THE ECONOMY

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. Mr. Speaker, a week ago this evening right around this time, President Bush held his third news conference in 3 years during prime time for the American people to examine his record and for them to watch the President answer for some of his policies, good and bad.

The President, if you recall watching that news conference, was asked by a reporter if he would outline what his largest mistake or one of his biggest mistakes was as President. And the President literally could not think of a mistake that he had made.

Well, tonight the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Massachusetts (Mr. TIERNEY), and I are going to help the President a little bit, not to make the President look bad, that is not really our mission, but to help the President help the Nation understand what some of those mistakes are by pointing them out, perhaps forcing the President to think a little more about them, because I do not think he has given a lot of thought to his mistakes and some of the wrong directions and wrong courses that he has taken the country and ultimately to learn from those mistakes and then to correct those mistakes.

I was speaking with the gentleman from Illinois (Mr. EMANUEL) a moment ago. He said when he was a child he was taught over and over, and probably everybody in this Chamber has been taught, that one of the first things you do is you learn from your mistakes. But obviously you need to recognize those mistakes.

This chart here tonight just gives an idea of some of the issues that the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Massachusetts (Mr. TIERNEY) and I and others this week will discuss about some of the President's mistakes with weapons of mass destruction, with Medicare, and veterans, tax cuts with small business, with manufacturing, with Head Start, the energy bill, flip-flopping on a whole host of issues, the environment, and many others that we will get to later.

But I want to talk tonight about the President's inattention to manufacturing and to the economy. And to me, I do not think there is a person watching when the President kind of stood back almost in shock and said I just cannot think of any mistakes. I just cannot think of any mistakes.

I think almost every American thought about our economy, how there are schools in decline, in part because of Federal inaction and Federal wrong action, about the environment, about the job situation, about their communities. And tonight I want to point out that the President's largest mistake on the economy may have been embodied in this economic report of the President, something that the President's chief economic advisor put out not too long ago signed by the President on page 4.

In this economic report, the President and his chief economic adviser kind of trumpet their success in the economy. They say we predicted 2.6 million jobs would be created this year, even though they have already lost 3 million jobs.

Then the President's chief economic adviser, and probably his largest mistake in showing how he really has not thought about this, the President's economic adviser trumpeted outsourcing, saying that outsourcing, our losing jobs to other countries, whether they are blue collar manufacturing jobs, they are steel and auto machine tools, chemicals, whatever, or whether they are white collar jobs, maybe phone operators, maybe computer programmers, maybe even radiologists as we have outsourced those jobs, the President's chief economic adviser said outsourcing is just a new way of doing international trade. More things are tradeable than were in the past, and that is a good thing.

Secretary Snow, the President's appointee as the Secretary of the Treasury, said outsourcing is part of trade. It is one aspect of trade, and there cannot be any doubt about the fact that trade makes the economy stronger.

It is hard for me to think that the American people when they hear George Bush say I cannot think of a mistake I made, that they do not think about the lost manufacturing jobs in this country.

My State of Ohio, we have lost 2,000 manufacturing jobs in my State every week. We have lost more than 200 jobs every single day in manufacturing in the Bush administration. One out of six manufacturing jobs in Ohio, not temporary layoffs, those jobs have gone to China, those jobs have gone to Mexico, those jobs have disappeared.

The President's answer, when he does reflect on his mistakes, when he does reflect on the economy, he has had two answers. He said we need to do more tax cuts for the most privileged, trickle down economics, hoping that will perhaps create some jobs in the country. It clearly has not. We have lost 3 million jobs in the United States. His other answer is outsourcing. His other answer is more trade agreements, more NAFTA-like trade agreements that ship jobs overseas, that hemorrhage jobs to China, that hemorrhage jobs to Mexico, that send our good-paying industrial jobs abroad.

And as we tonight, as the gentleman from Massachusetts (Mr. TIERNEY) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentlewoman

from California (Ms. WOOLSEY) tomorrow night and many of us try to help the President through this, remind him of the mistakes that he has made, we also have an obligation to talk about what we should do. And what we should do with this economy, we can talk about these mistakes, but what we should do is we should first of all extend unemployment compensation, second we should pass the Crane-Rangel bill, which gives incentives for those corporations that actually produce manufacturing jobs in the United States instead of rewarding those companies that ship jobs overseas.

The President's mistakes can be fixed. We need to fix them by doing some of the things I just talked about.

PRESIDENT BUSH'S MISTAKES

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

Ms. SCHAKOWSKY. Mr. Speaker, if and when the President has another prime time press conference, and if the President is asked again to consider the mistakes that he has made, I have a suggestion: he might mention the thousands of soldiers in Iraq who have and are now risking their lives without appropriate body armor and other life-saving equipment.

We are finding out now that the President and his advisers and Cabinet were thinking about this war in Iraq for a very long time. And yet here is an AP story from March 26 of this year. It says soldiers headed for Iraq are still buying their own body armor. In many cases their families are buying it for them despite assurances from the military that the gear will be in hand before they are in harm's way.

Last October, last October, that is 8 months after the war started, it was reported that nearly one quarter of American troops serving in Iraq did not have ceramic-plated body armor which can stop bullets fired from assault rifles and shrapnel.

□ 2000

The military says the shortfall is over and soldiers who do not yet have the armor soon will.

''Nancy Durst,'' I am still quoting from the AP story, ''recently learned that her husband, a soldier with an Army Reserve unit from Maine serving in Iraq, spent 4 months without body armor. She said she would have bought armor for her husband had vests not been cycled into his unit. Even if her husband now has body armor, Durst says she is angry he was without it at any time.'' Her husband also told her that reservists have not been given the same equipment as Active Duty soldiers. ''They are so sick and tired of being treated as second-class soldiers,'' she said.

That is from the AP story. No wonder she is mad about it. This armor costs about $1,500. And I hope the President will support legislation that will reimburse the soldiers and families for this expense. Clearly this was a mistake. And so if asked about a mistake, the President could not only say that it was a mistake, but maybe he would like to support H.R. 3615. The gentleman from Connecticut (Mr. LARSON) has a bill that would reimburse the families for the expense of buying their own body armor.

According to the Enlisted Association of the National Guard, as of November 30, 2003, the Army National Guard lacked $11 billion of the $40 billion in military equipment and training it needed to go to war. Among the missing crucial equipment components were nearly 11,000 Humvees, 20,000 radios, 156,000 night vision goggles and 148 Black Hawk helicopters that are required to meet modernization requirements.

That seems to me to be a mistake. Our troops were not properly equipped. Currently we are told that every member of the National Guard is being provided with body armor once they are in Iraq, but many of the soldiers are not even given an opportunity to train with the modern equipment before deployment.

On November 2, 2003, an Illinois National Guard Chinook helicopter was downed. This helicopter was not equipped with the latest automatic antimissile blocking system. I met the aunt of one of the soldiers who went down in that Chinook, who died because of that accident. I think she would like to tell the President that was a mistake, the cost of life of her nephew.

We know that soldiers coming home on R and R were being asked to pay to get to their homes once they came to the United States. Now, that was a mistake. The President could say that that was fixed, but is he going to support legislation introduced by the gentleman from Minnesota (Mr. RAMSTAD) to reimburse the families for their travel?

How about the fact that soldiers, wounded soldiers in the hospital, were being charged every day for their food? Well, we have corrected that, thank goodness, but that is something that the President might think about as a mistake that was clearly made and affected our troops.

Now for the latest report that I heard of from my State of Illinois. This was on CBS local news today, I believe. The 333rd Military Police Unit in Freeport, which just had their tour in Iraq extended, may not be adequately supplied for battle. That is because everything they owned was shipped back home. The 333rd is presently sitting on the Kuwaiti border awaiting orders, but they have since surrendered their equipment such as radios and armored vehicles to the troops who replaced them. But now since the 333rd is going to remain in Iraq, they are without any supplies. Even their personal belongings were sent home, including spare uniforms, boots and toiletries. The soldiers only have what they are wearing and are being forced to purchase new uniforms and some equipment out of their own pockets. Military families have been receiving their soldiers' footlockers the past few days and are now frantically repacking boxes and sending all of this gear back at their own expense. This has angered families who did not believe the military thought this redeployment through.

Let me just say that the DOD has responded to these families, saying that they are looking into whether they will be reimbursed for sending equipment back.

A few mistakes. I will forward this to the President. Maybe he would like to use it at his next press conference.

The SPEAKER pro tempore (Mr. ROGERS of Alabama). 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 gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

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

UNHAPPY EARTH DAY FOR EPA

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

Mr. TIERNEY. Mr. Speaker, I rise to mention another mistake that President Bush has made: His mistake in forgetting that protecting our environment is a bipartisan effort that for 30 years has put people over polluters and public health over profits.

President Bush forgot that both Earth Day and the Environmental Protection Agency were born in 1970, created from the bipartisan resolve to clean up and protect our environment. As we prepare to mark Earth Day on April 22, the unhappy consequences of the President's mistakes are clear. The Bush administration is undermining EPA's years of hard-won achievements in carrying out and enforcing our Nation's bipartisan environmental laws.

EPA's mission is to protect human health and safeguard the natural environment, air, water and land. The Bush administration is retreating from EPA's mission and instead making politically driven decisions that benefit polluters at the expense of the American public. At a time when we should be strengthening our environmental protections, the Bush administration has taken steps to weaken our environmental protections and the enforcement of our existing environmental laws.

Rolling back bipartisan environmental protection is President Bush's mistake, but it is not an accident. There is a deliberate, systematic three-step plan from this administration.

Step one is to try to pass weak environmental legislation. Step two is to seek to weaken Agency regulations. And if all else fails, step three is to cut the enforcement budget to disable Agency compliance efforts.

A quick review of the administration's failures to clean up air pollution highlight the trends. EPA should be taking action to clean up mercury pollution from power plants, but the Bush administration has failed to take that action. Mercury pollution has poisoned the fish in millions of acres of our lakes and thousands of miles of our streams. And according to EPA scientists, approximately 630,000 infants are born in the United States each year with blood mercury levels at an unsafe level.

As required by the Clean Air Act in December of 2000, EPA determined that it was appropriate and necessary to regulate mercury emissions from power plants, the single largest source of mercury in the United States. But in December of 2003, when the Bush administration's EPA released its proposal for controlling mercury, it was shockingly inadequate. The Clean Air Act requires a much larger reduction in mercury pollution in much less time than the Bush EPA proposal.

Tellingly the Bush proposal is exactly what the power industry wanted. In fact, parts of the administration's mercury proposal were literally copied from memos prepared by industry lobbyists. Last month's Los Angeles Times article revealed that EPA staff were not told to perform studies on the costs and public health benefits of more stringent mercury reduction proposals, even though such studies were requested by the expert panel tasked with recommending an appropriate regulation. Also shocking is that the White House apparently made considerable changes to the EPA's mercury proposal before its release, minimizing the health risk of mercury exposure.

In addition, the Bush administration has failed to require power plants to install modern pollution controls. In August 2003, the Bush EPA finalized a rule that significantly weakens the Clean Air Act by allowing thousands of old power plants to make upgrades to their plants without installing pollution controls. If EPA's rule stands up to current legal challenges, these power plants and factories will be allowed to continue to pollute the air with no responsibility for the resulting damage to the American people. According to technical studies using EPA models, the result will be at least 4,300 premature deaths and at least 80,000 asthma attacks each year that could otherwise be prevented by simply requiring modern pollution controls.

EPA should be taking action to address global warming, but the Bush administration has refused to address this important issue. A report by the U.S. National Research Council commissioned by the Bush administration confirmed that greenhouse gases are increasing the temperatures of the Earth's air and oceans primarily caused by human activity. There is overwhelming evidence that greenhouse gases must be reduced in order to slow global warming, yet in March 2001, the Bush administration refused to take any responsibility for reducing global warming when it rejected the Kyoto Protocol.

The administration then announced last summer that EPA does not have the authority to regulate carbon dioxide and other greenhouse gases, reversing a Bush campaign promise and a legal opinion issued by the EPA general counsel under the Clinton administration. Rather than taking real action, the Bush administration's answer to air pollution has been to introduce the so-called Clear Skies Initiative, which environmental experts say would actually result in weaker standards for controlling pollution from power plants than existing laws being enforced.

The administration's failure to enforce environmental law extends beyond the Clean Air Act. The EPA's own research shows that polluters are egregiously violating the Clean Water Act. According to EPA data, 60 percent of large facilities across the country exceeded their Clean Water Act permit at least once between January of 2002 and June of 2003. Large facilities that exceed their permits are dumping on average six times more pollution into our waterways than they are allowed. In spite of these facts, EPA's enforcements of the Clean Water Act are declining.

Mr. Speaker, we must take action to clean up our air and water pollution and reduce greenhouse gas emissions. The EPA must be empowered and provided the resources to carry out its mission. And this is one mistake that the Bush administration must correct, if not for ourselves, but for future generations who deserve the opportunity to look back on Earth Day 2004 from the perspective of a cleaner and stronger environment.

Both Earth Day and the Environmental Protection Agency (EPA) were born in 1970, created from the need to clean up and protect our environment. While Earth Day draws public awareness, EPA is the federal agency ultimately responsible for the day-to-day protection of our environment. On this Earth Day, I think it fitting to examine the way the Bush Administration is undermining EPA's years of hard-won achievements in carrying out and enforcing our nation's bipartisan environmental laws.

EPA's mission is to, "protect human health and safeguard the natural environment-air, water, and land . . ." The Bush Administration is retreating from EPA's mission and instead making politically driven decisions that benefit polluters at the expense of the American public. At a time when we should be strengthening our environmental protections, the Bush Administration has taken steps to weaken our environmental protections and the enforcement of our existing environmental laws.

There seems to be a three-step plan from this Administration: try to pass weak environmental legislation, seek to weaken agency regulations and if all else fails, cut the enforcement budget to disable agency compliance efforts.

A quick review of the Administration's failure to clean up air pollution highlights the trend.

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Tellingly, this proposal is exactly what the power industry wanted. In fact, parts of the Administration's mercury proposal were literally copied from memos prepared by industry lobbyists. Last month's Los Angeles Times article revealed that EPA staff were told not to perform studies on the costs and public health benefits of more stringent mercury reduction proposals even though such studies were requested by the expert panel tasked with recommending an appropriate regulation. Also shocking is that the White House apparently made considerable changes to EPA's mercury proposal before its release, minimizing the health risks of mercury exposure.

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EPA should be taking action to address global warming but the Bush Administration has refused to address this important issue. A report by the U.S. National Research Council, commissioned by the Bush Administration, confirmed that greenhouse gases are increasing the temperatures of the earth's air and oceans, primarily caused by human activity. There is overwhelming evidence that greenhouse gases must be reduced in order to slow global warming.

Yet, in March 2001, the Bush Administration refused to take any responsibility for reducing global warming when it rejected the Kyoto Protocol. The Administration then announced

last summer that EPA does not have the authority to regulate carbon dioxide and other greenhouse gases, reversing a Bush campaign promise and a legal opinion issued by the EPA General Counsel under the Clinton Administration.

Rather than taking real action, the Bush Administration's answer to air pollution has been to introduce its so-called ''Clear Skies'' initiative, which environmental experts say would actually result in weaker standards for controlling pollution from power plants than fully enforcing existing law.

Bruce Buckheit, former Director of EPA's Air Enforcement Division, states he is, ''deeply troubled by the current state of federal environmental enforcement,'' and noted the program is now ''on life support.''

''Commencing with the creation of the Office of Enforcement and Compliance in 1994 and accelerating in the 1996–2000 timeframe,'' Mr. Buckheit said, ''EPA was building a robust enforcement program that targeted and prosecuted the most serious environmental scofflaws. . . . These violations involved significant unlawful emissions with identifiable adverse health impacts. Appropriate resolution of these violations would result in a reduction in national pollution levels—not by a few tons—but by several million tons per year and save thousands of lives each year.''

''We were embarked on a vigorous program that was beginning to show results,'' Mr. Buckheit said. ''Within 90 days of the departure of the prior Administration, the Bush Administration began transmitting a clear message to industry that there was a new Sheriff in town—a Sheriff that did not intend to prosecute these kinds of cases.''

The Administration's failure to enforce environmental laws extends beyond the Clean Air Act. EPA's own research shows that polluters are egregiously violating the Clean Water Act. According to EPA data, 60 percent of large facilities across the country exceeded their Clean Water Act permit at least once between January of 2002 and June of 2003. Large facilities that exceed their permits are dumping, on average, six times more pollution into our waterways than what they are allowed. In spite of these facts, EPA's enforcement of the Clean Water Act is declining.

For fiscal year 2005, the Administration proposes cutting EPA's overall budget by $606 million. This will result in over 2,600 fewer inspections for violations of the Clean Air Act, Clean Water Act, and other environmental laws than were conducted in fiscal year 2000.

I commend EPA's dedicated professionals who have, through hard work, made significant progress in cleaning up air and water pollution. Unfortunately, I believe the Bush Administration is undermining the ability of EPA staff to do their jobs effectively. As Mr. Buckheit notes,EPA employees are ready and willing to enforce the law but ''the White House will not tolerate more than tokenism when it comes to environmental law enforcement.''

The Bush Administration continues to put the interests of polluters first, undercutting EPA's tools for protecting our air, water, and land. The federal government owes a responsibility to all Americans to strengthen, not weaken, our environment. We must take action to clean up air and water pollution and reduce greenhouse gas emissions. EPA must be empowered—and provided the resources—to carry out is mission. Future generation deserve the opportunity to look back at Earth Day 2004 from the perspective of a cleaner and stronger environment.

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

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

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through April 9, 2004.

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

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

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

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

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

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95

[Reflecting action completed as of April 9, 2004—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2004	2004–2008
Appropriate Level:		
Budget Authority	1,880,555	(1)
Outlays	1,903,502	(1)
Revenues	1,325,452	8,168,933
Current Level:		
Budget Authority	1,877,536	(1)
Outlays	1,895,542	(1)
Revenues	1,334,119	8,383,689
Current Level over (+)/under (−) Appropriate level:		
Budget authority	−3,019	(1)
Outlays	−7,954	(1)
Revenues	8,667	214,756

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

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $3,019,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $7,954,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $8,667,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of $214,756,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF APRIL 9, 2004

[Fiscal years, in millions of dollars]

	2004		2004–2008 Total		2004–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Armed Services:						
Allocation	70	34	70	70	(1)	(1)
Current Level	3,818	354	15,168	12,755	(1)	(1)
Difference	3,748	320	15,098	12,685	(1)	(1)
Education and the Workforce:						
Allocation	39	47	201	245	(1)	(1)
Current Level	15	14	332	332	(1)	(1)
Difference	−24	−33	131	87	(1)	(1)
Energy and Commerce:						
Allocation	−170	−170	439	439	(1)	(1)
Current Level	2,202	963	3,451	3,567	(1)	(1)
Difference	2,372	1,133	3,012	3,128	(1)	(1)
Financial Services:						
Allocation	0	375	0	1,250	(1)	(1)
Current Level	−1	−1	−2	−2	(1)	(1)
Difference	−1	−376	−2	−1,252	(1)	(1)
Government Reform:						
Allocation	−1	0	−3	−1	(1)	(1)
Current Level	2	2	24	24	(1)	(1)
Difference	3	2	27	25	(1)	(1)
House Administration:						
Allocation	0	0	0	0	(1)	(1)
Current Level	1	1	3	3	(1)	(1)
Difference	1	1	3	3	(1)	(1)
International Relations:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Judiciary:						
Allocation	19	19	95	95	(1)	(1)
Current Level	13	13	83	83	(1)	(1)
Difference	−6	−6	−12	−12	(1)	(1)
Resources:						
Allocation	24	24	522	342	(1)	(1)
Current Level	28	28	165	165	(1)	(1)
Difference	4	4	−357	−177	(1)	(1)
Science:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Small Business:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Transportation and Infrastructure:						
Allocation	9,256	0	41,134	0	(1)	(1)
Current Level	7,753	−2	8,788	−126	(1)	(1)
Difference	−1,503	−2	−32,346	−126	(1)	(1)
Veterans' Affairs						
Allocation	0	0	0	0	(1)	(1)
Current Level	−77	−77	−1	−1	(1)	(1)
Difference	−77	−77	−1	−1	(1)	(1)
Ways and Means:						
Allocation	20,626	20,054	24,079	23,876	(1)	(1)
Current Level	18,771	18,703	23,503	23,538	(1)	(1)
Difference	−1,855	−1,351	−576	−338	(1)	(1)
Medicare:						
Allocation	0	0	(1)	(1)	0	0
Current Level	4,100	3,100	(1)	(1)	392,000	392,000
Difference	4,100	3,100	(1)	(1)	392,000	392,000

[1] Nonapplicable.

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

[In millions of dollars]

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

Statement of FY2005 advance appropriations under section 501 of H. Con. Res. 95, reflecting action completed as of April 9, 2004

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Homeland Security Subcommittee:	
Bioshield[1]	2,528
Interior Subcommittee	
Elk Hills	36
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	2,463
Education for Disadvantaged	7,383
School Improvement	1,435

	Budget authority
Children and Family Services (head start)	1,400
Special Education	5,413
Vocational and Adult Education	791
Transportation and Treasury Subcommittee:	
Payment to Postal Service	37
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	4,200
Total	25,686
Current Level over (+) / under (−) Appropriate Level	2,528

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 2004.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through April 9, 2004. This report submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the Emergency Wartime Supplemental Appropriations Act, 2003, and the Jobs and Growth Tax Relief Reconciliation Act of 2003. These revisions are authorized by sections 421 and 507 of H. Con. Res. 95, respectively.

Since my last letter, dated February 12, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Surface Transportation Extension Act of 2004 (Public Law 108–202);

The Social Security Protection Act of 2004 (Public Law 108–203);

The Welfare Reform Extension Act of 2004 (Public Law 108–210);

An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (Public Law 108–211); and

The Pension Funding Equity Act of 2004 (Public Law 108–213).

In addition, the Congress has cleared the following legislation for the President's signature:

An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057).

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF APRIL 9, 2004

[in millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation	1,120,639	1,081,373	n.a.
Appropriation legislation [1]	1,145,398	1,178,431	n.a.
Offsetting receipts	−368,484	−368,484	n.a.
Total, enacted in previous sessions:	1,897,533	1,891,320	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	58	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
Total, enacted this session:	2,126	749	3,363
Passed, pending signature:			
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057)	13	7	0
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−22,156	3,472	n.a.
Total Current Level [1, 2]	1,877,536	1,895,548	1,334,119
Total Budget Resolution	1,880,555	1,903,502	1,325,452
Current Level Over Budget Resolution	n.a.	n.a.	8,667
Current Level Under Budget Resolution	3,019	7,954	n.a.
Memorandum:			
Revenues, 2004–2008:			
House Current Level	n.a.	n.a.	8,383,689
House Budget Resolution	n.a.	n.a.	8,168,933
Current Level Over Budget Resolution	n.a.	n.a.	214,756

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes budget authority of $86,004 and outlays of $38,056 from previously enacted bills.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

MISLEADING AMERICA

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

Mr. MEEHAN. Mr. Speaker, I rise tonight to express my concern that the administration has misled Congress and the American public on the most pressing issues we are facing here at home and abroad. It is time that the administration was truthful to the American public about the cost of the war in Iraq.

Last week President Bush said in his address to the Nation that the administration is constantly reviewing the needs of our troops and will provide whatever additional resources are needed. Yet this is the same administration that sent our troops to war without adequate body armor, antijamming devices or armored Humvees. Our troops in the theater did not even have enough body armor and protective SAPI plates until January of 2004.

As of today less than 50 percent of the 12,800 armored Humvees that we need in Iraq and Afghanistan are equipped with reinforced doors and windows. This is in part because the $87 billion supplemental for the Iraq war that Congress passed last November included only $239 million to up-armor Humvees, far short of what is needed.

I supported a substitute version proposed by the gentleman from Wisconsin (Mr. OBEY) that would have provided $3 billion to reinforce Humvees and other unarmored vehicles used by our forces. Unfortunately, the Republican leadership refused to allow the House a vote to consider the Obey proposal. Is it not ironic that anyone who did not vote for this $87 billion package, they say, you are against anything for the troops, when it truth they orchestrated the vote so those of us who want to provide more funding for the troops to provide them with the up-armored Humvees were not allowed a vote. Clearly the funding for upgrades to the Humvees and other force protection initiatives have been inadequate.

On March 18, 2004, the Defense Department formally requested Congress to shift $190 million previously allocated to other uses to cover the cost of armoring Humvees for fiscal year 2004. According to the defense expert Michael O'Hanlon at the Brookings Institution, simply maintaining current troops levels beyond June could add nearly $4 billion in unfunded costs through the end of this year. Yet President Bush's $521 billion defense budget for fiscal year 2005 includes no money, no money for military operations in Iraq or Afghanistan.

In fact, there are $12 billion worth of unfunded requirements for the military, including nearly $2 billion of important force protection initiatives. And the administration says it will wait until next year to request a new supplemental, which could amount to over $50 billion. The question is, why did not they not include this in their regular fiscal 2005 defense budget?

I think the American people deserve answers. The American people also deserve answers about urgent health problems here at home, health care and the rising costs of prescription drugs. The American people deserve to know the truth about the new Medicare prescription bill law. I have been having town meetings throughout my district with seniors, and they are outraged at the new Medicare law because it falls far short of what they expected, of what they need, and what they deserve.

The new law does nothing to reduce the cost of drugs, and it actually raises costs for seniors with less than $5,000 a year in prescriptions.

□ 2015

It jeopardizes existing health benefits for retirees. The new Medicare prescription drug law was a huge victory for the pharmaceutical industry because it fails to require the government to negotiate drug prices on behalf of seniors, and it continues to make reimportation illegal.

Seniors are still prohibited from ordering prescription drugs from Canada at a fraction of the cost for those same drugs here in the United States. In the last 9 months, Springfield, Massachusetts, has already saved $2 million by buying prescription drugs from Canada for their city's employees and retirees.

So instead of working to improve the Medicare prescription drug bill, we recently learned that the administration has chosen to hide the truth that the Medicare law would cost $139 billion more than the Congressional Budget Office's prediction. We need to work together to pass a prescription drug law that will allow Medicare to negotiate lower drug costs on behalf of America's seniors, that will allow Americans to pay lower costs for drugs in Canada.

I have to tell my colleagues, whether I am talking to seniors who are Republicans, seniors who are Democrats, or seniors who are Independents, they do not get it. They understand that if you do not buy prescription drugs for all the 40 million recipients of Medicare, then it is probably not going to be a good deal for seniors; and they want this bill changed.

EARTH DAY

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

Mr. BLUMENAUER. Mr. Speaker, with the approach this week of Earth Day, that will soon be followed by a flood of American planners coming into our city for their annual conference, I think it is an appropriate time for us to step back and think about what the Federal Government can do to make a difference for our environment.

With the help of those people who are involved with the planning community looking in the long term, there are a number of things we can do that are simple, commonsense, that will make our communities more livable, enhance the environment and, at the same time, create real value for American families.

The most important single step that we could undertake would be just for the Federal Government to model the behavior that we expect from the rest of America, whether it is local government, business, or individuals.

A simple proposition: let us have the Federal Government clean up after itself. In just one area, that of the Department of Defense, we do not know how many millions of acres are polluted with military toxins and unexploded ordnance. The estimates range from 10 million acres to 50 million acres or more; and at the rate we are going, it is going to take us hundreds of years to meet the Federal Government's obligation to clean up these messes; and at the rate we are going, frankly, we are creating more problems than we are cleaning up.

At a time when we are contemplating this next year giving the Department of Defense over $1 million a minute, it would seem to be a simple environmental expedient to give the men and women in uniform the tools to be able to do what they are equipped to do and what they want to do, which is leave the environment better than they found it. As the largest manager of infrastructure in the world, as the largest creator of Superfund sites in the United States, it would seem only right.

I have been profoundly impressed by the ability of men and women in the armed services to identify these problems; and when given the tools and the resources, they can solve any problem. Look what has happened in Iraq in terms of moving forward. I think our only problem there is we have not given the right tools and the right instruction, placing them in harm's way. We do not have to do that in the battle to clean up after the environment.

There is another simple step that can be taken and that is just for the Federal Government to be more environmentally sensitive to the way that it locates and manages its facilities, whether it is the post office which ought to obey local land use laws and zoning codes or it is the General Services Administration with over 300 million square feet of office scattered across the country. If the Federal Government, as the largest landlord, landowner and employer in the country, models best practices, the environments in our communities, large and small, would be better.

We have before us, pending final resolution, a transportation bill that has passed both the House and the Senate, albeit at different levels; and sadly, there were a few items that got shoehorned into the transportation bill at the last minute in the House, a few bridges to nowhere, so to speak; but the vast majority of that legislation provides an important environmental framework for protecting land, for repairing crumbling infrastructure, to be able to strengthen communities and put thousands and thousands of people to work by Labor Day in every State across the country.

When it comes to energy, we are watching in our service stations every day it seems like that prices are going higher, $2, $2.25 a gallon. The American public understands that simple, commonsense, fuel efficiency improvements that have been mandated in the past, that this Congress and administration have refused to embrace for the future, would make a huge difference. Simply improving our fuel efficiency to the same level as American companies are doing to compete in the European market would enable us to save more gasoline than we would recover from the arctic wildlife refuge which most Americans know is the last place we ought to be drilling, rather than the first.

I would hope, Mr. Speaker, that Congress, in the weeks ahead, would focus on simple, commonsense steps to improve the environment. That is the single most important thing we can do to keep our commitments to Americans on Earth Day, making our communities more livable, our families safer, healthier, and more economically secure.

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

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

DOSAN AHN CHANG HO POST OFFICE

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

Ms. WATSON. Mr. Speaker, H.R. 1822 would designate that a United States Post Office in the Koreatown section of my district would be renamed the ''Dosan Ahn Chang Ho Post Office.''

Los Angeles is the home to the largest Korean American population in the country. In fact, more people of Korean heritage live and work in Los Angeles than any place outside of Korea. LA's Koreatown neighborhood is the epicenter of that community, and the economic and cultural wealth of this area are testaments to the achievements of Korean Americans.

It is fitting to mark these achievements by naming this post office after

a man who is possibly the most celebrated Korean American of them all. Ahn Chang Ho, often known by the name of Dosan or Iron Mountain, is credited by many as being the spiritual father of modern, independent and democratic Korea. His vision is what guides the Korean people to this day, first to free themselves from foreign occupation and now to unite Koreans in one unified, peaceful, and democratic nation.

Today, Korean Americans honor Dosan Ahn Chang Ho for his contributions to the Korean nation, but all Americans can take pride in the fact that much of Dosan's vision of Korean democracy was formed by his encounters with American democracy.

Ahn Chang Ho came to the United States in 1902 and stayed more than a decade. During this time, he worked tirelessly to unite the Korean community, founding schools and cultural organizations and helping to improve living and working conditions for his fellow Korean Americans; and along the way, he emerged as the spiritual leader of the Korean independence movement.

Dosan was not the only advocate for Korean independence at that time, but Dosan's values and approach were what set him apart. He was concerned not just with the means of achieving independence, but in educating Koreans in democratic governance and civic virtue, to ensure that independence would endure.

I am proud that I sponsored this bill on behalf of the Korean American community in my district. Dosan Ahn Chang Ho is not only a symbol of Korean success in America. He is also a symbol of the shared experience and shared democratic values of all Koreans and all Americans.

SMART SECURITY

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

Ms. WOOLSEY. Mr. Speaker, I rise today to offer a new SMART approach to national security, an approach that emphasizes brains instead of brawn, one that is consistent with American values.

Talk about mistakes. It has been 1 year since the President of the United States, without just cause, or, in fact, being provoked, invaded Iraq. Hundreds of Americans have given their lives for this war, not to mention the thousands wounded, the billions of dollars spent, and the international goodwill squandered.

We were told that this war was necessary to keep us safe. We were told Saddam Hussein had the world's most dangerous weapons aimed at American cities. Now even the President makes tacky jokes about looking for the missing weapons of mass destruction under his sofa.

We were told by the administration that Saddam was in cahoots with al Qaeda. Now Richard Clark tells us that invading Iraq in response to 9/11 was as senseless as it would have been if FDR had attacked Mexico in response to Pearl Harbor.

The President's national security policy is not just immoral. It is incompetent. There has to be a better way and there is.

I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism, and it has five major components.

In the first section, we address preventing future acts of terrorism. SMART security is more vigilant than the President on fighting terror; but instead of military force, SMART emphasizes multilateral partnerships and stronger intelligence capabilities to track and detain terrorists.

Second, we need to stop the spread of weapons of mass destruction; and we can do it with aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and vigorous inspection regimes.

Third, we must address terrorism's root causes. The first front in the war on terror has to be confronting the despair and deprivation that foster it. That is why SMART security includes an ambitious international development agenda: democracy-building, human rights education, and sustainable development and education for women and girls in oppressive nations. Instead of troops, let's send scientists, teachers, urban planners, agricultural experts, and small business loans to troubled parts of the world.

Fourth, let us rethink our budget priorities. We need stronger investments in peacekeeping and reconstruction, less spending on missile defense and outdated Cold War systems, a more serious financial commitment to homeland security and first responders, and a real strategy for energy independence, especially support for the development of renewable energy sources, because nothing threatens national security more than reliance on Middle Eastern oil.

Fifth, and the final section of the SMART security platform, stresses that the United States must pursue to the fullest extent alternatives to war. SMART security calls for prevention over preemption. War should be the very last resort to be considered, only after every single diplomatic solution has been exhausted.

The SMART legislation promotes more effective conflict assessment in early warning systems, multilateral rapid response mechanisms, human rights monitoring, civilian policing, and investments in civil society programs and fair judicial systems.

□ 2030

Keeping Americans safe must be the Federal Government's most urgent priority. On that point, the President and I agree. But his mistake is in equating security with aggression and military force. In fact, his appetite for belligerence and bloodshed only weakens us and makes us more vulnerable, encouraging further violence and increasing the risk of nuclear destruction.

And while we are at it, maybe we ought to expand our definition of national security. Can a Nation whose public schools fail its poor children and leave more than 40 million of its people without health coverage truly be considered secure? The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy.

Smart security defends America by relying on the very best of America: Our commitment to peace and freedom, our compassion for the people of the world, and our capacity to work with leadership around the world.

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

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE BUDGET

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

Mr. SPRATT. Mr. Speaker, as we meet tonight, this country, our government, is headed towards a deficit of $521 billion. That is not my estimate, that is the estimate of the Office of Management and Budget, the President's own budget shop. We have watched the initial returns from April 15 come in to see if there might be a revenue surprise, a bounce that will alleviate this problem, and thus far there is no early indication that there are any surprises coming. We are stuck with a $521 billion deficit this year.

Now, that would be bad by itself, $521 billion is a record deficit, but it is worse when you put it in context. Our budget, the budget of the United States, was in surplus by the amount of $236 billion as recently as the year 2000; in surplus by $127 billion in the year 2001, when Mr. Bush came to office. Indeed, he inherited a fiscal situation unlike any President who has taken office in recent years, yet now we find ourselves, 3 to 4 years later, in deficit by $521 billion.

The administration portrays itself as the hapless victim of circumstance. In truth, it is a victim of policies that it itself has chosen. It is a victim of the consequences of these policies which it has freely put in place against the warnings which they failed to heed on all sides. What we have had to witness here is painful for those of us who have

committed our careers in the Congress, and I have been here for nearly 22 years, to putting the budget in balance and institutionalizing conservative fiscal policy. We have been forced to witness 15 years of fiscal discipline, 15 years during which we took a deficit of $290 billion and moved it into surplus, become this huge deficit in just the last 3 years.

As Yogi Berra used to like to say, you can look it up. This is a matter of historic record. Every year during the Clinton administration, for 8 straight years, the bottom line of the budget got better. It moved out of deficit into surplus. Every year for 8 straight years it got better. Every year, for the last 4 years, the bottom line of the Bush administration's budget has gotten worse and worse and worse, until we now find ourselves with a budget deficit of over $520 billion this year.

The Congressional Budget Office took the President's budget in February of this year, as they are required to do, and in March they sent us their analysis of that budget. They told the Congress that if we adopt and implement the President's budget as he has proposed it, then over the next 10 years the Federal Government will accumulate $5.132 trillion of additional debt to be added to the $7.4 trillion of debt we already have, and in which case we will leave our children a negative legacy of unheralded, unprecedented proportion. We will be $13 trillion in debt on top of a Social Security program that is underfunded and on top of a Medicare program which is even more underfunded.

Now, just as a preface to other remarks that other Members are going to make, let me give a quick summary of where we are. This was the surplus that was projected for this year, $397 billion, only 3 years ago. This is what CBO says it is going to be: $477 billion. If you want to see a roller coaster ride, here it is: $290 billion. That is the deficit the Clinton administration inherited. They turned it, through 8 years of fiscal discipline and unrelenting attention to the deficit, which is one of the top priorities of the government, to a surplus of $236 billion, the largest in the Nation's history.

This is what has happened since Mr. Bush came to office: A precipitous decline from a surplus of $236 billion to a deficit of $477 billion, according to the Congressional Budget Office. And here is the dire prediction for the future: There will be a little bounce, a little uptick due to the economy, but the prediction of the Congressional Budget Office is that these numbers will only deteriorate over time.

We developed during the 1990s a series of budget process rules that helped us bring to heel these deficits, diminishing every year and moving the budget so into surplus. They were embodied in an act called the Budget Enforcement Act of 1990. A lot of people scoffed at this. I was here. They said Congress is dodging the problem again. They are coming up with procedural rules instead of substantive changes in the budget. But two of the rules we adopted were of signal success. One was a rule called PAYGO, which I will come back to in just a minute. The other was a rule called discretionary spending caps.

In effect, what we did was impose a numeric or dollar cap every year for 5 successive fiscal years on discretionary spending, the amount of money that we appropriate every year in 13 different appropriation bills. That is different from entitlement spending, which is mandatory spending and is not changed annually. The discretionary spending caps were imposed in 1990 in an agreement we made with the current President Bush's father and reimposed in 1993. When President Clinton came in, a new set of numbers was imposed as our targets, or mandatory ceiling on spending, and then finally in 1997 they were extended once again. They worked.

But there was another rule that worked even more significantly, and that was the PAYGO rule. The PAYGO rule simply stipulated this: It provided that if any Member of the House or any committee wanted to increase an entitlement, then it had to be paid for. That simple. It had to be paid for, or another entitlement had to be cut by a commensurate amount so that the effect of that enhancement in benefits was neutral upon the deficit, the bottom line of the budget.

By the same token, the PAYGO rule applied to taxes, and tax cuts in particular. And what it provided was that if you want to bring a tax cut to the floor of the House while we have a budget deep in deficit, then it cannot have an impact upon the deficit and make the deficit worsen. You must do one of two things: You must either identify another tax increase to offset your tax decrease, or take some permanent spending, entitlement spending, and cut it by an amount over 5 years equal to the amount of our revenue reduction affected by the tax cut. That was the so-called PAYGO spending rule.

We are going to talk about that tonight, because one of the bones of contention right now in the budget resolution conference, which is ongoing, is whether or not we should take those rules, which were developed and successfully employed in the 1990s, to the extent that we put the budget back in surplus, take them in the form that they were proposed and used in the past, or whether we will take some faint facsimile of those rules and impose it.

In particular, when the House passed the Republican resolution several weeks ago, they included in it the recommendation that a PAYGO rule be reinstated, but it was a one-edge PAYGO rule. It applied only to entitlement increases. It did not apply to tax cuts. Even though an entitlement increase has the same impact as a tax cut upon the bottom line of the budget, the tax cut aspect was left out. So it is half a loaf, half a bill, and half a rule.

One of the reasons that the budget resolution is stuck in conference right now is that there are others in the other body who disagree with that position, who realize that we have an intractable problem on our hands, and apt to get worse unless we do something dramatic and develop a plan to deal with it. For starters, we have two proven rules, rules that worked in the 1990s, a PAYGO rule being one of them, and there are lots of us who would like to impose those rules again so we can begin attacking this horrendous problem.

And not just for our generation. No, the real problem of the deficits occurring today are for our children and grandchildren, because we are shoving off onto them the debt with a budget that we will not fully fund ourselves.

Mr. Speaker, I would like now to yield to the gentlewoman from Nevada (Ms. BERKLEY) for comments along the lines of the PAYGO rule and other aspects of the budget.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for allowing me to speak on this very critical issue. As he well knows, I voted for the first Bush tax cut, and I voted to eliminate estate taxes and to eliminate the marriage penalty tax, so I am hardly opposed to cutting taxes. But I do rise tonight to voice my strong objections to the Republican budget, which threatens increased deficits and neglects many of our Nation's top priorities in favor of continued and irresponsible tax cuts.

The President and the Republican leaders of the House talk about their commitment to reducing the deficit and the tax burdens on families, protecting the security of our Nation, guarding the Social Security Trust Fund and improving the health care and education systems in this country. However, when it comes to funding these important initiatives, their words are simply not supported by their deeds.

The 2005 Republican budget proposal is reckless, in my opinion, fiscally irresponsible, and filled with misguided budget priorities. Let me give some examples.

The Republican budget drastically cuts nearly all domestic programs after 2005, an interesting date since the election is 2004, including cuts to critical education and training programs, health care and environmental programs, and veterans' medical programs. Additionally, we are a country at war, yet in his budget the President provides no funding for the war in Iraq. This simply defies logic.

This Nation has gone from a projected $5.6 trillion surplus in 2001 to a projected $2.9 trillion deficit in 2011, as the gentleman so eloquently stated in his opening remarks. This year's deficit is fast approaching $500 billion and will only continue to grow under the GOP budget.

Ultimately it is our American families that are going to pay now and will continue to pay for this administration's fiscal irresponsibility. American baby boomers and retirees will suffer greatly under this Republican budget. The Republican proposal spends the entire $1 trillion Social Security surplus from 2005 to 2009 by creating additional and unwise tax cuts. The total cost of the Republicans' latest tax cut is more than enough to make up for the Social Security and Medicare solvency for the next 75 years.

Foolish spending threatens the livelihood of hundreds of thousands of retirees in my home State of Nevada and millions of retirees across America, not to mention the financial security of future generations. But as my colleague from South Carolina knows, perhaps the most egregious cut of all are the cuts in funds to our veterans' programs.

As thousands of brave men and women are fighting for this country in Iraq, in Afghanistan, and elsewhere abroad, it is outrageous that the Republican budget calls for cuts in funding for veterans' programs.

□ 2045

Mr. Speaker, the House Republican budget provides $1.3 billion less than what the Committee on Veterans' Affairs on which I serve has determined is needed just to maintain vital health care programs for our veterans. All of these cuts are certain to result in decreased spending on long-term care programs, which veterans in Las Vegas and throughout the country depend on. Many aging veterans in Las Vegas require more care than their families can provide. Our veterans must know that they can count on our VA to supply the care they have earned through their military service.

Those on the front line who are sacrificing their personal safety should not have to worry that the VA budget cuts will deny them the quality health care they need and deserve. We must send them a message that we are indebted to their sacrifices and that we remain committed to our promises to increase funding levels to meet their needs in Las Vegas and throughout the Nation.

We have all heard Republicans talk about their commitment to education. Yet their budget provides $8.8 billion less than what is authorized for education programs in the Leave No Child Behind Act. This lack of funding will mean cuts in such vital initiatives like drop-out prevention programs and after-school programs. These programs are especially important to my district and the community of Las Vegas that I represent because we have one of the highest dropout rates in the Nation.

Republicans also shortchange higher education in their budget. The Republicans propose to freeze the Pell grant award level for the third year in a row, making the dream of higher education unattainable for thousands of lower- and middle-income students. These are the very people that I represent. They are first generation college goers who want to go to Nevada colleges and universities, and they cannot afford it without Pell grants.

Families in Las Vegas and across the country will receive little assistance in obtaining health care coverage under this budget. The Republican plan forces severe cuts in the Medicaid program, shifting most of the cost of Medicaid onto the States, many of which are already, like the State of Nevada, facing their own fiscal crises. In Nevada, this shift would result in children, the disabled, and families being cut out of the Medicare rolls, as well as reduce benefits and increase cost-sharing for those who need the assistance the most.

The Republican budget also cuts training for nurses. Without adequate training for nurses, Nevada, which has the lowest ratio of nurses to the population, will be unable to hire the trained nurses needed to provide quality care. But despite all of our needs, despite the cuts in education and veterans benefits and health care, all of the issues that make quality of life in this Nation, and certainly in my communities, important, the President has called for a nearly $900 million increase in funding for the Yucca Mountain project, which will result in 77,000 tons of toxic nuclear waste being dumped in Nevada less than 90 miles from Las Vegas.

The President's call for this additional funding flies in the face of his repeated promises to protect the security of the United States here at home in the wake of September 11. Under the Yucca Mountain project, thousands of shipments of nuclear waste would cross this Nation on their way to Nevada. One terrorist attack on a shipment could unleash high-level nuclear waste, the most deadly substance known to man, potentially threatening lives and causing billions of dollars in environmental damage.

The Republican budget is a blueprint for disaster. While the President and the Republican majority talk a good game, our veterans and our students and teachers and police officers and fire fighters, our nurses and our seniors will all suffer as a result of the misplaced priorities inherent in this 2005 Republican budget.

When I came to Congress, I came to represent the people of southern Nevada. If we do not speak up and if the rest of Congress does not join you in this clarion call to take another look at this budget and do what is right by our American citizens, who will speak out for them? I want to thank the gentleman from South Carolina for sharing with the American public exactly what is going on in this Chamber and hopefully changing minds so we can get some fiscal responsibility and do what is right for the people we represent.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, the people of South Carolina are well served by the gentleman from South Carolina (Mr. SPRATT) for the clarity that he brings to this debate on the budget, a far cry, I might say, from what our friends on the majority side of the aisle have been doing.

When we start talking about PAYGO rules, it may sound technical and difficult to understand, but it really is not: pay as you go. It is very simple. Everyone should be able to get this.

The rules that were in effect from 1990 to 2002 provided if a Member of Congress wanted to increase spending on a certain item, then he would have to decrease spending on another item or have a tax increase to pay for what he wanted to do. If, on the other hand, a Member of Congress wanted to propose a tax cut, he would have to at the same time reduce spending or he would have to increase some other form of taxes. Very simple, pay as you go.

It should not be hard, but the Republicans here have done something quite astonishing. They used to claim they were fiscal conservatives, and they still do, but they clearly are not because they have forgotten the basic connection between expenditures and revenues, between money coming in and money going out. Every American knows this relationship. In our personal budgets, we have money coming in and we have money going out. The money that we spend on things, they have to be in balance, or we wind up in great trouble. Everyone who has a business of any size knows you have money coming in and you have money going out, and they have to be in balance.

Only here in Washington does the Republican majority suggest that the revenues, the money coming in, do not matter. You do not even have to think about that; all you have to focus on is spending. The gentleman from South Carolina (Mr. SPRATT) has a chart that shows that spending as a percentage of our gross domestic product actually remains low compared to the past; but it is receipts, tax revenues, that have declined so dramatically.

Mr. SPRATT. Mr. Speaker, this is a bit difficult to follow, but once you understand it, it is a very graphic chart.

Basically what this shows is in the red line at the top is a course of outlays from the 1980s through the current period, 2004. What Members see here is when President Clinton came to office in 1992–1993, spending was at 22.5 percent of our gross domestic product. Federal spending constituted 22.5 percent of our GDP. That is about the point at which President Clinton came to office, and this may be a surprise to some people, but because of budget discipline, because of PAYGO, because of the discretionary spending caps, two different budget plans in 1993 and 1997, every year outlays came down. At the same time, we enhanced revenues. That is the politically polite way to put it. We increased the revenues to the government. They came up. At the point at which they crossed as a percentage

of GDP, you have balance for the first time in 30 years because we worked on both sides of the ledger, adding revenues, holding back spending. We had a balanced budget for the first time in 30 years.

CBO, the Congressional Budget Office, was to look back on this period with some astonishment and appreciation and say 48 percent of the success achieved in eradicating the budget deficit during the 1990s was due to revenue increases, 52 percent was due to spending curbs, cuts, and decreases. There we have it right there.

Outlays continued to go down, and receipts continued to come up; and the difference between the two right there is the surplus that we had in the year 2000, $236 billion. But the blue line here, receipts plummeted with the tax cuts. The recession, plus the tax cuts, caused receipts to plummet while spending went up. We have the exact opposite of what we need in fiscal policy in order to bring or keep the budget in balance. We have increasing expenditures and decreasing revenues.

The Cato Foundation, which is probably the most conservative think tank in the United States, certainly in Washington, D.C., the Cato Group has said the Bush administration has succeeded in creating a fundamental mismatch at the base of our budget. They say we have Big Government spending and Little Government revenues, and the result is the deficit.

Mr. ALLEN. Mr. Speaker, the gentleman has a chart projecting future years, but one thing that is striking about the first 3 years of the Bush administration is outlays. Spending, has risen from 18.5 percent of gross domestic product up to over 20 percent of gross domestic product. So there has been an explosion in spending. At the same time, there has been a dramatic reduction in revenues. They have fallen from roughly 20 percent of gross domestic product down to about 16 percent of gross domestic product.

In fact, today, as we stand here today, Federal revenues as a percentage of our economy, Federal revenues as a percentage of our gross domestic product are at the lowest level since 1950, and there are Republicans in this Chamber who will say the problem is spending, but revenues are at the lowest level since 1950.

I would like to close with a quotation from the majority leader. He had a press conference 2 or 3 weeks ago, and he finally revealed in all of its confusion the underlying Republican philosophy and I use the word not information, not evidence, but philosophy. Here is what the gentleman from Texas (Mr. DELAY) said: ''We, as a matter of philosophy, understand that when you cut taxes, the economy grows, and revenues to the government grow. The whole notion that you have to cut spending in order to cut taxes negates that philosophy, and so I am not interested in something that would negate our philosophy.''

Listen to that again: ''We, as a matter of philosophy,'' not as a matter of economics, not as a matter of information, not as a factual matter, ''We, as a matter of philosophy, understand that when you cut taxes, the economy grows, and revenues to the government grow.'' Not true. CBO has made it clear over and over again that when you cut taxes, you cut revenues. Only in very, very rare historical circumstances, and the Kennedy tax cut may be one of those, only in rare historical circumstances can you cut taxes substantially and have revenues to the government actually increase.

But then we have this other statement which is really revealing. The gentleman from Texas (Mr. DELAY) stated: ''The whole notion that you have to cut spending in order to cut taxes negates that philosophy, and so I am not interested in something that would negate our philosophy.''

Mr. Speaker, I am old enough to remember ''Dragnet.'' I am old enough to remember Jack Webb, the L.A. detective who, whenever he was interviewing someone, said, ''Just the facts, ma'am. All I want is just the facts.''

What the gentleman from Texas (Mr. DELAY) is saying, do not bother me with the facts; I do not want to hear the facts because we have our philosophy, and our philosophy says we do not have to pay attention to the facts.

Great damage has been done to the country because the Republican majority in this House, President Bush and his Cabinet and members of the Senate, have not made economic sense. They have not paid attention to the simple fact that if we have huge tax cuts for the wealthiest people in this country, we reduce government revenues and drive us into deficit, and that is what they have done to this country. They are funding these tax cuts on the backs of our children because when the revenues are way below the spending, all they do is borrow. They are borrowing from our children in order to give the richest people in this country tax cuts, and nothing can make that philosophy make any sense. It is time, frankly, it was changed.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I say with all sincerity to the gentleman from South Carolina (Mr. SPRATT), he brings a lot of common sense to this body.

Mr. Speaker, I was in business for a number of years before I came to Washington.

□ 2100

There is one thing that I learned very quickly. If we drive the debt up, soon enough we will go broke. As some of my folks at home will say, we cannot borrow ourselves rich. And we are trying to do that. And I do not think anyone in this body can believe we can keep running deficits this large.

I just ran some numbers on the material the gentleman provided us. Just going out to 2009, in 2004 a family of four spent about $4,380 on average in debt in this country. But by 2009 that will be $6,985 just using the current numbers. That is assuming, Mr. Speaker, that things do not change for the worse. That is using the best numbers I understand for the economy to grow and then no more tax cuts that are proposed in the current budget or revenue losses. That is a 59 percent increase in the debt load on families.

Today I was in two schools talking with children about the importance of reading, about their future, about how important it was to do the things right to make a difference, looking into those faces and thinking what a burden we are placing on them. It is a shame because my colleague from Maine is absolutely right. We are using borrowed money from our children to enjoy the good life on a credit card; and we are taking the Social Security trust funds from the seniors who are now waiting for the benefits and using that, and between those two issues, we are living the good life and we are not paying our way. We are not paying our way. And it is wrong any way we cut it. It would be wrong if we were doing it as Democrats, and it is absolutely wrong for our Republican colleagues to stand with a straight face and say we are giving them prosperity. Because I promise this: I was in business when I remember interest rates going through the roof, and I will promise tonight that this kind of policy is going to drive interest rates up again. And all the money that we are borrowing to feed this deficit, a large portion of it is coming from overseas.

It startles me and shocks me and baffles me, too. I am not really sure the American people understand that they are going to have the Chinese setting our interest rate at some point because they are buying a lot of this debt and a lot of our trading partners around the world. And ultimately we are going to have to meet that bill. When we look at the amount of debt today without any changes and where it is going to hit, I am not sure our colleagues or the people who might be watching us tonight know what PAYGO is. They do not know what it is. But I tell the Members what they do know. They know that we cannot spend more than we have. And they understand that, as many of the farmers in the gentleman's State and my State who have seen their tobacco allotments cut in half, there is one thing they know tonight: they are not spending as much this year as they spent 5 years ago, and they are not going to spend as much next year because they are going to have to cut their spending back to meet their revenues. What our colleagues tell us is that we can have it all. We can have it all.

We cannot have it all. If we do, our children are going to be the poorer for it. And this budget, if it comes back without a plan to balance on both ends, on revenues as well as expenditures, we

are doing an injustice to ourselves but a greater injustice to our children. And those children, I looked in their faces today. That is why they tell us we cannot build schools. We do not have the money. And yet we say to these children they are the ones we are going to depend on to build a bright future we want to see in the 21st century.

I thank the gentleman for bringing this to our attention tonight and for sharing with this body and with the people around this country, because they need to understand that this plan is headed for a train wreck. It may not be this year, it may not be next year, but it is coming. We cannot keep piling on debt and not paying the bills, and that is really what is happening.

And it is amazing to me that this administration in this short period of time will increase the debt at this level and this Congress has added to it. And the majority knows they have done it. They just do not want to stand up and meet their obligations. Because higher interest rates will eat away all the benefits that middle income and others have had. We may have lower interest rates today, but we let them add two points or three points, and that will happen. It may not be this month, it may not be this year, but I guarantee it will come in the next several years.

I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from North Carolina for his comments.

I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding. I appreciate his leading these discussions on one of the most important issues that simply does make some people's eyes glaze over; but I think he has documented simple declarative sentences, and it does not have to be this hard.

It is very clear that we are on a path here to have a massive increase in the debt tax. We are, in fact, abandoning principles that some of our friends on the other side of the aisle have in the past at least given lip service to.

I came over to the other side of the aisle this evening to see if it felt different somehow, if the numbers added up differently. They do not. I think, in fact, the information that the gentleman has gotten with his staff, and referring to accepted experts, institutes, independent analyses, suggests that even the situation that he documented a moment ago that was calculated according to the official rules that CBO has to follow actually disguises the true depth of the problem that is being created.

I wonder if the gentleman has some information about what the people who are using the artificial rules that Congress has given to CBO, assuming some of these taxes are going to be expiring and never be renewed, I wonder if he has some information that independent analyses would offer up for what the long-term budget outlook is likely to be.

Mr. SPRATT. Mr. Speaker, we do indeed. I was just looking for the chart that is most applicable. This is one right here. And what we have done here on the bottom line is we have taken, first of all, the baseline projection of the Congressional Budget Office; and as the gentleman noted, they have to assume certain things because those are the rules handed down to them by law.

But we have adjusted their projection for political reality. For example, we have assumed that there would be some continuing expenditures for Iraq and Afghanistan. We have assumed that many of the Bush tax cuts when they reach the expiration date, because most of them have implanted in them a sunset expiration date, that is the way they will pass to begin with, that most, when they reach that sunset date, will, in fact, be renewed and therefore the revenues will not be recouped. When we do that, what we find is that the deficit improves a bit. We get a bounce from the recovery we are experiencing right now. We are not stuck at 521. It improves to about $389 billion next year and then bottoms out in the range of the mid-$300 billion level until we get to the far end of our table, at which point it declines again to about $500 billion. So, essentially, we tread water.

The deficit does not get better. And this is a point everyone should understand: the Congressional Budget Office, the Office of Management and Budget, in making these dire predictions of unending deficits, this assumes a growing economy, a robust economy, growing at 3, 3½ percent a year, even more this year. And notwithstanding the growth, the budget does not grow out of the deficit. It assumes that the economy will be on a pretty even keel for all of this period of time and still we will have these deficits when we know, as the gentleman from North Carolina (Mr. ETHERIDGE) just said, I do not think this economy can sustain the growth rate we are at right now with the deficits of the magnitude that we are looking at

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

Mr. SPRATT. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I want to make sure I understand the gentleman and the gentleman from Oregon (Mr. BLUMENAUER). Is the gentleman saying the public debt is going to continue to increase?

Mr. SPRATT. Mr. Speaker, no question about it. This year for the second year in 3 years, we will have a mammoth increase in the debt. Last year alone we had a 1-year increase of $900 billion in the debt. We will have to increase that debt limit again before we leave here this year, or we will be perilously close to bumping the ceiling.

I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, just one other thing. I did have a few comments I wanted to share, but I wanted to get the context set here. Would the gentleman comment about what happens with the massive amount of extra Social Security that we are collecting. As the gentleman knows, Mr. Greenspan famously of late suggested that we might have to cut Social Security benefits along with making these tax cuts permanent.

Mr. SPRATT. Mr. Speaker, the gentleman has been here for some time, and he knows that during the late 1990s and in the early years of this century, we all took solemn vows out here, different forms. We had something called the ''lockbox,'' corny title, serious subject, because essentially what he said was that now that we finally have a surplus for the first time in 30 years, we are going to foreswear forever borrowing from the Social Security and Medicare trust funds again. Those trust funds have been building up balances in anticipation of the retirement of the baby boomers ever since 1983. And ever since 1983 until about the year 2000 when we finally hit surplus, we have borrowed to make ends meet from the Social Security trust fund. We have given the trust fund a bond back, but in effect the government has borrowed from these trust funds.

Both Houses, both parties, everybody subscribed to the notion that we should quit that practice. Guess what? The Bush administration's budget every year that we have a projection from OMB or CBO, regardless of who it may be, everybody projects that every year fully the budget will consume the Social Security trust fund surplus and the Medicare trust fund surplus. And they are not small numbers; $160 billion for Social Security, 20 to $30 billion per year for Medicare. Every year, every year, when we give the number $521 billion, we have already taken the surplus in those two trust fund accounts, consolidated it with the other accounts which are in the red, in deficit, and offset or diminished the deficit by the amount of the surpluses this year.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's clarifying that because as disturbing as the previous chart was——

Mr. SPRATT. It is actually worse.

Mr. BLUMENAUER. Talking about locking us into $500 billion up to maybe improve up to $350 or $370 billion and then trailing off again to that half trillion dollar level, what, in fact, if I understand what the gentleman is saying, that we are consuming, on top of that, all of the Social Security surplus; so actually it is approaching, over the life of what we can project with reasonable accuracy, a trillion dollars in ultimate debt compounded, this is added, year after year after year.

Mr. SPRATT. Mr. Speaker, the gentleman is absolutely correct.

Mr. BLUMENAUER. Mr. Speaker, I did want to commend the gentleman for taking the time to focus in on this critical element of why we are really hung up. The Republican House and the Republican Senate cannot really reconcile what they want to do with the

budget resolution because they are unable to agree amongst themselves about how far to extend these PAYGO rules.

□ 2115

I would like to say that I think anybody in America listening to what you brought forth here this evening needs to understand what the stakes are and why people should be rooting for the other body in extending this important principle across the board, spending as well as taxation.

I am of the opinion that this does not have to be a partisan issue. Like most Members, I was back in my district for 2 weeks, morning, noon and night, listening to people from all walks of life, and with particular attention on April 15, on tax day, and I found that the people understood what the gentleman is talking about at several levels.

Everybody would like dessert, a tax cut, but they understand that this budget is hemorrhaging red ink. They understand the debt tax that is already over $4,000 for a family of four right now, moving towards $7,000 in just a few years. But that is the tip of the iceberg, because if interest rates start to spike, and I agree with my colleague from North Carolina, it is miraculously not going to happen before election day, but as sure as we are standing here, they are going to be moving relentlessly upward next year. And, again, our colleague pointed out how much of this debt is in foreign hands, increasingly Chinese, where we lose control over people who are involved with our debt markets.

Mr. SPRATT. Mr. Speaker, reclaiming my time, just for clarification and an additional point, one beneficial result of our fiscal policies in the 1990s was that we brought down the national debt by $400 billion between 1998 and 2001. We also, because the government was not borrowing money, but actually putting money into the pool of savings in this country, helped bring down interest rates. As a result, debt service, the interest paid on the national debt, net interest paid on the national debt, dropped from around $240 billion to $250 billion a year to about $160 billion a year. That is a dividend that we had available to do things that people needed and wanted us to do.

Because of the Bush administration policies, that interest payment is going to go up steadily, so that 10 years from now, if we follow the course that CBO plots for the President's budget in its March analysis, debt service, interest paid on the national debt, will be close to $370 billion. It will more than double from its current level.

What does that do? That is $370 billion we will not have for education in North Carolina where the gentleman from North Carolina (Mr. ETHERIDGE) used to be the superintendent of education. That is $300 billion we will not have for the environment in Oregon, which is a near and dear thing to the heart of the gentleman.

Furthermore, it builds a sort of cynicism about our government, because people will pay substantial taxes. These are not tax cuts. When you are borrowing the money to finance the tax cut, you are just postponing the event, the inevitable. What will happen is people will be paying more in debt taxes and not seeing anything in return for it, and they become cynical of our government, because so much of what they pay in taxes goes up in smoke, so to speak, because it goes to interest payments.

Mr. BLUMENAUER. Mr. Speaker, I would just conclude with two points, because I agree with what the gentleman is saying, it resonates with me, and I am quite confident that it resonates on the part of most Americans who are dealing with this as a kitchen table issue. They would rather have their debt tax cut, reduce those deficits, than have a couple of dollars in a tax cut that really does not accrue to most average Americans.

I want to just indicate that there are two lines of argument that I find fully specious, one being that somehow this PAYGO concept, pay as you go, for expenditures of the budget or tax expenditures, is somehow biased against cutting the budget. I think if we require the people running around here who want to cut taxes to have to pay for it, it will actually make it more likely that spending will be cut, not less. I must confess that the gentleman's rule, as I read it, is agnostic as to whether taxes should be cut or not. It is just you pay for it.

I happen to want to cut the alternative minimum tax, which is creeping up on American families and is going to hit them like a sledgehammer over the course of the next couple of years. But I think, in fairness, people who care about that ought to be required to offset it in some fashion.

I appreciate the work the gentleman is doing and the opportunity to join the gentleman in this important conversation this evening.

Mr. SPRATT. I thank the gentleman for participating.

I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I have just a question, if I may, on clarification as we get ready to wind down, because I want to make sure I understand what the gentleman said earlier.

Did I understand the gentleman to say that President Bush inherited a projected $6.6 trillion surplus?

Mr. SPRATT. Mr. Speaker, $5.6 trillion was the estimate of the surplus by his own budget shop, the Office of Management and Budget, $5.6 trillion between 2002 and 2011.

Mr. ETHERIDGE. Whether that was accurate or not, I am not going to get into that.

Mr. SPRATT. It turns out it was not. Now they have recanted and said it was probably overstated by 55 percent.

Mr. ETHERIDGE. Did he not also promise during the campaign when he came in office to protect Social Security and not invade it?

Mr. SPRATT. Everybody promised. Both parties, both the White House and the Congress, promised that never again, now that we were finally in this position, would we borrow from Social Security and spend the proceeds again. But that is the inevitable consequence. When you reduce that $5.6 trillion projected surplus by 55 percent, the result is about $2.6 trillion instead of $5.6 trillion. That $2.6 trillion is roughly equal to what is in the Social Security Trust Fund, so if you wanted to keep your promise now that you have adjusted downward the realistic estimate of the surplus, there was no room for additional tax cuts without violating that solemn promise never again to dip into the Social Security Trust Fund to pay for the operation of the government.

Mr. ETHERIDGE. I thank the gentleman for his clarification. I think folks understand that.

Mr. SPRATT. Mr. Speaker, I would just like to make a few points in closing about the budget.

It is often said, particularly by the President and by others, that we have had an explosion of spending. Indeed, there has been an increase in spending, a big increase in spending, in the last 3 years. But this chart, these four bar graphs show that 90 to 95 percent of the increase in spending over the last 4 years has occurred in defense, homeland security, an account that did not even exist in the budget a couple of years ago, our response to 9/11, the bailout of New York City, the bailout of the airlines, and this is where most of the spending growth remains in the budget.

The President has a budget which he claims will cut the deficit in half in 5 years, but he leaves out one major element, among others: He makes no provision for what it will cost to maintain 125,000 to 135,000 troops in Iraq and another 12,000 in Afghanistan. When the cost of that is added to it, he does not come anywhere close to his claim of cutting the deficit in half over 5 years.

The President has also said the tax cuts were necessary because we have had horrendous job losses, and it is true. Our economy went into recession in March of 2001 and came out in November of 2001. It was a short and shallow recession, but the effect on jobs has persisted. This is the first administration since the Hoover administration not to see a substantial increase in jobs during its tenure. We have had a loss in the private sector of 2.7 million jobs, unrecovered since the start and duration of the recession.

So what has happened, despite the $2 trillion to $3 trillion in tax cuts measured over 10 years that we have had in 2001, 2002 and 2003 under the Bush administration, this is the curve here for what the postwar recession typically has been. It has lasted about 27 months. You would have a downturn for 13 or 14 months, an upturn for 13 or 14 months. By the 27th month, the jobs lost would be regained.

Look what happened in this recession.

Notwithstanding three successive substantial tax cuts, we still have a loss of 2.7 million jobs in this country. That is a fact. As was said, once again, you can look it up. You can get it from the Department of Labor.

One other point I would like to make before closing is Social Security and Medicare. One reason that we are so concerned about the deficit, the mounting national debt, is that in 2008 we will have a demographic change in this country like none we have ever seen. The baby-boomers will begin to retire.

There are 77 million of them marching to their retirement right now. They are already born. They are not going anywhere. They will soon be claiming Social Security and then their Medicare, and in 10 to 20 years the number of people on Medicare and Social Security will almost double. The resources required will be substantial for those two programs, which are underfunded.

Most people look at these numbers and say there is no way feasible to deal with this problem, we will just have to restructure the programs. That means we will have to cut benefits, we will have to reconfigure the programs, cut the costs in order to make them affordable.

In truth, if you look at the first bar graph over here, this big fat bar graph of $14.2 trillion at the top, that is the total amount, the present value of all the tax cuts that the 2001, 2002 and 2003 tax cut laws will necessitate or allow over the next 75 years, 75 years being the timeframe we look to make Social Security solvent.

If you compare the requirements that would be imposed, that are imposed to make Social Security solvent and Medicare solvent, the two come to $11.9 trillion, the green and the blue here. So the amount of these tax cuts over 75 years is actually more than what is required to make Social Security and Medicare solvent.

We can have this. So those who say this is a set of circumstances we did not foresee and could not control, here is the answer: These are freely chosen policies, and they choose. They choose additional debt, additional deficits, over deficit reduction, and they choose tax cuts over Social Security solvency.

There is a choice here. There is a deliberate choice being made. Those who today say we are victims of circumstance will say the same thing then, but here is the proof right now. If you want to save Social Security, the wherewithal is there to do it, if you do not prefer doing it otherwise for tax purposes.

TAX FREEDOM DAY MOVING UP BECAUSE OF TAX CUTS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, as most of the Members did, I just concluded about 16 days in my home district. We had visits about Medicare for the first week and about the economy and the job growth for the second, first of all, addressing concerns and answering questions.

Mr. Speaker, I will tell you that as I talked to my constituents about the prescription drug Medicare bill, there was a deep understanding that we have done significant work here, first of all, in creating the benefit for our seniors that is desperately needed, but, secondly, causing deep reforms in the Medicare program which should begin to increase the financial stability of that program.

Mr. Speaker, while we were home, there was a dramatic event. During my entire life, I have seen Tax Freedom Day, that day which every American works up until that time to provide their entire income for the Federal Government. That Tax Freedom Day has been as far out as the middle of May, tending toward the first of June.

Mr. Speaker, this year, because of the tax cuts created during the last 3 years, Tax Freedom Day came on April 11. That means every American worked their entire workweek for the Federal Government up to April 11, but those days from April 11 on to December 31, they are working to use the money for their families, for the education of their families, for just the rent, paying for their house, owning a car, or those things that the American dream really entails.

□ 2130

Mr. Speaker, it is extremely important that we are beginning to cause Tax Freedom Day to move back toward January 1, rather than further out toward December 31. We should work less for the government and more for our families.

I will tell my colleagues, Mr. Speaker, that without doubt the family is the key building block of society. Strong families create strong individuals. And strong individuals create strong countries. That is exactly the paradigm that we should be following and have followed in this country throughout our history.

And as we tax less and put more into the pockets of hard-working Americans, I will tell my colleagues, Mr. Speaker, that the strength of the family increases, thereby increasing the strength of our country.

Mr. Speaker, one of the questions that comes up, and it is a fair question, why are we in the economic straits that we are in? What things have contributed to the financial situation that this country faces?

Mr. Speaker, the first event which really shocked our economy, and there have been three deep events that shocked our economy, and it is instructive that we would remember all three of those, but the first of them was the collapse of the dot-com economy.

Most Americans will remember in the late 1990s that the dot-com industry had really sprung up from very little to something significant, companies that really did not have product. They were not even selling anything. They had no cash flow, no revenues. Those stocks were escalating from no value to $200 and $300 value.

Just the capital gains tax off of those sales of stocks began to thrust our growth curves upward. It was primarily due to those capital gains taxes, Mr. Speaker, that we were seeing what economists and what politicians felt like were surplus as far as the eye could see. We remember those days at the end of the Clinton administration where there were the surpluses as far as the eye could see, but they were based on stock values that really had no foundation under them. It was an explosion in value that was driven by emotion, but not fact.

Now, that collapse in the dot-com industry came, as well it should have. Stocks absolutely at some point have to have something to back them up. That collapse came, brought us back down actually to the same level of economy we had been sustaining, about a 3.5 percent of growth. It was the incline up, then it bubbled back over. And after the collapse we had about a 3.5 percent rate of growth.

That shock into our economy was significant, though, shocking us into a mild recession, one that we should have come out from fairly soon. But just as we were coming up out of that recession, 9/11 came without warning. Now, that was a significant shock on the economy, Mr. Speaker. That shock, by the estimates of some, cost $2 trillion and over 2,000 lives. $2 trillion needs to be put into the perspective that our total economy is in the $11 trillion range, so approximately 20 percent of our economic size was taken out of the economy in one day.

When people are concerned about the cost of the war on terror, and it is extremely high, no doubt about it, if we assume that we are up to around $200 billion at this point, Mr. Speaker, it still is only about one-tenth of what that one day cost on 9/11 was.

That shocked our economy on the heels of the dot-com collapse into a deeper recession and continuing difficulties. But until 9/11, several things had happened. In those eras and those times of surpluses as far as the eye could see, both the Federal Government and the State governments began to reorient their spending, beginning to pay for programs that had long been underfunded.

It is a complaint of our friends across the aisle, and that is fine that they would complain about it, that spending increased tremendously under President Bush. But I will tell you that some of the areas that the spending increased in are the very ones they are criticizing as underfunding.

It is really difficult for me to understand when education spending was at $27 billion from the Federal programs and has increased under President Bush to over $66 billion, approaching $70 billion, that we are described as underfunding education. But if one listens to the rhetoric very carefully, Mr. Speaker, it is underfunding the authorized amount. They do not want to say they are cutting funding, although they occasionally slip over the line and say that, because the truth is we have more than doubled funding for education from Federal sources under President Bush.

And keep in mind it might have been at a better time. It might have been that we might have understood that those surpluses did not exist as far as the eye could see. But I am not sure anyone on either side understood the reality of what was going on. And it is very easy to understand after the fact.

A second area that often we hear our friends on the other side of the aisle discussing is the underfunding of the IDEA, the Individuals With Disabilities Education Act. Now, it is curious that we hear those descriptions of underfunding in that program, when the truth is that at the inception of IDEA the funding was about $1 billion and for almost 30 years stayed very constant, much of that time under Democrat control.

The funding stayed constant at about $1 billion. And finally under President Clinton, it eased up to almost $2 billion. Now, today you will hear all-out assaults that the President is desperately underfunding IDEA. One would think maybe he had cut it back to $1 billion. But if we actually look at it, the facts would show that the funding is actually at $11 billion, almost five times the dramatic increase that came under President Clinton.

Now, one has to begin to ask at some point, are we interested in communicating the situation that the country faces or are we simply throwing out facts?

I would say that this President made commitments to fund serious programs, including education, that at the point right now are causing us to stress as far as our deficits are concerned. So we saw that the Federal Government began to escalate its spending at a time when both parties felt like the surpluses were there as far as the eye could see. It is a fact also that almost every State did the same thing. The economists there were viewing the results the same as the Federal economists.

Just my State and, I think, one other actually preserved budget surpluses through that time because even in the surplus era as of the late 1990s, the Republican Governor of New Mexico said we are going to hold spending very, very tight. And to his credit he did that. Thus, when the dot-com collapse came, when the later 9/11 attack came, shocking our economy into recession and driving down revenues, New Mexico and one other State maintained a surplus, and we saw many of the States begin to have tremendous economic difficulties.

Now, was it their fault that they are in economic difficulties? I do not know. We could place blame. But I think the greater understanding is to know why.

So, again, we experienced increased spending because the perception was that we had surpluses, but we also had two deep shocks into the economy at the very time we were experiencing those surpluses, causing us to go into an economic tail spin.

The third shock, the third of three deep shocks came just as we were about to come out from underneath the effects of 9/11, Mr. Speaker. That is when Global Crossing, WorldCom, Enron, and several other companies had to reveal that they were actually cooking the books, that they were misleading their investors, that they were doing things with accounting procedures that they declared correct, that they declared legal, but which, in fact, may have been legal but certainly were not right. And they did not lead to right conclusions by investors.

At that point of deception, many, many investors began to pull their money out of the stock market and put it into savings accounts and banks. That began to remove needed capital from our companies where economic expansion was no longer available.

So three deep shocks into the economy: the dot-com collapse of the late 1990–2000 time period; 9/11/2001, a second deep shock; the third deep shock was the corporate scandals led by Global Crossing, Enron, and WorldCom. All those three things combined to give us a significant change in our economic climate.

Now, at that point in our economic climate, when we had increased spending believing that surpluses were there as far as the eye could see, we had increased spending and suddenly three shocks into the economy caused the revenues to drop. Now we are faced with some management questions.

It is easy at this point, Mr. Speaker, to sit and say what should be and should not be. But I will tell my colleagues when we get to that discussion there really are only three solutions that I see: one is to cut spending, the second is to increase taxes, and the third is to grow the economy. If we grow the economic size, and it is about $11 trillion now, if we grow the economic size from about $11 trillion or 13 or $14 trillion, it is easy for anyone to understand that at the same rates of taxes that we are going to have more revenues.

So we can, again, to solve the problem of deficits from both internal and external causes, caused by increased spending and recession that has been thrown into us from three violent shocks to the economy, given those situations, again, the three solutions are to increase taxes to bring in more revenue, to cut spending, or to grow the size of the economy. It is really simple. There are not many other choices than that.

Now, the problem is if you begin to increase taxes at a time of economic stress, you come into an economic principle and economic reality that when government spending begins to increase to a certain percent of the economy, and generally the range is in the 20 to 24 percent range, Mr. Speaker, at that point you begin to take so much of the investment capital out of the economy that recovery is simply not available.

The Germans find themselves in that situation right now. When I came back from Iraq, we stopped in Stuttgart and met with several key business leaders at a dinner at night. Around the table uniformly, and the head of DaimlerChrysler is at that location, it was in that meeting they said please get your economy going because if your economy is going, if the United States economy is going, maybe it will raise the level of the entire economic output in the entire world because we are one-third of the world's economy. And if we can get our economy going in the U.S., just maybe they can get their economy going in Germany.

Now, the difficulty they face in Germany is about 44 percent of their current gross domestic product is government spending. They cannot get out of a recession. They cannot create jobs. They cannot do it because they refuse to cut spending, and they refuse to cut taxes. Taxes would begin to lower that amount of government spending down as a percentage. But keep in mind they are desperately high at 44 percent.

We were approaching the 24 percent level, which really does begin to dampen down an economy and put the economic brakes on. So we had some choices to make in this Congress and the preceding Congress of just how to handle this. How do you go about creating economic growth? How could you create economic growth when you have had three deep shocks that have taken tremendous assets, both physical assets and the lives of our countrymen?

My colleagues recall after 9/11 people just began to stay home. They did not consume, and they did not spend. It was a sadness, there was a deep sorrow in our Nation that really affected us economically as well as spiritually and emotionally.

So, Mr. Speaker, we have those situations that existed in our economy. I will tell my colleagues that the Democrat Governor of New Mexico said it best last year. He said that my party should get over the fact that tax cuts create jobs.

That is what we wanted to do in this body. Keep in mind we have three choices: we can cut spending, we can increase taxes, or we can grow the size of the economy so that our tax rates bring more revenues.

We elected, Mr. Speaker, in this House, and I am proud to have been a part of that vote, to begin to try to

grow the economy. And we did that by decreasing the amount of government spending, that is, by increasing the take-home pay of our people in our economy. We began to give tax cuts.

Now, those tax cuts began to show immediate promise. The biggest tax cut took place last year. We had estimates in the House, estimates that said we hoped we would get 3.5 percent rate of growth from the tax cuts that we gave. But we would have been satisfied for any rate of growth. We were stunned, Mr. Speaker, when we saw the economic growth in the third quarter of last year jump to 8.2 percent. No one had even anticipated that level of growth in our economy. In the fourth quarter it settled down to a more stable sustainable 4 percent and continues in that 4 to 5 percent range today with Alan Greenspan saying that the economic indicators are good. Independent watchdog groups have looked at our economy and said it looks positive for the next 2 years.

□ 2145

One of the problems, though, in the recovery was that jobs had not been created. I heard a lot of my colleagues on both sides of the House express concerns, and I understood the concerns, but, Mr. Speaker, as a business owner, I also understood the other side because as a business owner, the last thing I wanted to do is hire permanent employees. If I am in a period of growth, then, first of all, I want to work overtime because I do not want to hire employees and then have to lay them off if we are just in a little bubble upward.

So the first thing we will do to see if we are going to get through this pick-up in activity is we begin to work overtime just an hour here or an hour there. The next thing we begin to do, Mr. Speaker, is work weekends. When those two things do not combine to fill the needs for employees, Mr. Speaker, at that point we would always bring in temporary employees, and I say ''we'' because my wife and I were co-owners in the company. She managed one piece, I managed the other piece, and we have always made our decisions together. But always on hiring we wanted to do the same thing, so we would progress through this sequence over time, working Saturdays and Sundays, temporaries, and then we would hire part-timers. Usually we would go to retirees who did not need full-time jobs, but always would like to have 3 or 4 hours a week or 3 or 4 hours a day.

So we would do these four steps before we hired full-time employees. And so, Mr. Speaker, it was not so concerning to me at that point that we had not seen the job figure growth after two successive quarters of significant growth in our economy. As we went into the early months of this year, again the job growth had been small, at about 300,000 for about a 2- to 3-month period, but in March alone, Mr. Speaker, we had stunning news that this economy that had shown all the signs of economic recovery in fact produced 308,000 new jobs in 1 month. That 308,000 new jobs, Mr. Speaker, combined to make almost a million since August of last year.

At this point, Mr. Speaker, we feel the signs of recovery. We are beginning to show those signs of job growth which is beginning to show growth signs, and we are beginning to hear it frequently on the floor of the House from our friends. I would expect to see the 300,000 jobs in 1 month. They will begin to rejoice with us because no one would like to see a Nation in suffering. We would like to see a Nation that has found the key to recovery, and these keys are not so simple as going out and causing recovery and passing a law. We have to rekindle the confidence of the consumer. We have to rekindle the confidence of the investor, the confidence in companies that were shaken by corporate wrongdoing, the confidence of purchasers that were shaken by the tragic events of 9/11. So this restarting of the economy should be a rejoicing for each one of us, and I hope that it is that, because, in my view, the last thing we want to do is begin to change courses.

I, along with my friends on the other side of the aisle, am very concerned about the deficit, but also I know that we have done some very expensive things last year that could not be put off. The Medicare prescription drug bill was an expensive bill that 78 percent of Americans said needed to occur because people were choosing between food and medicine. Yet it was very expensive. We must have the will to pay for it, and we must have the economic discipline to pay for it.

The war on terror is extremely expensive and is taking much, much out of our economy, and that needed to be done, and the President is pursuing that with bold determination to win that war on terror and preserve the liberty that is the world's, because terror and liberty cannot live in the world together. 9/11 changed forever the way we look at this world.

Mr. Speaker, another important expenditure that we have undertaken that have helped create the deficits, and even though we do not like them, we begin to understand that we are having to do things that could not be put off, homeland security could not be put off. We must begin to seal our borders so that the American people would feel safe. We must begin to do those things which will keep terror outside our borders. So we fight the war on terror to kill and disable terrorists in their own areas, but we begin to build our own borders that would protect the lives of our children and give them access to the hope and opportunity that peaceful neighborhoods give to each one of us and that we have raised our families with.

These are the things that we have been spending money on in the last year and 2 years that are going to fund a deficit. And do we like the deficit? No, we do not. But we must be patient. This year the discussion is should we allow the tax cuts to expire because they are temporary, and they expire towards the end of this year. So the discussion is, and we should be on the floor of this House having that discussion, and we have will it, should we allow the tax cuts to expire?

I will tell you that once we have charted a course, the worst single thing is to begin to withdraw and to find another course. In history we can determine that several courses usually will solve a problem, but we have elected to a course here; we have chosen the course of trying to grow the economy. We have given the tax cuts that have stimulated the growth and jobs, and the last thing we need to do is to retreat out and not pursue that one single objective of growing the economy, reestablishing our economic stability, creating jobs so that every American in this country is able to find a career that they look for, is able to have employment security with the outcome of raising and maintaining good families.

So, Mr. Speaker, we will continue this discussion this year. I myself believe that we must stay with the tax cuts that we have put into place; that to do otherwise would again begin to thrust up the percent of government spending as a percent of our gross domestic product and run the risk of pouring water on the flames, the low flames of our economic recovery.

Mr. Speaker, I am joined in the House tonight by my colleague from Colorado (Mr. BEAUPREZ). We came in as freshmen. He, like I, has been a businessman. He, like I, has made a payroll; and like I, he married above his head, and his wife now runs their business, as mine does. So I, Mr. Speaker, would yield to the gentleman from Colorado to discuss this economic recovery from his eye, and is from the eyes of a man with a dairy background and with a banking background. I yield to the gentleman from Colorado.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman, and I especially thank him for acknowledging the quality of our wives. We are blessed indeed, are we not? And I thank the gentleman for bringing this Special Order to the floor tonight.

It strikes me that there are a lot of people out there that are trying to convince people that maybe conditions are different than they really exist. Mr. Speaker, the gentleman from New Mexico (Mr. PEARCE) just acknowledged that I have been a businessman before myself. I have met payroll. I have created jobs. Most recently I was CEO and president and chairman of a bank. I am kind of prone to analyzing things and getting a basis of comparison, the ''compare to test'' I call it. Compared to what?

Folks are talking about how bad things are. Well, I have done a little reading. I think my colleagues in this Chamber, all of us, do quite a lot of

reading, and I have found a few things that I think are fairly interesting. Specifically, there has been a lot of talk lately about how great everybody else is, and especially our friends over in Europe, how good they are doing. Well, I was in Europe. In fact, I was in France last May, not quite a year ago, representing this great body as a representative of the United States Congress at a conference on terrorism and the growth of anti-Semitism in Europe. And I witnessed for myself how ''good'' they are doing. They were not doing all that great, as a matter of fact, Mr. Speaker.

In fact, according to an article in the National Review just this very month, our economy has grown about one-third faster than Europe's or Japan's, Mr. Speaker, even though, of course, as my colleague from New Mexico just cited, it was us that experienced the ravages of 9/11, an event, Mr. Speaker, that I submit to you, I submit to this body, would have crippled, perhaps destroyed, the economies and the governments of nearly every other nation on this Earth. But yet we are growing faster.

Now, some of us, myself included, are certainly old enough to remember an index that was created some time ago called the misery index. It was not created by me. It was not created by you, Mr. Speaker. I think we remember where it came from. It was invented by our friends in the other party in an attempt to bludgeon a former President, Gerald Ford, for the condition of the economy.

Let us go back and look. Let us use that as a comparison. When Gerald Ford was running for reelection in 1976, this misery index, which was a simple combination of the inflation rate and the unemployment rate, add the two together as an indicator of the pulse, if you will, of the economy. Well, that misery index in 1976 when President Ford ran for reelection and was unsuccessful was 11 percent. In 1980, that misery index rose to 17 percent under then President Carter, and the country decided to make a change. When President Clinton ran for his reelection in 1996, which our colleagues on the other side continually cite as the best of times, the misery index, again, inflation plus unemployment, stood at 8 percent. Now, Mr. Speaker, that same index today stands at 7.8 percent, the lowest, obviously, of that entire period. And yet our colleagues on the other side of the aisle night after night, day after day are trying to convince the American people that they administration under this party's leadership is experiencing ''the worst economic performance since Herbert Hoover.''

Mr. Speaker, I cannot find evidence to support that claim. And just because you say it is so does not make it so. The facts do not bear it out.

A few other facts, Mr. Speaker, if I might. Again, I will remind you, Mr. Speaker, I have created jobs. I have met payroll, and I am proud of that. So I am concerned like many about those seeking employment in this country but not able to find it. We are addressing that situation. Jobs are coming back. We all know that they are the lagging indicator. That does not make us feel any better, but it is one of those economic realities.

Now, if we go back to 1979, 1980, that recession, unemployment hit 7.9 percent. The mini-recession in 1982, it peaked at 10.8 percent. Then in 1990, one I remember very well, it hit 7.8 percent before beginning to fall.

Now, all of this seems to me, Mr. Speaker, to pale by comparison to the 6.3 percent that we hit even following 9/11, even with the effects of a recession and then the tremendous impact of a 9/11. Why? Because with this President's leadership, the 107th Congress enacted tax cuts in 2001, and we have followed now with tax cuts again in 2003.

Now, to reference again what is going on in the European Continent, which many seem to want to cite as some sort of utopia, some sort of model, well, over in Europe right now the European Union is averaging unemployment of about 8 percent, Mr. Speaker, about 8 percent.

□ 2200

We are at 5.7 today and falling, and we are the ones, again, who experienced the ravages of 9/11. If we were doing as well, and I use that in quotes, as our friends in the European continent, we would have 3 million more jobless Americans, Mr. Speaker. That is my comparison. That is one of my comparisons.

Additionally, let us look at just some statistics. We are under assault nightly for the terrible, again, I use that in quotes, tax cuts that we imposed last year and the conditions that it has created, and there is at least one person running around this country campaigning to be our next President to change the course, that wants to rescind those tax cuts. Well, let us make a little comparison.

Beginning in May of 2003, which is shortly before this body approved those tax cuts and before the President even had the pleasure of signing those tax cuts, until February of this year, to give a baseline of when we got current numbers, the Dow has increased almost 20 percent, the NASDAQ almost 30 percent. Not everybody has stocks, but it is a pretty good bellwether of what is going on economically in this country and where we are headed, the faith and confidence in the market; and I know full well and I would guess my colleagues, too, Mr. Speaker, have had any number of constituents come up to them and talk about that 401(k) that is now a 1(k). Remember that joke, Mr. Speaker?

Well, the markets have come back, and that is real value in the pockets and the wallets and in the bank for the people all over the country that have got an IRA, 401(k), any kind of pension plan, a little investment in a mutual fund.

It is estimated that some 3 trillion, with a T, Mr. Speaker, $3 trillion have returned to the market, returned to people's net asset value. That is a good thing. Real gross domestic product, same period of time, just inside of 9 months, increased 6.1 percent. Productivity, 6.4 percent while we are increasing job growth, albeit a little bit slow, but increasing job growth, adding employment figures, productivity up 6.4 percent, just inside of 9 months.

Housing starts, strongest in 20 years, Mr. Speaker, increase of 9 percent just inside that 9-month period of time, all while unemployment on a percentage basis fell 8.2 percent. Mortgage rates lowest in 20 years, prime interest rates lowest in 45 years, and inflation the lowest in 4 decades.

Mr. Speaker, the numbers do not bear out their claim that this is the worst economic performance since Herbert Hoover. We should be celebrating, Mr. Speaker, not only the actions of this body, the other body in Congress and the White House, but especially celebrating the will, the fortitude, the entrepreneurship of the American worker and the American businessman. That is who we ought to be celebrating. They are doing the heavy lifting, and they are performing. The system is working. It is not time, Mr. Speaker, to change course nor captains of the ship.

It has been cited that manufacturing has taken a tough hit. Indeed they have, indeed they have; and no one, no one should know better what the true nature of the reason for the difficulties, the struggles that manufacturing has gone through, nobody should know better than manufacturing.

I happened to come across a little communication from the National Association of Manufacturers, an organization that represents, Mr. Speaker, manufacturers all over this land, largest organization of its kind, so far as I know. I would assume that they are a legitimate mouthpiece for their members.

I do not like to read at this hour or during these Special Orders very often, but I do not want to misstate anything either, Mr. Speaker. So I am just going to quote what the National Association of Manufacturers tells us.

Let us look at the real sources of manufacturing job loss. While many were lost to productivity gains in technology, there were many other major factors as well, such as 900,000 jobs lost when U.S. exports tanked owing to the overvalued dollar and slow growth abroad. That is the problem in other countries. Their economies were in the tank, the value of our dollar went up, 900,000 jobs because of foreign problems.

75,000 jobs lost in the chemical sector alone, due largely to skyrocketing natural gas prices. Mr. Speaker, maybe we can talk about that at another point in time, too.

60,000 jobs lost due to asbestos litigation that drove companies right into

bankruptcy. We have a solution to that. We have a solution that will save companies, save jobs. Members on the other side of the aisle say no, no, no, let us give it to the trial lawyers and bankrupt companies. I do not know how you can have it both ways, Mr. Speaker, create jobs and put companies out of business at the same time and thousands more jobs lost because of the high cost of doing business in America.

Here is what they say: nonproduction costs, nonproduction costs such as taxes, excessive legal and regulatory burdens, and the rising cost of natural gas and health care add 22 percent to the cost of making a product in America relative to our major trading partners. Mr. Speaker, I am not making that up. This is from the National Association of Manufacturers. That is why we struggle in this country to be competitive in a global market, even a domestic market, because taxes, excessive legal and regulatory burdens, and the rising costs of energy and health care are stifling American business, thus, American workers.

Mr. Speaker, this is a critical subject. I thank the gentleman for bringing it to the attention of this body and I see he has something on his mind that he would like to say. I thank him for the time.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ) for his thoughts on this subject and for the calm approach that he has to dissecting a very difficult problem.

Always when you face difficulties it is easy to discuss the difficulties, but understanding those elements that must be changed in the very measured way that they must be changed is the difficult part of this business.

He began to discuss why would American jobs be leaving our country. I think that he is on a very, very timely subject in discussing the cost of frivolous lawsuits, lawsuits that would drive companies out of this country.

About a year ago, Mr. Speaker, right at this time of year, I went to Ground Zero in New York. We went across the street to American Express; and the head of American Express told us, as congressional leaders, that if you do not reform lawsuit litigation problems in this Nation that you will not have a major company left in America in 20 years. I see those pressures that litigation costs us.

Currently, the cost of lawsuits on the U.S. is equivalent to a 5 percent tax on wages. Litigation cost $233 billion in 2002. This is $807 per U.S. citizen. Increased litigation costs have burdened American families and businesses with higher insurance premiums and contributed to higher medical costs and, in some places, removing medical care completely as doctors go into retirement or refuse to practice under the conditions that face them.

Individuals suffered directly by having less disposable income than they would otherwise have due to increased prices for products but also higher insurance premiums. Individuals suffered directly when businesses raised their prices on goods and services to pay for the litigation costs.

The U.S. Chamber of Commerce 2 years ago was advertising in my district that the cost for every consumer who bought a new car for the litigation costs throughout the production of that car was over $500 per vehicle that every single American consumer paid.

Individual wages bear the brunt in the form of lower wages in jobs and fewer jobs when we are exposed to continued litigation, and that is not litigation to respond to problems. These are frivolous lawsuits that come up simply because the legal community feels like they can get redress outside the courts, that they can get settlements outside the court without jury trial.

Frivolous lawsuits discourage businesses and individuals from taking risk, which means that fewer new products are brought to production and new technologies are either delayed or foregone completely. Consequently, good, high-paying jobs are not created because of the fear of lawsuits. Companies are left going bankrupt instead of being able to pay the high cost of litigation.

Currently, this House has passed four kinds of tort reform, four kinds of litigation reform that currently have stalled out in this city, unable to move further because of the influence of the personal injury lawyers in this community. Out of this House, Mr. Speaker, we have passed class action tort reform, asbestos tort reform, medical liability reform and then also, just recently, that cheeseburger bill because the personal injury lawyers are trying to tap into the pockets of every single restaurant owner in America saying they are the cause that people are sick or overweight.

Mr. Speaker, just the asbestos litigation reform is needed to begin to deal with the tremendous numbers of cases that face us. An estimated 300,000 claims are pending, 730,000 individuals have already brought claims and 60 to 100,000 new claims are filed every year.

Asbestos victims face uncertainty, delay, and risk in the current tort system. Today, a person's compensation is more likely to be determined by where and when the claim is filed and who is the lawyer or judge rather than by the severity of his illness. Many victims even die before receiving anything.

To name a few examples, after having his claim consolidated with 1,000 other plaintiffs in a Louisiana trial, a former Avondale shipyard employee died of mesothelioma before his trial even began. An Ohio welder died during trial. A flooring contractor died during his trial in California. While some courts prioritize cases where plaintiffs suffer from mesothelioma, other times plaintiffs can die before or during the trial. Exponential growth in claims involving plaintiffs who are not sick is clogging the system. Those people who are simply making claims with no physical symptoms are clogging the system so that those who are legitimately sick are unable to move forward with their claims. Mr. Speaker, this is an economic distress to companies that maybe never even manufactured asbestos. It is an affront to our entire system.

In 2001, an asbestos verdict awarded six unimpaired Mississippi plaintiffs $25 million each. None of the plaintiffs claimed prior medical expenses or absences from work due to any related illness; but they were awarded a combined total of $150 million, Mr. Speaker, and they had never claimed any absences from work due to related illnesses. These unimpaired awards have bankrupted 67 companies and wrung $54 billion from companies. Some experts estimate that under the current broken system the past and future trials of asbestos liability will ultimately reach as much as $200 billion or more.

Mr. Speaker, to put these numbers in perspective, the savings and loan sector crisis in the 1980s and 1990s cost approximately $153 billion. The collapse of Enron and WorldCom resulted in losses of as much as $42 billion in gross domestic product and as much as $50 billion in insurance industry losses and as much as $50 billion in insurance losses stemming from the September 11 terrorist attacks.

□ 2215

Most unfortunately, the asbestos litigation system imposes billions of dollars of costs, while claimants receive very little of what is paid. Transaction costs have accounted for well over half of the spending. Plaintiff attorney fees alone can be 40 percent of any settlement, with expenses often reducing the settlement to less than 50 percent.

It is not just the American companies that are left with the cost, it is the American worker. Companies bankrupted by these 75 percent of unwarranted asbestos claims have slashed 60,000 jobs and failed to create 423,000 new jobs. Each displaced worker has lost up to $50,000 in wages and an average of 25 percent of the value of their 401(k) accounts. Even the AFL–CIO testified before the Senate Judiciary Committee, noting that the uncertainty for workers and their families is growing as they lose health insurance and see their companies file for bankruptcy protection.

So while our friends on the other side of the aisle continue to talk about the jobs that move overseas and the failure of this economy to create jobs, they are overlooking one of the most important cures, Mr. Speaker, that can be found to be effective: that of litigation reform.

Mr. Speaker, I see that the gentleman from Colorado has additional comments, and I yield back to him.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman, and I thank him for his timely comments as well.

We talk about large numbers in this body. We are dealing with a $2.4 trillion

budget this year. And running the United States of America's business is certainly an expensive business. But while I was home over the last couple of weeks, I talked to a whole lot of constituents. I know the gentleman has a great deal of familiarity with the energy business, and, not surprisingly, energy came up over and over again.

I think in the context that we have been discussing these last about 45 minutes now of embedded costs, costs that stifle competitiveness, job creation, economic growth, and all the things we are all talking about, now we have this rapidly escalating cost of energy.

A friend of mine, a young mother, she has three children. I think the oldest is about eight. So this mother of these three little children, she is absolutely beside herself. She does not work outside the home. She is home doing what moms ought to do, taking care of her three little kids and doing a good job of it. Her husband works and is bringing home a decent income, but one can imagine that things are pretty tight around her house.

She is now faced with rapidly escalating costs of gasoline and in their utility bill at home. So I went looking for numbers. She pulled up to the pump just behind me and she said, oops. Regular unleaded that day was about $1.85, and the next two grades were over $2. I think it was $2.05 and $2.13, if I remember correctly. The AAA estimates that in the average two-car household, they use about 1,200 gallons of gasoline a year. I know the gentleman is from New Mexico. I am from Colorado. Out our way we drive even more miles, I think, than the average, so that 1,200 gallons is probably a conservative number for the average household.

Now, imagine just a 50-cent-per-gallon increase. And we have had all of that. Maybe it is closer to 60 or 70 cents now in just recent months. But at 50 cents, 1,200 gallons a year, that is obviously a $600-a-year additional burden on that family. That $600 has to come from somewhere, so I asked her, where does it come from, Teresa? Teresa says, I just have to do without something. We do not take the kids to the zoo, or we do not take the kids to McDonald's for a Happy Meal. We are starting to make those tough choices.

We have to stop and ask ourselves, I think, what are we doing to American people? In addition to that extra $50 a month to pay her fuel bill, Teresa tells me that her energy prices, the utility bill at home, has gone up about $30 a month, too. Now, sooner or later it gets to be real money.

That evening I spoke to a group of realtors. They have been enjoying pretty good times, because, thankfully, interest rates have been very low, and, to a very real degree, the housing market has kind of kept us going as we get jobs coming back on the market. But they are concerned, and they are concerned for exactly this reason: I asked them, I said, how many of your clients have wanted to put a contract on a house, and they pushed the numbers, and, having been a banker before, I understand how this works, and they find out they just barely or maybe not quite qualify for that new home they would like to buy? It is often $50 or $100 a month one way or the other. When energy costs alone go up that much, you just have a whole pile more folks who cannot afford going that next step up the ladder. That does not make sense.

We have passed an energy bill out of this body three times since 2001. It is time that the entire Congress, with the cooperation of the other body, do what America desperately needs and pass an energy bill, send it down Pennsylvania Avenue and let the President sign it.

There is no silver bullet solution. But as the gentleman knows, we need to address some common-sense regulation relief, common-sense permitting, and create some jobs at home. And that is the other thing that is so maddening, as we talk day after day after day, and we hear rhetoric in the media and from candidates running for all kinds of offices about jobs. Pass an energy bill.

The Department of Commerce estimates that for every $1 billion we send offshore, those foreign sources which we are now two-thirds dependent on for our total energy supply, for every $1 billion we send them, we are sending them 12,389 jobs. With what we are sending in total today, the billions and billions, that is 1.7 million American jobs that are somewhere else on this planet, and in the meantime we are paying more. Less jobs; more for our energy.

Mr. Speaker, you do not have to be the proverbial rocket scientist to figure out that that will not work forever and ever and ever. So rhetoric is not going to get it done. Sooner or later we have to have some decent policy. The American people are feeling the pinch right now, and they need to hear the truth.

My colleague talked about litigation reform. We talked about how we have to have some regulation relief in this country. We talked about the effects of the tax cuts. We need a good energy policy to go with it.

Mr. Speaker, I see the gentleman has that look in his eye that says he has something to close with, so I yield back to him and thank him for his kindness this evening in letting me participate.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ), and he is exactly right. We have passed the energy bill out of this Congress, and it is stalled out, unable to move further. The estimates are that energy bill would create 800,000 jobs nationwide.

Now, the most important thing it would do is begin to limit our dependence on foreign oil. And when people ask, what is suddenly causing the price of oil to escalate, it is very simple. The OPEC countries decided they are going to try to squeeze off the supply, understanding our demand is fairly constant. If they squeeze off the world supply of oil, the price goes up.

Now, those are independent countries. They operate on their own. Our President is asking them, it is an arbitrary decision on their part, if they will not consider going ahead and increasing the supply where the price will moderate. But the fact remains that we do get about 60 percent of our energy from overseas, and there are people in this country, the extremists, who would say we should not produce any energy in this country. They would like to move all drilling to other countries. They do not want to drill offshore, they do not want us to drill in the Rocky Mountains, they do not want those jobs in America, and they do not want an America independent of foreign energy production.

Mr. Speaker, this economy that America has is built on one thing and one thing only: It is built on affordable energy. And right now the price of natural gas in this country is between $5 and $6, last year spiking up to $10. In Russia and in Africa right now the price is between 50 cents and 70 cents. We cannot sustain our economy at the levels it is and the levels that it has traditionally been, paying five times for our energy.

There are those extremists who say that we cannot and should not drill in areas that have been drilled before on our public lands. Mr. Speaker, we are going to decide in this country if we want a vibrant economy or if we are going to send all those jobs overseas, because that is what will happen. Infrastructure will eventually relocate to the area where energy costs are one-tenth of what they are today. In the meantime, we are going to be faced with paying more at the pump because we have internal policies which refuse to allow drilling to occur in places in this country where there are known and proven reserves.

Mr. Speaker, I would also make comment that it is time that we have these discussions. I think that in this Nation we can reach the balance between preserving the environment and providing affordable energy, and it is time that we begin to look at those policies which will allow us to do that. We cannot continue shipping jobs overseas because of the cost of litigation, because of the cost of energy, because of our unwillingness to deal with the regulatory climate that simply frightens people out of investing in new jobs in this country.

Mr. Speaker, we ourselves, as Americans, are going to determine at what level our economy operates, and it is each one of those small increments that will determine exactly what we do.

In concluding the discussion tonight, Mr. Speaker, and I thank the gentleman from Colorado for participating with me, I would remind the House that our economy has been suffering

from three deep shocks. It is suffering from the deep shock of the dot-com collapse, of the 9/11 strike, and finally the corporate scandals, which are now being tried in our courts.

Mr. Speaker, the Republicans and the President have charted bold initiatives that are pulling us out of the economic recessions that began in the late 1990s and early 2000. Those recoveries must be sustained. That tremendous job growth in March is an indicator of what lies ahead, 308,000 new jobs in 1 month.

Mr. Speaker, we have 138 million jobs in this Nation, but every single person who needs a job and a career should be able to find it. And with the policies that this administration and this Congress have passed, we are on the road to recovery and providing careers for every person that looks for them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The Chair must remind Members to avoid improper references to the Senate.

IRAQ AND RECENT REVELATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized for half the time remaining before midnight.

Mr. STRICKLAND. Mr. Speaker, I am happy to be joined here this evening by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) and another of my colleagues, the gentleman from the State of Hawaii (Mr. ABERCROMBIE) as we talk about what is happening in Iraq, the needs of our troops, and what the American people need to know. Much of the information is just now becoming clear to us as a result of Mr. Woodward's book, which became available to the general public today.

□ 2230

Mr. Speaker, I would like to begin my comments by making reference to a comment the President made in his most recent press conference when he made reference to what he would say to the troops. In that statement he said, ''We will provide them what they need.'' That sounds like a rather direct and simple statement, but the truth is we have not provided our troops in Iraq with what they need, not in terms of equipment certainly, equipment that has the potential to save lives and to avoid serious injuries.

Mr. Speaker, the war began in March 2003. Soon after that war began, I received a letter from a young soldier from my district who is a West Point graduate and a gung-ho Army guy, and he started his letter by saying, Congressman, I am so proud of the Army. I am so proud of what we are trying to do here to help these people. But later in his letter he said to me, my men are wondering why they have not been provided with these life-saving interceptor vests, which became available, I believe, in 1998. They cost $1,200 to $1,500 apiece. They are made with Kevlar with pockets in the front and back where ceramic plates can be inserted which will stop an AK–47 bullet. They are life-saving equipment, and yet we send our soldiers into battle in Iraq, and thousands and thousands were without this equipment.

Now, the war began in March. I received this letter from this young soldier in the early summer. I wrote the Secretary of Defense Donald Rumsfeld a letter sharing what I had been told by this young West Point soldier, and asked him when our troops would be provided with this life-saving equipment. He wrote me back. I got a letter in September from the Secretary telling me that he expected that our soldiers would be fully equipped with this life-saving equipment in November. Within a day of getting the letter from Secretary Rumsfeld, I received a letter from the chairman of the Joint Chief of Staff General Myers, and in his letter General Myers indicated it would be December, not November as Secretary Rumsfeld had said, but it would be December before all of our soldiers were equipped with the interceptor vests.

Then before we left this city for our Christmas vacation, our holiday vacation, the Pentagon held a briefing, and in that briefing we were told that it would be January before our soldiers were equipped with these life-saving vests. I remind my colleagues that the war began in March, and we are being told that it will be January before the soldiers are provided with life-saving vests. Lo and behold, after I came back to this city after the holidays, and I was continuously troubled that this problem had not been solved, so I wrote Secretary Rumsfeld another letter reminding him that the self-imposed deadline had passed.

Finally, finally, in March of this year, I received a letter informing me that finally all of our soldiers had been equipped with this life-saving vest, 1 full year after the war began.

Now we have a similar problem because many of our soldiers are being killed and wounded in Iraq because they are driving around in Humvees that are not up-armored Humvees. In other words, they do not have the proper armor that will protect them if the soldiers are attacked while on patrol. Soldiers are driving in Iraq with unarmored Humvees. I am concerned about this, and I say to the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Texas (Ms. JACKSON-LEE) the only company that has a sole contract with the Pentagon to provides these up-armored Humvees and the kits to armor those already deployed is an Ohio company, O'Gara-Hess.

O'Gara-Hess officials came to my office, and they told me under their current contract with the Department of Defense, they are being asked to produce 220 of these up-armored Humvees each month. However, they are capable of producing up to 500 a month. The Pentagon says there are about 4,000 of these Humvees in Iraq that need to be so armored to protect our soldiers, and it will probably be sometime in 2005 before it is all done. The question that I would ask: If the President was standing where you are standing, I would say to the President, Mr. President, this is a life-saving matter. Why are you not directing your Pentagon to provide our soldiers with this protection as quickly as possible?

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield, the answer would be, as has been enunciated in a series called The Spoils of War on Marketplace. Members may be familiar with the program Marketplace. It is on the radio and follows the National Public Radio news, All Things Considered, the afternoon edition of it. There is a business broadcast called Marketplace which reviews the market decisions, the business activities of the country, and in their series entitled The Spoils of War, Members will find that the money which otherwise might have been spent, according to the contract that your company represents, to provide armor for the Humvees is now going out at the rate of tens of millions of dollars a week, perhaps a month, in graft and corruption through the Bank of Iraq, with nothing in the way of any kind of accountability under the Provisional Authority, Mr. Bremer's Provisional Authority.

This is being done today. They are done with DGs, or director generals, of the various Iraqi ministries. They are the equivalent of under secretaries. They go into the bank and walk out with cardboard boxes full of cash. Corruption is in the hands of clerks who simply rubber-stamp the action, and the American companies that are over there taking the money are paying bribes, are involved in mass corruption, and this is where the money is going. This is what the Provisional Authority is involved in. This is what is happening.

We cannot respond to you and your constituents in Ohio and those people in Ohio who are capable of providing armor for our troops because we have to make sure that those who say they were on our side, those who say they were the sources of Iraqi information and intelligence and upon whom we could rely are the very ones who are involved up to their eyeballs in corruption and graft in Iraq and Baghdad itself to the detriment of our own troops' capacity to be able to defend themselves.

Mr. STRICKLAND. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just say that I wish there could be the kind of sunlight that our distinguished friend, the gentleman from Hawaii (Mr. ABERCROMBIE) has

said. Sadly, it is impacting your constituents and your company, but let me say what it really means to the American people.

He is asking the real question who is in control? Who is providing the firewall to ensure that the young men and women who have committed themselves to putting themselves on the front lines, for whatever the cause. We know there are young men and women on the front lines. Might I say there are also civilians who are there, and some of them are hostages. Today one of my companies announced that three of their employees were found dead. We know there are hostages still held. We want to offer our prayers for those families, and the military families as well; but who is in charge?

Before we went off on break, I went to Walter Reed Hospital and saw the results of unreinforced Humvees and saw the results of the misuse of dollars in as much as rather than having the resources to ensure that land mines or the explosive devices are not utilized against our troops because maybe they are shorthanded, we are in the crux of confusion with not enough resources to be able to restore Humvees. Soldiers that I visited showed me limbs that were lost. When I was in Iraq, they showed me that they were reinforcing them with sandbags. One soldier said that he did not get hurt as badly as he might have because they had used sandbags.

Mr. STRICKLAND. I received a call a few days ago from a soldier returning after 14 months in Iraq. He said, ''Congressman, your Ford Explorer that you drive around is better armored than the Humvee that I drove around Iraq.'' The fact is so many of the wounds and the deaths are occurring because of these devices that are planted in the roadways, and our soldiers are driving over them, and they are exploding, and there is nothing in that vehicle to protect them.

These up-armored Humvees have steel plating in the bottom and on the sides. They can even reinforce the windshield so that the windshield itself is impenetrable. It can be done. The President said to our soldiers, we will provide you what you need, but the President is not providing our soldiers what they need.

Regardless of what people feel about this war, Republican or Democrat, liberal or conservative, the one thing we should be able to agree upon is if we are going to send our soldiers into harm's way, we provide them with every bit of equipment that they may need to be safe. Why we are not doing it, and why we are not doing it as rapidly as possible, I do not know.

MS-NBC had a TV program about this last week. They identified the problem, and they indicated steps were being taken to correct it as quickly as possible. I can tell Members tonight, steps are not being taken to correct this problem as quickly as possible.

Mr. Speaker, if I were the President, I would get on the phone to Secretary Rumsfeld, and I would say, fix this problem as quickly as it can be fixed, regardless of what it takes, 7 days a week of work, 3 shifts a day, whatever it takes. Get our troops the equipment they need to be protected, and do it as quickly as possible.

Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. In that context, I can tell Members as someone who was part of the first group to go into Iraq right after the initial attack on Baghdad, going from the Baghdad airport to Saddam Hussein's palace where Mr. Bremer was being installed and displacing General Garner, and we were there the day after he had taken control there, we said to him at that time, you can have all of the equipment in the world, but as I said to him, Mr. Ambassador, driving from the Baghdad airport to Baghdad itself and to this palace that we now occupy, you are going to have to have 10,000 soldiers who guard that highway. I do not care what kind of equipment and armor you have, you do not arm a Humvee and then send somebody out to play lottery with their lives. No matter what the equipment is, when you only have a strip of tar coming across the desert, no lights, no protection, nothing, I said it is going to take 10,000 soldiers.

The plain fact of the matter is when General Shinseki, who had responsibility for the well-being of his soldiers, indicated as chief of the Army that it would take hundreds of thousands of soldiers, hundreds of thousands of Army and Marine personnel and support in order to initiate and sustain such an attack and deal with the aftermath, he was entirely correct. We need not just more equipment, we need a political policy that provides a foundation to bring this to a resolution.

□ 2245

And in order to accomplish that, we have to have sufficient personnel unto the date, and the Secretary of Defense and the President consistently have denied this to our people in the field and indicated to me shamefully all along if they wanted more, all they have to do is ask. We know what the message is. The message is they are not here; they cannot be there. And why? I will tell the Members. Because many members of our committee, Republican and Democrat alike, and when I say our committee, the Committee on Armed Services, have tried for several years now to increase the number of people in the Army and the Marine Corps, that is to say that can be recruited and retained as active-duty forces. It is called end strength. What is the end strength? The end of the numbers that we have in the Armed Forces. We said, absent a significant increase in the number of Army troops and Marines available, we inevitably would have to call on Guard and Reserve.

I beg to differ with the gentleman's remarks and the gentlewoman's remarks in one sense only, the phrase ''our young men and women.'' Let me tell my colleagues something. Tune into the NewsHour with Jim Lehrer every night on PBS, and respectfully and with dignity they close every program in silence with the pictures and short biographies of the people who have been killed, and chills run down my arm as I reach out to say it, and we see over and over again sergeant so and so, 43 years old; master sergeant somebody, 50-something years old; 38 years old. These are teachers. These are police officers. These are fire fighters. These are Guard and Reservists. They are not young men and women. Not that being young in itself makes one a candidate for these pictures, but that is who we tend to think of. This is a volunteer force, and the Guard and Reverses are volunteers, and they are being shamelessly exploited in this sense. We now have a draft in this country. We have a draft by default because the Guard and Reserve are being pulled into active-duty service and their terms of enlistment are being extended arbitrarily by the Department of Defense.

Therefore, I conclude, and thank the gentleman for yielding, by saying, yes, we have to provide the equipment; but we have to provide the people and the policy behind it that will allow us to resolve this issue.

Mr. STRICKLAND. Mr. Speaker, a point well taken because I have had three of my constituents killed in this war. The last one I heard about today, a 21-year-old Marine who had served time in Iraq came home for a brief period of time and was married, was sent back, and was killed in an explosion last Saturday, 21 years old. Earlier than that, a couple of months ago, a 20-year-old, but a 37-year-old as well with three children, a 15-year-old son and two young daughters. So my friend is correct. Young people, middle-aged people are losing their lives.

And I would just say this before I yield to my friend from Texas. This has been the most costly month of this war. We are not through this month yet, but we have already lost over 100 precious American lives just this month, well more than a year after this war started. And I just wonder if the President had told the American people before we went to war that it was going to cost $150 billion plus billions and billions and billions more in the years to come, if it was going to cost more than 700 precious American lives, if it was going to result in about 3,500 to 4,000 being seriously wounded, if we were going to be there not for a year or 2 years, but perhaps 5 or 10 or more years, if there were no weapons of mass destruction, if he had said to the American people Iraq was not responsible for the attack upon our country and we have no reason to believe there is a connection between Iraq and the al Qaeda terrorism network, I just wonder under those circumstances what the reaction of the American people would be.

But the fact is that Vice President CHENEY, we now know as a result of Bob Woodward's book, and Mr. Wolfowitz and Richard Pearl and others had decided that this is what we needed to do and so they manipulated and distorted and exaggerated and shaved the truth, and we find ourselves now in a situation where our troops are not being well equipped, not being well equipped in spite of what the President says in his press conference, not being well equipped, and I believe that those who were responsible for persuading this President to take us to war under these circumstances were immature in their understanding of history, were naive in their understanding of what war is all about, and to this very day refuse to acknowledge their mistakes.

Some may say, why talk about the past? We are there now. We have got to deal with this. And that is true. We cannot just leave. We are there, and we have got to deal with this terrible situation. But the reason we need to talk about how we got into this situation is because those who got us there are still in power and they want the ability to make the decisions for the future. They want the ability to make decisions about what this country is going to do with our military, with our foreign policy, years into the future. And that is why we need to talk about this issue, because the American people need to learn the truth, and they need to know the complete story.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the gentleman from Ohio's remarks, and of course the gentleman from Hawaii has made a very pointed statement. I guess my optimism is that all of them are young men and women with futures before them, and I recognize that we embrace that population of youth, which ranges from the early teens or the late teens all the way up to the ages that the gentleman has cited, each and everyone of them have committed themselves to going forward to provide the kind of protection for this country and to uphold their oath.

I guess I rise today to follow up on several points that remain. But in particular I just want to take a very quiet moment to acknowledge that this Nation is not filled with wimps. There is no one that would step aside when the Nation's, if the Members will, dignity and honor need to be defended. None of us would run away from defending a Nation that had been attacked. None of us would go against the efforts to fight the war on terrorism. In fact, we have been united in the war on terrorism. This Nation has rallied in World War II, in the Korean War. We even rallied in the Vietnam War. We asked hard questions. It was controversial, but we were united. But we understood that we needed to learn a lesson from Vietnam. We were united, even though there were political differences, ultimately in the Gulf War, and it was one of the largest collaborations that we have seen around the world.

What I really struggle with here in these days of the Iraq war are several points, and the gentleman has made them. But, first of all, I have struggled with the direct and pronounced and distinct misrepresentations to the American people. We have yet to find weapons of mass destruction, nor can we find the connection to 9/11.

And then my good friend from Hawaii has said it very clearly. We have young soldiers there. In the headlines in The Washington Post, ''Disappointed troops face extended tour with the need to get over it.'' Part of their extended tour is the very fact of what the distinguished gentleman has said, not enough troops; and so therefore we are keeping those who are bruised and battered and torn and worn; yet their spirits are responding to our call. But we are keeping people over there who have, in fact, done their service. And this particular battalion is now going to have to stay an extra 4 months.

Mr. ABERCROMBIE. Mr. Speaker, would the gentlewoman agree then that that is a draft by default?

Ms. JACKSON-LEE of Texas. Mr. Speaker, that is a draft by default. He made an excellent point. And in the shadow of the draft by default is the constant dying of these soldiers for lack of equipment, for lack of a plan. For there are many of us on this floor that have agreed with the war resolution and disagreed with the war resolution.

I have been to Iraq. Most of us or many of us have been to Iraq. And what we all agree with is that there must be a plan to follow through either on an exit or for the maintenance and reconciliation of peace.

My good, distinguished friend has already said there is corruption there, that money is flowing in and out that cannot be accounted for. And so the safety of Fallujah is not the only question we have in mind. It is the question of what is the plan. What is the plan to understand the people in Fallujah and to understand, once the governing council makes a deal, whether or not the citizens of Fallujah are going to adhere to it? It is to understand that we cannot put different groups in a battalion of Iraqis, Shiites, and Sunnis and others, and then ask the question when they go into battle why they dispersed and either go in alliance with those who are fighting our troops. Because this administration does not have a plan. And because they do not have a plan, in the city, in the metropolitan area of Houston over this last weekend, we lost 11 individuals in that area, 11 loved ones, 11 personnel in that area, 11 families mourning.

So this is not a question now of politics as much as it is what is the future of this war. What is the recognition by this administration that people are dying and that they are not in any way objecting to dying for a cause, but the question is can the administration in good faith suggest there is a cause, suggest that we have a plan, suggest that we have a solution to be victorious.

And let me just say this: the gentleman had it right, and the headline reads in The Washington Post, which is taken from the Woodward book, ''Cheney was unwavering in desire to go to war.''

Let me just say this: my understanding is that we have three branches of government, the judiciary, the executive, and the legislature. I have never been told that a declaration of war, decision to war, is that of one person, be that person the Vice President of the United States or maybe even one Member of Congress, who has the right to send this Nation into war. So I am at a loss as to the power of the Vice President to singularly take the United States into battle. He has no solution now. I do not know whether Mr. Wolfowitz has a solution. Certainly Mr. Rumsfeld, who indicated a couple of weeks ago he was surprised with the response, and this happens to be the Secretary of Defense who is over our United States military, he is telling us he is surprised, while mothers' children are dying or fathers' children are dying. What an outrage.

Mr. STRICKLAND. Mr. Speaker, one of the things that bothers me about this administration and its apparently overwhelming desire to go to war was the fact that according to the Woodward book that in January the President and I believe Mr. Rumsfeld met with Prince Bandar, this Saudi ambassador, this prince, in the White House and informed him of our plans to go to war with Iraq, and according to Mr. Woodward, this happened before the President even told our own Secretary of State, Colin Powell. Mr. Powell is now disputing that account, I believe. But the fact is why would the President discuss his plans to go to war with this ambassador from Saudi Arabia before he informs the Congress of the United States and talks to the American people about this?

Fifteen of the 19 pilots that were involved in the attack upon our country on September 11, 2001, were Saudi Arabian citizens. There is an unusual relationship between the Bush family and the Saudi royal family. It is starting to come out. I do not know if that has anything to do with the fact that a few days after the attack upon our country, Saudi citizens were allowed to be flown out of this country at a time when all of the other private aircraft were grounded and planes went all over this country picking up Saudi citizens and some relatives of Osama bin Laden and flew them out of this country before they were thoroughly questioned and vetted by the FBI. Why would that have happened? It is almost beyond belief.

□ 2300

Now, Mr. Woodward implies in his book that there may be a secret deal

between this administration and the Saudi Government regarding the cost of gasoline; that they have been asked to lower the price of oil before the election so that the election prospects of President Bush may be enhanced.

Mr. Speaker, I do not know if it is true, but I know that is what Mr. Woodward says in his book, and Mr. Woodward is a very credible author, widely respected journalist, who had access to Colin Powell and to the President, and he makes that accusation in his book.

Now, the American people are paying outrageously high gasoline prices today, outrageously high. Secretary Abraham, the Secretary of Energy, was before my committee not many days ago, and we asked him in that committee meeting, has the President called the members of the Saudi royal family and asked them to do something about these outrageous oil prices?

Well, apparently not. In fact, the Saudi family cooperated with OPEC in voting to cut production, which has had the effect of raising prices. So during the spring and summer, the American citizens are paying these outrageous gasoline prices, and, apparently, if Mr. Woodward is correct, maybe in late fall we will find that the Saudis suddenly decide to increase production, thereby lowering the cost of gasoline and making the President a hero. Now is when the American consumer needs help with these high gasoline prices, not in September or October.

Mr. ABERCROMBIE. If the gentleman will yield a moment on that, I just want to ask a question at this point: Would the gentleman agree then that the President of the United States is all for free trade, unless it happens to be with oil, and in that instance then he seems to have no problem at all with a cartel being able to decide how much it is going to produce, when it is going to produce it and how much it is going to charge for it?

Would the gentleman agree that when it comes to free trade, that is a foreign term to the President, that is a foreign term to the free trade people in this country, who want us to be able to send our jobs overseas, want free trade and the free circulation of international funds for the purpose of that trade, except when it comes to oil and the oil cartels?

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, there is only one other exception, and that is prescription medications. The administration does not believe in free trade when it comes to prescription medications, because we can trade everything else with Mexico and Canada except medications, and the pharmaceutical companies do not want that.

Mr. ABERCROMBIE. I yield to the gentleman the point that international robbery from pharmaceutical companies is right up there next to, if not parallel exactly, with the oil cartels.

Mr. STRICKLAND. I thank my friend, and I yield to my colleague the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is overwhelming in terms of the mounting evidence that we have seen presented over the last couple of days and weeks that goes to the point that I made, that the decision to go to war was somewhere outside of the constitutional parameters that we should adhere to.

Frankly, we were misrepresented to in terms of making a decision on this floor, and then we have come to find out that maybe even in the executive branch, the appropriate officials were not given at least the opportunity to give and take, and that this was in fact the singular decision of at least one individual, and then maybe two or three others. So we have a real problem.

If I might, as I close, say this: I am going to apologize to the American people. We know that the 9/11 Commission hearings were held over the last 10 days, and a number of administration officials came forward.

I guess I come from the old-fashioned home training. My parents and grandparents always said that there is some dignity in an apology. It does not in any way suggest that you are weak, that you have no strength. In fact, it is all about character, that you can acknowledge that you have made a misstep or mistake. Then you begin to gather around so that you can embrace ways of improving your good condition.

When I see those men and women of all ages in the military hospitals losing limbs, multiple limbs, quadriplegic, blinded in both eyes, heads dented in from wounds, I wonder what I can say to their children, looking for them to come and play Little League or football, their wives, their mothers and fathers.

So I just want to come to the floor this evening and join my colleagues, but I want it to be known that I apologize on behalf of this country and am shamed by the fact that officials went before the 9/11 Commission, and I know that the two are distinct in some sense, 9/11, of course, referring to the tragedy of 9/11 in New York and in Pennsylvania and in Washington. But it was overlapping, that as the 9/11 was used for us to go into Iraq, and we lost those precious lives and we should have been committed to a vast war against terrorism, bringing in all the allies that we could muster, so that we would be able to stomp out the devastation of terrorism. Yet we got distracted, and now we have men and women dying in Iraq, and we are at a loss to find out what the cause is.

We are hearing that there is infiltration of corruption with dollars that we have sent over there. We are understanding that no matter if you are in a convey of civilians, even the civilians are not safe. Family members who have sent civilians over just to get an honest day's earnings for an honest day's work are in jeopardy of their lives. Even our corporations who are working over there with their personnel are jeopardized because they are not getting a fair shake to be able to do the work they were supposed to do and as well to have their personnel protected.

So, I would just say to my colleagues, I want to thank the gentleman from Ohio (Mr. STRICKLAND), first of all, for giving me this time to join him and to join the gentleman from Hawaii (Mr. ABERCROMBIE), and be able to say that together in this Congress we have got to find a way to restore the constitutional parameters and to restore the authority of the United States Congress to ask the hard questions; to support the United States military, as we have done collectively, to provide the resources; to ask the President why, and to expect, I might say, an apology, which does not in any way diminish the Commander-in-Chief's role of leading the troops; but to be able to say that with all that has come out, I know we have made some missteps, and I apologize to those who have lost their lives, their family members, bereaved members who now have to be left alone.

There is one final point I want to make, and maybe the gentleman did not hear it, but I want to get the transcript so I am not misstating, because I thought I heard in the press conference some words about ''I am disappointed in some of the performances of the troops.'' I am still trying to research that, the President's press conference. I was shocked that I might have heard those words. I cannot imagine how can you can be disappointed in some of those performances when they do not have all of the equipment they needed to have.

Mr. Speaker, I just want to end on one note and make it very clear, I am apologizing, and I am not ashamed of doing so. I believe that this Congress needs to stand up and take responsibility for how we are going to gain dignity by responding, if you will, to the needs of the United States military in the crisis that they are in in Iraq and provide them the necessary equipment and plan for them to be able to exit in dignity and to have the success of the rebuild of Iraq with an expanded coalition, what we should be engaged in at this time.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield, the gentlewoman from Texas made a very, very strong point of the necessity, I believe I am quoting her correctly, that we have to find a way. We have to find a way to get this message out. We have to find a way to get our message, we have to find a way to engage the American people in a discussion and a dialogue. That is what we are trying to do here.

To the gentleman from Ohio (Mr. STRICKLAND), if you would indulge me for a moment in yielding, I think it might be apropos that we do take upon

ourselves the admonition of the gentlewoman from Texas. We have to find a way.

This is our way. Not everyone may understand what it is. They may be going up and down the television and see what is going on. This is called Special Orders. Special Orders means the regular business of the House, that is to say the scheduled business of the House, is completed for the day. This is our opportunity as Representatives, this is the opportunity of the 435 of us, who have had the faith and trust of our constituents placed in us, to come to the floor and engage in a dialogue not just with ourselves, but with the American people. Because part of the difficulty has been is the American people are watching this on television, or reading it in the newspaper, participating, if you will, at a distance, as to what is taking place, unless and until, of course, it hits you full force because a loved one has been hurt or harmed or killed, or someone that you know has had that experience. So it happens sporadically, and, from the point of view of the cosmos, indifferently around the country at various times.

So we are here on the floor, and I might say to those tuning in, we are here on the floor of the House of Representatives, surrounded by the galleries. In fact, our good friend the gentleman from Illinois (Mr. COSTELLO), the distinguished gentleman from Illinois has a group of his constituents in this gallery right now observing our proceedings.

□ 2310

He is explaining to them as we are speaking now what it is we are doing on the floor here. It does not matter that the Chamber is not filled right now.

We spent our time this afternoon naming post offices. I was happy to do it. A good friend of mine had one of the post offices named after him. I was pleased to cast my vote for it. A wonderful opportunity to show our expression of what we would say in Hawaii is ''aloha'' for our good friend and others. We were happy to do that.

But our business here in these Special Orders is to engage the American people as best we can with that which we have before us. And as the gentleman from Illinois (Mr. COSTELLO) now is talking with his constituents here in the gallery, this is the freedom granted to us by the Constitution that we need to take advantage of, that we were obligated to take advantage of.

So the regret to me is, as the gentleman from Illinois (Mr. COSTELLO) no doubt has pointed out, right behind me here is the press gallery. Empty. Night after night empty. Now, maybe they can say, well, they are watching on television, if they care to.

But who wants to pay attention to Special Orders? Well, I will tell my colleagues what happens in Special Orders. Not just this kind of discussion, but my good friend, the gentleman from Michigan (Mr. SMITH), night after night engaged in a conversation on the Social Security trust fund, what it takes to make the Social Security trust fund.

In fact, he just walked in right now. That is synchronicity. I did not know he was coming. Did my colleague happen to hear what I had to say? I do not know whether the cameras are on us or not. But the gentleman from Michigan (Mr. SMITH) has just come in.

I cite him as an example, as a prime example of someone who has faithfully come to the floor to explain his position on the Social Security trust fund, the implications of it for our country. That is the kind of thing that needs to be done. That is what this is about.

This Iraq Watch that we have faithfully committed ourselves to since the beginning of our concern that this war was going off on the wrong track, that this was taking place, that is why we are here. That is why I appreciate the gentleman yielding. I appreciate the fact that our good friend, the gentleman from Illinois (Mr. COSTELLO), and his constituents have observed us this evening, have seen democracy in action.

I am here to tell you as far as this gentleman is concerned, that I am going to take advantage of this opportunity that we have here on the floor and continue to exchange in the kind of dialogue that I hope will illuminate the issues of our day so that we can get a resolution on behalf of these brave men and women who are serving our country.

Mr. STRICKLAND. Mr. Speaker, I thank my friend, the gentleman from Hawaii (Mr. ABERCROMBIE), for joining us and thank my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), in closing so the gentleman from Michigan (Mr. SMITH) can have his time to talk about his concerns.

I go back to something that I mentioned earlier in this time together and that is the fact that this very night we have young soldiers and middle-age soldiers in Iraq driving around in Humvees that are not armored. It puts them at greater risk. This problem can be solved much more quickly than the Pentagon is willing to solve it.

I talked to a radio personality back in my district today and she said, ''Congressman, what can the people listening do about this?'' I said, ''Call the White House. The message ought to be this: Mr. President, provide our soldiers with armored Humvees as quickly as possible because life and limb are at stake.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The Chair must remind Members to avoid improper allusions to visitors in the galleries.

SOCIAL SECURITY AND GOING DEEPER INTO DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for the time remaining until midnight as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, as the gentleman from Hawaii (Mr. ABERCROMBIE) said, yes, we have had many conversations about Social Security including the stealing of the extra trust fund surplus that has been coming in. We have never been quite square with the American people.

I would yield to my colleague.

Mr. ABERCROMBIE. Mr. Speaker, I am very happy to join the gentleman from Michigan (Mr. SMITH). As one can see, the aura that he exudes when he comes to speak about Social Security must have been so powerful that the rays literally leapt out and said to me, say that the gentleman from Michigan (Mr. SMITH) is coming.

Mr. SMITH of Michigan. Mr. Speaker, I think that the people of Hawaii are still wide awake and listening to this debate.

Mr. Speaker, I am going to comment tonight not only on Social Security but what I consider a huge challenge for this country, and that is going deeper into debt and increasing the spending of the Federal Government and sacrificing the increased burdens of that increasing debt in addition to the kind of high taxes that it takes to accommodate this kind of spending and this kind of servicing of the debt.

The first chart I have is a pie chart that I wanted to sort of show how the Federal Government is spending $2.4 trillion. And we see the largest piece of this pie is Social Security, spending 21 percent of all Federal spending; and that is going up.

In 1983 we had the Greenspan Commission that gathered together because Social Security was going broke, and what they decided is to dramatically increase taxes, payroll taxes, our FICA taxes, for Social Security and at the same time reduce benefits. And that is the challenge for Social Security, that is the challenge for Medicare, that is certainly the challenge for Medicaid, the three major programs where Members of Congress have continued to make promises over and above far beyond our ability to pay for them in the future. And that is the problem with extra pressure on increasing taxes and increasing debt on these kind of unfunded liabilities.

We see the other pieces of the pie. Defense is 20 percent; 2 years ago it was 19 percent.

Interest. Look at this issue of interest on the debt. It is now 14 percent of total spending. Within 6 to 8 years that amount of the piece of pie that interest consumes servicing this increasing national debt is probably going to double.

Now, interest rates right now are almost at record lows. We know that interest rates eventually are going to increase. And so increasing interest rates

in addition to the increased debt is going to consume a lot larger piece of the total Federal spending.

Then how do we accommodate that increased spending? Do we simply say, well, we are going to increase debt more or increase taxes more? Increasing debt puts additional pressure on the interest rates which is going to up interest rates and up the cost. If we increase taxes, that puts our businesses at a greater competitive disadvantage to other businesses in other countries that we are competing with.

Right now we charge our business approximately 18 percent more taxes than the taxes that are charged to our major competitors in the major industrialized countries of the world.

The other problem with the increased debt is how fast government is growing. The debt of this country, we are about 227 years old as a country, it took the first 200 years of this country to amass a debt of $500 billion. Now, Mr. Speaker, we are going deeper in debt over $500 billion a year. For the past several years, and it looks like as far as we can see into the future, we are continuing to increase debt over $500 billion a year.

How can we do that? We can do it because Members of Congress have felt that it is in their political interest of getting reelected to expand government programs. And now we are in a situation where almost one-half of the adult population in the United States pays less than 1 percent of the total income tax so they do not have a lot at stake in terms of their pocketbook. So it is easier for that population to elect representatives that promise them more and more Federal programs, more and more Federal spending.

Look, there is no limit to the problems in the United States.

□ 2320

But a country that does not pay attention to the major concerns and major problems it is facing ends up being dismantled and diminishes. As strong a country as the United States is, militarily, economically, we cannot survive the kind of unfunded liability and increasing debts that we are accumulating.

Just briefly to go around the pie chart, and then I will go to unfunded liabilities in a second. The domestic discretionary is 16 percent. Other entitlements is 10 percent. Medicaid is 6 percent. Medicare is 12 percent.

Medicare is going to be overtaking Social Security in terms of its percentage of total Federal spending within the next 25 years. Here again, promises we made compounded by the demographics of an increasing retired generation of Americans compared to a relatively small number that are working in this country and paying in their taxes to accommodate Medicaid, Medicare, Social Security and the other programs.

On this next chart, Mr. Speaker, I ask everyone to consider the kind of promises that we have made over and above our ability to pay for those promises. I call that unfunded liabilities. The massive unfunded liabilities, in other words, the promises we have made in some of these programs over and above the revenue that is coming in to pay for them, is going to become a disastrous challenge for this Nation. And we pass these budgets now, and we do not pay attention to what we are doing to take care of the problems of Medicare, Medicaid and Social Security.

Look at these figures. Medicare Part A, mostly hospitals, is $21.8 trillion. That is going to be needed in today's dollar value to accommodate the promises that we have made just in Medicare Part A. When I say today's dollar value, in effect, these the accumulations, the sum of the Medicare A, B, Part D, and the Social Security comes to $73.5 trillion. In other words, we would have to put $73.5 trillion in a savings account that is going to grow with inflation and probably the time value of money to accommodate the more expensive wage inflation that represents the increase in benefits for many of these programs to accommodate what we are going to have to dig up in the future.

To me, Mr. Speaker, it is unconscionable. I hear Democrats say, well, we need more spending, we cannot cut taxes, but Democrats and their budget proposed greater spending than the Republicans did in their budget. But the Republicans, on the other hand, are suggesting in effect, let us borrow more money to accommodate the spending even though we start slowing down the spending. This year, probably the best year since 1995, 1996, we are holding spending down. But even so, Mr. Speaker, holding down this spending, we are still ending up with an increased expansion of the size of the Federal Government that is almost three times the rate of inflation.

So just imagine for a moment if you project this out, and the size of government is growing three times as fast as inflation, then we are going to have such an empowered Federal Government with such great dependency from the American people that even more Americans are going to call for more government services. I think as you look at the unfunded liabilities of $73.5 trillion, Medicare Part B, mostly doctors, $23.2 trillion. Medicare Part D is $16.6 trillion. Medicare Part D is the new prescription drug bill that we passed. That is interesting.

Last November the projections for the unfunded liability were about $7.5 trillion for the Medicare prescription drug program. Now with the actuary's report that came out about 4 weeks ago, the Medicare and the Social Security actuaries' report, the new estimate is $16.6 trillion unfunded liability. So skyrocketing costs, prescription drugs are sometimes the kind of medical technology that can keep people out of the hospitals. And so if you go in the hospital and you are on Medicare, then your prescriptions are covered. So it is reasonable for some of those drugs to be covered. But to have such a huge expansion of this program without cutting back and reforming the system so that it can survive and so it is sound financially again I think is a great mistake.

And of course, I had a tough night that night. I ended up voting against the prescription drug program because I am so concerned that we are digging a deeper hole in terms of the challenge that we are putting on our kids and our grandkids and our great-grandkids to try to pay back what we now consider is our justified overspending.

And think about that just for a moment. Do we pretend that their problems are not going to be as great or as challenging in the next generations, 10, 20, 30, 40 years from now? Because that is what you would have to assume when we see Democrats and Republicans, House and Senate, vote to expand spending to the extent that we are, continuing borrowing the money and expect future generations to pay off that debt.

Social Security, the Social Security Trust Fund's IOUs, we are going to have to come up with $12 trillion to accommodate the increased promises for future Social Security retirees. About $12 trillion, between 11-, it is between 11.9 and 12.2 that we are going to need over and above the Social Security FICA tax. That is 6.2 percent of what you earned for the employee, another 6.2 percent paid by the employer. But make no mistake, it all comes out of the employee's pocket. We are going to need that $12 trillion over and above what is coming in over the next 75 years to pay for promised benefits.

How do we get this Congress' attention? I think, Mr. Speaker, the way to get the attention of Members of Congress is for voters in the United States, this election and every election, to say to individuals that are running for the House, that are running for the Senate, that are running for the President, look, what are you going to do about all of these promises that you cannot pay for? What are you going to do about the increasing debt that you are passing on to our kids and our grandkids, pretending that your problems today are so much greater than theirs? How do we get their attention? I think that is how we get their attention.

I think the American people have got to start realizing that you cannot just have government, some money that is printed in Washington, pay for more and more of the problems of America and more and more of the problems of the world.

We are in a war. During World War II, I was a little kid, and I collected string. I collected tin foil because Mom and Dad and Uncle Sam said that, look, you need to sacrifice. So during World War II we did. We cut way down on all other spending. Every family in America tried to sacrifice and help fight a

war, and we fought a war, and we won a war. But now we are pretending that it is not a real war, and there is no reason to justify cutting other spending because it might hurt us politically back home, and, of course, that is what happens.

I was on the Committee on the Budget for my first 8 years in Congress, and you start a new program, and, of course, if they can get funding to continue that program for a second year, it becomes almost like an entitlement, and they form their own lobbyists and special interests to lobby Congress by contributing to campaigns to encourage Members of Congress to continue to contribute and put money in the appropriations process to those programs. And make no mistake, when you take a race track home or a jogging trail or a bike path or a library or any of the other pork barrel projects, the news media probably puts you on television, puts you on the front page cutting the ribbon, and they say, look what our Congressman has brought home.

□ 2330

Here is the problem. When you take pork back home to your District and it is in an appropriation bill, it obligates you as a Member of Congress to vote for everybody else's pork, and now we have put in so many line items of so many pork barrel projects that it has become one of the main reasons that we have expanded Federal Government spending.

This is another bar chart that represents how much money is going to come out of the general fund to accommodate these programs: Medicare and Medicaid and Social Security. If you see the year 2020, for example, 16 years away, unless we raise taxes or otherwise increase borrowing, we are going to have to reach in to the general fund to the extent of 28 percent, taking 28 percent of this general fund, just 16 years from now, to accommodate our overpromises. I say overpromises, maybe it is nice, maybe it is good, but the fact is we do not have the revenue to pay for those promises because what we are doing at the same time is increasing all spending.

We have had increased spending every year that I have been here. Earlier this evening I heard individuals saying, look, President Bush has been using all of the surplus revenues coming in from Social Security and that is bad, but that kind of demagoguery, that does not get us ahead.

The fact is, ever since Social Security started, anytime there has been more money coming in through Democrat administrations, through Republican administrations, through Republican control of the House and Senate and Democrat control of the House and Senate, every year we have spent all the surplus from Social Security coming in. There has never been a year since I have been in Congress and for the last 20 years at least that the total debt of this country has not increased.

We started bragging back in 1995 and 1996 of a lock box, but that did not last long. It was a gimmick phrase. Hopefully it was going to give us the intestinal fortitude to slow down our increase in spending. It did not work. In one year, we took the Social Security surplus and used it to pay down some of the public debt, sort of like changing credit cards, but the total public debt of this country subject to the debt limit never went down. It continued to go up. Now that debt is over $7 trillion, and within the next four months we are going to have a vote in the House and Senate to, yet again, increase the public debt of this country, and hopefully, we can talk about that vote when it comes up, talk about the fact that we are putting an extra burden on our kids and our grandkids.

See what happens in the year 2030? If we do nothing to change these programs, it is going to take over 50 percent of the current general fund that we spend on the rest of the pie chart that we showed earlier to accommodate Medicare and Medicaid and Social Security. Let me talk a little bit before we close tonight about Social Security.

I was fortunate enough to chair the Bipartisan Task Force on Social Security. Democrats and Republicans, after we heard testimony from the experts for about a year, we all agreed that the longer we put off the solution to Social Security, the more drastic that solution is going to have to be.

With this chart I wanted to just give a quick bird's-eye view of the temporary surplus coming into Social Security, and that is because the taxes were increased so dramatically back in 1983 that we have had a surplus. Now we are anticipating 2017 or 2018 is when there is less money coming in from the Social Security tax than what is required to pay benefits, and there are a lot of people that think that somehow there is a Social Security fund with their name on it. Not so. This is a pay-as-you-go program. Let me just explain that pay-as-you-go program in Social Security.

Current workers pay in their FICA tax for Social Security on Monday, for example, and by Friday it is all sent out in benefits. Current workers pay the benefit of current retirees, and that is what is bringing us into the predicament that we are now facing. When we started Social Security back in 1934, the average age of death was 62, and the official retirement age for benefits was 65. What does that mean? That means that most people died before you paid out anything, and the program was working very well. Now people are living longer, the birthrate has gone down, and we are having a problem.

Here is how Social Security works. Benefits are highly progressive based on earnings. At retirement, all of a worker's wages up to the tax ceiling that is about now $89,000, all of the wages are indexed to present value using wage inflation. What that means is and what the next blip says is the best 35 years of earnings are averaged, but for example, if wage inflation doubles, let us say, every 12 years, so if 12 years ago you were making $20,000, it is calculated on the way your Social Security benefits are calculated to be double that or $40,000 now. So it is not the actual dollar amount that you earned 10, 20, 30 years ago. It is the wage inflation of what that kind of job would pay today.

Here is how the progressivity of the Social Security system works. If you are a very low income worker, you get almost 90 percent back in Social Security checks of what you were making on your job in payroll, 90 percent of the earnings up to the first $7,344 is what you get back in Social Security payments. The next space between $7,300 and $44,200, you get 32 percent of that back, and then after that you get the 15 percent of earnings above the $44,000. So the more you earn, the less percentage of what you get back. So if you are a very high income earner, it is a little over 15 percent. If you are a very low income earner, you get back up to 90 percent.

I just put this line in because a lot of people are concerned about the fact that early retirees receive adjusted benefits. It is true. If you retire early at 62, so based on the average life span, a wage benefit is calculated so the person that retires at 62 and now dies at the average age of 86 will get the same benefits as an individual that waits to 65 years old to start taking those benefits. If you wait until 66 or 67, your benefits actually increase in those two following years by 4 percent a year. So sometimes it is to your advantage to wait.

There has been a lot of debate and discussion on should we have personally-owned savings accounts that belong to the individual worker that the government cannot touch and that would bring in more earnings than what Social Security would. When President Roosevelt first came up with the proposal for Social Security, he suggested that it be privately-owned accounts, and it would still be accounts that you were required to put in a certain percentage of what you earn, but they would be in your name and you could not take them out until you retired.

It was interesting searching the archives. Actually, the Senate passed a bill for personally-owned accounts, and the House, the House said, well, government should be responsible and government should take in all the money and the Federal Government should invest it.

□ 2340

I think probably when it went to conference, because it was so soon after the recession, that decision was made, well, we better let government do it instead of having those accounts personally owned. But Social Security is not a good investment. It is a system that

we know is stretched to its limits, and that is because 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2017. Social Security Trust Funds go broke in 2037.

Now, just a word on the trust funds. As I mentioned earlier, every year there is more money coming in from the Social Security tax than is needed to pay benefits, and right now we are bringing in about $90 billion more than the benefits. But, again, that runs out in 2017–2018. That is when there is not enough money coming in.

The government writes out an IOU to the Social Security Trust Funds. It spends the money on other government programs or paying off some of the Wall Street debt. But, again, we have never had a year where the total debt of this country has not increased, so we are facing a predicament with Social Security Trust Funds. Even if they are paid back, it means increased borrowing or increased taxes.

I have a chart I hope to get through in a few minutes, because we are going to conclude this evening's session soon, that shows that every time the United States has been in problems with less money coming in than what is needed for Social Security, they have done one of three things. They have either increased taxes or reduced benefits or a combination of both. Usually, it is a combination of both.

Here is a pictorial view of the demographic problems of fewer and fewer people that are working and paying for the benefits of retirees. In 1947, there were 34 working Americans paying in their Social Security tax for every retiree. By the year 2000, it got down to three. The estimate is that by 2025 there is going to be two American workers paying an increased amount of Social Security tax to accommodate every retiree.

A lot of people say that economic growth will not fix Social Security. Social Security benefits are indexed to wage growth. So if you have a strong economy, and there is more jobs and higher wages, because you are paying in on those more jobs and higher wages temporarily, there is more money coming in to Social Security. But in the long run, when that person or that increased number retires, then there is more money going out of Social Security. So economic expansion, because of the fact that Social Security benefits are directly indexed to how much you were making when you were paying in, does not solve the problem. It simply tends to fill the hole a little in the early years, but it leaves a bigger hole in the later years.

The fact is that it is going to take more than economic growth to fix Social Security. And to think that you can fix Social Security simply by upping taxes again only solves the problem in the short run. We have to end up with a better return on those Social Security benefits.

As I make speeches around the country and around my Seventh District in Michigan, a lot of people say, look, if government would keep their cotton-picking hands off the Social Security Trust Fund money, then everything would be okay. And I agree with that, we should keep our hands off that Social Security surplus. It should be really invested instead of spent on other programs. But to represent how great the problem is, what the challenge really is to Social Security, I did this bar chart.

Right now what we have borrowed from Social Security, taking all the extra money in every year, plus paying interest on it, the IOUs now amount to $1.4 trillion. But the extent of the Social Security unfunded liability problem is between $11.9 trillion and $12.4 trillion. So I use the figure $12.2 trillion as far as the unfunded liability. That is, again, what we need in today's dollars over and above what is going to be coming in from the Social Security tax.

The Social Security Trust Fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent. To me, this shows why Social Security is not a good investment. The real return on Social Security, the return of what you and your employer, or if you are a sole proprietor, of what you pay into Social Security, the return on average is 1.7 percent.

And I compare that, over in the far right chart, which is the Wilshire 5000 Index. Over the last 10 years, even with a bad, poor 3 years on equity investments, still the 5000 equity stocks earned 11.86 percent. Compare that to the 1.7 percent that you receive from Social Security.

This is how many years it takes to break even on your Social Security benefits. By 2005, you have to live 23 years after retirement.

Okay, here, Mr. Speaker, is what we have been doing. Every time we have gotten in some problems, we have simply increased taxes. This chart shows the history of tax increases. In 1940, 2 percent of the first $3,000. In 1960, they decided to raise it to 6 percent of $4,800. Then in 1980, we made a big jump to 10.16 percent of the first $26,000. By the year 2000, 12.4 percent of $76,000. Now it is 12.4 percent of $89,000 this next year. So what we have done is continued to increase taxes to the extent that now 78 percent of Americans pay more in the Social Security tax than they do in the income tax.

And that is what that chart says; 78 percent of families pay more in the payroll tax than in the income tax.

Here are six principles that seem reasonable to me as we try to face the challenge of how do we change Social Security, and one of the problems that I faced. I have introduced Social Security bills since I first came to Congress in 1993 that have been scored to keep Social Security solvent. In the changes back in 1993, 1994, 1995 and 1996, I did not have to borrow any money from the general fund to accommodate some of the changes that would keep Social Security solvent.

The six principles that seem reasonable to me as we protect current and future beneficiaries are that we allow freedom of choice; we preserve the safety net; we make Americans better off, not worse off; we create a fully-funded system; and no tax increases. And maybe, if there is another blip, it should be a system that makes sure that the American economy stays strong instead of the kind of changes such as increased taxes that are going to weaken our economy.

Let me conclude, Mr. Speaker, by asking everybody to make a guess of what the FICA tax is in the country of France, for example. Right now the payroll deduction on wages in France is over 50 percent to accommodate the senior population. So no wonder France is having trouble competing. No wonder France did not want to spend any money in Iraq. No wonder there are demonstrations in France, because if you are paying a 50 percent tax on wages that you have to withhold, then you have two options. You either increase the price of your product, that makes you less competitive, or you increase the wages you pay to your worker. Let us not allow America and the United States to get into that kind of predicament.

Germany just went over 40 percent of payroll tax. So, again, Germany is discovering that it is much more difficult to compete.

Mr. Speaker, I would again encourage my colleagues and I would encourage the American people to start talking to their candidates that are running for Congress, that are running for the Senate, that are running for President of the United States. What is their plan in the long range to save Social Security, to keep Social Security solvent, to save Medicare and Medicaid and keep those programs solvent? It is a huge challenge, and we should be willing to face up to it.

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Mr. Speaker, we have had a system in this country where those who work hard and save and try and invest end up better than those who do not. So to continue to increase taxes on those individuals that do save and do try and do invest is going to discourage some of the motivation and incentives that have made this country great. Let us deal with these problems now. Great empires that put off solutions to important problems are those kinds of empires that collapse. Let us not allow that in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TIERNEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today and April 21.

Mr. BILIRAKIS, for 5 minutes, April 21.

Mr. OSBORNE, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, April 21 and 22.

Mr. GINGREY, for 5 minutes, April 22.

Mr. BURTON of Indiana, for 5 minutes, today and April 21 and 22.

Mr. HENSARLING, for 5 minutes, April 21.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 22.

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. 129. An act to provide for reform relating to Federal employment, and for other purposes; to the Committee on Government Reform.

S. 1108. An act to establish within the National Park Service the 225th anniversary of the American Revolution Commemorative Program, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

Jeff Trandahl, Clerk of the House reports that on April 2, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 4062. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 9, 2004 he presented to the President of the United States, for his approval, the following bill.

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

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

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

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 21, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fosthiazate; Pesticide Tolerance [OPP-2003-0296; FRL-7339-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hygromycin B phosphotransferase; Exemption from the Requirement of a Tolerance [OPP-2004-0036; FRL-7352-8] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7560. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda-Cyhalothrin and an Isomer Gamma-Cyhalothrin; Tolerances for Residues [OPP-2004-0025; FRL-7353-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7561. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesosulfuron-Methyl; Pesticide Tolerance [OPP-2003-0257; FRL-7351-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7562. A letter from the Acting Under Secretary, Department of Defense, transmitting Certification that the Multi-mission Maritime Aircraft (MMA) survivability testing, otherwise required by section 2366, would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(2); to the Committee on Armed Services.

7563. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for three new test projects for inclusion in the Fiscal Year 2004 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

7564. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(2); to the Committee on Armed Services.

7565. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report on assistance provided by the Department of Defense (DoD) to civilian sporting events in support of essential security and safety, covering the period of calendar year 2003; to the Committee on Armed Services.

7566. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Larry R. Ellis, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7567. A letter from the Director, Office of Thrift Supervision, transmitting a letter on the details of the Office's 2004 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

7568. A letter from the Secretary, Department of Energy, transmitting the combined forty-seventh and forty-eigth reports outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2003, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988 (Public Law 100-202); to the Committee on Energy and Commerce.

7569. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Accidental Release Prevention Requirements; Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements [OAR-2003-0044; FRL-7643-6] (RIN: 2050-AF09) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7570. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida Broward County Aviation Department Variance [R04-OAR-2003-FL-0001-200414(a); FRL-7643-3] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7571. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interstate Ozone Transport; Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Section 126 Rules [FRL-7644-7] (RIN: 2060-AJ16) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7572. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training [OPPT-2003-0061; FRL-7341-5] (RIN: 2070-AD31) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7573. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal 03-04 informing of an intent to sign an Amendment to a Memorandum of Understanding (MOU) for Counterterrorism Research and Development between the United States and Canada, 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.

7574. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 2003 to March 31, 2004, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

7575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Italy and Japan (Transmittal No. DDTC 010-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7576. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Australia, New Zealand, and Canada (Transmittal No. DDTC 003-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7577. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of the United Arab Emirates (UAEG) (Transmittal RSAT-1-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7578. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Denial Policy Against Iraq (RIN: 1400-ZA09) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7579. A letter from the Chief Executive Officer, Federal Prison Industries, Inc., Department of Justice, transmitting a copy of the FY 2003 management report and independent financial audit, pursuant to 18 U.S.C. 4127; to the Committee on Government Reform.

7580. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Year 2003 A-76 Inventory of Commercial Activities for FY 2002; to the Committee on Government Reform.

7581. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7582. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7583. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7584. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7585. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Strategic Plan for Fiscal Years 2004 through 2009, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7586. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7587. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7588. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7589. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Commercial Activities Inventory for FY 2003 as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

7590. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, and section 4(b) of the Government Performance and Results Act, the Commission's Annual Program Performance Report covering FY 2003; to the Committee on Government Reform.

7591. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2003 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

7592. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the FY 2003 Annual Program Performance Report, prepared in accordance with the provisions of The Government Performance and Results Act of 1993; to the Committee on Government Reform.

7593. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's Annual Financial Statements for FY 2003; to the Committee on Government Reform.

7594. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7595. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7596. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan, pursuant to Public Law 107—114; to the Committee on Government Reform.

7597. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2004 through March 31, 2004 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—179); to the Committee on House Administration and ordered to be printed.

7598. A letter from the Assistant Attorney General, Department of Justice, transmitting The results of the study to assess the number of untested rape examination kits that currently exist nationwide as described under this section, pursuant to Public Law 107—273, section 304 (116 Stat. 1781); to the Committee on the Judiciary.

7599. A letter from the Under Secretary, Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result of the record/near record snow on December 5-7, 2003, in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7600. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jensen Beach (SR 707) Bridge, Atlantic Intracoastal Waterway mile 981.4, Stuart, FL. [CGD07-04-035] received April, 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7601. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Harlem River, Newton Creek, NY. [CGD01-04-018] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7602. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Piscataqua River, ME. [CGD01-04-022] received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7603. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-008] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7604. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Portage, Pass Christian, MS [CGD08-04-007] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7605. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway — Black Bayou, LA. [CGD08-04-008] received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7606. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, FL. [CGD07-

04-033] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7607. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisan Bay, Concard, California [COTP San Francisco Bay 04-006] (RIN: 1625-AA00) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7608. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Cannon Air Force Base, NM [Docket No. FAA-2003-15249; Airspace Docket No. 2003-ASW-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7609. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa City, IA. [Docket No. FAA-2004-17143; Airspace Docket No. 04-ACE-9] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7610. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa Falls, IA. [Docket No. FAA-2003-16747; Airspace Docket No. 03-ACE-91] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7611. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clay Center, KS. [Docket No. FAA-2003-16759; Airspace Docket No. 03-ACE-96] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7612. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Scott, KS. [Docket No. FAA-2003-16761; Airspace Docket No. 03-ACE-98] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7613. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Charleston, MO. [Docket No. FAA-2004-17146; Airspace Docket No. 04-ACE-12] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7614. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Angel Fire, NM [Docket No. FAA-2003-15246; Airspace Docket No. 2003-ASW-1] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7615. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Little Rock AFB, AR [Docket No. FAA-2003-15247; Airspace Docket No. 2003-ASW-2] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7616. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Rapid City, SD [Docket No. FAA-2003-16147; Airspace Docket No. 03-AGL-17] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7617. A letter from the Administrator, Environmental Protection Agency, transmitting a package of material, containing the State of the Chesapeake Bay report (July 2002), a compliation of key Chesapeake Bay environmental indicators, a summary report on Land Cover Change in the Chesapeake Bay Watershed, and a report entitled Chesapeake Bay Program Institutional Governance Analysis: Participation by the Headwaters States of DE, NY and WV; representing the Agency's fulfillment of its obligation under Section 117(h) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

7618. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Morocco Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7619. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations of the Army and the Navy, pursuant to Public Law 108—87, section 8006; jointly to the Committees on Armed Services and Appropriations.

7620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination that, at this time, the Secretary cannot certify that the Government of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) has met the condition for certification in Section 572(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations, 2004 (P.L. 108-199) regarding cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); jointly to the Committees on International Relations and Appropriations.

7621. A letter from the Inspector General, Department of Defense, transmitting Consistent with the requirements of Public Law 106-65, ''National Defense Authorization Act for Fiscal Year 2000,'' section 1402, ''Annual Report on Transfers of Militarily Sensitive Technology to Countries and Entities of Concern,'' October 5, 1999, the results of the assessment of policies and procedures related to the export of technologies and technical information to countries and entities of concern; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

7622. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2005; jointly to the Committees on Armed Services, Government Reform, Energy and Commerce, Transportation and Infrastructure, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 1, 2004 the following report was filed on April 14, 2004]

Mr. BOEHLERT: Committee on Science. H.R. 3970. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; with an amendment (Rept. 108–462). Referred to the Committee of the Whole House on the State of the Union.

[Filed on April 20, 2004]

Mr. OXLEY: Committee on Financial Services. H.R. 2131. A bill to award a congressional gold medal to President Jose Maria Aznar of Spain (Rept. 108–463). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; with an amendment (Rept. 108–464). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. 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; with an amendment (Rept. 108–465). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (by request):

H.R. 4170. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; to the Committee on Resources.

By Mr. RANGEL (for himself and Ms. HOOLEY of Oregon):

H.R. 4171. A bill to amend the Internal Revenue Code of 1986 to ensure that soldiers serving in a combat zone do not lose eligibility for the refundable child tax credit by reason of receiving nontaxable combat pay; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. MICHAUD):

H.R. 4172. A bill to amend title 38, United States Code, to codify certain additional diseases as establishing a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military, naval, or air service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICHAUD (for himself, Mr. BROWN of South Carolina, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 4173. A bill to direct the Secretary of Veterans Affairs to contract for a report on employment placement, retention, and advancement of recently separated servicemembers; to the Committee on Veterans' Affairs.

By Mr. GINGREY (for himself, Mr. JONES of North Carolina, Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, and Mr. TANCREDO):

H.R. 4174. A bill to amend the National Voter Registration Act of 1993 to require an individual to provide proof that the individual is a citizen of the United States as a condition of registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD):

H.R. 4175. A bill to increase, effective as of December 1, 2004, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled

veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAYES:

H.R. 4176. A bill to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''; to the Committee on Government Reform.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mr. FROST, Mr. GREEN of Texas, Mr. HOLDEN, and Mr. BRADY of Pennsylvania):

H.R. 4177. A bill to establish a Manufacturing and Technology Administration to promote and assist American manufacturers, to provide incentives to American manufactures, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Science, Financial Services, International Relations, Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. CASTLE, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, and Mr. WOLF):

H.R. 4178. A bill to award posthumously a congressional gold medal to Thurgood Marshall; to the Committee on Financial Services.

By Mr. PETERSON of Minnesota:

H.R. 4179. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. HAYES:

H. Res. 598. A resolution recognizing the valuable contributions of military impacted schools, teachers, administration, and staff for their ongoing contributions to the education of military children; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, 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. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LARSON of Connecticut, and Ms. DELAURO):

H. Res. 599. A resolution congratulating the University of Connecticut Huskies for winning the 2004 National Collegiate Athletic Association Division I men and women's basketball championships; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

282. The SPEAKER presented a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution 24 memorializing the President of the United States and the United States Congress to develop and work to implement a comprehensive energy plan; to the Committee on Energy and Commerce.

283. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1444 Joint Resolution memorializing the Congress of the United States to give serious consideration to giving the Passamaquoddy Tribe of Maine a cultural exemption from the federal Marine Mammal Protection Act of 1972; to the Committee on Resources.

284. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial 34 memorializing the United States Congress to enact and the President to sign legislation that would define the political status options available to the United States citizens of Puerto Rico and authorize a plebiscite to provide an opportunity for Puerto Ricans to make an informed decision regarding their future political status; to the Committee on Resources.

285. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1433 Joint Resolution memorializing the President and Congress of the United States to ensure the protection of civil liberties and the security of the United States; to the Committee on the Judiciary.

286. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 91 memorializing the United States Congress to protect the fundamental institution of marriage as a union between a man and a woman; to the Committee on the Judiciary.

287. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 179 memorializing the United States Congress to enact legislation to reduce the threshold of eligibility for Prisoner of War benefits to one day of imprisonment; to the Committee on Veterans' Affairs.

288. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to extend and make retroactive the Federal Temporary Unemployment Compensation Program; to the Committee on Ways and Means.

289. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 170 memorializing the United States Congress and the United States Department of Health and Human Services to make the treatment of chronic diseases a higher priority; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Submitted April 14, 2004]

H.R. 3970: Mr. BOEHLERT, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. MARSHALL, and Mr. FILNER.

[Submitted April 20, 2004]

H.R. 369: Mr. FILNER.
H.R. 391: Mr. AKIN.
H.R. 394: Mr. SHERMAN.
H.R. 548: Mrs. BIGGERT and Mr. POMEROY.
H.R. 570: Mr. VAN HOLLEN.
H.R. 571: Mr. WALSH.
H.R. 594: Mr. MEEKS of New York, Mrs. MILLER of Michigan, Mr. KIND, Ms. SLAUGHTER, and Mr. CHANDLER.
H.R. 716: Mr. WALDEN of Oregon.
H.R. 742: Ms. KAPTUR.
H.R. 776: Mr. HASTINGS of Florida, Mr. BERMAN, and Mr. PALLONE.
H.R. 821: Mr. SHERMAN.
H.R. 843: Mr. STRICKLAND, Ms. BORDALLO, and Ms. WATERS.
H.R. 850: Mr. VITTER.
H.R. 857: Mr. MENENDEZ.
H.R. 898: Mr. UDALL of New Mexico.
H.R. 932: Mr. SULLIVAN.
H.R. 936: Mr. MOORE.
H.R. 947: Mr. CONYERS, Mr. DEUTSCH, and Mr. SMITH of Washington.
H.R. 1002: Mr. BRADLEY of New Hampshire.
H.R. 1039: Ms. LINDA T. SANCHEZ of California.
H.R. 1051: Mr. LANTOS.
H.R. 1057: Mr. HERGER, Mr. CANTOR, and Mr. SIMPSON.
H.R. 1064: Mr. RANGEL and Mr. HALL.
H.R. 1117: Mrs. MYRICK.
H.R. 1160: Mr. BELL and Mr. LIPINSKI.
H.R. 1231: Mr. NEUGEBAUER.
H.R. 1281: Mr. GORDON.
H.R. 1310: Mr. GORDON.
H.R. 1345: Mr. SHERMAN, Mr. DELAHUNT, and Mr. UDALL of New Mexico.
H.R. 1359: Ms. SCHAKOWSKY and Mr. SMITH of New Jersey.
H.R. 1406: Mr. WAMP and Mr. PAUL.
H.R. 1508: Mr. GONZALEZ, Mr. ALLEN, and Ms. DELAURO.
H.R. 1540: Mr. SHAYS.
H.R. 1563: Mr. THOMPSON of Mississippi, Mr. LEVIN, and Mr. SHERMAN.
H.R. 1613: Mr. MENENDEZ, Mr. GREEN of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. PORTMAN, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. VELAZQUEZ, and Ms. WATERS.
H.R. 1615: Mr. FRANK of Massachusetts.
H.R. 1688: Mr. MENENDEZ.
H.R. 1700: Mr. BISHOP of New York and Mr. ACEVEDO-VILA.
H.R. 1735: Ms. JACKSON-LEE of Texas, Mr. PALLONE, Ms. BORDALLO, Mr. FILNER, Mr. STRICKLAND Ms. WATERS, Mr. ABERCROMBIE, Ms. DELAURO, Mr. HOLDEN, Ms. HARMAN, Ms. LEE, Mrs. CAPPS, Mr. SCHIFF, and Mr. MILLER of Florida.
H.R. 1779: Mr. FOSSELLA, Mr. KILDEE, Mr. BURTON of Indiana, Mr. FERGUSON, Mr. RAMSTAD, Mr. COLE, Mr. CARTER, Mr. RYUN of Kansas, Mr. GERLACH, and Mr. CHOCOLA.
H.R. 1823: Mr. CARDOZA.
H.R. 1824: Mr. STARK, Mr. ETHERIDGE, Mr. CALVERT, Mrs. EMERSON, and Mr. FILNER.
H.R. 1863: Mr. KILDEE, Mr. STARK, and Ms. LINDA T. SANCHEZ of California.
H.R. 1905: Ms. HOOLEY of Oregon and Mr. KUCINICH.
H.R. 1933: Mr. PAYNE.
H.R. 1981: Mr. TIERNEY and Mr. PALLONE.
H.R. 2071: Mr. PAYNE.
H.R. 2096: Mr. DOOLITTLE, Mr. WAMP, Mrs. TAUSCHER, and Mr. SULLIVAN.
H.R. 2239: Mr. MCGOVERN and Mr. PALLONE.
H.R. 2256: Ms. JACKSON-LEE of Texas and Mr. FRANK of Massachusetts.
H.R. 2260: Mr. HASTINGS of Florida and Mr. THOMPSON of Mississippi.
H.R. 2265: Mr. BECERRA, Mr. NEAL of Massachusetts, Mr. POMEROY, and Mr. WELLER.
H.R. 2303: Mr. BURNS.
H.R. 2318: Mr. ENGEL and Ms. SLAUGHTER.
H.R. 2333: Mr. SANDERS.
H.R. 2366: Mr. CUMMINGS, Mr. RUSH, and Ms. ESHOO.
H.R. 2519: Mr. DAVIS of Florida.
H.R. 2527: Mr. HASTINGS of Florida.
H.R. 2582: Mrs. MALONEY.
H.R. 2593: Ms. HARRIS.
H.R. 2612: Mr. FILNER, Mr. STRICKLAND, Ms. BORDALLO, and Ms. WATERS.
H.R. 2665: Mr. BROWN of Ohio and Mr. ISRAEL.
H.R. 2702: Mr. TANCREDO.
H.R. 2718: Mr. COOPER.
H.R. 2727: Ms. SOLIS.
H.R. 2747: Mr. PAUL.
H.R. 2797: Mr. EHLERS.
H.R. 2821: Ms. BALDWIN and Mr. ALLEN.
H.R. 2850: Mrs. NAPOLITANO.
H.R. 2890: Mr. PAYNE.
H.R. 2905: Mr. HINCHEY, Mr. SANDERS, and Mr. SNYDER.
H.R. 2915: Mr. RAMSTAD and Mr. SHAYS.
H.R. 2932: Mr. RANGEL, Mr. HOEFFEL, and Mr. WYNN.
H.R. 2945: Mr. UDALL of Mexico.
H.R. 2950: Mr. CHANDLER.
H.R. 3014: Mr. NADLER and Mr. ENGEL.
H.R. 3015: Mr. FORBES and Mr. WYNN.
H.R. 3069: Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. SHUSTER, and Mr. PICKERING.
H.R. 3090: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3103: Mr. MORAN of Kansas.
H.R. 3213: Mr. DEMINT.
H.R. 3243: Mr. BURNS and Mr. GORDON.
H.R. 3277: Mr. BURR.
H.R. 3281: Mr. MCGOVERN, Ms. MCCOLLUM, Mr. FILNER, Mr. PAUL, Mr. SIMMONS, and Mr. INSLEE.
H.R. 3344: Mr. UDALL of New Mexico.
H.R. 3352: Mr. LARSEN of Washington.
H.R. 3386: Mr. CROWLEY and Mr. LANTOS.
H.R. 3438: Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. GONZALEZ, and Mr. MCCOTTER.
H.R. 3459: Mr. BRADY of Pennsylvania and Mr. WAXMAN.
H.R. 3460: Mr. CARDOZA.
H.R. 3473: Mr. GUTIERREZ and Mr. BOUCHER.
H.R. 3474: Mr. SHAW, Mr. SHERMAN, Mr. CAPUANO, Mr. CANNON, Mr. NETHERCUTT, and Ms. BORDALLO.
H.R. 3574: Mr. COX, Mrs. WILSON of New Mexico, Mr. MANZULLO, and Ms. CARSON of Indiana.
H.R. 3579: Mr. MICHAUD and Ms. BALDWIN.
H.R. 3615: Mr. RYAN of Ohio.
H.R. 3643: Mr. ALLEN.
H.R. 3676: Mr. SHAYS.
H.R. 3715: Ms. LEE.
H.R. 3763: Mr. CHOCOLA.
H.R. 3773: Mr. HENSARLING, Mr. KENNEDY of Minnesota, and Mr. OTTER.
H.R. 3791: Mr. DEMINT.
H.R. 3796: Mr. DAVIS of Tennessee.
H.R. 3800: Mr. KELLER and Mr. GIBBONS.
H.R. 3801: Mr. ISSA, Mr. LEWIS of Kentucky, Mr. GOODLATTE, and Mr. GIBBONS.
H.R. 3814: Mr. PENCE.
H.R. 3820: Ms. SOLIS, Mr. GRIJALVA, Mr. LYNCH, Mr. BRADY of Pennsylvania, Ms. KAPTUR, Mr. CARDIN, and Mr. MCNULTY.
H.R. 3839: Ms. LEE.
H.R. 3847: Mr. DOGGETT.
H.R. 3859: Mrs. NAPOLITANO, Mr. NADLER, Mr. SHERMAN, Mr. SABO, Mr. SAXTON, Mr. LOBIONDO, Mr. KUCINICH, Mrs. BIGGERT, Mr. INSLEE, Mr. CROWLEY, Mr. DICKS, Mr. MCGOVERN, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Mr. DELAHUNT, Mr. PALLONE, and Mr. VISCLOSKY.
H.R. 3860: Mr. SMITH of Michigan.
H.R. 3886: Mr. THORNBERRY.
H.R. 3896: Mr. PITTS.
H.R. 3919: Mr. DOGGETT.
H.R. 3921: Mr. SPRATT and Mr. ROSS.
H.R. 3936: Mr. FILNER, Mr. STRICKLAND, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mrs. MALONEY, Mr. SANDERS, Mr. MILLER of Florida, and Mr. RODRIGUEZ.
H.R. 3968: Mr. HOEFFEL.
H.R. 3981: Mr. EVERETT.
H.R. 3987: Mr. LOFGREN.
H.R. 4010: Mr. BLUMENAUER.
H.R. 4011: Mr. FRANKS of Arizona and Mr. TIAHRT.
H.R. 4014: Mr. DAVIS of Illinois.
H.R. 4020: Mr. SKELTON.
H.R. 4026: Mr. SHIMKUS, Mr. GOODE, Mr. GORDON, and Mr. ROSS.
H.R. 4030: Mr. EHLERS and Mr. HOLT.
H.R. 4032: Mr. SNYDER and Ms. WATERS.
H.R. 4033: Mr. TOWNS.
H.R. 4043: Mrs. DAVIS of California.
H.R. 4052: Mr. RANGEL, Mr. BASS, Mr. MCGOVERN, and Mrs. CUBIN.
H.R. 4061: Ms. WATSON, Mr. CONYERS, Mr. RUSH, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. ANDREWS, Mr. BROWN of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WATERS, and Mr. HOUGHTON.
H.R. 4063: Mr. CONYERS and Mr. MCINTYRE.
H.R. 4072: Mr. RANGEL, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. CONYERS, and Mr. OWENS.
H.R. 4100: Mr. THOMPSON of California, Ms. JACKSON-LEE of Texas, Ms. ESHOO, and Mrs. TAUSCHER.
H.R. 4120: Mr. SMITH of Washington.
H.R. 4129: Mr. CANNON and Mr. WALSH.
H.R. 4130: Mr. FROST, Mr. BOYD, Mr. MEEHAN, Mr. WOLF, Mr. SNYDER, Mrs. MCCARTHY of New York, Mr. DICKS, Mr. MCNULTY, Mr. EMANUEL, Mr. DAVIS of Florida, and Mr. SIMPSON.
H.R. 4140: Mr. HOLT.
H.R. 4154: Mr. MCNULTY and Mr. OWENS.
H.R. 4156: Mr. COSTELLO.
H.J. Res. 22: Mr. SHUSTER.
H.J. Res. 62: Mr. SHAYS.
H. Con. Res. 247: Mr. UDALL of New Mexico.
H. Con. Res. 304: Mr. ROGERS of Kentucky.
H. Con. Res. 310: Mr. LEWIS of Kentucky.
H. Con. Res. 311: Mr. CARDOZA.
H. Con. Res. 314: Ms. CORRINE BROWN of Florida.
H. Con. Res. 332: Ms. CORRINE BROWN of Florida, Mr. LYNCH, and Mr. DAVIS of Florida.
H. Con. Res. 343: Mr. STENHOLM.
H. Con. Res. 362: Mr. HINOJOSA.
H. Con. Res. 366: Mr. THOMPSON of Mississippi, Mr. DEUTSCH, Mr. DAVIS of Tennessee, Mr. WEINER, Mr. SCHIFF, Mrs. MCCARTHY of New York, Ms. WATSON, Mr. BISHOP of Georgia, Mr. SKELTON, Mr. SCOTT of Georgia, Mr. DICKS, Ms. LEE, Mr. HONDA, Ms. CORRINE BROWN of Florida, Mr. MOORE, Mr. HINCHEY, and Mr. SPRATT.
H. Con. Res. 371: Mr. BACHUS and Mr. JOHN.
H. Con. Res. 375: Mr. SPRATT.
H. Con. Res. 381: Mr. LEVIN.
H. Con. Res. 390: Mr. RANGEL and Mr. ROTHMAN.
H. Con. Res. 391: Mr. HOLT, Mr. MCGOVERN, Mr. CAPUANO, Ms. MCCARTHY of Missouri, Mr. DELAHUNT, Mr. MORAN of Virgina, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. MCNULTY, Mr. FRANK of Massachusetts, and Mr. RYUN of Kansas.
H. Con. Res. 392: Mr. HONDA and Mr. BROWN of Ohio.
H. Con. Res. 396: Mr. MORAN of Virginia, Mr. WU, Mrs. CHRISTENSEN, Ms. LEE, Mr. WEXLER, Mr. WEINER, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. MEEHAN, Mr. CUMMINGS, Ms. WOOLSEY, and Ms. ROYBAL-ALLARD.
H. Con. Res. 406: Mr. FORD, Mr. LANTOS, Mr. KUCINICH, and Ms. MCCOLLUM.
H. Res. 103: Mr. FILNER.
H. Res. 129: Mr. CROWLEY.
H. Res. 363: Ms. LINDA T. SANCHEZ of California.
H. Res. 402: Mr. RAHALL.
H. Res. 470: Mr. CARDOZA.
H. Res. 556: Ms. BORDALLO.
H. Res. 570: Mr. NEY, Mr. GRIJALVA, Mr. WEINER, Ms. MAJETTE, and Mr. SCOTT of Georgia.
H. Res. 575: Mr. GILLMOR and Mr. BARTLETT of Maryland.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

74. The SPEAKER presented a petition of Jamin Potamkin, a Citizen of Pennsylvania, relative to petitioning the United States Congress for redress of grievances; to the Committee on the Judiciary.

75. Also, a petition of the City Council of Gulfport, Mississippi, relative to a Resolution supporting the President of the United States and his proposed amendment to the United States Constitution prohibiting same sex marriages; to the Committee on the Judiciary.

76. Also, a petition of the City Council of Berea, Ohio, relative to Resolution No. 2004-13 supporting the Federal Breast Cancer Patient Protection Act of 2003; jointly to the Committees on Energy and Commerce and Education and the Workforce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2844

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 1: In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''45 days'' and insert ''75 days''.

H.R. 2844

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 2: In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) EXTENSION OF DEADLINE TO PERMIT STATES TO HOLD PRIMARIES.—If State law provides that the candidates for a special general election held under this subsection are to be selected in a primary election, the State may extend the deadlines referred to in paragraphs (2) and (3) to take into account the period provided under State law for holding such a primary election, including any runoff election resulting from such a primary election.''.

H.R. 2844

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 3: Amend paragraph (3) of section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, to read as follows:

''(3) ELIGIBILITY OF CANDIDATES.—

''(A) IN GENERAL.—A candidate shall be eligible to run in a special election held in a State under this subsection if the candidate meets such requirements as may apply under State law.

''(B) EXTENSION OF DEADLINE FOR ELECTION.—A State may extend the deadline provided under paragraph (2) for a special election to the extent the State considers necessary to prepare balloting materials and distribute absentee ballots which include the names of all eligible candidates, and to otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.''.

H.R. 2844

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 4: In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any of the following laws:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.).''.

H.R. 2844

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 5: Add at the end the following new section:

SEC. 3. DESIGNATION OF MEMBERS AGREEING TO BE ABSENT FROM JOINT SESSIONS AND JOINT MEETINGS.

(a) DESIGNATION.—For each of the events referred to in subsection (b), the Speaker and

the minority leader of the House of Representatives shall each designate 25 Members who will agree not to be present at the event.

(b) EVENTS DESCRIBED.—The events referred to in this subsection are as follows:

(1) Any joint session of the 2 Houses of Congress held for purposes of receiving a communication from the President, counting the votes of electors for the President and Vice President, or any other purpose.

(2) Any joint meeting of the 2 Houses of Congress held for purposes of receiving addresses from foreign dignitaries or any other purpose.

(3) The inauguration of the President and Vice President.

(4) Any other event for which the Speaker and minority leader determine that the designation of Members pursuant to this section will promote the continuity of the operations of the House in case extraordinary circumstances occur.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, APRIL 20, 2004 No. 51

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign shepherd, who guides and protects us, hallowed be Your name. We praise You for Your love and wisdom. Lord, You are compassionate and gracious, full of loving kindness, ready to forgive, and generous beyond imagining. We find refuge in the shadow of Your wings.

Thank You for the gift of Yourself and for teaching us how to live and serve. Forgive us when we fail to live in complete dependence upon You so that Your power can work through us.

Strengthen our Senators today in every good work and every good word so that they may honor You in their labors. Give them joy in doing Your will. Help them to be attentive to Your voice and sensitive to Your movements.

Transform each of us into Your instruments, enabling us to help bring peace to our world.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for 60 minutes. The first 30 minutes will be under the control of the Democratic leader or his designee, and the final 30 minutes will be controlled by this side of the aisle. That hour of morning business will begin after leader time is used.

Prior to the Easter break, I mentioned our intention to begin consideration of the asbestos legislation. I understand there will be objection from the other side of the aisle and, therefore, I will move to proceed to the asbestos measure.

I do ask Members to come to the floor today to debate this motion. If we are unable to begin consideration of the bill, it may be necessary to file cloture on the motion to proceed. Discussions will be underway over the course of this morning across the aisle and among various interested Senators as to specific plans.

UNANIMOUS CONSENT REQUEST—S. 2290

Mr. FRIST. Mr. President, I ask unanimous consent that immediately following the morning business period today, the Senate begin consideration of Calendar No. 472, S. 2290, the asbestos bill.

Mr. DASCHLE. I object.

The PRESIDENT pro tempore. Objection is heard.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED

Mr. FRIST. Mr. President, I now move to proceed to the consideration of S. 2290, and I ask unanimous consent that the motion be set aside until the conclusion of the use of leader time and the 1 hour period of morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ASSISTANT DEMOCRATIC LEADER

The PRESIDENT pro tempore. The deputy leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, very briefly, under our controlled one-half hour, we yield 15 minutes to Senator HARKIN, 7½ minutes to Senator CORZINE, and 7½ minutes to Senator SARBANES.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I am going to make a 10-minute statement. I would be happy to turn to the Democratic leader for any opening comments.

Mr. DASCHLE. I have a statement as well. It would require about the same length of time. I will defer to the majority leader and make my comments after he has completed his.

ASBESTOS LITIGATION REFORM

Mr. FRIST. Mr. President, for Senators who are going to be here for morning business, it will probably be another 20 minutes or so, total time between the two leaders' time, before morning business begins.

As I said in my opening comments, our intention is to go to asbestos and to bring to closure a very important piece of legislation that a lot of people across the aisle have worked on and are dedicated to addressing.

I believe now is the time to do that. I want to briefly introduce my view of the current status of the asbestos litigation debate and how I think we can bring that debate to closure.

This body—both sides of the aisle—has recognized that asbestos litigation has run amok. It is time to fix what has become an embarrassing, inadequate system that we have, the purpose of which is to compensate victims. The current system is broken. It fails to compensate victims fairly, while at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the same time imposes huge costs on our economy and thus on jobs and job creation.

We now have a choice, and it is a choice I very much think we should face right now, and that is to either leave the sick asbestos victims to suffer the vagaries of this system as it works today or put our very best work together to give them a better and more reliable and more secure system. There will be a lot of comments made over the course of the day and the week, but I think it is important to understand that we have made substantial progress, meaningful progress toward creating a better system. With all of this progress, it is now time to bring it to a focal point and bring it to closure.

The chairman of the Judiciary Committee, Chairman HATCH, has brought S. 1125, the FAIR Act, the Fairness in Asbestos Injury Resolution Act, from its introduction through that Judiciary Committee, and a number of parties have participated in the various negotiations to get it to the floor.

Now is the time to take very deliberate action—it is going to be difficult over the next several days to do that—and to finish the process and bring relief to victims and stop the devastating impact the current system is having on our economy. Although we have made real breakthroughs and we have moved forward through a lot of continued discussions among the various stakeholders and various Senators, a lot of which has occurred since Senator HATCH's work with the committee, there are still a lot of calls to delay and put things off until some indefinite time in the future. Since I have been involved, pretty much after it came out of committee, there have been calls for delay—we need another week or 4 days or month or 2 months or 3 months. Now we need to stop talking about it and actually do it. We need to fix the system, which we know—I think there is a general consensus—is broken; that it is unfair and it hurts the economy. It is a detriment to our economy.

I have made it a leadership priority for the Senate to help resolve this issue. We have given parties, again and again, additional time to work out some of the issues. But now we need to take decisive action. As I said, there is wide agreement. If you look at the problem itself—that the current system is a disaster for victims and for jobs and a disaster for the impact on the economy—we are pouring vast amounts of money into this defunct system. But as we pour money into it, the system is getting worse and worse. More than 700,000 individuals have filed claims and, right now, there are 300,000 claims out there pending—300,000 claims. We have spent $70 billion trying to resolve these claims.

You must ask, with 300,000 claims out there and having spent $70 billion, what do we have to show for it today? Well, we have a system where sick victims of asbestos exposure have to wait in line with thousands of unimpaired claimants. We have the sick and people who have not been hurt at all, and they are all waiting. Sick victims wait too long for an award. The ones we need to focus on, the ones who are sick, now have to wait a long time. It is almost like a lottery system where few claimants—there are a few who get very large awards, but many get little, often based on simply where, for example, the claim was filed. The big winners are always the trial lawyers who have taken billions of dollars out of the system, which is money that should be going to the sick victims.

As much as half of every dollar spent in the system goes to the trial lawyers and to other expenses. If we say there is $70 billion, we say half is not going to the victims, the people being hurt, not to the potential victims. Obviously, it is clear that system needs to be fixed. It is inequitable, a wasteful system, and nothing is being done to make it better. In fact, you can see it is getting worse.

Future funds that should be preserved to compensate sick victims are simply being drained away by frivolous claims today. I keep hearing more and more of the large number of unimpaired claims that are filed based on questionable, so-called ''diagnoses'' that are obtained through these mass screenings. That process simply has to come to an end.

As business after business has gone bankrupt paying these claims, sources of revenue to pay the claims are drying up. Already more than 70 companies have filed for bankruptcy after being flooded by asbestos claims. The companies that actually manufacture asbestos products have long been bankrupt. Today we have the lawyers zeroing in on new companies in order to keep funding their suits. Many of these companies have little to do with asbestos. Right now, 8,400 companies have been named in asbestos suits. That includes mom-and-pop companies all the way to Fortune 500 firms. That is 8,400 companies that have been named right now in asbestos suits.

When companies collapse under this asbestos suit pressure, not only do resources for the sick victims dry up, for the people who have been affected physically by asbestos, but now there is a whole new class of victims that has been created. This new class of workers at these companies lose their jobs and lose not only current payments but also their retirement savings. Bankruptcies have affected 200,000 people who worked at bankrupt companies. Sixty thousand people lost their jobs, and these people will lose an estimated $50,000 in wages each because of the disruption. Workers also see retirement savings plummet when a company files for bankruptcy.

In the end, the American economy suffers. That, of course, means the loss of new jobs and investment, as well as the loss of companies that are literally pulled under by these asbestos claims. If the current situation holds, it will cost as many as 400,000 new jobs that could be created in this time of economic recovery but will not be because of the failure to invest. So we have watched this deterioration and we have talked about it for all too long. Now we must act.

So as we move forward, we need to move forward understanding there is bipartisan general agreement that the litigation challenge before us, which has run amok, must be cleaned up. Rationality and justice must be restored and we must get the compensation to those who need it. We must do it through a system that preserves jobs, preserves economic growth for current workers, and stewards funds for future claimants.

Indeed, this body has been struggling with these issues for some time, and it has met with success despite the difficulty of reaching agreement in some very specific contentious areas. Chairman HATCH did yeoman's work in July getting S. 1125 through the committee. There were a whole range of successes worked out by the committee. Chairman HATCH led a major bipartisan solution on a linchpin issue of medical criteria; and without agreement on this issue, we simply would not have been able to move forward at all. This issue, over time, has proven very difficult, very controversial. I commend him for his leadership in bringing the resolution to this particular issue. That is just one of the many examples of issues that have been overcome.

Chairman HATCH noted that as many as 50 changes were made at the urging of Democrats before—really between the bill's introduction and the time of markup—and there have been many ongoing discussions in the wake of that success.

I also thank Members on the other side of the aisle. Senator LEAHY has worked hard on this bill, and it simply would not have been possible to get as far as we have—even though we have a long way to go—without his work on the other side of the aisle, as well as the various stakeholders who have an interest in this bill.

The commitment of many parties has created the momentum for change, for cleaning up the system, and the good faith that has led to a number of key breakthroughs that have been seen today and that I am confident will continue to make success possible.

Following the committee markup, I became deeply involved in negotiations on S. 1125, working closely with Senator DASCHLE, as well as Chairman HATCH and Senators LEAHY, DODD and CARPER, and others on both sides of the aisle.

My colleague from Pennsylvania, Senator SPECTER, has been particularly instrumental working on key elements of the bill, so I wish to recognize him for that.

Under S. 1125 and current agreements which are embodied in S. 2290, we will

replace the current adversarial asbestos litigation system with a new streamlined no-fault system where sick victims will be compensated fairly and efficiently. A national trust fund will pay claimants, cutting out waste and providing certainty and rationality for claimants and for businesses. Most importantly, this system will end the bankruptcy spiral, therefore preserving future funding for victims who need it.

S. 1125, as reported out of committee, represents an unprecedented achievement in forging consensus on issues like medical criteria that stalled previous attempts at similar legislation. Nonetheless, a number of issues were left open for further discussion, and additional concerns were raised that were not addressed by the committee. I identified these issues on the floor on November 22, 2003, and they include adequacy and security of funding, claims values, administration of the system, and protection of claimants from the risk of a funding shortfall.

Since the bill was reported out of committee, various stakeholders and members from both parties have continued negotiations. There have been more than 20 meetings starting last July at which my staff and Senator SPECTER's staff have negotiated these issues with staff representing the minority. What has emerged from all these collective efforts is a proposal that retains the key elements of S. 1125, and includes some critical modifications that address concerns that were raised by stakeholders. Today's proposal embodies the best thinking on these issues and represents an aggressive yet feasible solution to the crisis.

These negotiated agreements make it possible to bring a bill to the floor, and the bill is better for these changes, difficult as they were to hammer out.

First, we had to make sure the system contained claims values that would fairly and adequately compensate victims. Second, we had to make sure funding was adequate—and that any risk of shortfalls rests on defendants and insurers, and not on claimants. The bill also provides the administrator with more flexibility to ensure that any short term bulges in claims can be accommodated. Third, we had to make sure the new system would be easy for claimants to use, and that it could be funded and up and running quickly. Fourth, the bill now contains a number of additional provisions requested by organized labor to protect the rights of claimants. I am also submitting an expanded description of these changes for the RECORD.

The top priority of this bill is to compensate claimants, and under any analysis, more money reaches claimants under the bill than under today's flawed tort system. Even so, we know that we needed to reach a number that Democrats felt comfortable with, so S. 2290 raises claims values.

We agreed to raise the claims values in order to get consensus even though the claims values in S. 1125 as reported represented a bipartisan proposal, and included some of the highest values found in similar Federal compensation programs. We raised the values even though S. 1125 already puts more money into the pockets of claimants than the current tort system, where more than half of the resources go into the pockets of attorneys and consultants. Under the revised bill, S. 2290, approximately $111.5 billion of the expected $114 billion in fund expenditures will be available for victims. Compare this with Tilinghast's actuarial study of the current system, where only $61 billion goes to plaintiffs and the rest to legal fees. Or the Milliman study, where they estimate as much as $92 billion could go to plaintiffs and the rest to legal fees. So the bill gets more money to victims than the leading studies estimate could go to them under the current system.

What's more, S. 2290 actually gets this money to sick victims, whereas much of the money paid into the system today goes to unimpaired claimants. Under the current system, much of the compensation is drained away from the truly ill to fund these unimpaired mass lawsuits. Right now, the sickest victims, those with mesothelioma, are receiving only 17 to 20 percent of the funds in the system, with nonmalignant cases getting about 65 percent. The proposed bill would prioritize the sickest victims—over half of the funding would be directed to those with mesothelioma. Nonmalignant claimants would receive about 20 percent. The new system would also increase the share of funds that are directed to pay cancer claims from about 16 or 18 percent to 24 percent. Under S. 2290, funds are properly directed at the sickest victims. And the determination of the medical criteria that should be used is a result of the landmark bipartisan agreement made in Committee.

S. 1125 also presents a substantially better means of obtaining compensation than through bankruptcy trusts. The trusts being created in bankruptcies today discriminate between present and future claims, and give preferential treatment to certain claimants, not because of their medical condition, but because they were first in line. Let me also point out that S. 1125 provides significantly more money than claimants could receive from bankruptcy trusts, many of which are paying pennies on the dollar. Johns-Manville pays 5 cents on the dollar, UNR 9 cents, Celotex 11.3 cents, and topping out at 15.5 cents is Eagle Picher. So while some claimants may appear to win big court cases, if the defendants are in bankruptcy, which many are, claimants will likely only get pennies on the dollar. In today's bankruptcy compensation system, the risk that a trust may be inadequate falls on the victims, and that is not fair. Unlike these bankruptcy funds, the claims values in S. 1125 will be 100 percent paid or victims will be able to return to the tort system.

Despite these generous values in the bill as reported, organized labor and Democrats urged that the values were not high enough. So we have agreed to raise the values because it is so important to create consensus and move this bill forward.

It is crucial that the fund has the faith and confidence of claimants, and that it can fulfill its mandate to compensate them. Funding must be adequate, it much be secure, and provisions must be made for any shortfall. And any risk must fall on defendants and insurers, not claimants.

To ensure funding adequacy, the bill establishes a new overall funding framework, which makes available $114 billion for direct victim compensation. The funding provided is substantially more than what is estimated to reach victims if the current tort system is allowed to continue.

Let me say a few words about how this relates to the overall funding structure that came out of committee. The mandatory funding in the bill as reported was $108 billion, which is similar to what S. 2290 offers. That funding proposal represented a very fair amount to solve the problem. The committee, however, went well beyond this benchmark during markup. The net effect of the committee modifications to S. 1125's financial structure was dramatic. S. 1125 as reported could have required businesses and insurers to provide compensation at up to two times the most credible estimates of total future plaintiffs' recoveries under the tort system. As a result, insurers almost uniformly withdrew their support for the act, calling it ''dangerously unaffordable'' and ''potentially worse then the existing system.''

In order to get the legislation back on track, I initiated a mediation process between insurers and defendant companies. We reached agreement whereby $114 billion would be made available for victims. To help ensure this funding is obtained, enforcement provisions of the bill were further strengthened.

To address concerns that there will be early stress on funding, the revised schedule requires money from insurer participants to be infused in the first years, where it is expected that the highest demands will be placed on the Fund.

To protect against any shortfalls, an additional $10 billion contingent funding is also available from defendants if necessary to pay claims in the out years of the fund's operation.

Furthermore, the bill gives the administrator more time and more flexibility to deal with a short term bulge in claims, if necessary. Under the bill as reported, the fund could have unnecessarily sunsetted due to a short term liquidity problem if a large number of claims were filed at once. Alternative sunset provisions have been provided, and the borrowing authority has been

expanded to increase the funds's liquidity. Sufficient funds will now be available to pay in full all claims found eligible before the fund sunsets, and any debt incurred by the fund will be paid by monies in the fund and not the United States Treasury.

Finally, and critically, under S. 2290 the risk of underestimating the amount of funds needed will not fall on the victims, but on the defendants and their insurers. Historically, rates of asbestos victims' claims filing are uncertain and difficult to predict. Given the creation of the new compensable disease categories in S. 1125 and the streamlined no-fault administrative system, this problem is even more acute. But under the proposal, if future claims exceed estimates and the mandatory funding, including the contingency funding, is not enough the fund will end and victims will be able to seek compensation in the Federal courts. Ensuring that the risk of underestimation does not fall on the claimants was a linchpin in organized labor's proposals.

There is, however, one particular risk to the fund that must be addressed, and that is the lack of predictability of claims by individuals, particularly smokers, who have occupational exposure, but not enough exposure to have caused asbestosis.

S. 1125 is careful to provide the highest levels of compensation to claimants whose illness has the greatest causal connection to asbestos. It is not and cannot be a tobacco compensation bill. With that said, the bill sets out within the consensus medical criteria a level VII category, a new and untested category for lung cancer cases, that may end up compensating large numbers of individuals whose illnesses are not caused by asbestos, but by smoking. There are experts who believe the eligibility criteria for this category will reliably screen for asbestos-caused lung cancers. But we just don't have enough experience with these claims. With 87 percent of overall lung cancer cases caused by smoking, they could inundate and sabotage the fund.

Accordingly, I want to put all Senators on notice that I intend to offer an amendment, after consultations with all interested parties, to provide a mechanism to protect the solvency of the fund if claims from level VII's dramatically exceed expected levels.

At its heart, today's proposal represents a policy choice. On the one hand, we have the status quo, with its delays, failure to compensate victims, bankruptcies, litigation costs, wasteful transaction spending, and major negative impact on the economy.

On the other hand, we have an opportunity to rationalize this broken system. It is true that there is some uncertainty in projecting future claims filing rates, but we are putting over $100 billion into the system. And any risk that this is not enough would fall back on defendants. There would be a reversion to the Federal tort system, and defendants would have to essentially pay twice—after staking over $100 billion they would still be subject to tort claims. And claimants would get their day in court. This bargain is a reasonable policy choice.

Another fundamental way S. 1125 improves the current tort system is that it is more accessible and simpler for claimants to use. Organized labor, however, had expressed a concern that the administrative structure in S. 1125 as passed out of committee was too adversarial and cumbersome. This was a key concern for labor, so in order to address this concern, industry and labor representatives agreed under the auspices of Senator SPECTER and Judge Becker of the Third Circuit Court of Appeals, to simplify the process. I commend Senator SPECTER for this leadership in that process, and thank Judge Becker for his expertise and commitment.

Under the new proposal, claims processing will be moved from the Court of Federal Claims to an executive office situated in the Department of Labor. Now a single administrator will be responsible for both the claims handling and the management of the fund. The fund will benefit from the experience the Department of Labor has garnered from administering similar compensation programs over the past 90 years. The infrastructure already created under these programs will help with prompt program initiation.

The claims application process will now be more user friendly, there are fewer levels of administrative review, and the claimant assistance program will be expanded. The new structure provides for advisory committees with expertise on a host of issues to advise the administrator, and allows for contracting with entities who have knowledge and experience with asbestos-related injuries and compensation programs to assist in the processing of claims.

The new administrative structure also will help address concerns about how quickly funds will begin flowing to claimants—especially those with the most serious diseases, such as mesothelioma, who may only have a short time to live.

The new administrative structure will help to ensure that the program is up and running quickly and managed efficiently to the benefit of claimants, including providing for interim regulations and interim authority to begin processing claims as soon as possible. The interim administrator may prioritize claims so that the victims with the most severe injuries, especially mesothelioma victims, have their claims processed first. Money will flow into the system faster, since S. 1125 now requires upfront funding from participants. Money from defendants will be available within 3 months from the date of enactment from certain defendant participants and within 6 months from the remaining defendant participants, which will be in addition to the monies received from the bankruptcy trusts. There also is authority to require upfront money from the insurer participants so that there is no delay in obtaining money from the insurers.

As an additional protection against an influx of early claims, the bill also provides the administrator with expanded borrowing authority to ensure that there are sufficient funds available to initiate the program and to pay claims in short order. The borrowing would be 100 percent collateralized against the mandatory payments from participants in the Fund.

These changes are designed to address concerns raised by Senator FEINSTEIN in the committee's consideration of the bill. Senator FEINSTEIN raised valid concerns that a delay in creation of the claims system would harm claimants. However, her amendment would have essentially left the current system in place for an indefinite amount of time and would allow credits for monies to be paid to the fund, having the unintended effect of perpetuating the status quo with its gross misallocation of payments to unimpaired claimants and its excessive attorney fees. Furthermore, it would have threatened the Fund itself, by diverting Fund assets to cover these unwarranted claims and fees.

Given the improvements that have been made to the claims processing system, good public policy demands expedited termination of the broken system and commencement of payments to the most worthy claimants, as defined by the consensus medical criteria.

Organized labor has an important role to play in protecting the interests of working people in the congressional debate. In addition to numerous concessions associated with the new administrative structure, representatives of organized labor aggressively advocated for a number of changes, which were adopted. These changes were aimed at ensuring that the program established under S. 1125 was the most fair to victims, as the intended beneficiaries of the program.

S. 2290 now provides for medical monitoring reimbursement for costs of physical examinations as well as costs for x-rays and pulmonary function testing.

S. 2290 explicitly extends the protections of HIPAA to ensure that claimants cannot be discriminated against for provision of health insurance solely as a result of filing a claim with the Fund.

This bill also requires the use of presumptions for satisfying the exposure criteria for certain industries, occupations, and time periods.

While I have outlined some major changes here, literally dozens of additional changes have been made to S. 1125 since the introduction of the bill. These changes clarify language and strengthen provisions to ensure that sick claimants are promptly and fairly

compensated, that the burden and risk on claimants is reduced to the extent possible, and that participants can obtain certainty with respect to their asbestos liabilities as necessary to promote the creation of jobs and the economy.

And it was recognized, as the bill was being considered by committee, that even as we are dealing with the aftermath of asbestos, the substance itself is still in limited use. The committee adopted Senator MURRAY's landmark asbestos ban, and this country's workers will be safer for it. It simply did not make sense to create a compensation system and continue to allow workers to be exposed.

We also addressed the terrible situation in Libby, MT, where many workers and residents have become ill from asbestos and the manufacturer, W.R. Grace has filed for bankruptcy leaving victims with little recourse. S. 1125 contains special provisions so that Libby victims can readily gain compensation from the Fund.

In addition, we must not forget this Nation's veterans. Veterans have been long overlooked when talking about the asbestos litigation crisis. Men and women who served in the Armed Forces were often exposed to significant amounts of asbestos while serving our country, particularly during World War II and while serving on ships. S. 1125 provides a better avenue, and may be the only avenue, for veterans to receive fair and prompt compensation, while still preserving the veterans' benefits that are currently available.

We have set forth a rational system, offering a positive alternative to today's broken system. It is one of the largest, boldest compensation programs in this Nation's history. The choice here is not about the mechanics of the program, the final dollar amount, or any individual provision. We can work those things out. The choice is whether to offer victims a better system than we have today, and at the same time rationalize the system to stop the havoc it is causing to jobs and the economy.

Indeed, we have made major progress in getting this bill ready for the floor, especially considering the controversial issues involved. We've had literally dozens of stakeholder meetings. During this process, all of the issues have been visited and revisited. All parties have been heard, and all concerns have been heard. While such a sweeping bill will inevitably contain compromises that are not perfect in the eyes of each stakeholder, we have listened to all concerns and come up with the best solutions possible.

I had hoped to bring the bill up for a vote before the last session ended. At that time, a lot of stakeholders felt that was premature. On November 22 of last year, I announced that I would wait, but that the bill would be considered by the end of March. Again on February 27 I made it clear that the bill would be brought up by the end of March. To continue the discussions among the stakeholders, I again extended this time to the week of April 19, and, thus, we are here. It is time to stop talking and bring these issues to resolution.

We have waited long enough and worked to create consensus, and now we have significant support to wrap up the outstanding issues—challenging as they are—and hold a vote. There have been suggestions almost from the start that we need more time to come up with better answers. We have very few legislative days remaining, and as we feared, we are nearly out of time. Senator HATCH and I have consistently offered realistic scheduling and frankly have allowed too much delay already. Now we have run the clock out and we must act.

Standing still is not an option, as the situation continues to deteriorate. Victims wait for unpredictable and inequitable compensation, companies continue to declare bankruptcy, and jobs and the economy suffer.

For many Members, it will require courage and leadership to change the status quo, but I am calling on this body to give the American people a better system for compensating asbestos claimants. Inaction—allowing the status quo—is in itself a choice that harms victims and American workers.

I believe it is time to move forward by offering the changes I have described here in an amendment in the nature of a substitute.

Mr. President, I ask unanimous consent that a detailed summary of the major changes in a section-by-section description be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. FRIST. Mr. President, there will no doubt be constructive proposals from Senators on both sides of the aisle to refine and improve this bill. That is what the amendment process is all about.

I encourage this process. It is my hope the process will be constructive and it will result in a bill that can pass this body. I look forward to the debate and consideration of S. 1125.

I yield the floor.

EXHIBIT 1

S. 2290—SUMMARY OF CHANGES FROM S. 1125 AS REPORTED

S. 1125, the Fairness in Asbestos Injury Resolution Act, as reported out of the Senate Judiciary Committee, represents an unprecedented advance on complex and difficult issues that have stalled previous attempts at similar legislation. Landmark agreements were reached on asbestos injury compensation issues such as medical criteria, and over 50 consensus-building changes were adopted overall. Nonetheless, a number of issues were left open for further discussion, and additional concerns were raised that were not addressed by the Committee. Since the bill was reported out of Committee, various stakeholders and members from both parties have continued negotiations. The substitute bill being introduced reflects agreements on some of these difficult issues reached during these negotiations, and attempts to address a number of concerns that have been raised but have not yet been subject of agreement. In particular, the First/Hatch bill: raises claims values, creates a more streamlined administrative system that can be up and running quickly, provides increased liquidity and upfront funding so that claims can be paid in short order, and places the risk that the Fund runs out of money on the defendants and insurers and not on the claimants. These are just some highlights of the numerous changes that were made to make a fairer system for claimants. The following provides a section-by-section summary of the changes in the First/Hatch bill from S. 1125 as reported with explanations as to the need for the changes.

SEC. 3. DEFINITIONS

Changes were made to various definitions under this section to conform with other amendments in the bill to provide clarifications.

Sec. 3(3) Definition of ''asbestos claim.'' S. 1125 seeks to replace the current broken tort system with a streamlined, administrative system. S. 1125, therefore, must preempt and supersede all asbestos claims filed in the current tort system. Concerns were raised that the definition of ''asbestos claim'' in S. 1125 as reported may have been interpreted as unduly limited, failing to cover some types of asbestos claims that are currently overburdening the tort system today, which were intended to be preempted and superseded by the Act. This definition was amended to help ensure that the definition is interpreted broadly to encompass all types of claims that are being filed in the system today. This definition has also been amended to make clear that claims alleging damage to tangible property are left intact.

[Sec. 3(6) Definition of ''collateral source compensation.'' The disease categories under S. 1125 are not easily translatable from those filed in the tort system. The definition of ''collateral source compensation,'' therefore, was clarified to more clearly encompass awards in the tort system.]

Sec. 3(9) Definition of ''insurance receivership proceeding.'' A new definition for ''insurance receivership proceedings'' was added to S. 1125. This definition accompanies changes made to section 402 that would give the Fund a priority for collection of assessments from insurers in state insurance receivership proceedings. These provisions track those provided for insolvent companies in bankruptcy. This definition describes the state law proceedings to which the priority applies. This, like the bankruptcy provisions, help to ensure that the payments made to the Fund are continued despite any subsequent insolvencies of insurer participants.

[Sec. 3(11) Definition of ''participant.'' One of the exceptions to ''participant,'' defined in section 3(11), are companies who have completed their bankruptcy proceedings. This exception was amended to ensure that the bill is in concert with the United States Bankruptcy Code. A company is not ''out of bankruptcy'' until the plan of reorganization becomes effective in accordance with its terms. Under the Bankruptcy Code, changes to the plan can occur until the date on which the plan is ''substantially consummated,'' as defined in section 1101(2) of that Code. Conforming changes were made to applicable sections in the funding provisions under title II.]

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

The Frist/Hatch bill incorporates a new administrative structure for the processing and

paying of claims, which was part of an agreement between representatives of labor and industry groups negotiated under the auspices of Senator Specter and Judge Becker. This new structure responds to concerns raised by representatives of organized labor, who wanted a more streamlined and more non-adversarial system than that in S. 1125 as reported. Various aspects of the new structure promote the efficient management of the program and crate a less burdensome system for claimants. Old title I, subtitle A, which created a claims processing structure within the Court of Federal Claims, was replaced with new subtitle A, which creates an executive office situated in the Department of Labor to administer the program. Subtitle B in S. 1125 as reported, which outlined the claims handling process, also was substantially amended to respond to requests by stakeholders. The new administrative structure also contains provisions to ensure that the program is processing claims as soon as possible, which were added as part of the alternative to the Feinstein startup amendment. Conforming changes were made throughout the bill.

Sec. 101. Establishment of Office of Asbestos Disease Compensation Program. New section 101 establishes within the Department of Labor, an Office of Asbestos Disease Compensation. This section clarifies that all administrative expenses of the program are to be paid from the Fund. The office is headed by an Administrator, who will be responsible for both the claims handling and the management of the Fund. The Administrator is appointed by the President with the advice and consent of the Senate, and reports directly to the Assistant Secretary of Labor for the Employment Standards Administration. The general duties of the Administrator are provided in this section, and provisions regarding the Administrator's fund management duties found in section 222 of S. 1125 as reported (p. 168–69) were incorporated into this general authority provision. Civil penalties up to $10,000 for false statements and fraudulent acts against the Office are also provided for under this section. Two Deputy Administrators will be selected by the Administrator—one to carry out the Administrator's claims processing responsibilities, and one to carry out the Administrator's Fund management responsibilities. Finally, a general provision with respect to the application of the Freedom of Information Act (''FOIA'') was added to section 101.

Placing the office within the Department of Labor was requested by labor representatives. In addition, much of the provisions in the Frist/Hatch bill are based on provisions from statutes and implementing regulations for compensation programs administered by the Department of Labor. The Administrator, therefore, can utilize the 90 years of experience the Department has in administering similar compensation programs and the infrastructure already created for these programs.

Sec. 102. Advisory Committee on Asbestos Disease Compensation. New section 102 provides for the establishment of an Advisory Committee on Asbestos Disease Compensation within 120 days after the date of enactment of the Act. The Advisory Committee will advise the Administrator on general policy and administration matters. The Advisory Committee is composed of 24 members with 3-year staggered terms. Sixteen members are to represent the interests of the claimants (at least 4 of which are recommended by recognized labor federations), defendant participants, and insurer participants. The remaining 8 members are appointed by the Administrator and cannot have earned more than 25% of their income for each of the 5 years prior to their appointment by serving in asbestos litigation as consultants or expert witnesses. The Administrator selects a Chairperson and Vice Chairperson. The Advisory Committee must meet at least 4 times a year for the first 5 years of the program and at least twice a year thereafter. The Administrator must provide information and administrative support as may be necessary and appropriate for the Advisory Committee to carry out its functions. The members are entitled to travel and meal expenses. An advisory committee was provided for under the Energy Employees Occupational Illness Compensation Program Act (''EEOICPA''), 42 U.S.C. §7384o, which served as a model to the new administrative structure. The size and scope of the Advisory Committee was outlined by labor representatives in order to provide stakeholders with the opportunity to provide the Administrator with input on the compensation program.

Sec. 103. Medical Advisory Committee. New section 103 is permissive rather than mandatory, granting the Administrator the authority to create a Medical Advisory Committee to provide general medical advice relating to the review of claims that cannot be adequately addressed by the larger Advisory Committee on Asbestos Disease Compensation. To help ensure objectivity on the part of the members of this Committee, individuals who earned more than 25% of their income for each of the 5 years prior to their appointment by serving in asbestos litigation as consultants or expert witnesses cannot be appointed to the Committee.

Sec. 104. Claimant Assistance. New section 104 expands the claimant assistance program under section 116 of S. 1125 as reported (p. 39). At the request of labor representatives, the program was expanded to include, among other things, the requirement to establish resource centers and to contract with labor and community based organizations. Aspects of this more expansive program are modeled on Section 7384v of the EEOICPA, for which several resource centers have already been established by the Department of Labor.

The streamlined administrative structure and the claimant assistance program, which includes assistance in finding pro bono legal representation, both reduce the burden on the claimant seeking compensation and the need for a lawyer. Although legal representation is allowed, the goal of S. 1125 is to reduce the high transaction costs of the current tort system, which can be upwards of 40% for legal fees to the plaintiff's attorney alone. As such, the Frist/Hatch bill provides for reasonable limits on attorneys fees to reflect this streamlined process, allowing for higher percentages for more complex cases. Penalties are provided for to ensure that these limits are followed.

Sec. 105. Physicians Panels. The Physicians Panels were established in order to perform the functions of the Medical Advisory Committee originally contemplated under S. 1125 as reported, section 114(j) (p. 37). The Physicians Panels will provide necessary medical advice in the adjudication of individual claims, as opposed to the newly created Medical Advisory Committee which would advise on general medical policy. While the Administrator still chooses how many panels are required, the statute now requires that each panel be composed of 3 physicians. The third physician is only to be consulted in the event the other two physicians cannot agree. The qualification that physicians serving on the panels be actively practicing was replaced by a limitation that such physicians cannot have earned more than 25% of their income for each of the 5 years prior to their appointment as an employee of a participant or a law firm representing any party in asbestos litigation or as a consultant or expert witness in matters related to asbestos litigation. The previous qualification was deleted in order to allow doctors who are retired but have knowledge and experience with diagnosing asbestos-related illnesses may serve on the Physicians Panels. It was replaced by a requirement that sought to ensure objective doctors were placed on these panels. Labor representatives also requested less restrictive compensation provisions due to its impression that it is currently difficult to retain qualified doctors under the EEOICPA because of a limitation on compensation. A provision ensuring that Physicians Panels are exempted from the Federal Advisory Committee Act was also included at the request of labor representatives.

Sec. 106. Program Initiation. New section 106 was inserted in order to address concerns raised by labor representatives that the program could take an inordinate amount of time to start paying claims. This section requires the establishment of interim regulations, including regulations for the processing of exigent claims, within 90 days from the date of enactment in order to allow for an expeditious program startup, addressing concerns raised that victims do not have time to wait through undue delays until a whole new administrative program is established. The Secretary of Labor is required to provide the Administrator with temporary personnel and other resources as necessary to facilitate the initiation of the program. This section also defines ''exigent health claims'' as those made by individuals who are living mesothelioma claimants and others who have been diagnosed as terminally ill from an asbestos-related illness and having a life expectancy of less than one year. The Administrator has the discretion to identify additional exigent health claims as well as extreme financial hardship claims to be handled on an expedited basis.

Stakeholders recognized that an interim administrator may be appointed in the event that the Administrator is a presidential appointee to avoid any delays related to the Presidential appointment and Senate confirmation of an Administrator. To address this issue, the Frist/Hatch bill provides that the Assistant Secretary of Labor for the Employment Standards Administration serve as Interim Administrator, until the Administrator is appointed. The Interim Administrator may begin processing and awarding claims without regard to the time limits set forth in the title I, subtitle B. The Interim Administrator also may prioritize claims processing based on severity and causation, so that living mesothelioma victims or terminally ill claimants, who may not have much time, can be placed first in line and be paid as quickly as possible. The provisions, along with placing the Office within the Department of Labor, help to ensure that the program can be up and running in short order and effectively administered in the long run.

Sec. 107. Authority of the Administrator. New section 107 was added to provide the Administrator with general authority to issue subpoenas and conduct hearings, and is derived from the Federal Employees Compensation Act (''FECA''), 5 U.S.C. §8126. Such authority is necessary to implement the Administrator's responsibilities under the Act.

Subtitle B—Asbestos Disease Compensation Procedures

Subtitle B lays out the claims handling process. Although it incorporates many of the same provisions found in title I, subtitle B, of S. 1125 as reported, new subtitle B represents the more streamlined process requested by labor representatives and includes changes which labor felt would create a fairer process for claimants.

Sec. 111. Essential Elements of Eligible Claim. Section 111 amends old section 113 from S. 1125 as reported (p. 28) as requested by labor representatives, by collapsing the requirements that were listed separately into a general reference to the ''medical criteria'' section in subtitle C, which includes latency, exposure, diagnostic and medical criteria requirements.

Sec. 112. General Rule Concerning No-Fault Compensation. No change from old section 112 in S. 1125 as reported (p. 28).

Sec. 113. Filing of Claims. New section 113 revises section 111 from S. 1125 as reported (p. 23). Section 113(a)(1) incorporates the definition of ''personal representative'' as the term is defined in 28 C.F.R. §104.4, which contains the regulations governing the September 11th Victim Compensation Fund of 2001. This change was made to avoid some of the difficulties that may be encountered in defining who may file on behalf of a deceased claimant and sorting through potential familial disputes. Also at the request of labor representatives, new provisions defining the ''date of filing'' and clarifying the procedures for handling incomplete claims were added. These provisions were based on the Radiation Exposure Compensation Act, 42 U.S.C. §2210 note, section 6(d), and regulations implementing the EEOICPA, 20 C.F.R. §30.100(c), and the Black Lung Act, 20 C.F.R. §§725.404(d), 725.409.

Statute of Limitations. Labor representatives raised a concern with respect to the statute of limitations section in S. 1125 as reported, which would allow setoffs in multiple injury cases of recoveries for all prior claims made with the Fund (section 111(c)(3), p. 27). New section 113(b) clarifies that a claimant who files a second injury claim with the Fund for a subsequently diagnosed malignant disease does not receive a setoff for prior recoveries from the Fund in cases where the claimant has already filed and resolved a claim with the Fund for a nonmalignant injury. This new provision is based on the 2002 Trust Distribution Procedures for the Manville Trust, which recognizes that claimants who develop and receive awards for a nonmalignant claim should not receive setoffs in the event that claminant is subsequently diagnosed with a malignant disease.

Another change was made to the statute of limitations for pending claims. Although S. 1125 creates a specific statute of limitations for ''pending claims'' timely filed in the courts or with a bankruptcy trust, S. 1125 does not seek to revive stale claims. As such, a definition of ''pending claims'' with bankruptcy trust was added to clarify when such a claim is ''pending'' for purposes of the statute of limitations. The new definition provides that only claims that have not yet been resolved with the trust be allowed to take advantage of the relaxed statute of limitations, and that claims will not be considered pending simply because they are awaiting additional payment installments or may have the potential to have increased payment.

Required Information. Additional changes were made to the required information provision of S. 1125 to reflect concerns raised by labor representatives that the application requirements were too strict, and to clarify certain require information at the request of labor representatives.

Sec. 114. Eligibility Determinations and Claims Awards. New section 114 replaces the claims handing provisions of S. 1125 as reported, including the administrative appeals process, largely in response to requests by labor representatives. It establishes a more streamlined system, eliminating at least one level of review from S. 1125; thereby resulting in the deletion of subtitle E of title I (En Banc Review) in S. 1125 as reported. Subsection (a) authorizes the Administrator to render decisions on claims for compensation. This language is based on provisions found in FECA, 5 U.S.C. §8124. Subsection (a) also clarifies that costs associated with any additional medical evidence or testing requested by the Administrator as part of the individual's claim shall be borne by the Fund.

Proposed and Final Decisions. The Administrator is required to issue a proposed decision, containing findings of fact and conclusions of law as well as an explanation of the procedures for review, within [90] days of the filing of a complete claim. The claimant then has the opportunity to request, in writing within [90] days of issuance of the proposed decision, an informal hearing or review of the written record. If a hearing is requested, it is to be conducted before a representative of the Administrator, and claimants have the right to request a subpoena, which may be granted or denied at the sole discretion of the representative hearing the claim. If no review has been requested, the Administrator issues a final decision. If the final decision in such cases materially differs from the proposed decision, the claimant may then seek review. If review of the proposed decision is requested, the Administrator is required to issue a final decision within [180] days after the request for a hearing, and [90] days after the request for review on the written record. A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act. The provisions in new section 114 are largely based on FECA and its regulations and on regulations implementing the EEOICPA.

Sec. 115. Medical Evidence Auditing Procedures. New section 115 consolidates various program-wide and individual claims auditing provisions found in S. 1125 (sections 115(a), (b), p. 38, sections 114(c)(3)(B)(i), (c)(4), p. 31–32), with some modifications. The general auditing authority was clarified to require the development of methods for auditing and evaluating medical evidence and other types of evidence submitted to the Office (new section 115(a)(1)).

Independent Certified B-Readers. The provisions providing for review of x-rays by independent certified B-readers was amended to allow the Administrator to consider the findings of the independent certified B-readers rather than denying the claim in the event the independent B-readers disagree with the reading submitted by the claimant as was previously provided. This change was made to account for potential disagreements between the independent certified B-readers (new section 115(b)(3)). The purpose of this review, however, is still to ensure that questionable x-ray readings submitted by claimants are not considered when determining eligibility.

Smoking Assessment. Provisions on the assessment of claimant representations as to their smoking status was amended to clarify that such review applies only to other cancer claims, lung cancer claims, and exceptional medical claims. Based on past experience of claims filing, this section also now provides that the review of claims on smoking status should address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers because of the potential for fraud in such cases.

Subtitle C—Medical Criteria

In order to preserve the bipartisan agreement reached with respect to medical criteria, no changes have been made to this subtitle except where necessary to conform to the revised administrative structure under title I. One substantive change that was made as part of the agreement between labor and industry representatives on the administrative structure was to add a requirement that the Administrator develop presumptions for satisfying the exposure criteria for certain industries, occupations, and time periods. A similar provision was included in S. 1125 as introduced, but was dropped from the medical criteria in S. 1125 as reported.

Subtitle D—Awards

Several major changes were made to Subtitle D (p. 81) of title I in S. 1125 as reported. [First, section 131(b)(1) adjusts the claims values to reflect those proposed by the Majority Leader (and to correct one apparent typographical error for nonsmoker, Level VIII claims). This bill raises claims values above S. 1125 in several categories.] Second, section 132(b) now provides medical monitoring reimbursement for costs of physical examinations by the claimant's physician as well as costs for x-rays and pulmonary function testing. A physical examination is another important element for obtaining a proper diagnosis, and should also be covered by the fund. Finally, although providing for payments over a three-year period was provided for in Committee at the request of labor and democrats, it was further clarified, also at the request of labor and democrats, that such payments should be made in the following amounts: 40% the first year, 30% the second year, and 30% the third year. The statute now provides a standard by which the Administrator must comply to extend such payments to 4 years—that is, if warranted in order to preserve the overall solvency of the Fund.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

In addition to technical amendments, Subtitle A was amended to reflect the new funding allocation to defendant participants proposed by the Majority Leader, to provide a structure that would guarantee the $2.5 billion (net of hardship and inequity adjustments) in defendant participant annual contributions, and to incorporate a funding proposal that would infuse the Fund with monies within months of enactment.

Aggregate Payment Obligations Level. As part of the Majority Leader's funding proposal, section 202(a) now provides that the defendant participants be required to pay $57.5 billion to the Fund, subject only to a contingent call for additional payments. Section 204(h) requires annual aggregate payments to the Fund of $2.5 billion a year for 23 years or until such time as the requirement in section 202(a) is reached (if it is reached in less than 23 years). In the event there are insufficient monies collected from defendant participants to reach this annual requirement (net of any hardship and inequity adjustments) in any given year, the Administrator is granted the authority to obtain the balance from a guaranteed payment account established pursuant to section 204(k). If there are insufficient funds in the guaranteed payment account to raise the balance required, the Administrator is granted the authority to impose a guaranteed payment surcharge under section 204(l) on all defendant participants, on a pro-rata basis in accordance with the liabilities under sections 202 and 203, as necessary to raise this minimum aggregate payment obligation (net of hardship and inequity adjustments) in any one year.

Financial hardship and Inequity Adjustments. Unlike S. 1125 as reported, the defendant funding formula now guarantees that funding will be available for hardship and inequity adjustments up to the annual limit of $250 million. Section 204(d) was clarified to

ensure that adjustments in effect in any one year made for both financial hardship and inequity are subject to a combined $250 million cap. Although limits based on a fixed percentage roughly equating to $150 million for severe financial hardship and $100 million for demonstrated inequity were originally provided, the Administrator is now given the discretion to use the $250 million for demonstrated inequity adjustments and for financial hardship adjustments as deemed necessary. It is anticipated that the severe financial hardship adjustments will increase in importance in the future as companies become confronted with unanticipated and unpredictable financial hardships. The Administrator's discretion would be broad enough to allow the Administrator to reallocate monies from inequity adjustments to accommodate future financial hardships. [In addition, unlike S. 1125 as reported, such adjustment determinations would be subject to review.]

A financial hardship and inequity adjustment account under section 204(j) replaces the orphan share reserve account in S. 1125 as reported (section 223(h), p. 189). Under section 204(k), any excess monies above the $2.5 billion minimum aggregate annual payments are to be placed into the financial hardship and inequity adjustment account up to $250 million in any given year. Any monies not used in the account in any given year are carried over for use in the next year. Any additional excess funds (after the $250 million) go to the guaranteed payment account established under section 204(k) to be used to ensure that the defendant participants reach the minimum annual aggregate payment amount (net of hardship and inequity adjustments) in future years. The monies in the financial hardship and inequity adjustment account are now to be used only to the extent the Administrator grants a financial hardship or inequity adjustment, and not in the event a defendant participant files for bankruptcy and cannot meet its obligations as previously provided in S. 1125 as reported. The guaranteed payment account provided for under section 204(k) (plus the potential surcharge) is meant to address any potential shortfalls due to such bankruptcies.

Contingent Call. Pursuant to the new Frist funding proposal, only defendant participants are subject to a contingent call for additional payments and, therefore, the contingent call provisions in S. 1125 as reported (section 223(f), p. 179–87) were moved to subtitle A of title II and amended to reflect the new Frist funding formula. Due to the increased liquidity provided for under the Frist funding proposal, the back-end payments provisions (section 223(g), p. 187–89) were deleted. The amended contingent call provision, section 204(m), grants the Administrator the authority to require up to $10 billion in additional payments to be allocated based on the defendant allocation scheme in sections 202 and 203. To invoke the contingent call authority, the Administrator must certify, after consultation with appropriate experts, that such monies are required to meet the Fund's obligations. Although the Administrator may invoke the contingent call authority at any time for purposes of borrowing monies, the additional payments may not be assessed against defendant participants until after the total aggregate payment amount has been reached.

Upfront funding. Subtitle A also reflects changes that would require defendant participants to provide upfront funding to infuse the Fund with monies to begin paying claims within months of enactment. Section 204(i) requires a defendant participant to make a good faith determination as to its prior asbestos expenditures and/or payments made to pay claims brought under the Federal Employees Liability Act (''FELA''), and submit payments to the Administrator within 90 days of the date of enactment for Tiers I and VII and within 180 days of the date of enactment for Tiers II through VI. It is believed that 90 days is sufficient time for debtors and Tier VII defendant participants to determine their liability under this section and make initial payments. Due to the greater complexity of determining prior asbestos expenditures for Tiers II through VI, however, 180 days is allowed for defendant participants to be able to make an initial, good-faith determination and payment, conforming to the 6 month requirement for bankruptcy trusts to assign their assets to the Fund. The Administrator would still make a final determination as to a defendant participant's tier and subtier, and request additional payment or rebate for year 1 if necessary. After the initial payment, defendant participants must then make payments and submit information as prescribed by the Administrator. The right to an administrative rehearing was also clarified, and the statute now expressly requires the exhaustion of such administrative remedies prior to seeking judicial review.

Clarifications for Debtors. The superseding provisions related to debtors under section 202(e) were clarified to ensure that a plan of reorganization or other agreement associated with asbestos claims are superseded.

Subtitle B—Asbestos Insurers Commission

Subtitle B in S. 1125 as reported has been amended to reflect the new Frist funding proposal and to address potential constitutional problems that were inherent in Subtitle B of S. 1125 as reported. [Additional changes to further clarify these provisions may be necessary.]

Establishment of Asbestos Insurers Commission. Given the authority granted to the Commission, the appointment provisions in S. 1125 as reported allowing for Presidential appointment of the members after mere consultation with certain members of Congress, present potential appointments clause problems. Section 211, therefore, now provides that the members of the Commission are appointed by the President with the advice and consent of the Senate. In addition, Section 211 now provides that the Commission may act based on the participation of a majority of the members. S. 1125 as reported had required all the members be present for the Commission to be able to act, which was not practical and could have resulted in unnecessary delays in the allocation process.

Aggregate Payment Obligation Levels. As part of the Majority Leader's funding proposal, section 212(a)(2) provides that the insurer participants be required to pay $46.025 billion to the Fund, and section 212(a)(3) outlines the annual aggregate payments. Insurer participant payments are front loaded, but are to be paid over a period of 27 years. Additional conforming changes were made to reflect the new funding provisions and to clarify the allocation process and criteria.

Upfront Funding. Similar to the defendant participants, the insurer participants are now required to provide upfront funding to help infuse the Fund with monies to begin paying claims quickly. Sec. 212(e) grants the Administrator the authority to require insurer participants to pay interim contributions to the Fund to assure adequate funding by insurer participants during the period between the date of enactment of the Act and the date when the Commission issues its final determination of contributions. Contributions required by the Administrator will be credited to the insurer participants subsequent payment obligations established by the Commission.

Guaranteed Payment. [To be determined.]

Subtitle C—Asbestos Injury Claims Resolution Fund

As described above, various provisions were moved to other parts of the bill and deleted from subtitle C in S. 1125 as reported. In addition to provisions previously identified, the provisions relating to violations of environmental and occupational health and safety requirements (section 222(c), p. 171) were moved to Title IV—Miscellaneous Provisions. Various substantive changes, as well as other conforming changes and technical corrections, were made to this subtitle to help increase the Fund's liquidity and to help protect the integrity of the Fund.

Borrowing Authority. As part of the Majority Leader's funding proposal, the borrowing authority provision of S. 1125 as reported (section 223(c), p. 177) was amended to provide more expansive authority to increase the Fund's liquidity. Under new section 223(b), the Administrator is now authorized to borrow against up to seven years of expected payments by the participants. The new borrowing provisions clarify that any debt incurred is to be paid solely by amounts available in the Fund. To help ensure that the fund is up and running quickly, monies may be borrowed from the Federal Financing Bank during the first two years of the Fund. The increased liquidity will also help to fix short-term funding problems in the event there is a bulge in claims to ensure that the Fund is not unnecessarily subject to an early sunset.

Increased Enforcement. Additional provisions were added to subtitle C to strengthen the Administrator's authority to enforce the participants' payment obligations. New audit authority has been provided for under section 223(d). This audit authority is for the following purposes: (a) ascertaining the correctness of any payments made to the Fund; (b) determining whether a person who has not made a payment to the Fund was required to do so; (c) determining the liability of any person for a payment to the Fund; (d) collecting any such liability; or (e) inquiring into any office connected with the administration of enforcement of title II. In addition to the criminal penalties already provided for in S. 1125 as reported, civil penalties for false statements and fraudulent acts against the Administrator have been added under this section. The enforcement provisions in section 225 now provide that the Administrator may enforce the provisions of this Act in proceedings outside of the United States to ensure the ability to go after recalcitrant foreign companies subject to the liabilities under the Act. Additional enforcement provisions aimed at insurer participants were also added to section 225. New section 226 provides that interest be paid on any amount of payment obligation that is not paid on or before the last date prescribed for payment.

TITLE III—JUDICIAL REVIEW

The judicial review provisions in S. 1125 were largely replaced to reflect changes in the administrative structure and to simplify the provisions. These changes were largely as a result of negotiations between representatives of labor and industry.

Sec. 301. Judicial Review of Rules and Regulations. Section 301 now applies to judicial challenges of rules and regulations promulgated by the Administrator or the Asbestos Insurers Commission pursuant to the Act, granting the United States Court of Appeals for the District of Columbia Circuit exclusive jurisdiction over such actions. Any petition for review must be filed within 60 days of the date the notice of such promulgation appears in the Federal Register.

Sec. 302. Judicial Review of Award Decisions. Section 302 now applies to judicial review of eligibility determinations made by

the Administrator. Any claimant adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation may petition for judicial review within [90] days of the issuance of a final decision of the Administrator. Such petition may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order. At the request of labor representatives, the standard of review of such eligibility determinations was changed from the usual arbitrary and capricious standard to a substantial evidence standard.

Sec. 303. Judicial Review of Participants' Assessments. Section 303 now applies to judicial challenges of participants' assessments made by the Administrator or the Asbestos Insurers Commission. The United States Court of Appeals for the District of Columbia Circuit, rather than the United States District Court for the District of Columbia as was provided in S. 1125 as reported, has exclusive jurisdiction over such actions. A petition for review must be filed within 60 days of the final determination giving rise to such action. Defendant participants must file a petition for review within 30 days of the Administrator's final determination (after rehearing), and insurer participants must file a petition for review within 30 days of receiving notice of a final determination.

Sec. 304. Other Judicial Challenges. Section 304 provides that any action challenging the constitutionality of any provision of the Act must be brought in the United States District Court for the District of Columbia. The provision also authorizes direct appeal to the Supreme Court on an expedited basis. An action under this section shall be filed within 60 days after the date of enactment or 60 days after the final action of the Administrator or the Commission giving rise to the action, whichever is later. The District Court and Supreme Court are required to expedite to the greatest possible extent the disposition of the action and appeal.

Sec. 305. In General. As provided in S. 1125 as reported, section 305 also states that no stays of payments into the Fund pending appeal are allowed. In addition, no judicial review other than as set forth in sections 301, 302 and 303 is allowed. Any decision of the federal court finding any part of the FAIR Act to be unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court within 30 days of such ruling.

TITLE IV—MISCELLANEOUS PROVISIONS

The following provisions in Title IV have been amended from S. 1125 as reported.

Sec. 402. Effect on Bankruptcy Laws. Various changes were made to section 402 for clarifications and to address possible constitutional arguments that may affect the ability of the Fund to receive assets from current bankruptcy trusts.

Sec. 403. Effect on Other Laws and Existing Claims.

Asbestos Claims Barred. Section 403(d)(2) is changed to address a variety of unconventional asbestos claims that plaintiffs have asserted directly against both defendant participants and insurer participants in the tort system.

Subsection (d)(6) is added to permit parties to obtain a credit in the event that a court ignores or misapplies the exclusive remedy provisions of the Act, and erroneously awards a judgment in favor of asbestos claimants outside of the federal compensation program.

Initiation of the Fund. Because the new administrative structure and the new funding provisions were amended to ensure that the program is up and running in a matter of months, section 403(d)(5) (p. 211) was deleted from the bill.

Sec. 404. Effect on Insurance and Reinsurance Contracts. Section 404 (Section 406 in the Committee Bill) deals with the effect of the Act on insurance and reinsurance contracts. Section 406 as it came out of Committee accounted for ''erosion'' of insurance policies that cover not only asbestos liabilities, but also potentially other liabilities. The section established how contributions to the fund by insurers and reinsurers would reduce the limits of existing insurance policies held by the defendant participants.

Erosion. Changes have been made in section 404(a), dealing with erosion of insurance coverage limits, in order to account for the possibility of an early sunset of the Fund. Based upon the assumption that insurers and reinsurers will be required to make payments into the Fund for 27 years after enactment, erosion of the policy limits is deemed to occur at enactment. If the Act sunsets early, however, the insurers may not be required to pay the full amount for which they have been given erosion credit. In order to treat this situation, section 404 has been amended to provide for the restoration of unearned erosion that exists at the time of an early sunset.

Additionally, section 404(a)(2)(B) has been amended to conform the Act to the revised funding structure. The Bill that passed out of Committee deemed certain erosion to occur upon a contingent call because the contingent funding was shared equally by the insurer participants and the defendant participants. Any required contingent funding is now to be required solely of defendants, and therefore no erosion will be deemed to occur upon contingent payments.

Finite Risk Policies Preserved. The Frist/Hatch bill includes a new section 404(d), dealing with finite risk policies. Finite risk policies are non-traditional insurance and reinsurance vehicles that have in recent years been obtained by a relatively small number of defendants in asbestos litigation and some of their insurers in an effort to responsibly manage their asbestos liabilities. These contractual arrangements were specifically designed because traditional asbestos coverage was no longer available after the mid-1980s. Generally, finite risk policies provide coverage with respect to events that occurred in the past and are already known to both parties to the contract. Commercial General Liability insurance provides coverage usually for injuries that may occur in the future.

Because of the unique nature of these kinds of contractual arrangements, it is appropriate that finite risk insurance be excluded from the legislation. This will avoid the danger that participants that have entered into these arrangements could be required to pay twice. Without the exclusion, participants that have entered into finite risk arrangements would be required to pay substantial amounts to the trust fund and also be subject to a potential forfeiture of their rights to funds comprised, in effect, mostly of their own money used to prepay their asbestos liabilities. The participants that have obtained finite risk insurance should not be penalized by the legislation. If the finite risk arrangements are not excluded from the legislation, the insurance carriers issuing the finite risk insurance policies would reap a substantial windfall at the expense of such participants.

Treatment of Other Insurance and Reinsurance Rights or Obligations. A new section 404(e) has been added to specify the effect of the Act on certain reinsurance and insurance claims. Generally, no participant may pursue coverage claims against another participant or captive insurer for required payments to the Fund. Certain insurance assignments are voided. Otherwise, the Act does not affect insurance or reinsurance rights or obligations unless a person voluntarily pays a claim superseded by the Act or otherwise available limits are deemed eroded.

Sec. 405. Annual Report of the Administrator. The sunset provisions in S. 1125 as reported (section 404(3), p. 214) created an inflexible trigger that could cause the Fund to terminate unnecessarily because of a short-term bulge in claims to the detriment of claimants. Section 405 amends old section 404 to provide a workable alternative to the sunset provisions, giving the Administrator more time and more flexibility, such as through the increased borrowing authority, to deal with a short term aberration in claims and available funding. S. 1125 only gave the Administrator a mere 90 days to correct for short-term liquidity problems. S. 1125 as reported also would have only ensured that 95% of the award amounts owed for the prior year and 95% of eligible claimants be paid prior to sunset. The alternative now in the bill would require that sufficient funds be available to pay all resolved claims in full. Moreover, the bill now makes clear that any debt incurred by the Fund is paid by monies in the Fund and not the United States treasury. These provisions also ensure that the risk that the Fund runs out of money is borne by the participants, providing that, in the event of sunset, a federal cause of action is created and the claimants may file their claims in federal court.

Sec. 406. Rules of Construction Relating to Liability of the United States. This section was previously section 405 in S. 1125 as reported [with one change to conform to the new administrative structure].

Sec. 407. Rules of Construction. Provisions found in section 101(d) of S. 1125 as reported (p. 23) can now be found under new section 407.

Sec. 408. Violations of Environmental and Occupational Health and Safety Requirements. Provisions found in section 222(c) of S. 1125 as reported (p. 171) are now placed in new section 408.

[Sec. 409. Tax Treatment. Currently, insurers have tax-deductible status for reserves originally set aside for payment of asbestos claims. Under S. 1125, these reserves would now be used to pay assessments required by the Act. New section 409 would maintain the tax deductibility of these reserves until such time as the insurer makes payment to the Fund.]

Sec. 410. Nondiscrimination of Health Insurance. New section 410 incorporates a proposed amendment by labor representatives and Democrats that explicitly extends the protections of HIPAA to ensure that claimants cannot be discriminated against for provision of health insurance solely as a result of filing a claim for medical monitoring reimbursement with the Fund.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

RECOGNITION OF MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DEBATING ASBESTOS LITIGATIONS REFORM

Mr. DASCHLE. Mr. President, I will address a couple of issues. I am disappointed we have come to debate the asbestos issue under these circumstances. I agree with much of what

the majority leader has said about the need for the Senate and our country to constructively address this problem. I agree there has been a negative economic impact on many of our most prestigious businesses throughout the country. I agree in many ways the current system has been deficient. So there is much of what the majority leader said in his description of the situation with which I agree.

He did not mention, but I think it ought to be noted, that as we speak the estimate is 1.3 million Americans are still exposed to asbestos in their places of work; that asbestos is still legal in this country; and that we import 29 million pounds of asbestos each year, a 300 percent increase in the last decade.

He did not mention, but I think it also is noteworthy, the peak death toll for asbestos is not likely to occur for approximately 15 years. The primary asbestos-related illnesses could cause at least 100,000 deaths: mesothelioma, asbestosis. An average 10,000 victims per year die from asbestos exposure. More Americans die of asbestos-related illness than drownings and fires combined already. Estimates range that current and future victims could be—and this is a stunning number—1.2 million to 2.6 million people.

So we are called upon to write legislation that will become law that projects our best guess on how to address those numbers, not this year but for the next 20 to 30 years. If we are going to do this, I would hope in the deepest sense of what it means to be a Senator we do it right. I must say we are far from that point as we begin this debate this morning. We are not doing this right.

I want to talk a little bit about why I do not believe we are, but it is not just the view expressed by some of us on this side—I will go into procedures and lost opportunities over the next couple of minutes—but there was an article in the paper this morning quoting a prestigious and engaged Member of the Senate, Senator SPECTER, who says the current plan is counterproductive and argues about why this legislation is not ready for the consideration the majority leader insists we give it today. I ask unanimous consent this article be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, Apr. 20, 2004]

SPECTER SAYS FRIST'S ASBESTOS PLAN IS 'COUNTERPRODUCTIVE'

(By Klaus Marre)

A centrist Republican is speaking out against a Senate leadership plan to force a vote this week on a controversial asbestos reform bill.

In his first interview on asbestos litigation legislation, Specter said that it would be ''counterproductive to force a cloture vote'' on a bill recently introduced by Senate Majority Leader Bill Frist (R–Tenn.) and Senate Judiciary Committee Chairman Orrin Hatch (R–Utah). The measure, which would set up a trust fund to pay victims of asbestos exposure, is expected to be debated on the Senate floor this week.

Frist spokeswoman Amy Call said Republicans would seek a cloture vote if Democrats object to a unanimous consent agreement on the legislation. ''Senator Frist feels that providing compensation for asbestos victims is an urgent and important piece of legislation that the Senate needs to act on, which is why he is bringing it to the floor this week,'' Call said.

Asbestos reform has failed to move in the Senate for a number of reasons, but the major dispute centers on the amount of the planned trust fund. The new bill would be able to pay $114 billion in claims and has a $10 billion contingency fund, which organized labor says kicks in too late.

The previous legislation had a total value of $153 billion, including a larger contingency fund that the unions had approved.

Specter credited Frist for pressing for action on asbestos reform but said a vote on the new bill would be premature. He added that continuing the long-running negotiations between industry groups, unions and other affected parties is more likely to succeed than a cloture vote.

The Pennsylvania senator, who faces an April 27 primary against Rep. Patrick Toomey (R–Pa.), stressed that he was not criticizing Frist. But he said that his weekly meetings with stakeholders on asbestos reform have yielded ''a tremendous amount of progress,'' adding that he is ''afraid that cloture will hurt efforts to continue the negotiation process.''

Sen. Tom Carper (D–Del.) agrees. Before the April congressional recess, Carper said Frist was moving too quickly on asbestos and urged him to continue negotiating and bring a compromise to a vote later in May.

Various stakeholders have come out against the Frist-Hatch bill. In an April 15 letter to Frist, several insurance companies, such as The Chubb Group and the American International Group said the legislation contains some improvements, but is ''inequitable, unaffordable, and provides no finality or certainty to victims, defendants, insurers and reinsurers.''

The groups add the proposed trust fund approach is ''fatally flawed and can't be made to work.''

Three insurance- and reinsurance-industry groups—the National Association of Mutual Insurance Companies, the Property Casualty Insurers Association of America and the Reinsurance Association of America—said in a joint statement that the bill ''is absolutely essential to insurers that the Senate resist attempts to bid up the insurance share'' as the legislation makes its way through the Senate.

The AFL–CIO strongly objected to the bill, saying it would shrink the trust fund and the ''result is a bailout for big business that fails to provide fair and certain compensation for asbestos disease victims.''

The Asbestos Alliance, a coalition of influential business groups that include the National Association of Manufacturers, has endorsed the legislation and is lobbying for its passage.

Hatch said last week that he believes his new bill, which he introduced prior to the recess, will likely not attract enough Democratic support to pass. An earlier asbestos reform bill he introduced passed the Judiciary Committee by a 10–8 vote.

In an April 8 speech to the U.S. Chamber of Commerce, Frist said the new bill has significant improvements over the one that passed out of committee. He said it has additional compensation for victims and has more protections for the proposed trust fund.

Frist stressed that Congress needs to act on this issue, pointing out that the lack of a solution has caused victims to go uncompensated and led 70 companies to go bankrupt and to the loss of 60,000 jobs.

Specter said he is committed to reaching a compromise this year. He believes that if the amount of the asbestos trust fund is agreed upon, the other pieces will fall into place because ''there would be a sense that it will really happen.'

He added that passing a bill this year is crucial because it would provide ''a boost to the economy to take companies out of reorganizations and bankruptcy.'' Specter praised the work of Hatch and Senate Judiciary Committee ranking member Patrick Leahy (D-Vt.) for their work on the bill.

Mr. DASCHLE. It is counterproductive. We are concerned that in many respects the legislation before the Senate actually is a step backward from what was passed out of committee, and that was viewed by people in our country and in the Senate on both sides of the aisle as insufficient. One thing we do know is attempts to address this problem in other cases affecting other diseases has been an absolute fiasco. Ask the black lung victims today whether we did any good when we passed the black lung victims fund. If they are still alive, they will shake their heads in disbelief. Ask those victims of uranium whether we solved the problem, and again they will shake their heads and say how deeply disturbed they are with the outcome.

I can recall how many Senators acclaimed these responses as finally having addressed the issue. Well, now people get sick, they die, and they have no recourse. While we know perhaps 2.6 million people could be affected by this over the next several decades, the bill before us actually reduces the compensation fund from $153 billion—and I might add parenthetically that the potential range of how much this could cost reaches $300 billion, so we are locking in a bill already that may be deficient—but we go from $153 billion down to $109 billion in the bill currently pending, which maybe one-third of what will be required to adequately deal with the compensation we already know will be needed.

Then there is the issue of claims. For somebody working brake linings in an auto mechanics shop, filled with asbestos, 15 years of asbestos exposure, what this bill says is if they have lung cancer after having been exposed to asbestos for 15 years we are going to give them as little as $25,000, and that is it. Who conscientiously could look that victim in the eye and say, I am sorry, $25,000 is the best we could do? I cannot say that.

We also have the problem of pending cases in this bill. I actually know victims who have attempted to do their best under the current system, have gone through approximately 10 years of extraordinarily complicated legal process to get to a verdict, they finally reach a verdict, there is finally some light at the end of the tunnel, they are going to get their award, and this bill says forget it, they have to start over. We are going to use a new system. All those years of waiting, all that pain

and that agony, all of that potential for loss of life, it is over. We are going to make them reapply. Sorry about that.

At least the committee bill acknowledged we do not know how much this is going to cost. This could be $300 billion. I know we only have $153 billion in the bill and now $109 billion if we look at this bill. Because of the work of Senator BIDEN we said, all right, if we run out of money, at least people ought to be able to go back to the courts. This bill says, you can go back to the courts, but only if you meet the strict new limits that we've added, and only Federal court. Your recourse is limited. Oh, yes, we put a $10 billion contingency in there, but it's not available until year 24. How cynical is that.

Democrats want a bill. I want very much to resolve this matter, as Senator FRIST has noted. I wanted to do it so badly that I asked my staff to meet with Senator FRIST last fall, right after the August recess. They did meet five times at the staff level. Then Senators DODD and LEAHY and I met with a number of Republicans in November.

My staff has participated in virtually all, if not all, of the meetings hosted by Senator SPECTER since the new year—and I must say what admiration I have for Senator SPECTER and the work he has done on this bill. He has been diligent, he has been studious, he has been thoughtful, and he has been inclusive. It is too bad it took a Senator from Pennsylvania to create that kind of environment for real work and progress, but he deserves a lot of credit, and I hope I am not getting him in more trouble for praising him this morning on the floor. But he deserves credit.

Senator DODD and Senator LEAHY and I met with the manufacturers and insurers on several occasions through September, October, November, December, January, February, and March. We have met with advocates of the victims. I went to Senator FRIST last year and I said: Could we meet? Could we resolve these issues, you and I? Let's see if we can put a draft together.

That was impossible in December. I was told we just couldn't do it in January or in February or in March. I was hoping, at least at the staff level, that might afford us an opportunity to begin work together, but even at the staff level our efforts were repelled until mid-February.

Finally, I was told I had a meeting on the 31st of March. I was very pleased, at long last, having waited 4 or 5 months to get one, we had one. I got there, to Senator FRIST's office, and was told I had 10 minutes—10 minutes—to discuss this issue that we know will last decades.

We stand ready to work out this legislation in a bipartisan way. There are many on both sides of the aisle who truly and deeply want a resolution. I am puzzled, mystified that without any warning, without any consultation this bill was laid down, put on the calendar, and is now called before us. It makes a mockery of the system and of any real serious and sincere effort to resolve this matter in a truly bipartisan way.

I think those of us who are truly interested in a resolution ought to continue to meet with Senator SPECTER as should those who believe a solution can be negotiated. But this is not the way to do it. This is nothing more than a—well, it is nothing more than a lost opportunity. I could say more but I don't think incendiary language helps this process and I will forgo that.

But I must say I am troubled that yet again, on an issue of this importance, there are those who will put politics and political posturing ahead of finding a real solution.

Mr. SARBANES. Will the distinguished leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Maryland.

Mr. SARBANES. Do I understand after repeated efforts to hold, I take it, a thorough and comprehensive meeting with Senator FRIST, which was to discuss this matter, when the time for the meeting had arrived—which had been delayed, I gather, repeatedly—it was scheduled then for only 10 minutes?

Mr. DASCHLE. It was actually scheduled for a longer period of time, but once the meeting began, I was told the majority leader had about 10 minutes, correct.

Mr. SARBANES. Hardly enough time to say hello and goodbye, I might observe.

Mr. DASCHLE. That is just about all that happened at that particular meeting. The Senator is correct.

Mr. SARBANES. The other question I wanted to put, do I understand the proposal that has now been brought—sprung to the floor, so to speak, because I don't know that it represents the culmination of any consultative process—for people who have been working their way through the existing system toward getting some recovery for the illness and the harm they suffered, they would be required to go back and start all over again under this? Is that correct? I find that very difficult to accept. I just wanted to be clear on that particular point.

Mr. DASCHLE. The Senator is correct. Under this new proposal, those who have already been given a judgment, have done everything within their power to resolve this matter using the current system, will be told that effort is now nullified and they will have to restart under this new system for whatever compensation they might be awarded.

I would say again—I don't know if the Senator was in the Chamber when I illustrated or described one particular case, a case involving someone who had been exposed to asbestos for 15 years—under this bill, that person, who has lung cancer, who smoked, who was exposed to asbestos for 15 years, is entitled to as little as $25,000.

Mr. SARBANES. It is pretty brutal treatment, it seems to me, to people who have suffered real harm. But for people to have worked their way through the system with all of the stress and strain involved in doing that, and to have either come up to the point of judgment or, as I understand it, perhaps even achieved judgment, then to be required to go back and begin all over it seems to me is just a completely unacceptable procedure. I am very concerned to hear that.

I thank the leader.

Mr. DASCHLE. I thank the Senator from Maryland.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I am delighted to have this discussion now because I think what the distinguished Democratic leader and Senator SARBANES pointed out is that we have a problem. Whether the problem is one outlined—it may be in the bill. I don't know the specifics of that particular case and didn't hear the particular case. But the problem, and it goes on both sides of the aisle, is that we have an inequitable system today. It is not working. It is broken. We are falling down on process.

The accusations of 10 minutes in my office, which I resent—I called the Democratic leader this morning. I knew he was at a meeting and I didn't get a call back from him. If the Democratic leader is going to make accusations that I haven't discussed this enough, let's discuss this today. I set aside this whole week and I set it aside starting in—the bill came out in July. I said shortly after that, specifically in November, we were going to do this in March.

People, mainly from the other side of the aisle, came forward and said we needed more time. I said, OK, we will have more time. Then we went to the end of March and we said, OK, another month, or April. Here it is April.

We can go back and look. I pointed out in my statement that I knew the Democratic leader and others were either present or present in part of it. We had over 20 meetings with staff on both sides of the aisle since the bill came out, going through this bill again and again and again.

We can argue process throughout. My only objective is to make sure the patients with mesothelioma—and I have had the privilege to treat patients with mesothelioma. I have treated a lot of patients with mesothelioma, both as a surgeon in England and in this country, and it is a devastating disease, secondary in large part to asbestos. I treated thousands—if not thousands, over a thousand—of people with lung cancer, so I know lung cancer. I know it is devastating. I know what it does to the families. I know the tragedy. I know the causal factors. There are correlations. Some are causal factors. It is difficult in terms of what causes cancer, what doesn't. There are limitations to the science itself. That is something we need to debate and discuss and to build upon. That is one of

the things that makes it hard, because you are projecting out and the science is not just perfect itself.

But I will make almost a plea to the other side of the aisle: We have a week. The stakeholders, the people who are affected, the various constituents—they know because I said months ago that we were going to do this—are around this week. If it is an argument over whether I personally haven't spent enough time with either the Democratic leader or others, we will spend the time. The stakeholders are here. Senator SPECTER spent so much time and he has done a tremendous job. Senator HATCH has. And Democrats and Republicans.

Why don't we take this week, which I set aside weeks ago and said we were going to have a week—let's put everybody in a room. There are rooms here in the Capitol right now—right now. Take some Democrats, take some Republicans, take mediators, take Judge Becker, take our staff—us. There are rooms right now.

Again, I said starting yesterday we have 5 days to resolve the problem. In truth, each one of these issues—this particular bill people worked on 360 days. It was marked up in the committee before. It has been improved again with Democratic and Republican input. It can be improved more.

I have told everyone from day one the modifications Senator HATCH, I, and others have made with input of labor and others are still not perfect, but until we bring it to the floor of the Senate or until right now, today, over the next 8 hours today, 12 hours tomorrow, 12 the next day, and 12 the next day, I am convinced we can resolve the differences. All this talk about being excluded from meetings or not, we have rooms in the Capitol; the ''person'' power is here. People are prepared to debate. As I said in my opening statement, nobody is stuck on particular clauses or amounts.

I suggest—and that is a reason I called this morning, about 10 minutes before we started; I knew he was in the leadership meeting—over the course of today we figure out a process by which we can come to resolution of the problem we all know exists, that we have bipartisan support on fixing, have some process outlined. I would say we start today because I said 2 weeks ago it would be this week, that we would take a week, so this is no surprise. I went through my statement. I was on the floor of the Senate November 22, March, April, the day before we left. I told everybody it would be this week. People are here—if they are not here, they can get here by tomorrow—to sit down and go through the issues.

I respond to the Democratic leader's comments that we have a shot. We have a responsibility of addressing this issue. We only have 79 legislative days left. To put this off further is not going to be the way to do it. We need to start to put our heads together and put together a process to do that and fix the system we know has run amok.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I am pleased the majority leader came back to the floor to reiterate his desire to find a solution. It will take more than just reasserting over and over that we want to find that answer, that compromise, that legislative approach that will generate the kind of support in the Senate that is possible.

It takes what he just said. It will take a willingness to meet, a willingness to work through these issues. That is my frustration. I truly believe the majority leader is sincere when he says he wants to find a way to solve the problem.

What I don't feel has been done, except in the offices of the good Senator from Pennsylvania, is that concerted effort to try to address these issues in an inclusive way. That has been done, but it has been done in large measure by Senator SPECTER, not by the leadership.

We are prepared today, tomorrow, tonight. We will be happy to meet, as I have offered to do on many occasions. The sooner we do it, the sooner that opportunity for resolution can be achieved.

I yield the floor.

Mr. FRIST. If the Democratic leader will yield for a question, if we start right now and we work through today, Wednesday, Thursday, and Friday on issues we debated and talked about—a lot of people are a lot more expert than me—why can't we do that? Why can't we resolve this huge problem? If we send it off to never-never land for an unlimited period of time, this will not come back. I know that. This is the fourth date I have set as a final date that we will come in just for consideration, so we can get on the bill. Even if we were on the bill, talking about the merits of the bill, debating it, we can be having discussions with Democrats and Republicans. I ask that Senator LEAHY and Senator HATCH also be in the room as well.

Now is the time. Now is the time for action. Would that be possible?

Mr. DASCHLE. If the Senator is asking me a question, I respond by saying, absolutely. But let me give him one illustration of my skepticism about his question.

There must have been now, as he said, 20—maybe more—staff meetings over the course of the last 6 or 8 months. As he and I discussed this matter and as our staffs discussed this matter, attention has turned to the compensation trust fund. We were absolutely startled, surprised, deeply troubled by this remarkable movement away from the trust fund number the committee had included: $153 billion. The pending bill has $109 billion.

My staff and I have both asked staff of the majority leader on several occasions, Is there a way to find a reasonable number? We have been stonewalled every single time when that issue has been discussed. It has not been discussed. It is not even discussable on the other side.

It does not do any good to sit and look across each other at the table if we cannot have a meaningful discussion about some of the differences we have. If all we do over the course of the next week is to say this is our number, with some expectation that maybe by saying it 100 times we will concede that then has to be the number, this will be one of the most fruitless experiences he and I will have had in our time in the Senate.

So yes, there has to be a willingness to meet; but if those meetings have meaning, there also has to be willingness to negotiate. Frankly, we have not seen much of that except in the Specter meetings. Again, I am hopeful we can finally move off these hard positions and find some common ground. If that can be achieved, then, yes, I think this week could be a productive week.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I think we need to get on to our morning business as we go forward. Hopefully, our colleagues have seen this play out. Both the Democratic leader and I are committed to this. We will have to have a process to get through it. I am absolutely convinced we can do it this week if we get the appropriate process. He and I will talk, the leadership will talk, and talk to the relative parties over the course of the day. I hope by the end of the day we will figure out what the process will be that would be fair and appropriate negotiation, to come to a resolution for the American people.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the period of the transaction of morning business for up to 60 minutes, with the first 30 minutes of time under the control of the Democratic leader or his designee, and the final 30 minutes of time under the control of the majority leader or his designee.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I am recognized for up to 10 minutes.

The PRESIDING OFFICER. Fifteen minutes.

Mr. HARKIN. Mr. President, I say to my friend from New Jersey I will not take that long.

CONGRATULATIONS TO CHERI BLAUWET FOR WINNING WOMEN'S WHEELCHAIR DIVISION OF BOSTON MARATHON

Mr. HARKIN. Mr. President, I want to talk about the news this morning about the issuance of the proposed final rules on overtime. Before I do that, on a more happy note, I note that an Iowan, of whom we are all very proud, Cheri Blauwet, from Larchwood, IA, crossed the finish line of the Boston Marathon yesterday in 1 hour 39 minutes 53 seconds to win first place on the

women's side in the Wheelchair Division of the Boston Marathon.

Last year she finished second. This has added to her long list of accomplishments as a wheelchair competitor in races. She is a three-time Paralympic medalist. Again, she won the Boston Marathon yesterday.

As I said, Cheri Blauwet, whom I know well, is from Larchwood, IA. She is now a medical student at the Stanford University Medical School. We are all proud of Cheri and wish her the best as she continues to win more and more marathons.

PROPOSED FINAL REGULATIONS ON OVERTIME

Mr. HARKIN. Mr. President, the news reports of this morning are that the Department of Labor will shortly publish the final regulations regarding changing the overtime rules that have been in existence since 1938.

Frankly, given its past track record, the Bush administration is simply not trustworthy on this issue. This administration has gone out of its way, time and again, to undercut working families' rights to time-and-a-half pay for overtime.

Now, it is possible that the administration has had an election-year conversion on overtime, but I hope you will pardon me if I remain a little skeptical. I will remain skeptical until I see the regulations and have a chance to analyze them and read the fine print. I have asked the Department of Labor to provide me with a copy of the regulations this morning. I am eager to see them as soon as possible. As of a few minutes ago, they still have not been posted on the Department of Labor's Web site.

Let's be clear about one thing: The draft regulations that came out a year ago were a radical rewrite of the Nation's overtime rules and a frontal assault on the 40-hour workweek. Millions of American workers were slated to lose their right to time-and-a-half overtime pay as a result of those proposed regulations.

Since passage of the Fair Labor Standards Act in 1938, overtime rights and the 40-hour workweek have been sacrosanct, respected by Presidents of both parties—until now.

This administration rammed through these new regulations a year ago without a single public hearing. It has dismissed public opinion polls showing Americans' overwhelming opposition to changes in overtime law. The White House brushed aside the will of the Senate and the House, both of which voted in support of my amendment last year to block implementation of these new rules.

There is no question the proposed new rules will hurt job creation. If employers can more easily deny overtime pay, they will simply push their current employees to work longer hours without compensation. With 9 million Americans currently out of work, why give employers yet another disincentive to hire more workers?

Again, while a limited number of low-income workers technically were given the right to overtime pay—and that base was increased—at the same time, the Department of Labor also gave employers advice on how to avoid paying overtime compensation to the lowest paid workers. So the administration gave on the one hand and took it away with the other.

The Department of Labor is poised to issue its final regulations. But I can assure you, this will not be the final act. We will be back. I look forward to reading them. We will look over the fine print, as I said.

For example, last year when the proposed regulations came out, it took some months before everything came out about how bad these proposed regulations really were. So we are going to go over these proposed regulations and take a look at them.

But I know the administration yesterday and in a press report today said this is a good deal; they are going to expand the eligibility for overtime pay; this is going to include more people. Well, we heard the same kind of ''happy talk'' a year ago when they first put out the proposed regs. However, public exposure showed the real facts of the proposed regulations. Up to 8 million Americans were going to lose their right to overtime pay. Again, it is just one in a series of assaults on working Americans by this administration.

Again, if you look at this chart, the red line is what the White House forecast for job creation for 2002. The blue line is what they forecast in 2003. The purple line is what they forecast for 2004. Here is where we really are down here with the green line. So this is ''happy talk.'' The administration says, oh, they are going to forecast more jobs. It is all going to get better. But the facts are not so. Job creation has stayed stagnant. So when you hear all this ''happy talk'' about how these final new regulations on overtime are going to be so wonderful for everyone working in America, take a look at this chart. It is just more ''happy talk.''

We will look them over. But unless this administration has done almost a complete revision of what they proposed, we are going to still be back on the Senate floor asking that these rules not go into effect, and we will have a vote on that.

Finally, I think an article by Bob Herbert in the New York Times of April 5 says it all: ''We're More Productive. Who Gets the Money?'' What Mr. Herbert points out in his article is that an awful lot of American workers have been had, fleeced and taken to the cleaners, as he said. He said:

> . . . there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs.

He said: What happened to all the money from the strong economic growth? Well, he said:

> The bulk of the gains did not go to workers, ''but instead were used to boost profits . . . or increase C.E.O. compensation.''

Well, it is the first time on record where the bulk of the increase has gone to corporate profits and not to labor.

Mr. President, I ask unanimous consent this article of April 5 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 5, 2004]

WE'RE MORE PRODUCTIVE. WHO GETS THE MONEY?

(By Bob Herbert)

It's like running on a treadmill that keeps increasing its speed. You have to go faster and faster just to stay in place. Or, as a factory worker said many years ago, ''You can work 'til you drop dead, but you won't get ahead.''

American workers have been remarkably productive in recent years, but they are getting fewer and fewer of the benefits of this increased productivity. While the economy, as measured by the gross domestic product, has been strong for some time now, ordinary workers have gotten little more than the back of the hand from employers who have pocketed an unprecedented share of the cash from this burst of economic growth.

What is happening is nothing short of historic. The American workers' share of the increase in national income since November 2001, the end of the last recession, is the lowest on record. Employers took the money and ran. This is extraordinary, but very few people are talking about it, which tells you something about the hold that corporate interests have on the national conversation.

The situation is summed up in the long, unwieldy but very revealing title of a new study from the Center for Labor Market Studies at Northeastern University: ''The Unprecendented Rising Tide of Corporate Profits and the Simultaneous Ebbing of Labor Compensation—Gainers and Losers from the National Economic Recovery in 2002 and 2003.''

Andrew Sum, the center's director and lead authority of the study, said: ''This is the first time we've ever had a case where two years into a recovery, corporate profits got a larger share of the growth of national income than labor did. Normally labor gets about 65 percent and corporate profits about 15 to 18 percent. This time profits got 41 percent and labor [meaning all forms of employee compensation, including wages, benefits, salaries and the percentage of payroll taxes paid by employers] got 38 percent.''

The study said: ''In no other recovery from a post-World War II recession did corporate profits ever account for as much as 20 percent of the growth in national income. And at no time did corporate profits ever increase by a greater amount than labor compensation.''

In other words, an awful lot of American workers have been had. Fleeced. Taken to the cleaners.

The recent productivity gains have been widely acknowledged. But workers are not being compensated for this. During the past two years, increases in wages and benefits have been very weak, or nonexistent. And despite the growth of jobs in March that had the Bush crowd dancing in the White House halls last Friday, there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs. There are fewer payroll jobs now than there were when the recession ended in November 2001.

So if employers were not hiring workers, and if they were miserly when it came to increases in wages and benefits for existing employees, what happened to all the money from the strong economic growth

The study is very clear on this point. The bulk of the gains did not go to workers, ''but instead were used to boost profits, lower prices, or increase C.E.O. compensation.''

This is a radical transformation of the way the bounty of this country has been distributed since World War II. Workers are being treated more and more like patrons in a rigged casino. They can't win.

Corporate profits go up. The stock market goes up. Executive compensation skyrockets. But workers, for the most part, remain on the treadmill.

When you look at corporate profits versus employee compensation in this recovery, and then compare that, as Mr. Sum and his colleagues did, with the eight previous recoveries since World War II, it's like turning a chart upside down.

The study found that the amount of income growth devoured by corporate profits in this recovery is ''historically unprecendented,'' as is the ''low share . . . accruing to the nation's workers in the form of labor compensation.''

I have to laugh when the I hear conservatives complaining about class warfare. They know this terrain better than anyone. They launched the war. They're waging it. And they're winning it.

Mr. HARKIN. Mr. President, again, we will look over these proposed regulations. But nothing the administration has done in the last couple, 3 years with regard to job creation, with regard to treating labor fairly in terms of getting its fair share of any economic gains, or the proposed regulations last year that would have literally cut off at the knees American workers' right to overtime pay changes my mind; I remain skeptical that this administration really wants to help work workers get overtime pay.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

THE TAX BURDEN IN AMERICA

Mr. CORZINE. Mr. President, first of all, let me congratulate the distinguished Senator from Iowa for pointing out and being so persistent in dealing with this issue of overtime pay and how working Americans are being treated by the economic policies of the current administration.

I have been on the Senate floor a number of times over the last several months talking about the status of the American economy—the job losses that we have had: 2 million, roughly, generally, and 2.6 million private sector jobs. We have talked about the pressure on the middle class. Good gracious, we are now talking about cutting overtime pay for 8 million working Americans in the middle class.

Goodness knows, the budget situation in this country, under this administration, has been a fiasco. We have gone from projections of $5.5 trillion worth of budget surpluses to $5 trillion of budget deficits over the next 10 years—$18,000 of debt per American to $24,000 now, and projections it will get up to $35,000 over the next 10 years—an incredible failure of economic policy.

But today I want to talk about another indicator that is showing the weaknesses and the failures of this policy. Last week, millions of Americans paid their income tax. A lot of us struggled to figure out how to do that and send it in by the April 15 deadline. But the fact is, when all is said and done, about 30 percent of Americans' income was paid in Federal, State, and local taxes—about 30 percent. But while the average American is paying 30 percent of their income in taxes, the majority of corporations are paying far less. In fact, about 60 percent of all corporations reporting income did not pay income tax at all. That is according to the General Accounting Office. Sixty percent of corporations did not pay any Federal tax at all.

Moreover, about 95 percent of corporations pay less than 5 percent of their income in taxes. As a share of corporate profits, corporate taxes are now at their lowest level since World War II. There has been a dramatic shift in the tax burden from corporations and high-income folks to those middle-class folks who are now going to have their overtime cut. It is an incredible change in the direction of this country and in fairness.

While corporate taxes have declined, as the good Senator from Iowa pointed out, corporate profits have increased dramatically over the last several years, much greater than wages. Median income during the Bush administration has fallen about 3 percent for the average worker in America. Corporate profits, by contrast, have increased by 26 percent. There has been a huge growth in corporate profits at the same time median income for working Americans is down. In other words, workers have received relatively little benefit from the increase in corporate profits. With all this ''hootin' and hollerin'' about GDP growth, it is not showing up in the paychecks of working Americans.

In the early 1990s, when you had an increase in the economy as we are seeing now, 60 percent of those increases in income went to wages, and about 40 percent went to corporate profits. In today's recovery, the one that has occurred over the last several years, only 13 percent has gone to working men and women, and almost 87 percent has gone to corporate profits or corporate wages, to the CEOs. It is incredible, 60 percent versus 13 percent. There is something afoul here.

It fits into an overall flow of facts that middle-class income workers are getting hurt in this economy. The fact is, we have seen median income decline 3 percent for the average worker in America. And by the way, at the same time income has fallen for real families in America, the costs are going up. For example, a couple of items that go on in everybody's budget: Health insurance is up 14 percent at the same time these median incomes are going down. Corporate profits are going up. Gasoline prices are up 19 percent. College tuition, something that gives access to the American promise, is up 28 percent at the same time. I hate to get into property taxes, but in many parts of our country, all we have done is shift the tax burden from the Federal Government to the local level. The Bush record includes income falling for middle-income families and rising costs on things that matter in their lives.

It is incredible, particularly when put in the context that we haven't been creating jobs. The fact is, we have 8.4 million Americans without jobs. That is the latest survey. We have been hearing a lot of hootin' and hollerin' about growth and jobs. There are 8.4 million Americans without jobs. That is 2.4 million more jobs lost during this administration's tenure and stewardship of the economy. Something is wrong here. Income is going down. Jobs are going down. Costs are going up.

What is happening is we are putting incredible pressure on the average American. By the way, even when people get jobs after they have lost a job, there is an incredible loss of real income for those individuals. That is how that median income came down.

According to survey, for workers who lost jobs in 2001, the average salary was $44,570. Today, for those who have found jobs, the average salary an individual ultimately was able to get was $35,410. That is another 21-percent drop for those people who lost jobs and then ultimately reentered the workforce.

We have median income going down. We see job losses going up. We see corporate profits going up, and no sharing of that going on in the economy.

There is a real problem. The administration's proposals and policies have done an incredible job of actually undermining the well-being and quality of life for middle-income Americans.

Many people have different views about fairness, but since the tax date was last week and we talked about the fact corporations are not paying their fair share, I want to mention the fact for the middle 20 percent of Americans, a range of people who have an adjusted gross income from filings and income tax, the average tax break for that middle 20-percent, middle-class America, was $647. That is not something to throw out the window, but it is not a great amount of money given what tuition costs are doing, and given gasoline prices and health care costs. But it is a break. But if you were in the top 1 percent of Americans, on that same scale of adjusted gross income, you got an average tax break of about $35,000.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Mr. President, I yield the Senator 1½ minutes of the time allocated to me.

Mr. CORZINE. I thank the Senator from Maryland.

Finally, if you look at those individuals in America who have been blessed

with good earnings and opportunity, with $1 million of earnings or more, a tax cut of $123,500. I don't understand why anyone would think this is going to be stimulative to the economy, efficient to the economy. Let alone does it relate to the fairness most Americans expect. Here we have $1.5 trillion in tax cuts and a whole bunch of it is going to the people making $1 million or more, and the middle class is getting a very small portion. We have a major problem with economic policy. We clearly are not creating jobs. We clearly are undermining the quality of life of middle-income Americans.

There is a classic fairness issue that is going on here which I wanted to relate with regard to corporate income taxes and certainly with regard to how tax breaks work.

It is time for a rethink. The IMF and the OECD this week released reports that said the current administration's policies are going to end up undermining growth for the rest of the world because we are running such big deficits. There is something wrong. It is time for us to address it. I will come out here and talk about these kinds of pressures on the middle class, on our budget, on what is fair. We need to make sure the American people know they are not getting a fair shake.

We need to pass the legislation for which the Senator from Iowa has so assiduously fought to make sure 8 million people are protected on overtime. We need to make sure we change this tax policy so all Americans benefit from the great bounty we have. The choice is clear.

We were able in the 1990s, with a different set of policies, to create 22.5 million jobs, the greatest increase in wealth for all Americans, not just middle class but all Americans. We decreased poverty. All good indicators of what happened.

Now we have lost 2.6 million private sector jobs; 8.4 million people are unemployed; and we have a distribution of income that makes no sense for the middle class.

Mr. SARBANES. Mr. President, I commend the very able Senator from New Jersey for his very powerful statement and for putting everything in context.

First of all, I appreciate his taking the April 15 filing deadline, which most of us have just confronted in terms of filing our tax returns, and pointing out that corporations are paying hardly anything in income taxes. As I understand it, 60 percent of corporations filing show no tax liability. As I understand it, 95 percent were paying 5 percent or less.

Secondly, the Senator has pointed out this huge discrepancy in the tax benefit from the Bush tax cuts. His chart shows middle-income people were getting about $600, as I recall the figure. And for the top 1 percent, what was the figure?

Mr. CORZINE. That was $124,000.

Mr. SARBANES. That is the millionaires.

Mr. CORZINE. Excuse me, $35,000.

Mr. SARBANES. And the millionaires were getting $124,000. This is classic trickle-down economics. It doesn't work. Proof that it does not work is where we are on the jobs front. We have an administration that claims it has a successful economic policy, and it is not producing jobs. In fact, we have now over 2 million fewer jobs than we had when this administration took over in January of 2001.

The last time we had an administration that failed to produce a net increase in jobs over the course of the administration was the Herbert Hoover administration. Now, stop and think about that. I say to the Senator, is it not his understanding that every administration since Herbert Hoover has been able to show a net increase of jobs over the course of their administration—until this administration which now is over 2 million jobs in the hole below where we were when they came into office?

Mr. CORZINE. The Senator from Maryland is absolutely correct. If you look at private sector jobs where a real economy is broadly creating wealth for individuals, 2.6 million jobs have been lost, and it is a horrific record relative to the performance of what should be enormous productivity and job growth in this country.

Mr. SARBANES. Furthermore, it is my understanding, I say to the Senator, that this recession we have experienced began 36 months ago. As we have said, we have fewer jobs now than we did when the recession first started. This is the first recession since the Great Depression in which 36 months after the recession began we have failed to come back and recover or recreate the jobs that were lost in the recession.

Stop and think about that. It is 36 months after the recession began. In every other economic downturn since the Great Depression, 36 months after the recession began we had recovered all the jobs lost and gone well beyond that in most instances in job creation. We have not done that in this business cycle. In fact, if we had grown at the job growth equal to the worst on record following a recession—I am just taking now the worst performance of previous economic downturns—if we had just the job growth now that we had in the worst recovery period, we would have 3.4 million more jobs than we have today. It is incredible what is happening on the jobs front. We are not closing this jobs gap. This administration doesn't seem to understand it or face up to it.

In fact, in the 2002 Economic Report of the President, the administration forecasted that in 2004—the year we are in—the economy would have 138.3 million jobs. Last year, the President lowered that estimate for the number of jobs we would have in 2004. In 2003, he predicted only 135.2 million jobs. In the most recent economic report, the administration lowered it again to 132.7 million jobs. In 2 years, they lowered the number of job predictions by 6 million jobs.

Mr. CORZINE. Will the Senator yield for a question?

Mr. SARBANES. Yes.

Mr. CORZINE. The Senator from Maryland understands supply and demand. But if there are 6 million more Americans looking for jobs than is demand, what usually happens when there is excess supply of labor or any other element of our economic system versus demand?

Mr. SARBANES. You can see the effect on the earnings of workers that is taking place in the economy, for one thing.

Mr. CORZINE. It is a most important element. This jobs issue is not only impacting people who don't have jobs, it is impacting people who do have jobs.

Mr. SARBANES. Exactly.

Mr. CORZINE. It is undermining the ability of working Americans to actually get good wages. That is why median income is down. That is why you go from $45,000 for a job lost to picking up a job worth $35,000.

Mr. SARBANES. The Senator is right to focus on the inadequacy of demand. If he would put up the chart that shows how much of the benefit goes to workers' wages as opposed to corporate profit in this so-called recovery, we can see that if you go back to the early 1990s, during that recovery, a majority—85 percent—of the benefits were going to workers. In this recovery, the workers are getting only 15 percent.

Mr. CORZINE. It is 13 percent.

Mr. SARBANES. So 87 percent of it is going to corporate profit. That is one of the big differences. That is one of the reasons we are not creating jobs. When it goes to workers' wages, it makes its way back into the economy, stimulates economic activity. As a consequence, it helps produce jobs. Now it is so heavily weighted away from workers and toward the corporations that are showing these record profits that we are not getting the same economic stimulus.

Then they say, well, if the corporations make big profits, they will invest in plant and equipment. But the corporations won't invest in plant and equipment if they don't think there is going to be a demand for what that plant and equipment will produce. The major source of the demand comes from workers' wages, which is being grossly shortchanged in this so-called economic recovery. It is no wonder we are facing such a severe economic situation.

Twenty-four percent of the people who are unemployed have been unemployed for more than 26 weeks. They are the so-called long-term unemployed. We are now at a record in that this percentage has been above 20 for 18 consecutive months. The last time we had long-term unemployed at that level for such a long period of time was in the 1982 recession, when the unemployment rate went up to close to 10

percent. So what is happening is a lot of the impact is being concealed or disguised. People have dropped out of the workforce. The workforce participation rate now is at a 16 year low, despite having previously risen almost every year in this postwar period. That is the situation we confront.

The Senator is absolutely right to put his finger on these gross inequities in the workings of the economy because more and more of its benefits are being pushed to the very top of the income and wealth scale. As a consequence, they do not get recirculated back through the economy to create jobs and meet the tremendous challenge that working people in this country are facing, which the Senator has very thoroughly outlined in the course of his statement. I commend my colleague from New Jersey for his very strong and powerful statement in underscoring this shift in economic benefits.

There is one strata up at the top that is reaping the benefits, and all the rest of us are feeling the economic burdens, stress and strain of this economy.

Mr. CORZINE. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. CORZINE. I think the Senator from Maryland probably realizes—and correct me if I am wrong—I think there are 1.4 million or 1.6 million Americans that have even dropped out of looking for work.

Mr. SARBANES. That is right.

Mr. CORZINE. The Senator most appropriately talked about the pain that is being inflicted on the unemployed because they are unemployed for a much longer period of time. But what is just as serious is that there are a lot of people who have said the heck with it; there is no chance of actually getting a job.

Mr. SARBANES. I thank the Senator for his very strong presentation.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). There will now be 30 minutes for the majority.

The Senator from Wyoming is recognized.

THE ECONOMY

Mr. THOMAS. Mr. President, before I talk on the subject I came to talk about, I want to react a little to what has been said in terms of the economy. It is surprising, because the economy has grown substantially, that we find some complaining about it over there. It is not a surprise that the person who pays the most taxes gets a tax cut. That should not be a surprise. The idea is that encouraging business is how you create jobs. But I guess we have a different view of what it is.

I think we have a political aspect to what is going on here. This place has become almost like a political rally, when what we ought to be doing is talking about issues. I hope we can do that.

COURT JURISDICTION

Mr. THOMAS. Mr. President, this has little to do with the idea of establishing a venue search for various court actions.

I would like to address an issue that is very important to all of us, particularly the Western States that have a good amount of public lands. First, there are many suits being filed. People are trying through suits, or the threat of suits, but even worse, if there is a suit, to be able to pick a venue they think is more sympathetic to their point of view than going to the venue in which the issue occurs. That is what I am talking about.

That has particularly been the case with environmentalists who have sought to manage public lands and public facilities largely through suits rather than the issues.

In recent years, we have been steamrolled quite a bit by Federal issues that go to judges completely out of the area rather than dealing with them in the circuit in which the issue occurs. Specifically, we have had some experience with suits involving issues with Yellowstone Park or Teton Park.

We have a circuit court system. We are in the Tenth Circuit. I need to review what I am talking about. The Federal judiciary is set up on a system of circuit courts. It is set up with a number of circuits throughout the country and based on geography. The reason for that, of course, is so everyone has access to the legal system and it is fairly available to them.

If you go to a circuit court and you appeal that decision, it goes to the appeals court and then to the Supreme Court. The fact is, the circuit court in Cheyenne, WY, is a Federal court, just as the circuit court in Washington, DC. It certainly is more appropriate to go to them. That is why those circuit courts are there.

Our Constitution includes many checks and balances, and the authority for Congress to limit judicial jurisdiction is clearly needed.

I have introduced a bill that would provide original jurisdiction to the appropriate court venue in the impacted area for matters involving Federal lands. I cannot continue to watch issues that happen in particular parts of the country—in this case in Wyoming and Montana—to be taken to a Federal court in Washington, DC, when, in fact, there are Federal courts in our area. That is why they are there.

My intent is nondiscriminatory. It simply underscores my strong belief that Federal judges in the area should have the first crack at cases that have a direct impact on that particular area. Certainly that is something on which we need to continue to work. It is a matter, of course, that affects a lot of Federal lands.

Half of the State of Wyoming belongs to the Federal Government. It is similar in Arizona and other States in the West. The circuits we are in are the ones that should, in fact, deal with those Federal land issues when the issue is in that particular State. Of course, the appeals go on the same as anywhere else.

When I introduced the bill, some folks were shocked and said it was a waste of time. I think it is more shocking to skirt the jurisdiction of judicial courts and venue shop and go somewhere they think will give a better result to the lawsuit that has been filed.

The justices need to be fair. Everyone deserves their day in court. Certainly we have an issue now where the local court has been involved at one time, and they went around the local court and went to Washington, DC. We have two courts on the same level with two different points of view on the same issue. It has caused us a great deal of problems.

I ask unanimous consent that an article written by Judge Robert Ranck, a retired judge, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jackson Hole News & Guide, Mar. 24, 2004]

FEDERAL JUSTICE AND YOUR DAY IN COURT

(By Robert Ranck)

No one should be shocked. And particularly no one should be confused by the editorial that ran in this paper last week.

Apparently, what is needed is a review of our civics.

The federal judiciary is set upon a system of circuits based on geography. Each action that leads to a case in a particular geography area must generally be filed in that circuit. If there is an appeal of a case within that circuit from federal district court, it is directed to the federal appeals court of that circuit. If appealed from that federal circuit's appeals court, it then goes to the U.S. Supreme Court in Washington.

Why are the federal circuits based on geographic lines? Our judicial system is founded on the premise that everyone deserves their day in court. To have your day in court, you need to be able to get to the court and not be required to travel thousands of miles to do so. That's why the jurisdiction of our federal circuit courts are such—it's called access to justice. And no one—least of all our litigious community—should be shocked or upset by access to justice.

Loopholes in the rules of federal venue are being currently exploited by those who want to pick the federal judge who best suits their politics. They do that by twisting the allegations describing the nature of the case. If there is an issue involving snow machining in Yellowstone, for example, some groups think the action arises not in Wyoming or Montana, but in D.C. Why? Because the Park Service is headquartered in D.C. But that's not how the federal system was designed. That is not the intent of the system. That takes justice further from the people most impacted by the matter in question. And that is wrong.

In many ways, a federal judge is a federal judge. Brimmer or Sullivan, they are of the same federal rank, with the same federal powers. Here's the difference: one was born, raised, and spent his entire professional career in the jurisdiction where the snowmobiling controversy arose. The other was born, raised and practiced his entire career in Washington, D.C.—a heck of a long way from the Tetons. I am disappointed that this paper, and other usually thoughtful people, are advocating venue concepts that result in justice being less accessible to people

most impacted by controversies. I wonder if these people think a Wyoming federal judge should have the power to decide a federal challenge to marriage licenses issued to gay couples in San Francisco? I doubt it.

Senator Thomas is seeking to close the venue loopholes that currently allow district judges in Washington, D.C. to decide issues that should be heard and decided where they arose. In doing so, he is a populist—bringing the opportunity for access and justice closer to people. That some are uncomfortable with this idea is disturbing. But for some litigants, the ends always justify the means. In this case, the anti-snowmachining lobby will continue to try to have their case heard as far from Wyoming as possible in front of the most sympathetic judge they can find, even if their tactics are unfair to the people who live and work in the West.

Two thousand miles is a long way for voices to carry—particularly for people who are too busy earning a living and raising a family to file or defend litigation in Washington, D.C. Federal venue loopholes should be closed in the interest of fairness. Don't be confused by those who are more interested in their desired political outcome than the fairness and integrity of the judicial process.

Mr. THOMAS. Mr. President, I hope we can take a look at the idea of directing these various court activities to the circuit court in which it arises. It seems a reasonable approach. I have introduced a bill to do that, and I look forward to pursuing it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINGERPRINT COMPATIBILITY

Mr. GREGG. Mr. President, I rise today to address an issue which I have been working on for many years, regrettably, about how we control our borders. The issue is how we deal with terrorists or people with criminal intent or who have a history of criminal activity who threaten our Nation by coming into our country. Either way, these are individuals who really should not be coming into our country.

Back in the nineties, as chairman and ranking member of the Commerce-Justice-State Appropriations Subcommittee, we began funding a major effort by the Federal Bureau of Investigation to organize its fingerprint database, called IAFIS. At the same time, the Immigration and Naturalization Service, now part of the Department of Homeland Security, was beginning to set up a fingerprint database for people coming into the country, called IDENT.

The problem has arisen that these two fingerprint databases do not communicate with each other. This, of course, was a function of history. In the nineties when the FBI was setting up IAFIS, which has now grown to 44 million identifying fingerprint records, their purpose was to create a national repository of criminal fingerprint records to identify a person who committed a crime by their fingerprint match with the system and to assist local law enforcement efforts to do the same. It was a law enforcement tool.

The INS, when it began its system in the nineties, was basically trying to find people who were illegally coming into the country or who had been deported and had criminal backgrounds. The purpose was also for law enforcement but a different type of law enforcement. They were not looking for people who actually committed a crime. They were looking for people coming into the country who should not be coming into the country because of their background.

These two protocols were set up independent of each other. We noticed this in our committee in the late nineties and directed the two organizations to integrate their fingerprint identification systems. This was done by the Commerce-Justice-State Subcommittee, which I and Senator HOLLINGS chaired off and on during that period. We exchanged chairmanships, depending on the control of the Senate, but our policies were exactly the same.

We directed in the late nineties that these two agencies begin to integrate their fingerprint databases. It was pretty obvious to me and Senator HOLLINGS at that time that this was important not from a law enforcement standpoint, but from an antiterrorism standpoint, and that is what drew us in this direction.

Regrettably, that was not accomplished. Today we are in a situation which is extraordinarily inappropriate and, to some degree, ironic if it were not so sad and unfortunate. And that is that the FBI is sitting over here with 44 million fingerprints of people we know have a background that required them to be fingerprinted and, therefore, maybe we have some issues with them. We know within that 44-million-person database there are at least 12,000 individuals who are identified as terrorists. We know the FBI has this IAFIS database which we have spent $1.1 billion—billion dollars—to put in place. Our committee has funded this over the years.

It had some fits and starts. It took the FBI a while to get it going right but now they have it set up. Then we know Homeland Security, which has now taken over INS, has the IDENT Program, which is the baseline for something called the US VISIT Program, which is a fingerprint program, the purpose of which is to fingerprint people coming into the United States for identification and have a database of those people.

What we also know is these two major fingerprint databases do not talk to each other. So if someone is coming into our country who is a terrorist with fingerprint records in the FBI's IAFIS database, and they are fingerprinted as they would be required to be to get a visa to come into this country, that fingerprint they had for the visa would not show up in the FBI database as a terrorist because the systems cannot communicate. The databases of IDENT and US VISIT, which is being set up, are not structured to communicate with the FBI database.

In the late 1990s, as I mentioned, our committee directed these two databases start to be integrated and figure out some way to communicate. There was minor progress made in this effort, and a lot of money put into it, over $41 million. Yet the reorganization of the Homeland Security Department, which took INS out of the Justice Department, created an atmosphere which was not maybe so convivial to the two groups communicating with each other. Also, the INS has a different goal, which is to move people quickly through the fingerprinting process. Therefore, they only use as their fingerprinting system the fingerprints of two flat digital fingerprints of the index fingers. By using the 2-fingerprint system, they can move people through their identification process very quickly, and that is important at a border entry from the standpoint of making the border entries tolerable to individuals to go through. The INS therefore was not willing to go to a roll process of all 10 fingerprints, which would require a great deal more time. The FBI, however, because it is interested in a more intensive capacity to review the fingerprints, has something called rolled fingerprints of all 10 fingerprints.

So today we still have 44 million fingerprints which have no relevance, for all intents and purposes, to who is coming in and who is leaving our country because DHS is only fingerprinting individuals in a manner which is not compatible with the 10-fingerprint procedure of the 44-million-person database.

Now some folks in the administration appear to be aware of this problem and are talking about it. There are a number of things that have been done, and I want to acknowledge them for having done some things. Every 2 weeks they are extracting certain fingerprint records from IAFIS to IDENT, including certain wanted individuals and potential terrorists. Those 12,000 terrorists I mentioned in IAFIS is now supposedly in the IDENT system and accessible to the US VISIT Program. There is an attempt to get NIST, which is the organization which has the capacity to technologically address this issue, to take a look at this issue to see if there is not some way to cross-reference these records. Even under the most optimistic game plan, however, it is now the position of the administration it will not be until 2008 that they are able to integrate IDENT and IAFIS, assuming they are able to integrate them at all. To make them compatible, most likely it will mean DHS will have to go from a 2-fingerprint system to an 8-fingerprint system, digital flat fingerprints.

We need to focus on this as a government. This is one of those situations

where one learns about it and understands it and says, why is this happening?

We understand the history of it. As I mentioned, the history is INS and FBI had different purposes for their fingerprint systems when they set up these two major databases. Those two purposes have been totally overshadowed and left in the wake as a result of September 11. The FBI no longer has as its primary function catching people after they commit a crime. The FBI's primary function now, although maybe they do not totally appreciate this, is they are supposed to catch people before they commit a terrorist act. They are supposed to be an intelligence agency. That is their primary purpose, to find out who is going to harm us and get to them before they get to us. They have this huge resource of 44 million fingerprints of people who are potential problems, and it should be a resource, but is instead just sitting there. If someone commits a bank robbery or a Federal crime, it is still a very functional database, but for the primary purpose of the FBI, which is intelligence in anticipation of terrorist threat, it is not very functional at all.

Then there is the INS which set up the IDENT system under the theory that people were repeatedly entering the country illegally and in some cases after they had been deported and they wanted to get them out of the country or they wanted to know who they were. They did not see them as terrorists back in the 1990s. They set up a system to address that. Now they have such a system and they are adding to it the U.S. VISIT system. That system is set up in a manner which, yes, expedites people through our borders, which I appreciate is important, but, no, it does not tell anybody at DHS whether that person who just got through the border, having been fingerprinted with the two index fingers, is in the FBI database as a terrorist or a criminal, unless that name happens to have been moved over to IDENT as a result of basically a manual decision.

We cannot afford that historic anomaly to continue. We cannot continue to have these two systems which do not communicate. It is my hope the administration, again working with the various technical experts who are out there—and I suspect they have to be independent of these two agencies because these two agencies have vested interests which cause them to dig in their heels on occasion—that somebody will sit down and say merge these databases and do it before 2008. I hope they will come up with some system which allows us to do that.

As an appropriator, I know this is going to cost a lot of money. I suspect Senator HOLLINGS would agree with me on this, and I know Senator BYRD would because it is a big issue for him and Senator STEVENS too, who are the chairman and ranking member of the committee, I am willing to put in whatever money is necessary in order to accomplish this integration on a faster timeframe than 2008 because we need it done. I hope the administration will pursue this effort.

Fingerprint compatibility is an issue that affects all Americans. It relates to counterterrorism and protecting our borders; ensuring that taxpayer resources are not squandered; and ensuring that Federal agencies actually work as a unified Government rather than a set of fiefdoms. The issue is fingerprints how they are taken, processed, and accessed.

The Department of Homeland Security, DHS, has started a new initiative, US VISIT, to better control who is coming into the country and tracking them once they have arrived. The plan calls for the collection of personal data, photos, and fingerprints by the Department of State at U.S. consular offices abroad and by the Department of Homeland Security at our ports of entry. The fingerprints taken will be 2 ''flat'' fingerprints, a simple, one-touch of the index finger of each hand.

Those 2 flat fingerprints, however, cannot be searched against the 44 million contained in the FBI's national repository of fingerprints of terrorists, wanted individuals, and of convicted criminals. That is because the repository, known as IAFIS, contains 10 ''rolled'' fingerprints, a more complete capture of each finger.

If the purpose of US VISIT is to better determine who should enter the country, what is more important than knowing if they are terrorists or criminals?

This is not a new problem. For nearly 15 years, the Immigration and Naturalization Service, INS—now the Department of Homeland Security—and the Federal Bureau of Investigation, FBI, have been developing and operating separate and incompatible fingerprint-based identification systems. INS has IDENT, which takes 2 flat prints and was created to identify repeat immigration offenders and deported aliens who should be detained and prosecuted. FBI has IAFIS, which takes 10 rolled prints and was created to automate the FBI's paper-based fingerprint identification system of criminal records. Without integration if you check IDENT, you do not have access to the prints of all criminals. If you check IAFIS, you do not have access to immigration law violators.

We raised this issue as early as 1999. In the fiscal year 2000 CJS appropriations conference report, we directed the Department of Justice, DOJ, to develop a plan to integrate the INS and FBI systems. Five years later, the effort ''remains years away'' according to a March 2004 report by the DOJ Inspector General.

Each year, millions of aliens are apprehended trying to illegally enter the United States. Many are voluntarily returned to their country of origin without further action. Some, however, are detained for prosecution if suspected of: multiple illegal entries, a prior deportation, a current arrest warrant, an aggravated criminal record, or alien smuggling.

Before IDENT, INS had difficulty verifying identities of the apprehended aliens. False names and spelling errors were common making it difficult to check for immigration or criminal histories. An automated fingerprint identification system was the obvious solution. It provided a faster, unique biological measurement for individuals. Funding was first provided to develop IDENT in fiscal year 1989.

At about the same time, in 1990, the FBI began to overhaul its paper-based fingerprint card system. The FBI had maintained a central repository of tenprints of criminal offenders' fingerprints since the 1920's. The FBI wanted a system that would allow for electronic searches for fingerprint matches against criminal histories, wanted individuals, as well as stolen articles, vehicles, guns, and license plates. Over $1.1 billion has been spent on building and maintaining IAFIS to date. IAFIS now contains over 44 million criminal records, including 12,000 terrorist records.

From 1990–1994, INS and FBI discussed integrating their systems, but they had conflicting priorities and interests. INS focused on the need to process apprehended aliens quickly and therefore only wanted to take 2 fingerprints. FBI wanted INS to take 10 fingerprints so they could match apprehended aliens against the ten fingerprint records in the law enforcement databases or latent fingerprints obtained at crime scenes.

There were also capacity concerns. FBI did not know if their system would have the capacity to meet INS's high volume of fingerprints in a quick response time. FBI did not believe their system would be able to search and match 2 fingerprints against 10 fingerprints in a timely manner.

By 1994, INS began proceeding with its separate system, IDENT. IDENT was developed to match 2 fingerprints of detained individuals against fingerprints in two IDENT databases: 1, apprehension database: includes each recorded apprehension of illegal border crossers; and 2, lookout database: contains information on deported and criminal aliens and therefore ten-print cards.

Problems with IDENT quickly emerged. A March 1998 Inspector General report found INS was enrolling less than two-thirds of the aliens apprehended into the IDENT system; INS was only entering 41 percent of all aliens deported into the IDENT lookout database; the data entered into the system was of poor quality because employees did not have sufficient training.

In 1999, the case of Rafael Resendez-Ramirez reemphasized the need for the integration of IDENT and IAFIS. Resendez-Ramirez was apprehended by INS for an immigration violation in June 1999 and was voluntarily returned

to Mexico because INS was unaware that he was wanted for murder. Shortly after his voluntary return, he returned to Oregon and committed four more murders. Had IDENT been linked to IAFIS, immigration officials would have known Resendez-Ramirez was wanted for murder, had an extensive criminal history and prior deportation, and could have detained him for prosecution.

That year, in the fiscal year 2000 conference report, the CJS Appropriations Subcommittee responded by directing DOJ to prepare a plan for the integration of IDENT and IAFIS databases and fingerprint systems.

DOJ submitted a plan for integration in March 2000. The plan focused on conducting several studies to determine the impact, scope, and technology needed to integrate the two systems.

Good news is the project has slowly moved forward.

Records are now extracted from IAFIS and added to IDENT every 2 weeks, including those of wanted persons likely to be picked up by immigration officials, birthplace outside of U.S. Over 140,000 wanted individuals have been downloaded into IDENT. There are, on average, 400 hits per month, meaning 400 apprehended aliens have active wants or warrants for their arrest. There are also over 12,000 fingerprint records of known or suspected terrorists extracted from IAFIS and put into IDENT.

A workstation has been developed and deployed to DHS field sites, border patrol stations and ports of entry, that has a ten print scanner that can capture ten rolled prints; and a computer that can simultaneously search IDENT and IAFIS and provide an integrated response from both systems.

The CJS appropriations subcommittee provided $1 million in fiscal year 2003 for National Institute for Standards and Technology, NIST, the Federal agency charged with establishing fingerprint standards, to research fingerprint search compatibility. Preliminary results show 8 flat prints can be searched against 10 rolled prints with the same accuracy as 10 rolled prints, but the search takes 2–3 times longer. Compare that to 2 flat prints, in which case the search has an ''unacceptable reduction in identification accuracy'' and takes 35 times longer.

The bad news: 5 years have passed and $41 million has been provided and the systems are still not integrated. Extracting a sampling of IAFIS information every 2 weeks is not enough.

Wanted individuals who are apprehended by DHS could be mistakenly returned to their country of origin if their warrants are submitted to IAFIS during the 2 week lag time. DOJ and DHS claim they will begin to extract information daily, but it is unclear when, how and whether that can happen. Even daily extracts cannot substitute real-time information or full interoperability.

The extracts do not include criminal histories. The need for criminal histories was made apparent in the 2002 case of Victor Manual Batres. In that case, Batres was deported following a conviction for an aggravated felony. Batres reentered, but information about his deportation was not known because the systems are not integrated, and he was voluntarily returned to Mexico. He illegally entered the country again, at which time he raped two nuns, resulting in the death of one of them. Had IDENT and IAFIS been integrated, the immigration officials would have had immediate access to Batres' deportation and criminal history, and could have detained him for prosecution, thereby saving lives. Reentry after deportation alone can carry up to 20 years imprisonment.

Workstations are only a one way solution. Workstations give DHS access to IAFIS, but they do not give law enforcement access to immigration records. FBI and State and local law enforcement believe there are situations that require access to immigration records, such as: Fingerprints captured at a crime scene cannot be checked against immigration violators; and an individual can apply to a sensitive position, security at a nuclear power plant, and there is no way to verify his or her country of birth or immigration history.

Workstations are only partially deployed. Two hundred and ninety-three workstations have been deployed to only 115 DHS field sites, which means less than one-third of DHS' field sites have workstations. It is unclear whether there is a plan to deploy workstations at the remaining field sites.

The administration has no timeline to move to capturing 8 flat prints. Eight flat prints would significantly improve the chances of interoperability.

The bad news also is that any plans for integration have been delayed at least 2 years, with final deployment now not expected until August 2008 due to fear that the Government could not absorb the impact of integration, the increases in detention, prosecution and imprisonment of aliens. There is no agreement between DOJ and DHS on how to collectively proceed with IDENT/IAFIS integration. Personnel and resources were diverted from IDENT/IAFIS integration to build US VISIT.

Now, DHS is creating its new system, US VISIT, with the same traps as IDENT and then some. Problems are already apparent. US VISIT has not been fully defined. No policy has been identified for Mexico and Canada or the ''exit'' aspect of the program, for example, will U.S. citizens be checked every time they leave the country. US VISIT was built on IDENT because that was the only way DHS could meet its December 2003 deadline to deploy the program. That means US VISIT continues to capture only 2 flat prints and is not interoperable with IAFIS. There has been no mention of whether and how IAFIS would access the US VISIT fingerprint records. It is unclear whether IDENT alone is robust enough to handle the additional workload that comes with US VISIT.

The State Department, whose job it is to take the photos and fingerprints of visa applicants, appears to be on track to meet the October 26, 2004 deadline to enroll 2 flat prints of all visa applicants between the ages of 14 and 79 at all 211 posts. However, there has been some question regarding the quality of the fingerprint images the State Department is enrolling, which we are looking into.

In summary, knowing the background of individuals entering the United States is our first line of defense against terrorism. We have spent hundreds of millions of dollars to build a criminal database, IAFIS, and should take full advantage of the information it contains. The administration should make the integration of IDENT and US VISIT with IAFIS a number one priority. These agencies must work together to determine what is needed to integrate these systems. The administration should submit a statement of policy and a plan, agreed to by FBI, DHS, and State, which provides the technology and funding requirements as well as a time line for integration.

The PRESIDING OFFICER. The Senator for North Carolina.

THE ADMINISTRATION IS SUCCEEDING IN IRAQ

Mrs. DOLE. Mr. President, I want to address the repeated attacks towards the Bush administration's role in Iraq. Yesterday, one critic claimed that our unilateral policy in Iraq has steadily drifted from tragedy to tragedy and made America less safe. The very mention of Iraq and the current situation there incites what I have begun to call the ''liberal naysayers'' to launch into steady streams of empty rhetoric against our plans in Iraq. Just this week these critics said that our troops are paying the price for flawed policy. These brazenly political claims have no basis, in fact, and serve no purpose other than to undermine the administration in a time of war.

In liberating Iraq, we have rid the nation and the rest of the world from the danger of Saddam Hussein. 46 of the 55 of his most wanted regime members have been captured or killed. In removing this tyrant from power and undermining his regime, we have brought about increased security in a nation that at one time barely comprehended the term. Today, over 150,000 Iraqis, including 75,000 new police personnel, are protecting the Iraqi people. Recently the Iraqi Governing Council signed the Transitional Administrative Law. This unprecedented framework promises long overdue civil rights for all Iraqis. It ensures freedom of religion and worship, the right to free expression, the

right to peacefully assemble, the right to be treated equally under the law, the right to stand for election and cast a ballot secretly, the right to privacy, and the right to a fair, public and speedy trial. We have removed many barriers in the Iraqi society and allowed women to finally play a role in every day life—including the new Iraqi government.

To abandon our mission in Iraq today would undermine all we have accomplished up until now. We would leave behind a devastating breeding ground for terrorists. More importantly, it would give the insurgents in Iraq reason to believe they have won—that they finally succeeded in driving us out and halting the process of peace. The recent surge of violence in Iraq is not indicative of failed policy—rather it is proof that terrorists see freedom arriving there—and it terrifies them. Just recently I read of that fear firsthand in a memo written by captured al Qaida operative Zarqawi. Concerned that the Mujahidin may lose its footing in Iraq he wrote:

> There is no doubt that our field of movement is shrinking and the grip around the throat of the Mujahidin has begun to tighten. With the spread of the Army and the police, our future is becoming frightening.

The very idea of freedom incites fear in the hearts of terrorists across the world. Insurgents from Syria, Libya, Iran and other countries continue to cling to the fruitless hope that their violence will force the coalition forces out and allow the eradicated reign of terror back in. They don't just hate freedom—they fear it. These terrorist cells infiltrating Iraq know that the introduction of democracy and peace in the Middle East is only the beginning of the annihilation of terrorism worldwide.

The accomplishments are many, and the truth is the liberation of Iraq is just one battle in the war on terror. The process of creating a democracy and turning the government over to an entire new governing council will take time. But we are a nation of our word. President George Bush has told the world that we would return power to the Iraqi people on June 30, and we intend to stick to that deadline. Our desire is to restore sovereignty to the people of Iraq—and ensure peace and stability in the transfer. To abandon Iraq prior to either of those goals being accomplished would be a failed mission—and that simply is not an option.

While it is important to note the administration's successes in Iraq, Americans should also be aware that our actions in Iraq have made us safer here in the U.S. President Bush recognized that in order to contain the growing threat of terrorism from Iraq we had to eliminate it at its source. Our President chooses to allow the war on terror to be fought in Kabul and Baghdad, rather than Washington, DC, or New York. As he so boldly explained just recently, his desire was not to stand idly by. He said:

> I made a pledge to this country; I will not stand by and hope for the best while dangers gather. I will not take risks with the lives and security of the American people. I will protect and defend this country by taking the fight to the enemy.

I applaud our administration for carrying out their mission in Iraq so effectively. Our role in Iraq has brought about freedom to 50 million Iraqis and Afghans and underscored America's character in keeping our word. Former secretary of State George Shultz said it best this week when he wrote:

> Above all, and in the long run, the most important aspect of the Iraq war will be what it means for the integrity of the international system and for the effort to deal effectively with terrorism. The stakes are huge and the terrorists know that as well as we do. That is the reason for their tactic of violence in Iraq. And that is why, for us and for our allies, failure is not an option. The message is that the U.S. and others in the world who recognize the need to sustain our international system will no longer quietly acquiesce in the take-over of states by lawless dictators who then carry on their depredations—including the development of awesome weapons for threats, use or sale . . . September 11 forced us to comprehend the extent and danger of the challenge. We began to act before our enemy was able to extend the consolidate his network.

The war on terror will not easily be won, but America is up to the task. May God bless our brave men and women in uniform fighting for democracy and freedom—and God bless this land of the free, America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There remain 3½ minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASBESTOS LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the issue of asbestos, the legislation which is about to be called to the Senate floor, offered by the distinguished chairman of the Judiciary Committee, the senior Senator from Utah. The Judiciary Committee reported out a prior bill in July of last year, and it was supported largely along party-line votes. One Democrat joined in the vote to send it out of committee, and I supported the vote to send the bill to the floor, having stated a number of concerns I had on specific provisions.

In August, during the August recess, I enlisted the aid of the former Chief Judge of the Court of Appeals for the Third Circuit, Judge Edward R. Becker, who had taken senior status preceding May 5. For 2 days, in Judge Becker's chambers, he and I met with representatives of the manufacturers, the insurers, the reinsurers, the AFL/CIO, and the trial lawyers, starting to go through a wide range of issues. Since that time, we have met on 18 occasions in my office here in the Hart Building, virtually every week, with those representatives, and they had meetings in between.

During the course of our extensive discussions, we have come to significant agreements on streamlining the administrative process, early startup, defining the exigent health claims, moving through the language on judicial review, and dealing with the issue of medical monitoring. A good number of those provisions were inserted in a new bill introduced by Senator HATCH and Senator FRIST on April 7. The majority leader has listed the asbestos bill on a number of occasions, and each time has deferred it pending the negotiations which have been in process and I think are making good progress.

I have attended all of these meetings. They have lasted, most of them, for several hours supplementing the 2 days in Judge Becker's chambers, which were both all-day events. All the parties have been very, very cooperative. The manufacturers have talked to the AFL/CIO. In between, meetings have been had with the AFL/CIO. The trial lawyers have been cooperative. There is no doubt that some among the trial lawyers may feel they have some contrary interests. I think there has been an overall view—clearly by the trial lawyers and the AFL–CIO—that there are many injured people who have suffered from mesothelioma, which is a deadly ailment, who are not being compensated because their companies were bankrupt. In excess of 70 companies have gone bankrupt. There are hundreds of thousands of claims and there are numerous parties who have been named as defendants. The specific statistics are that the number of claims is now over 600,000. There are 8,500 companies which have been named as defendants. As I say, more than 70 companies have been bankrupt.

The courts have held that someone is entitled to compensation for exposure to asbestos even though the injuries are not yet demonstrable; that even though the injuries are speculative, a jury may return a verdict based on what injuries may be sustained. That decision was made by the Supreme Court of the United States. That stands at the same time the people who have mesothelioma, which is a deadly disease, are not compensated.

So it is a very serious matter on all ends: On the end of the claimants who are not being compensated because the companies are bankrupt; on the end of companies which have gone bankrupt spending a lot of money on litigation.

When a request is made, when legislation is structured to give up the right to jury trial, that is a very serious matter with our common law tradition for right to trial by jury, a right which is specified in the seventh amendment to the U.S. Constitution, the right to jury trial in a civil case. We are dealing with very weighty matters. We

have established a scale of compensation, a schedule which is patterned along the lines of workers' compensation, but there are very weighty matters to be considered.

It is my thinking that a cloture vote this week would be counterproductive. I understand the thinking to the contrary, that a cloture vote may put some pressure on the parties to move forward. There are many on both sides of the aisle who want a bill. I see the distinguished junior Senator from Delaware having risen. He probably wants to make some comments but is waiting patiently, or impatiently, but at least waiting. Senator DASCHLE has been a participant. His people have been in these discussions. Senator LEAHY, of course, the ranking Democrat, has been an active participant, and Senator DODD has been. Senator CARPER keeps calling over the weekend, concerned about these matters. Senator HATCH has been a leader, having constructed the idea of the trust fund and having gotten $104 billion in it initially. That figure may be up to $114 billion. Senator HATCH commented about the legislation reported out, if I am incorrect—Senator HATCH is in the Chamber and can correct me—at $139 billion. So there are a lot of people who want a bill.

Some of the thinking is if there is a cloture vote it will put people on record, people whose constituencies would like to see a bill, who may not want to vote against cloture, so there may be that pressure.

My own view is progress has been made. I can represent emphatically that these are very complex issues. Judge Becker was the judge who wrote the opinion on the class action case brought on asbestos several years ago. His opinion was upheld by the Supreme Court. He is very knowledgeable in the field. He happens to be the winner of the outstanding jurist award among Federal judges, about 1,000 judges. He really knows the field.

I have had substantial experience in litigation and legislation and have examined these complex issues and say emphatically that there has been no dawdling. Progress has been made on the complex issues, as much as could be made, at the meetings presided over by Judge Becker and myself and meetings in between time.

So my view is a cloture vote is premature. Earlier today the majority leader in the Senate talked to Senator DASCHLE and raised the possibility about a delay but not committed to a delay. His inclination, fairly stated, is to go ahead with a cloture vote unless there can be some good reason there will be a way to expedite negotiations.

Judge Becker has some commitments this week which he cannot break, but he is available part of the week and is available all of next week. I have a commitment next Tuesday that I have to work toward. It is called a primary election. I am only in town today, breaking my campaign schedule, which is very important. I have a tough fight on my hands—it is well within my pay grade—a tough fight. But I met earlier today with the parties to the asbestos matter, attended a leadership meeting, and spoke with Senator HATCH earlier today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous agreement, morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The pending business is the motion to proceed to the consideration of S. 2290.

The Senator from Utah.

Mr. HATCH. Did the distinguished Senator from Delaware have a desire to speak?

Mr. CARPER. Just for 5 minutes.

Mr. HATCH. I ask I be given the privilege of speaking thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent is that Senator CARPER be given 5 minutes, after which Senator HATCH will be given 5 minutes.

The Senator from Delaware.

Mr. CARPER. Before Senator SPECTER leaves the Chamber, I express my thanks to him and certainly to Judge Becker for the willingness to enter into what many people describe as one of the most complex issues we will face this year or any year in the U.S. Congress to try to see if there is a way to ensure that people who are sick and dying from asbestos exposure get the help they need; folks who are not sick, who become sick, get the help they need, and that the companies which have a fair amount of exposure, whether they be manufacturers or insurance companies, get some certainty with respect to their financial obligations.

I am more encouraged at this moment than I have been for some time that we may have the beginning of a negotiating process. I realize these negotiations are going under the sponsorship of Senator SPECTER and the leadership of Judge Becker. If we are fortunate enough to get the buy-in from both leaders, Senator FRIST and Senator DASCHLE, these negotiations, led by Judge Becker, should be the vehicle.

We do not have to go out and invent a new negotiation process. This is one that works. Judge Becker is smart as a whip. He got the involvement of the leadership staff on both sides. Senator HATCH's staff, Senator LEAHY's staff, Senator DODD, myself, and others have been actively involved in these negotiations through Judge Becker.

This is a good process. We ought to build on this process. I have encouraged our leader to take ownership of the process—not to take away from Judge Becker but to ask him to continue to work. Judge Becker, for reasons that are beyond my pay grade, enjoys the confidence of labor. He enjoys the confidence of the insurers. He enjoys the confidence of the manufacturers, the defendants in these cases, and I think the respect of the trial bar. What we need to do is take him up on the offer, on his willingness to stay here and work with us.

My hope is we will end up with a negotiation that will lead not to further negotiation but a bill, another bill in the Senate, building on what has come to the Senate already.

I had a chance to talk with Senator HATCH a few minutes ago off the floor. He expressed a willingness to wait for as much as a month before we actually take up the bill. That gives this negotiating process another 4 weeks to bear fruit, further fruit—it has already borne a lot—and for us to take up at a date certain—I suggest maybe the week before the Memorial Day recess—to take up the bill, to negotiate, to debate, to amend it, and to pass it.

I am, again, more encouraged than I have been in some time. I express my thanks, again, to the Senator from Pennsylvania for his leadership.

I thank Senator HATCH. I know this is near and dear to his heart, and Senator LEAHY and both of our leaders. We can get this done, and we have to.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. However, I am not as sure we are going to get this done as he is. I have to say, we have been working on this for 15 months. We have met innumerable times with our friends on the other side. We have met with every party involved here. I have tried to do everything I possibly can to bring everybody together. This is mired in politics. There is no question about it.

We are talking about a motion to proceed. How often in the Senate have we had a filibuster against a motion to proceed to a bill, when you can filibuster the bill, too? So you would have two filibusters on this bill, assuming we were to invoke cloture on a motion to proceed. It shows the lengths to which some will go in an election year to play partisan politics.

Look, we have done everything in our power to accommodate Democrats. We have made so many changes to accommodate the Democrats on this that I have gotten excoriated by the Wall Street Journal and others who I do not think have looked at these negotiations or understand what is going on.

Keep in mind, there are 8,400 companies that would like to resolve this problem, many of which are going to go into bankruptcy. Seventy have already gone into bankruptcy. Those jobs are lost. Those pensions are lost. The money we could have here to help settle this is lost. Those were the main

companies that handled asbestos. The remaining companies are those that have some peripheral experience with asbestos but really did not do the wrongs. But under this system, which is out of whack according to the Supreme Court of the United States of America, and any reasonable person who looks at it, we have unjust litigation going on all over this country for people who are not even sick. A high percentage of the cases brought are for people who have never had a sick day in their lives—certainly not from asbestos. It is another scam, in many respects. Not all of them; some of these cases are valid. That is why we want to come up with $114 billion, that we have had to force the companies to come up with, to try to solve these problems.

This has not been easy, and it has not been fun for me or anybody else in this process. The fact of the matter is, there is a high percentage of these lawsuits that are unjustified that are costing us an arm and a leg. Let's be honest about it, 60 percent of all the money we are talking about here—assuming we cannot get this bill passed—will go for attorneys' fees and transaction costs, not to the people who need help. Mesothelioma victims are getting 5 cents on the dollar, if that, about $17,000 for an absolute cancer that has destroyed their lives and has caused them death.

I do have some comments to make about the comments my good friend, the distinguished minority leader, made this morning. I would like to make some comments with regard to Senator DASCHLE's statements this morning. He stated a lung cancer victim with 15 years of exposure would receive only $25,000 in compensation. That is painting a very incomplete picture, which I would like to finish. If we are going to paint the picture, let's paint the whole picture.

First, that picture is the bottom range of compensation. Under the claims values in the FAIR Act we have come up with, claimants who were exposed to asbestos and still smoking will receive between $25,000 to $75,000 in compensation. And for the record, Senators LEAHY and KENNEDY have stated they want $50,000 for claimants falling into this category. But it is between $25,000 and $75,000.

Mr. President, I have come here to discuss the FAIR Act. We have a chance to help those who have suffered from asbestos-related injuries for far too long. Many people have spent months getting us to this point. I want to assure we have a complete picture of the bill for the record. We owe at least that much to the victims.

By the way, these are people who do not have any markers, do not have any evidence through X-rays or any other reason to show asbestos has caused their cancer. Yet we are willing to give $25,000 to $75,000 to them. If they get mesothelioma, they have a right to go and get the million dollars under the schedule we have agreed to in the Judiciary Committee. It does not stop them from getting fair compensation. But it certainly is a misrepresentation to say they are only getting $25,000. These are heavy-duty smokers. Almost everybody knows their cancers come from smoking, but we bent over backwards to give consideration that possibly there may be some connection to asbestos, even though there is no evidence.

Senator SARBANES, the distinguished Senator from Maryland, stated we, and I quote, ''sprung'' the bill on the Democratic Senators and their staff. Come on. Senator DASCHLE called attention to the total fund value. I want to state for the record Senator DASCHLE's staff was informed of the new numbers last October. That was 6 months ago. Since October, there have been repeated and continuing discussions of these numbers over the ensuing months, and we had many months of discussion prior to that. We have been on this for 15 solid months on a daily basis, and we have worked with Democrats on the other side. We have worked with everybody involved, including the personal injury lawyers who do not want to lose this bird in the cage.

Now we repeatedly asked the Democrats for a response to the numbers. Repeatedly we have asked. We have received none. We repeatedly asked the Democrats for a legislative proposal they would like to make, a concept of a structure, something, anything. We have received nothing. As Senator DASCHLE knows, this so-called new bill we allegedly ''sprung'' on him includes the very numbers we released months ago, the changes demanded by the Democrats and the changes demanded by the unions. We have all kinds of changes we have made for these parties in this matter. This is not some little sprung deal. The Democrats have had every right to participate in these processes, and some have. Some have been kept from these processes by their own party members.

I would like to respond to a few of the statements made by my colleague from South Dakota, Senator DASCHLE, earlier this morning regarding S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004. If I recall it correctly—and I was watching as Senator DASCHLE stated there was no reversion to the tort system should the moneys not be there—and the moneys are there. Virtually everybody who has effectively studied this says this amount of money we have in this bill will take care of the problem. In fact, though, there is a reversion to the tort system should it not. Should the fund become insolvent, then claimants with asbestos injuries who have not received compensation under the fund may pursue their claims in the courts at that time. So that statement there is no reversion is simply wrong. Again, we have worked closely with our colleagues on the other side. That was their idea, and we accepted it.

Naturally one of the problems in this matter is some of these personal injury lawyers, who really know better, have been forum shopping to special jurisdictions that are out of whack that literally do not care what the law says and literally do not care about justice or doing what is right. Some say—I hope this is not true—but some say they are bought and paid for by the personal injury lawyers in their respective jurisdictions.

There are at least four or five jurisdictions in this country where you can go in and get whopping verdicts for no injuries, like one verdict in one of these counties in one of these preferred jurisdictions by, I think, dishonest personal injury lawyers, or at least those who are exploiting the system, where there was $150 million granted for five plaintiffs, not one of whom had been sick a day from asbestos. That money is not going to those who really are sick, which this bill does. Even the Supreme Court has said this system is broken.

I am not against further negotiations. We are happy to do it. That is one reason why this bill is on the floor right now, because we are going to have a vote on this. It might be a cloture vote on a motion to proceed, of all things, but at least we are going to have a vote so people know where some of these folks stand. Some people have used this bill to raise money for their campaigns, saying they are going to be for it, and yet when push comes to shove, they are never for it, it is never good enough, there is never enough money. Yet, as I have said, we have not had a proposal, we have not had a dollar figure, except outrageous figures nobody can meet, off the top of the head.

We can talk about 15 months of very heavy-duty slogging here. Now they want more time?

I would like to take a couple minutes to talk briefly about some of the improvements in the Fairness in Asbestos Injury Resolution Act. We worked our guts out to get a bill out of committee. It was a very tough thing. I remember staying into the, I think it was the wee hours of the morning or at least pretty close to midnight that night debating this bill. There were some amendments added that I have to admit I didn't like and that would have made it impossible for this bill to pass on the floor. But we have worked very hard. Since then, we have had countless meetings with unions, with personal injury lawyers, with victims, with companies, with insurance companies, trying to bring everybody together.

This bill was reported by the Senate Judiciary Committee after a lengthy committee markup spanning four separate meetings. S. 1125, the bill reported out of committee, included, among other unprecedented achievements, a major bipartisan solution with respect to medical criteria where all of the committee members—and this committee is ideologically divided, very tough—agreed on eligibility requirements for determining asbestos-related injuries compensable under the act and

over 50 other consensus-building provisions. It and other bipartisan agreements remain in S. 2290, the bill we are discussing today.

S. 2290, as many have noted, makes additional significant improvements over the committee bill from a lot of hard work. I praise Senator LEAHY, Senator SPECTER, the majority leader, and others who have worked so hard. Of course, their staffs have worked so hard on a day-in-day-out basis to try to solve these problems. These improvements reflect agreements reached in continuing negotiation among representatives of organized labor and industry that were mediated by our colleague from Pennsylvania, Senator SPECTER. I praise our mutual friend, chief judge emeritus of the Federal Third Circuit Court of Appeals, Judge Edward Becker, who has played a pivotal significant role here.

First, let me briefly highlight some of the key provisions of this important legislation. S. 2290 ends the broken asbestos litigation system and replaces it with a privately funded asbestos victims compensation program for the payment of asbestos claims.

The key elements of the asbestos victims compensation program include an office of asbestos disease compensation headed by an administrator for processing and paying claims; a no-fault system based on sound and fair eligibility requirements. That no-fault system will not require attorneys in most instances and will save the attorney's fees. Sixty percent of the moneys here go to the people who are really sick. That no-fault system is a very important step. It includes a nonadversarial, streamlined, and less burdensome claims process with only two levels of review. In most cases, the claimant probably will not need an attorney or if the claimant has an attorney, we provide for attorney's fees under the bill, but on a scaled down basis.

There is still $2.5 billion in this bill for attorneys, even under this system. It provides for over $100 billion in funding assured over a period of 27 years, actually $114 billion with a $10 billion contingent fund added on. So you could look at it as $124 billion that we are forcing these companies, including the insurance companies, which have limited liability by the way, we are forcing them to pay into this fund upwards of $124 billion, if it is needed. But $114 billion will be made available, and it does have that $10 billion in contingent funding for defendants.

S. 2290 bans future asbestos use to eliminate the dangers caused by asbestos exposure. It provides grants for mesothelioma research and treatment centers, hopefully to find a way to resolve some of the problems.

This represents a good-faith effort to improve this fine legislation. That is just some of the changes. No piece of legislation is perfect, but I am certain that with these changes a very good piece of legislation got better.

Let's go to the improvements over S. 1125. We had to get a bill out of committee. It was a hard-fought battle. It took us four markups and a major all-day session. Let me list some of the improvements.

This is less adversarial. It provides for a less adversarial, more streamlined administrative process, including less levels of review than the original bill. This bill has a more user-friendly application process and expanded claimant assistance program, where you might not even need lawyers to eat up the funds, although you could have a lawyer if you want one.

This provides interim authority, interim regulations, upfront funding, and increases borrowing to facilitate the prompt startup of paying these folks who have suffered—the real claimants, not these people who haven't suffered who are getting moneys from these false jurisdictions.

This bill increases claims values. Mesothelioma victims are now getting, in many cases, 5 cents on the dollar. This bill resolves that problem, just to mention one thing.

This has more secure funding because it guarantees mandatory funding from funding participants. It gives audit authority and civil penalties for false statements and fraud. It has stronger enforcement authority, and it has additional safeguards to ensure priority of payments to the fund.

It also increases liquidity and provides more flexibility to address short-term funding problems. It has a more orderly wind-up of the fund and transition back to the tort system in the event of a sunset, with payment in full for all resolved claims. It also provides grants for mesothelioma research and treatment centers that are also required to participate in a mesothelioma disease registry. All of these would be wonderful.

This new bill increases compensation going to victims over what they are getting today. The attorneys do real well, but the victims aren't doing quite as well. It revises the funding provisions to help guarantee funding and to protect the solvency of the fund, while ensuring that any risk or shortfall rests on defendants and insurers, not on claimants. It establishes a more streamlined, less adversarial and less burdensome administrative system than provided in our original bill, S. 1125, that will be up and running more quickly. It provides grants for mesothelioma research and treatment to help find a cure for this deadly disease.

I emphasize that S. 2290 puts even more money in the hands of victims than provided in S. 1125 as reported by the committee, which was already estimated to put over one and one and a half times more money into the pockets of victims than they would have received under the current tort system where more than half of the resources now go into the pockets of the plaintiffs' and defendants' lawyers.

I am pleased to say, with the leadership of our majority leader, Senator FRIST, S. 2290 raises award values in certain categories, focusing those diseases that are most clearly caused by exposure to asbestos.

I might add that as a thoracic surgeon Senator FRIST brings a unique perspective on this legislation. I think it is fair to say that he is the only Member of this body who has performed surgery on mesothelioma patients. The values from the negotiations conducted by Senator FRIST led to an increase of $100,000 for severe and disabling asbestosis, among other increases.

Values for smokers and ex-smokers with lung cancer under levels 8 and 9 were also notably increased, although most likely their cancers came from their heavy-duty smoking. That involves a lot of union members who probably would get nothing if it weren't for this bill. For the life of me, I don't understand why the union leaders have not been totally for this. I have heard them privately say this is a good bill. I commend Senator FRIST for his insight and efforts in this process.

Although some Democrats and some affected parties assert that values in S. 2290 are not enough, they generally only focus on the values for exposure-only lung cancers. Most experts believe these claimants have no clearly established link that the lung cancer was caused by asbestos exposure, such as underlying asbestosis, and may have been heavy smokers all their lives. There is no evidence in these cases that their cancer or lung problems have come from asbestos exposure, but we give them the benefit of the doubt in this bill. Some conservatives think that goes way too far. Even though these people have been heavy smokers all their lives and we know that leads to cancer, we have been willing to go this far in the bill. Some of these experts provided testimony to the Judiciary Committee that an exposure-only lung cancer disease category runs an extremely high risk that lung cancer falling within this category are, in fact, not conclusively attributable to asbestos exposure. That is putting it mildly. Providing increased compensation for these smoking-related claimants could frustrate the purpose of the fund and put the fund at risk. In fact, lung cancer claimants with no markers or impairment from asbestos currently receive nothing from today's bankruptcy trusts—zero. This bill gives them the benefit of the doubt. These claims with no markers and no impairment—meaning no indications at all that asbestos was involved—almost always result in defense verdicts in today's tort system.

Here we provide the benefit of the doubt to them in the bill. Some have criticized that, but that is how far we have gone to try to get the other side to do something and debate this bill. If they don't like provisions of it, file amendments and bring them up. We are willing to debate them. They may win on some of these amendments. I can live with that. But to just continue to

filibuster everything that can help this country immeasurably at this time seems to me to be hitting below the belt.

Upon close consultation with organized labor, S. 2290 contains additional changes to ensure that more money is put into the hands of victims more quickly. Specifically, this entailed locating the program at the Department of Labor. The Wall Street Journal doesn't like that idea and neither do some of my fellow Republicans. But that is how far we have gone to accommodate them and try to bring this to closure. This is a major change from the bill as reported by the committee—which assigned the claims processing function to the Court of Claims. I have to admit, I don't particularly like that provision. I thought the Court of Claims would do a better job. I think any court would probably do a better job. On the other hand, these people are expert in some of these things. The Government is not making these payments. Payments have to come from the companies. So it is not something like black lung that goes off the charts year after year. It is no secret that the administration has serious reservations about this change. In fact, I have questions about these provisions myself, but in the spirit of good faith and compromise, we decided to include this new administrative mechanism in order to attempt to put more funds into the hands of the families suffering from asbestos-related illness. We did this in an attempt to accommodate our friends on the other side—attempt after attempt after attempt—and here we are with a filibuster on the motion to proceed. We have acted in good faith. I think a filibuster is in bad faith.

Reimbursement of costs for physical examinations are now provided as part of the medical monitoring program, and structured payments are now required to be made in a 40/30/30 split over a 3-year period, unless a stretch out to 4 years is required to protect the solvency of the fund.

The Hatch-Frist-Miller FAIR Act also improves the committee bill by providing more secure funding and additional protections in the fund's solvency, while maintaining that the risk of insolvency falls onto the various industries involved. Most of them should not be here. Most of them are companies that hardly ever did anything with asbestos, but because they have either acquired a smaller company, or had some contact with asbestos, although not significant, they are hauled into all these cases, and they are going to have to come up with moneys they should never have had to come up with. The mandatory funding for defendants is guaranteed, and moneys from insurers are infused into the fund in the early years where the most claims are anticipated. The increased enforcement authority of the Attorney General to compel payment and other additional safeguards, such as requiring a priority for payment obligations to the fund in State insurance receivership proceedings, further bolsters the fund's solvency. Also, increased borrowing authority provides more liquidity and will help with the short-term funding problems.

Let me talk about some of the safeguards: We have over $100 billion in guaranteed mandatory funding; $114 billion plus $10 billion contingency; a strong enforcement measure for underpayment and nonpayment; borrowing authority of 7 years future revenue ensures liquidity; regular program reviews, including claims and funding analysis with recommendations for improvements; annual reports to Congress on the status of the fund, with recommendations for improvements—Congress can make changes if it has to; and $10 billion in contingent funding; a risk of insolvency placed on companies with a sunset provision.

Those are all safeguards we put into the bill, much to the credit of our friends on the other side, who now appear to be filibustering this bill—even the motion to proceed. Of course, they are now asking for even more time for discussion.

Look, I have been told by people who know—or at least think they know—some who have speculated that we are never going to get a bill this year because it is an election year, and there is a lot of money involved from the personal injury lawyers. By the way, like the bankruptcy bill, a lot of money is involved by the companies who tend to pour it into people objecting to the bill, hoping they will somehow or other do what is right and support the bill. I hope that is not the case, but the more this drags out and the more we have filibusters on motions to proceed; and on this bill, after all the concessions we have made and the negotiations we have had, the more I come to the conclusion maybe these rumors are true. In fact, I know a lot of people who believe they are true.

Because of these new financial safeguards I have discussed, the Hatch-Frist-Miller bill was able to modify the amendment proposed by Senator BIDEN and adopted in committee, which allowed for a reversion to the tort system in the event the fund becomes insolvent. Many members of the committee—and I thought Senator BIDEN himself—recognized that the provisions in his amendment, voted on late with little discussion with the committee, needed further review. We are pleased our new language satisfies the problem the Biden amendment addressed in the first place, but do so in a more flexible and deliberative fashion.

Simply stated, the Hatch-Frist-Miller bill replaces these provisions with an alternative program review that will give the administrator more time and more flexibility to address any unanticipated short-term funding problems. Under the new bill, full payment of all resolved claims is required. To create a smoother transition and to avoid recreating the current manifest shortcomings in a handful of State courts, the fund will revert to the Federal court system. We must not lose sight of the fact that it is the aberrational result in the courts of a few States—especially Mississippi, Illinois, and West Virginia—that has triggered this national crisis.

Let me emphasize that under the new language, any risk that the funding is insufficient would still fall on defendants with claimants able to get their day in court.

Members and other interested parties need not worry that any risk of insolvency will fall on the claimants.

I can give you cases that are 20 years long without any resolution to the people who have been injured. This solves those problems almost instantly.

Another significant change I would like to discuss further is the new administrative structure and claims handling procedures provided in the Hatch-Frist-Miller bill. While the committee bill created a more accessible and simpler claims processing system for claimants than found in the tort system, organized labor continued to express concerns that the administrative structure under S. 1125 was too adversarial and cumbersome.

The agreement mediated by Senator SPECTER and Judge Becker to move claims processing from the Court of Federal Claims to an executive office situated in the Department of Labor included numerous refinements made in consultation with labor union representatives. They were brought in in every way, and they are the ones who demanded this. Senator SPECTER and Judge Becker have negotiated it.

In addition to placing the office within the Department of Labor—against the preference of the Department of Labor, I might add—or an independent executive agency, as requested by industry who lost on this issue, the new language also includes simplifying the claims application process, expanding the claimant assistance program, and requiring the creation of exposure presumptions to reduce the burden of proof for claimants in high-risk employments.

We made further refinements addressing concerns raised by Senator FEINSTEIN and others that there may be an undue delay in starting up a new claims system, forcing mesothelioma victims and victims whose claims have been sitting in court for years to wait even longer to receive compensation. Senator FEINSTEIN's amendment could have unintentionally threatened the fund itself by diverting resources away from the fund and to unimpaired claimants.

Instead, the Hatch-Frist-Miller bill provides interim regulations for the processing of claims, including exigent claims, interim authority, upfront funding, and increased borrowing authority, which all go toward ensuring the system is up and running as soon as possible after the date of enactment.

Good public policy demands expedited termination of the broken tort system and preservation of funds so that payments can go to the most worthy claimants, as defined by the consensus medical criteria.

As a final note, proposals for research moneys for mesothelioma were circulated in committee. Mesothelioma victims generally live only a year or so after diagnosis of this horrible disease. More research is needed on mesothelioma to find better treatments and even a cure, and I am pleased this bill addresses this problem.

Our bill now provides up to $50 million—and I am willing to consider increasing that amount—in grants to mesothelioma research and treatment centers. In addition, these centers must be associated with the Department of Veterans Affairs medical centers to provide research benefits and care to veterans who have suffered excessively from mesothelioma. These, along with the asbestos ban, are important and vital pieces of legislation that must not be overlooked.

Again, I tried to highlight here some of the major changes from S. 1125 as reported, many of which were made to address the concerns raised by various members in committee, especially on the Democratic side. These revisions are aimed at ensuring that the program established under the FAIR Act is fair to victims.

In short, the Hatch-Frist-Miller bill represents a reasonable and fair solution to the asbestos litigation crisis and may be the only solution to it. Members from both sides of the aisle recognize that an equitable compensation program is necessary.

I believe S. 2290, the Hatch-Frist-Miller bill, meets the test. I urge all of my colleagues to support this bill and at least support debate on this bill and bring up amendments so we can see what further changes the Senate, in working its will, will require. We should certainly see that this bill is fully considered by the Senate.

Having said all of that, I am very concerned that this bill is being treated only politically; that there are those who are afraid to vote on this matter; that there are those who do not want to be involved in this matter right now; that there are those who want to stop this matter because of political pressure by special interest groups.

We now have 8,400 companies that are being sued, and it may go as high as 15,000. I might add that we have about 16 major insurance companies that are being sued, some of which should not have the liabilities we are imposing upon them. Nevertheless, the more companies that go into bankruptcy, the more jobs are lost, the more pensions are lost, the more this economy will suffer, and the more all of us will be worse off.

I might also add that the courts have not proven to be effective here and that the tort system has failed. Even the Supreme Court of the United States says this requires a legislative solution. This is the only legislative solution that is available, and if we want to get something done, we are going to have to work on this bill.

Personally, rather than have a filibuster on the motion to proceed, I think we should go to the bill. I personally would be willing to grant more time if we would have a definite date. I cannot speak for the majority leader, naturally, but I would personally be willing to grant more time, as Senator SPECTER was, to have further negotiations outside the context of debate on the bill where usually those negotiations help bring about a bill. But I would be willing to go another 2 weeks to a month in intensive 9 to 6 negotiations every day, which we have been doing now for 8 months, if we had a definite time to bring up amendments and a definite time for final passage of the bill or a final vote on the bill. Maybe we will vote it down in the end. I doubt it. In fact, I am sure we will not.

The fact is, in other words, if we do not have to face another filibuster and if everybody in good faith works to try to bring this about and we have a debate on the floor and people have amendments they want to bring up, they can do it. I cannot speak for the majority leader, but I certainly would be willing to recommend that, again bending over backwards to try to accommodate our colleagues on the other side.

If that is not acceptable, then I have to conclude that the statements made by some of the folks outside of the Senate who are knowledgeable about this that politics is more important than solving this problem, that money is more important than solving this problem, that the personal injury lawyers are more important than solving this problem happens to be true. I hope that is not true. I hope we can get our colleagues to work together. I would like to work with them, as we have. We have not rejected or failed to consider any idea that has come up, and we will continue to do so. But if not, then let's go to cloture on this bill and let's let everybody know who wants to stop even a reasonable debate, even a reasonable time to file amendments, even the reasonable position the Senate ought to always take, and that is the Senate should work its will and we should vote on the amendments one way or the other, vote on this bill one way or the other, and let the chips fall where they may.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, will the Senator withhold?

Mr. HATCH. I will be happy to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, is the parliamentary situation that we are going to recess for the party caucuses at 12:30 p.m.?

The PRESIDING OFFICER. The Senator is correct, until the hour of 2:15 p.m.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be recognized at 2:15 p.m. to speak on the asbestos legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Vermont.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED—Continued

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is on a motion to proceed to S. 2290.

Mr. LEAHY. Before we recessed, was there a unanimous consent request made for the Senator from Vermont to be recognized?

The PRESIDING OFFICER. The order is the Senator from Vermont be recognized.

Mr. LEAHY. That was without any time limitations, as I recall?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the distinguished Presiding Officer, my good friend from Ohio.

DIVERSION OF FUNDS FOR MILITARY OPERATIONS IN IRAQ

Mr. LEAHY. Mr. President, I want to take a moment to respond to the very serious allegations contained in Bob Woodward's book about the use of counterterrorism funds to support preparations for the U.S. military invasion of Iraq.

As a Senator and a taxpayer, I am very troubled by this information. The Constitution gives Congress the sole power of the purse. The Founding Fathers did this for good reason. It is a responsibility that I take very seriously.

As a member of the Appropriations Committee for more than two decades, I know there is a long, bipartisan tradition of administrations—of both political parties—informing Congress when money is going to be used for purposes different than what it was intended for, especially if it is part of a major change of policy.

We do not yet know all of the facts, and we need to get the whole story as soon as possible. But I will say that in the wake of September 11, the Congress moved very quickly in a bipartisan way to appropriate billions of dollars to respond to the threat of international terrorism.

In doing so, we gave the administration a great deal of flexibility, but we also made clear that we expected the administration to keep the Congress informed on the use of these funds. And administration officials gave us their word that they would keep us informed.

We now learn, as a result of Bob Woodward's book, that millions of dollars that we thought we were appropriating for Afghanistan, or to respond to other terrorist threats, may have been used by the Defense Department to begin preparations for the invasion of Iraq.

The problem is that there is not a shred of evidence linking Saddam Hussein to the September 11 attacks. Even the President has acknowledged this.

In effect, it appears that the administration has treated the Congress with much the same disdain as it treated our European allies. Remember? They were the ''old Europe,'' who were out of touch, whose support we did not need. Like the United Nations, they were ''irrelevant.''

So too the Congress: What do they know? They just appropriate money. They do not need to know what it is being used for.

We also have learned, in even more detail, how this administration rushed into war without making adequate post-war plans or building a real international coalition. As a result, the reconstruction efforts are a mess, our credibility is in tatters, and America's soldiers are shouldering a grossly disproportionate share of the burden and the casualties.

The proper use of taxpayers' money is not a Democratic or a Republican issue. As representatives of the American people, it is something that we should all be concerned about, and it may force us to change the way we do business around here.

Mr. President, we also have before us an asbestos bill, the Asbestos Injury Resolution Act of 2004. This partisan asbestos bill is not ready for floor consideration. It is not ready for prime time, not by a long shot. I do believe the Senate should pass legislation to establish a national trust fund to fairly compensate asbestos victims. After all, I held the first hearing ever held by the full Senate Judiciary Committee in an effort to get a resolution to the problem facing victims of asbestos poisoning. But, despite the title of this bill, it is far from fair. It is very partisan. This partisan bill creates a trust fund that provides unfair compensation for asbestos victims. This partisan bill creates a trust fund with inadequate funding, no startup protections, and major solvency problems. This partisan bill contains a warped sunset provision that could trap victims in a failed trust fund for 7 years or more without having access to compensation.

Look at this chart. This fund says victims could be trapped in a failed trust fund for 7 years or more and would have no compensation. If the fund becomes insolvent, then the Hatch-Frist substitute provides for a reversion to the tort system, but only after 7 years from when the fund begins processing claims, and then only in Federal court, and then only for some limited disease categories. So victims could be trapped for 7 years or more with no compensation. That is not fair.

Some have claimed this bill provides for contingency funding to try to address the many uncertainties of future projections for asbestos victims, but the $10 billion for continued funding only kicks in after year 2023 and only if the funds still exist at this time. Let me show you on this chart. It is only after year 2023. We are in the year 2004. There will be very few in the Senate who will still be around to try to correct the mischief of this bill. You have contingency funding available after 2023. That means a lot will not be available to pay the pending 300,000 claims on day one. That is not a fair trust fund.

So I would say it is a mistake for the Republican leadership of the Senate to insist on proceeding to a bill and have so many major problems still unresolved. The bill is not ready for prime time. Let's work at making it ready, not work at scoring partisan points. Let's do something for the victims of asbestos.

Creating a fair national trust fund to compensate asbestos victims is one of the most complex legislative situations I have seen in 29 years in the Senate. The interrelated aspects necessary for a fair national trust fund is like a child's Rubik's Cube. So it is all the more necessary that a bill be a consensus piece of legislation for it to become law. I am not looking for a Democratic or Republican piece of legislation; I am looking for a bipartisan one that would work. That is why I worked so hard in months of bipartisan negotiation, why I worked so hard to encourage the interested stakeholders to reach agreement on all the critical details. I have had so many meetings in my office and in other Senators' offices with the major stakeholders across-the-board, and this is where we are. We have Senator HATCH and the majority leader introducing a partisan asbestos bill.

I hoped the bipartisan dialog over the past year would yield a fair and efficient compensation system that we could in good conscience offer to those suffering today from asbestos-related diseases and to the victims yet to come. Our leader, the senior Senator from South Dakota, Senator DASCHLE, was entrusted by all of us to speak for our caucus and to try to negotiate an agreement. Time and again he made that attempt. Time and again he was put off.

I stood there with him when he spoke to the leadership on the Republican side saying, Can't we get together on a piece of legislation? But unfortunately the Senate majority leadership decided to walk away from those negotiations and resort to unilateralism by introducing a partisan bill without Democratic support. That is a shame. They ought to pull this bill and sit down with Senator DASCHLE, knowing Senator DASCHLE will go to the table and negotiate a real bill, because the introduction of this bill raises many questions, most notably what the sponsors are trying to achieve, because it certainly is not a fair compensation model for asbestos victims. By breaking off bipartisan negotiations and pushing this bill to the floor, they have turned their backs on those of us who have worked so long for a fair solution.

I was encouraged to learn this week from a news wire report that a colleague, the senior Senator from Pennsylvania, Senator SPECTER, who played an important role in the negotiations, favored resumption of negotiations. Senator SPECTER told the Associated Press:

> I declined to join with Senator FRIST and Senator HATCH in their substitute bill because I think it is the better practice to try to work through these problems. Senator SPECTER, of course, has put in untold hours with retired distinguished Judge Becker in trying to work through the points of such a bill.

We have all learned a great deal about the harms caused by asbestos exposure since that first hearing that convened in September of 2002. Asbestos is the most lethal substance ever widely used in the workplace. Between 1940, the year I was born, and 1980, more than 27.5 million workers in this country were exposed to asbestos on the job and nearly 19 million of them had high levels of exposure over long periods of time. Unbelievably, asbestos is still used today.

What we face is an asbestos-induced disease crisis. Hundreds of thousands of workers and their families have suffered debilitating disease and death due to asbestos exposure. The disease and the death are among the most horrible ways of being sickened or to die. These are the real victims of the nightmare and they must be the first and foremost focus of our concern and effort. These are people who, simply by showing up for work and doing their job as they are supposed to, endured lives of extreme pain and suffering.

Not only do they continue to suffer, and their number will grow, but the businesses involved in the litigation, along with their employees and their retirees, are suffering from the economic uncertainty created by the situation.

More than 60 companies have filed for bankruptcy because of their asbestos-related liabilities. These 60 bankruptcies have a devastating human economic effect. Asbestos victims deserving fair compensation do not receive it and bankrupt companies do not create new jobs or invest in our economy.

In working with Senators DASCHLE, DODD, FRIST, HATCH, and SPECTER, we encouraged representatives from organized labor, the trial bar, and industry

help reach consensus on a national trust fund to compensate asbestos victims. We wanted to give financial certainty also for the defendants and their insurers.

Now a successful trust fund—by that, I mean one that would provide fair and adequate compensation to all victims—would bring reasonable financial certainty to defendant companies and their insurers. To be successful, it has to have four essential components. It has to have appropriate medical criteria, it has to have fair award values, adequate funding, and an efficient, expedited system for processing claims.

During the markup session of the Judiciary Committee on the first FAIR Act, we unanimously adopted the Leahy-Hatch amendment on medical criteria. This created 10 categories of disease. The medical criteria represent bipartisan agreement the national trust fund should provide monetary compensation to claimants who suffered impairment and it should provide medical monitoring to those individuals with less serious asbestos-related conditions. The bipartisan medical criteria are in this new bill. I agree with them.

During the mediation process established by Senator SPECTER and Judge Becker—I referred to him earlier as Judge Edward Becker, retired chief judge for the United States Third Circuit Court of Appeals—the interested stakeholders tried to craft a streamlined administrative process. Senator SPECTER and Judge Becker worked very hard on this process. They deserve the thanks of all Members. I believe their very inclusive process was crucial to the establishment of a national trust fund at the Department of Labor.

Even that agreement, the agreement between the interested stakeholders, left many details unresolved. In fact, as this chart shows, Judge Becker listed 22 outstanding issues. Many involved administrative process. That list of 22 outstanding issues did not include the 2 other major components of a fair trust fund: fair award values and adequate funding to pay for it. These are the remaining issues.

We cannot zip to the Senate floor and because we could not find anything else to do, we bring it up. There are many issues, including startup language, sunset time, timeframe, reversion to tort system, in what forum, pending cases, settlements in pending cases, treatment of existing trusts, worker's compensation, medical screening of high-risk workers, transparencies, setoff rules, statute of limitation language, exclusive default judgments, bankruptcies, FELA, exclusivity for asbestos-related claims, and on and on.

I mention this because this is a highly complex area. Simply putting something on the Senate calendar to say we put something on the Senate calendar is a lot different than actually being legislators and trying to pass something. What we want is a decent piece of legislation, not a headline. The people who are suffering from asbestos-induced injuries and illness are not helped by a headline. They are helped by real legislation which requires real Senators doing—guess what—real work.

The changes made to a few award values by Majority Leader FRIST moved in the right direction. His partisan bill does not move far enough toward providing fair compensation to all impaired victims of asbestos exposure. In fact, seriously ill victims of exposure would receive significantly less compensation on average under the current version of this act than they would in the tort system. The so-called FAIR Act is not yet fair.

The gravest injustice to the bill is to lung cancer victims. A victim with at least 15 years of asbestos exposure could receive only $25,000 in compensation for his or her asbestos-related disease under the new bill. Goodness gracious. I ask any Member of this committee, if somebody's negligence caused them to have lung cancer, would they feel satisfied with a $25,000 award? I don't have to poll the other 99 Senators. I know it would be a resounding no. Don't do it to the victims of asbestos just because they do not serve in the Senate.

My chart underscores the fairness of the award value for asbestos-related lung cancer victims compared to compensation available in the tort system and under the proposal offered by Senator KENNEDY and myself during the committee markup.

The legislation we are considering today provides as little as $25,000 in compensation for victims suffering asbestos-related lung cancer. What a cruel joke on these lung cancer victims, especially those who are going to die within the next 2 years. What a cruel joke on their families who see this as the punishment because the breadwinner in their family went to work every day in one of these industries.

When there is smoking and asbestos combined, the likelihood of the resulting disease is greater than the sum of the parts.

Dr. Laura Welch is a well-respected medical expert who helped us craft medical criteria which was accepted by an overwhelming bipartisan majority in the committee. She said:

> Smoking and asbestos act in concert together to cause lung cancer, each multiplying the risk conferred by the other.

There is a synergistic relationship between asbestos exposure and smoking. Smokers who meet the bill's exposure requirements face a risk of lung cancer that is up to five times greater than smokers not exposed to asbestos. But they receive only $25,000 under this bill.

In other words, if you go to work at W.R. Grace or Halliburton or some of the other companies that are getting a real, real big deal under this bill, and they say, ''OK, guys and gals, you can take a 10-minute cigarette break,'' if they are foolish enough to do it, that combination of asbestos and smoking—at whatever company it might be; I picked W.R. Grace and Halliburton only because they benefit so greatly under the bill; others do, too—then their risk is much greater, and then they may have their awards reduced or even eliminated to repay any insurance carrier.

Now, that is a lot different than what happens now. Usually, under these programs, you do not have to repay your insurance carrier, you do not have to repay workman's compensation. Under the Radiation Exposure Compensation Act, you do not have to do that. Under the Energy Employees Occupational Illness Compensation Program Act, you do not have to do that. Under the Ricky Ray Hemophiliac Relief Fund Act, you do not have to do that.

But what bothers me is that when we made the medical criteria, we got a bipartisan consensus on the medical criteria. We did it in a way to guarantee that we were eliminating what were the most troublesome claims. We were setting a roadmap on which business and everybody else agreed. We all say we need to compensate the truly sick, but fair compensation is not free.

The Judiciary Committee's bipartisan agreement on medical criteria will be meaningless if the majority, in effect, rewrites the categories by failing to fairly compensate many who fall within them. You cannot come to the floor and say, look, you have Republicans and Democrats who came together and worked out the medical criteria that they are all very happy about—and we met with labor, and we met with businesses, and we met with insurers, we met with the victims themselves, and we worked out a fair medical criteria—and then come to the floor and say, see, we worked it all out. However, we made one little change. And what is the little change? The little change is to take away all the money or much of the money that was going to pay these victims.

If the award values are unfair, the bill will be unfair. And if the bill is unfair, it is unworthy of our support. In this case, with this partisan bill, it is unfair. It is unworthy of the support of Senators.

Since the first hearing, the hearing I held, we have had one bedrock principle: It has to be a balanced solution. Whatever solution we have, it has to be balanced. I cannot support a bill that gives inadequate compensation to victims. I will not adjust fair award values into some discounted amount just to make the final tally come within a predetermined and artificial limit. That is not fair, and I will not vote for a bill that is not fair. Remember, we are taking away people's most cherished right, the right of a jury trial. If we are going to do that, we cannot do it in a bill that is not fair.

Now, my friends on the other side of the aisle have insisted for months they will only support a bill that contains

funding with a goal of raising $109 billion over 24 years. But it is very clear from projections of future claims that this funding is inadequate to pay fair award values. You cannot have good legislation, successful legislation, fair legislation if it is based on a false promise. The promise we have to make is, if we are going to take away the rights of a jury trial to these victims, then we have to promise them fair compensation. This bill does not do that.

On the Judiciary Committee, we reported a bill that contained total funding of $153 billion. But this new partisan bill, introduced less than 2 weeks ago, contains mandatory funding of only $109 billion. All of a sudden, we have lost—we have lost—over $40 billion from the total funding approved by the Judiciary Committee under contingency funding amendments by Senators FEINSTEIN and KOHL.

Senator FEINSTEIN—she can speak for herself; she is in the Chamber—but she worked night and day on this issue to get a fair agreement. I do not know the number of times she buttonholed me at the committee or elsewhere, and every other Senator on both sides of the aisle, to reach an agreement; and she got it. That has been taken out.

Look at this chart. Is this fair? We reported a bill, which many questioned whether it had enough money, S. 1125, at $153 billion. Now it comes back and it is $109 billion. The first bill, many complained, did not have enough money; the current bill drops $44 billion out.

We also know there has to be adequate funding at the beginning of a national trust fund. Why? There are more than 300,000 asbestos claims in our current legal system, so you are going to have to have enough money in there to handle the claims that are going to be there on day 1 of this fund. However, this new bill actually provides less upfront funding than the bill reported by the Judiciary Committee.

It strikes what we passed in the committee, by bipartisan majorities, a commonsense requirement that directs insurers—who, after all, have billions of dollars sitting today in current asbestos reserves—to contribute their funding within the first 3 years of the fund because that is when most of the claims would come.

Another fundamental unfairness in this bill is it provides a corporate bailout for certain companies with serious asbestos liability.

Take a look at another chart. I ask if this is fair. The present value of Halliburton's asbestos liability is $4.8 billion. Under this bill, they would only pay $75 million a year to a national trust fund. The reason I mention this is Halliburton told their shareholders sometime ago they could handle this $4.8 billion, they could handle the amount of money set aside for their liability. They knew they were liable. They knew they would have to pay for it. They could set this money aside. In fact, when they thought they had a settlement of that amount, their stock actually went up.

But, lo and behold, by the time the Republican majority got the amount Halliburton would owe—the $4.8 billion—by the time our friends on the Republican side of the aisle got it, they only have to pay $1.2 billion. They saved $3.6 billion overnight. Not only that, they only had to pay it over 24 years. They are going to make that on the interest on their money. I am not even going to point out how much money they are making in profits in Iraq at the moment. I will leave that for another day. But they suddenly go from the $4.8 billion that basically they knew they were going to have to pay, and as soon as this Republican bill came up, it is down to $1.2 billion. No wonder Halliburton likes some of my friends on the other side of the aisle.

Let's take W.R. Grace, another good friend of some of my friends on the other side of the aisle. W.R. Grace was a company that was responsible for poisoning an entire community. Some of these companies only poison a few hundred or 200 or so of their employees when they come to work. They only poison a few hundred by hiding what they are doing. W.R. Grace goes big time, to quote one of the people they support.

W.R. Grace was responsible for poisoning an entire community, the whole community, whether you worked for them or not. They poisoned the whole community from its asbestos mining facilities in Libby, MT. W.R. Grace must love their Republican friends because while they had total asbestos liabilities of about $3.1 billion, under this bill they suddenly have to only make payments of $27 million over 24 years, which is pocket change for them. Instead of paying the $3.1 billion they are liable for today, they will pay only $424 million. No wonder they love Republicans. I mean, this is a walkaway.

And the irony is, with a straight face there are those who call this the FAIR Act. I am sure they probably call it the FAIR Act at the board of directors of W.R. Grace. I am sure they call it the FAIR Act at the board of Halliburton. But I can tell you, in the families where they see the breadwinner with the oxygen tank suffering, coughing up blood, suffering a horrible death, they don't call it the FAIR Act. They might call it the Halliburton Relief Act. They might call it the W.R. Grace Relief Act. They don't call it the FAIR Act.

As presently written, the FAIR Act would completely negate all legally binding settlement agreements between asbestos defendants and victims. It would take away their right to the courthouse. Even settlements that have already been partially paid, even those settlements—whether it is W.R. Grace or Halliburton, anybody else—where they have agreed they are liable, where they have started to make payments, all of a sudden comes the FAIR Act, and it is like Christmas in April because they can void those agreements even though they have been making payments.

In other words, if a victim agreed to take a settlement over a period of time from a defendant in return for dismissing the case, and even though that settlement agreement is an enforceable contract, the defendant, whether it is Halliburton or W.R. Grace or anybody else, gets the right to walk away.

Victims are actually punished under this legislation for agreeing to settlement terms proposed by asbestos defendants. Is that fair? Absolutely not.

In addition, the FAIR Act would retroactively extinguish all pending asbestos cases regardless of the stage in the litigation. The asbestos cases currently in trial or on the verge of trial would immediately be brought to a halt. Cases with jury verdicts or judgments would end, and all appeals would be suspended. Is that fair? No. It is not fair to the victims. It might be fair to W.R. Grace or Halliburton; it is not fair to the victims at home coughing out their lungs.

The partisan emphasis in this bill on behalf of the interests of the industrial and insurance companies involved, to the detriment of the victims, has predictably produced an imbalanced bill. This bill is a reflection of the priorities that went into it. Remember, many of us wanted to bring certitude to the companies, to bring fair compensation to the victims. Instead, this is totally skewed.

For us to succeed in reaching the consensus solution we sought for so long, a workable bill should fairly reflect and not discount the significant benefits that a fair solution would confer on the companies involved. A trust fund solution would offer these firms reasonable financial security. Even a casual glance at the way the stock values of these firms have closely tracked the Senate's work on this issue are enough to make it crystal clear.

I think forcing this new asbestos bill through the Senate would prove counterproductive, even fatal, to the legislative effort. The near party-line vote within the committee on the earlier bill was more of a setback than a step forward. Proceeding further without consensus would make it worse.

Many of us have worked very hard. Senator DASCHLE has worked extremely hard. Many of us have worked very hard for more than a year toward the goal of a consensus asbestos bill. This new partisan bill is especially saddening to me, and it is confounding. The obvious question that all of us, including those who brought this new bill to the floor, should be asking is, Does the partisan turn that the sponsors of this bill have taken help or hurt our efforts to produce and enact a consensus bill? I think the answer is clear.

Instead of writing a bill that will make Halliburton and W.R. Grace very happy with some in this partisan exercise, let's restart our work to achieve

the common ground needed to enact a good and fair law. That is the best way to move it forward. Remember, we are not legislating as an arm of Halliburton or W.R. Grace or a few others. We are legislating for the good of this country. The 100 of us represent 280 million Americans. We want to be fair. Let's represent them.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member for his comments, most of which—I think all of which I agree with.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes, of course.

Mr. HATCH. I ask unanimous consent that I be recognized immediately following the distinguished Senator from California.

Mr. REID. Reserving the right to object, does the distinguished chairman of the Judiciary Committee know approximately how long he might speak when he does get the floor?

Mr. HATCH. I think it would be less than a half hour.

Mr. REID. We want to let other people come and speak. So it does not matter how long he speaks, just so we have some general idea. I withdraw the reservation of objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, as a member of the Judiciary Committee who voted for the bill in committee and worked out two amendments that are substantial, I regretfully rise to urge my colleagues to vote no on cloture on the motion to proceed to this bill. In the course of my remarks, what I hope to do is indicate my reasons for opposing cloture and make some positive suggestions as to how to close the gap on the unresolved issues.

There are only two ways to get a bill on asbestos. I say this to everybody out there who has a legitimate concern and need for a bill. That is, one, unless the two leaders agree or, two, a bill that goes back to the Judiciary Committee and is worked out as a product of that committee's work.

Last July, nearly 9 months ago, the Judiciary Committee passed out a comprehensive asbestos bill. We deliberated and had hearings over several years.

The bill wasn't perfect, but it reflected a substantial step forward in crafting a legislative compromise. A few issues were unresolved. They were to be worked out by members in the intervening time. Since July, labor representatives, defendant companies, insurers, and others have engaged in multilateral negotiations, not only to settle these few unresolved issues, but to renegotiate the entire bill.

The legislation proposed by Senator HATCH, the distinguished chairman of our committee, and Senator FRIST, the distinguished majority leader, actually sets the debate backward by taking positions directly contradictory to the will of the majority of the Judiciary Committee. It is a substantially different bill that is on the Senate floor today than was the bill that I voted for in committee.

I don't believe the bill is ready for the floor and I hope to technically explain why. In fact, I have written the chairman of the Judiciary Committee requesting that the bill be returned to committee for future deliberations. We, the Senators serving on that committee, did do our job, and we should be allowed to finish that job and work through the issues necessary to forge a bill that can pass in this body.

Let me explain my concerns. Specifically, the bill Senator FRIST proposes to bring to the Senate floor eliminates a crucial startup amendment that guaranteed asbestos victims would continue to have their legal rights until the Trust Fund is fully operational. This was a major deletion. It will cost the Trust Fund an additional $5 billion.

Let me read to you from the CBO letter on that point, which is dated today and sent to Senator NICKLES. ''You''—meaning Senator NICKLES—''also requested that CBO explain the major differences between our cost estimates for S. 1125''—that is the bill that came out of committee—''and S. 2290''—that is the Hatch-Frist bill on the floor. ''On March 24, 2004, in a letter to Senator HATCH, CBO updated its October 2, 2003, cost estimate for S. 1125, principally to reflect new projections about the rate of future inflation, and it assumed a later enactment date for the bill. That letter explains that we now estimate enactment of S. 1125 at the end of fiscal year 2004 would result in claims payments totaling $123 billion over the lifetime of the asbestos fund (about 50 years).''

The bill that came out of committee was originally projected to cost $108 billion. An amendment I made put in a contingency reserve of $45 billion in case more money was needed. What this CBO letter shows is that money would, in fact, be needed. CBO's projections indicate that a $10 billion contingency fund would not be enough to cover the cost. That is major in scope.

The bill we are considering today would cost, according to CBO, $17 billion more than the Committee passed bill. Eleven billion of this increase comes from higher awards values.

Five billion of that $17 billion increase is due to the elimination of my startup amendment. Here is why it costs $5 billion. The startup amendment guarantees that asbestos victims would continue to have their legal rights until the Trust Fund is operational. In other words, they could go to court until the Trust Fund was fully operational. CBO estimates that the Fund would save $5 billion by allowing the private settlement of these claims during this start-up period. That is the implication of eliminating the Feinstein startup amendment made in the Judiciary Committee.

Secondly, the Hatch-Frist bill, as I have said, reduces the asbestos victims' trust fund's contingent reserve from $45 billion to $10 billion. The reason for the original $45 billion contingent reserve was to ensure the solvency of the Trust Fund if the estimates are wrong. If the reserve is not necessary, it is not used. But if it is necessary, it is there. I have already shown you by this CBO letter that it would likely be necessary. CBO predicts that the $108 billion bill we passed last July would actually costs $123 billion because of revised projections. Thus, at the get-go, CBO predicts the Trust would need an additional $15 billion, which is already greater than the $10 billion reserve in the new bill. So why pass a bill that, at its beginning, is not going to have adequate funds?

Thirdly, this bill wipes out final asbestos settlements and trial court judgments granting victims awards. This was one of the points that was left hanging when we passed it out of committee, and the members were supposed to get together and solve this. Well, the members—at least this member—didn't get together. But I gather a judge and one member did get together and, up to this point, there is no solution. The bill before us simply says to everybody that has a trial court judgment that that judgment is wiped out. That is wrong.

This bill also prevents individuals from returning to the tort system for 7 years after the administrator starts processing the claims, even if the trust fund goes bust in its first years of operation.

In contrast, the bill we passed out of committee said that if there is not adequate money, individuals could revert to the tort system at any time.

Now, I am not going to vote for cloture, but I recognize that 18.8 million U.S. workers were exposed to asbestos between 1940 and 1979. The best way to look at asbestos is tiny spears, smaller than grains of sand, that lodge in your lungs, guts, stomach, and, over a period of time, in your organs. It is bad stuff and it ought to be prohibited. This bill ought to prohibit it, for starters.

Our courts are overloaded with claims arising from these exposures. Individuals have brought more than a half million asbestos suits over the last 20 years against 8,400 companies. Approximately 71 companies have filed for bankruptcy due to asbestos lawsuits.

Moreover, the current system doesn't ensure compensation for the sickest victims. Currently, nonmalignant cases get 65 percent of the compensation awards, compared to 17 percent for mesothelioma, and 18 percent for other causes. That is wrong on its face.

As this tidal wave of asbestos cases goes forward, serious questions remain whether existing victims will ever receive the compensation they deserve. For example, because of the extraordinary influx of claims, the Manville trust is only paying 5 cents on the dollar.

So I am one who believes we need a comprehensive solution to the asbestos crisis so that victims who are truly sick get compensated in a timely and fair manner.

I recognize negotiations over the asbestos bill have proceeded at a pace that is satisfying no one, and to advance the debate, I would like to ask the Senate to consider the following core proposals, and let me mention what they are.

The fund must be fiscally prudent. Clearly, it has to have a contingent fund of more than $15 billion. Whether that fund is $20 billion or $25 billion or $30 billion, I think we need to go back in the Judiciary Committee and work the values versus the other provisions in the bill. I showed how eliminating my startup amendment cost the fund $5 billion. That is not my analysis. That is the CBO analysis.

Second, the risk of a delay in the start of a national asbestos trust fund should not be borne by asbestos victims. What do I mean by that? I pointed out the bill eliminates the startup I authored in committee that permitted asbestos claimants to pursue asbestos claims in court until the administrator of the trust fund certifies the fund is fully operational.

The reason this amendment is so necessary is to protect the legal rights of plaintiffs, and it should be restored. Without it, asbestos victims could be left without any recourse if there is a delay in starting up the fund. Under this bill, they cannot go to court. So if the money is not there right upfront or the money is short upfront, they are out in the cold.

The amendment I offered serves as a hammer to get defendant companies and insurers to cooperate with the new trust administrator. And for the third time, I point out, it saves $5 billion, according to the CBO.

I recognize the concern of some in the industry that asbestos claimants who are not yet ill will use the interim period to press a host of lawsuits against defendant companies. To address this, I would like to propose modifying the Feinstein amendment to allow a 6-month stay on asbestos claims upon enactment, except for those claimants facing life-threatening, asbestos-related illness. Thus, the stay would only apply to those who are not ill. I think that is a way out of the problem. For those who are ill, there would be no stay.

Thirdly, I would like to suggest if claims exceed projections and the trust runs out of money, plaintiffs should have immediate access to the tort system in both State and Federal court. The current proposal on the floor would prevent victims from filing claims for 7 years after the trust starts processing them, even if the trust expires in the first or second year of operation. We cannot leave victims in this kind of legal purgatory.

So to address legitimate concerns by defendant companies about forum shopping, I would also like to propose plaintiffs who return to court, if the trust fund collapses, would only be able to file as a member of a class or as an individual in State court jurisdictions where they were exposed or where they currently reside. This would handle the great bulk of forum shopping, if you think about it.

Fourth, I would like to suggest award values should have a sliding scale in order to reflect the individual circumstances of victims. The current asbestos bill applies a one-size-fits-all solution to asbestos awards. An 83-year-old asbestos victim without dependents and a 37-year-old single mother with three small children would both receive $1 million for mesothelioma under the bill, but if we look at the awards given by asbestos trusts, such as the Western MacArthur trust, individual circumstances are definitely taken into account.

For example, mesothelioma victims, under that trust, can receive between $52,000 and $4 million, with an average value of $524,000 in this particular Western MacArthur trust. This sliding scale brings fairness to individual victims' awards. It works in this trust.

I have talked with the managers of the trust. They believe this half-a-million-dollar average takes care of the younger victims and balances that in a fair way against older victims.

Fifth, award values for the trust should be set in a way that prioritizes compensation for the sickest victims whose illnesses can clearly be traced to asbestos. This is the hobgoblin of this whole thing. All of the companies I have spoken to are concerned the trust will be abused, and it will be abused in this way: that smokers would have access without the defined connection to asbestos. Specifically, I think we should not allow the asbestos trust fund to be overwhelmed by smoking claims. This is a deep and valid concern.

In the committee-passed bill—and I want to speak to it—awards in category 7 of the medical values raise the largest specter of uncertainty in terms of smoking claims. This category grants awards to smokers with lung cancer with 15 years of weighted exposure to asbestos but no obvious evidence of asbestos disease, such as pleural plaques or asbestosis.

To prevent these claims from overwhelming the trust resources, I propose title VII, smoking cases, revert to the tort system, both State and Federal court, if the administrator determines at the year-end review that the incidence rates of those smoking claims will exceed projections by greater than 50 percent.

Why do I say that? The tort system historically has been able to handle those cases. So it seems to me if there is a smoking case and it shows neither the evidence of asbestos disease, such as pleural plaques or asbestosis, let a court make that decision. This would deter smokers from misusing the trust fund for illnesses caused by smoking rather than asbestos.

This is the most difficult part of the bill. In all of the medical values and all of the hearings and the medical testimony we heard back and forth, it is clear there is a difficult line of definition here, and that is why the trust fund, which is supposed to be a kind of no-fault fund where a medical valuation can be made quickly and scientifically, may not always be able to make that valuation.

So if the fund is going to be overburdened by smoking cases and the administrator at the end of the year says, Look, we are not going to be able to make next year, he can then file in that year-end review with the Congress the request that those cases go to court.

We would give him that authority. I believe this is a solution to that problem. I am not wed to it, but to my knowledge it is the only one that anyone has come up with so far.

Six, a fair asbestos bill must exempt from the trust fund final settlements as well as trial court verdicts that compensate victims. The Hatch-Frist bill fails to do this. Specifically, the bill would overturn any final settlement that ''requires future performance by any party.'' Thus, if an individual received a $½ million award 5 years ago to be paid in 10 annual installments, this bill would wipe out the last 5 installments.

Of equal concern, the Hatch-Frist bill would wipe out lawsuits unless they were ''no longer subject to any appeal or judicial review before the day of enactment of the act.'' In other words, this bill would erase any trial verdict favorable to plaintiffs still on appeal.

We should not undermine a litigant's reasonable expectation that he or she can pursue a favorable trial court verdict to its conclusion.

I am also concerned the bill would overturn the final bankruptcy settlements that have formed the $2.1 billion Western Mac Arthur trust. Award recipients of Western Mac Arthur, 90 percent of whom are Californians, include 8,000 claimants who will be paid hundreds of millions of dollars in a very few weeks. The Mac Arthur trust has also set aside funds for 30,000 future claimants. All of this money is taken by this bill and put in the national fund. So this final bankruptcy trust is totally wiped out and 8,000 individuals who are going to be paid in a matter of weeks lose their settlements. It is just not right.

Unlike some other settlements, the Mac Arthur trust places priorities on the sickest patients. A minimum of 80 percent of the awards paid out under the trust goes to asbestos cancer victims. These awards will be based on historical rates of asbestosis awards in California, which are higher than the rest of the nation.

According to attorneys involved with the Mac Arthur trust, almost every present claimant expecting payment

under the Mac Arthur trust will do worse under the Hatch bill than under the trust because of the Hatch bill's requirement that collateral sources of compensation be subtracted from any award.

Remember, this trust is not the only defendant for many of these plaintiffs. Many of the claimants have cases against other defendants and those are all wiped out as well.

Now, I have policy concerns about wiping out the settlements and the fairness, but it is an open question as to whether such a transfer of assets is constitutional. Let me speak about that for a moment. Legal scholars such as Harvard law professor Elizabeth Warren have argued that the bill's expropriation of money from settlement trusts would violate the takings clause of the U.S. Constitution, which prohibits the taking of ''private property . . . for public use, without just compensation.''

Specifically, there are a number of individuals with a confirmed court order allocating money to them who will have these awards taken away without receiving comparable compensation from the national trust fund. If I have ever heard of a takings case, that is it.

Additionally, the Mac Arthur trust, which is an independent legal entity in its own right, may have a takings claim if its assets are transferred to a national fund without receiving comparable assets in return.

Renowned legal scholar Laurence Tribe takes an opposing view and argues that the conversion of trust assets would be constitutionally permissible. The ultimate outcome of this debate is unknown. But it is clear that the trustees managing the Fuller-Austin and other asbestos trusts have indicated they will file constitutional challenges against the proposed legislation as soon as it is enacted unless changes are made.

I will read from a letter dated July 2, 2003, to me from the Fuller-Austin asbestos settlement trust:

> Passage of this legislation undoubtedly will set-off a firestorm of litigation challenging its constitutionality. The Trustees' present view is that their mandates under the Fuller-Austin Trust agreement and the Fuller-Austin plan of reorganization would require them to file litigation to challenge the taking of the Trust's assets and the violation of the rights of its claimants. Other existing trusts doubtless will reach the same conclusion. The resulting litigation will likely take years to resolve. In addition, it will take years to establish the claims handling facility mandated by the bill and for that entity to become operational.

We have $4 billion in this fund from bankruptcy trusts, and $2.1 billion additional dollars from the Western Mac Arthur trust. So that tells us something about how this bill is going to start up and whether the money is actually going to be there to pay the people.

In this bill, the people lose their right to go to court. It is a little bit diabolical if one thinks about it for a few minutes. That is why the startup amendment I offered in committee was so important, because it said nothing begins until the fund has its money and is operational. Therefore, those people had recourse. Once the start-up amendment was taken out, they had no recourse, and the CBO report says that is a $5 billion cost item right off the top.

Now, I offer the principles as a basis for compromise on this legislation. I offer this as one who sat through the hearings and the medical testimony and committee debates and participated in bipartisan amendments offered on the bill.

Thanks to Goldman Sachs, we ran numbers after numbers and Goldman Sachs has been good enough to run another set of numbers for me. We have changed some of the values to try to meet some of the concerns. I have those numbers with me.

I ask unanimous consent that the Fuller-Austin asbestos settlement letter to me dated July 2 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FULLER-AUSTIN ASBESTOS SETTLEMENT TRUST,
Greenville, TX, July 2, 2003.

Hon. Senator DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

Re: S. 1125, The Fairness In Asbestos Injury Resolution Act Of 2003

DEAR SENATOR FEINSTEIN: The Fuller-Austin Asbestos Settlement Trust (the ''Fuller-Austin Trust'') was established in December 1998 by order of the United States District Court for the District of Delaware (the ''Court'') in connection with the confirmation of the Chapter 11 plan of reorganization of Fuller-Austin Insulation Company (''Fuller-Austin''). The purpose of the Fuller-Austin Trust is to review and pay allowed asbestos claims of individuals who were exposed to asbestos-containing materials sold, distributed, installed or removed by Fuller-Austin Insulation Company. Pursuant to the plan of reorganization, the Fuller-Austin Trust was funded with limited cash and other assets and received the right to the proceeds of insurance policies that covered Fuller-Austin's asbestos liabilities. The purpose of this letter is to express the concerns of the Trustees regarding the application of Senate bill 1125 to the Trust.

The Trustees, pursuant to Section 524(g) of the Bankruptcy Code, are mandated to provide fair and equitable treatment to all beneficiaries of the Fuller-Austin Trust over the expected claims period, which is anticipated to be the next 35 to 40 years. These are beneficiaries who must provide proof of their asbestos-related illness and exposure at one of approximately 360 sites where Fuller-Austin worked from 1947 through 1986. There is a finite amount of funding available to the Fuller-Austin Trust to fund its current and anticipated future liability to claimants. The claims procedures for the Trust, as approved by the Court, require the Trustees to make provision for equivalent treatment for present known claimants and the currently unknown claimants who will make claims in the future as their asbestos-related diseases are diagnosed. This requires a careful analysis and balancing by the Trustees to assure the long-term solvency of the Fuller-Austin Trust to meet the anticipated claims. In addition to the trustees, there is a Trust Advisor, whose mandate is to provide advice and consent to the Trustees with respect to issues regarding present, known claimants, and a legal Representative, whose mandate is to provide advice and consent to the Trustees with respect to issues regarding currently unknown claimants, including safeguarding their rights to equivalent treatment.

Since 1998, the Trustees have managed the Trust's small base of liquid assets to pay a small percentage of the allowed liquidated value of allowed claims and to cover the cost of insurance coverage litigation to pursue the major asset of the trust—the insurance available to Fuller-Austin to fund its asbestos liabilities. The litigation has been active since 1994. A second phase followed in September 2001, and a jury trial (the final phase) was just completed in May 2003. The litigation resulted in (i) settlements with nine insurers for approximately $200 million, some to be paid over the next few years, and (ii) a $188 million jury verdict against the remaining insurers in favor of Fuller-Austin on May 6, 2003. As a result of the settlements, the Trustees have increased the percentage of payments for each established disease value paid to holders of valid asbestos claims. The claims facility that receives, reviews, determines and pays these claims has been fully operational since August 2001.

Senate Bill 1125 presents the Trustees with several conflicts. First, the proposed law would take away the cash, property and insurance assets that were dedicated or transferred to the Fuller-Austin Trust pursuant to the Fuller-Austin plan of reorganization confirmed by the Court, undermining the orders of the Court. It would take away the assets in the form of settlements and verdicts the Trustees carefully have fought to muster for the beneficiaries of the Fuller-Austin Trust. The foreign insurers that are now the subject of a jury verdict, will argue that they now escape all liability under the proposed law, avoiding their contractual obligations as affirmed by the verdict of a dedicated jury, who spent more than eleven weeks hearing and deciding the Fuller-Austin case. Fuller-Austin's insurers used and abused the court system for nine years to delay paying their obligations under the policies they issued. The proposed law would reward that behavior. In return, the proposed law cannot provide any assurances when the national fund will be in a position to begin paying claims or what those payments will be, and it cannot provide any assurances that the national fund will be solvent and able to provide equivalent benefits to future claimants when their claims are asserted.

Second, passage of this legislation undoubtedly will set-off a firestorm of litigation challenging its constitutionality. The Trustees' present view is that their mandates under the Fuller-Austin Trust agreement and the Fuller-Austin plan of reorganization would require them to file litigation to challenge the taking of the Trust's assets and the violation of the rights of its claimants. Other existing trusts doubtless will reach the same conclusion. The resulting litigation will likely take years to resolve. In addition, it will take years to establish the claims handling facility mandated by the bill and for that entity to become operational. Finally, the limited annual funding provided by the bill will result in the need for years of build-up in the fund before current claim obligations can be paid. In the meantime, the beneficiaries of the Fuller-Austin Trust, many of whom gave up valuable rights in the tort system in exchange for the promised certainty of being paid by the Trust, would not be paid. Many would die before payments began from the federal fund and many more would not have funding for

much-needed medical care over the next few years. Please remember that most of our beneficiaries are senior citizens, and a delay of a few years could be critical.

The Trustees realize that many oppose the bill on a number of grounds, including constitutional challenges and concerns as basic as that the proposed funding levels will be insufficient to pay expected claims over the life of the trust. However, if the Committee decides to approve the bill, the Fuller-Austin Trust urges that existing asbestos trusts be exempted from the legislation or at least given the option not to participate. As a solution to (i) the issue that the proposal would take away the rights of beneficiaries of trusts established by court order under confirmed plans of reorganization and (ii) the funding crisis that would result for many present and future asbestos claimants, we suggest that existing trusts be allowed the option of continuing to function as intended and funded, leaving in place the obligations of the insurers to fund existing policies, settlements and judgments.

While we personally have concerns about the constitutional issues, the proposed funding levels for the trust, the medical criteria to be utilized, the award values and the potential windfall to certain insurers, our primary concern is to be able to continue to meet our mandate using funds and assets provided by Fuller-Austin's court-approved plan of reorganization through its fully operational trust and claims processing facility. The Fuller-Austin Trust is currently receiving, reviewing, determining and paying valid asbestos claims that meet the requirements of the procedures established by its plan. Senate Bill 1125 would completely derail this efficient and effective process to the extreme detriment of the beneficiaries of the Fuller-Austin Trust. In an effort to find a global solution to the asbestos litigation problem, pleas do not ignore the workable solutions already confirmed, in place and funded in the form of the existing trusts.

Sincerely yours,

ANNE M. FERRAZZI,
Trustee.
W.D. HILTON, Jr.,
Managing Trustee.
MARK A. PETERSON,
Trustee.

Mrs. FEINSTEIN. I also ask unanimous consent that the CBO report dated as of today to Senator DON NICKLES also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, CBO has prepared a cost estimate for S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004, as introduced on April 7, 2004. The bill would establish the Asbestos Injury Claims Resolution Fund (Asbestos Fund) to provide compensation to individuals whose health has been impaired by exposure to asbestos. The fund would be financed by levying assessments on certain firms. Based on a review of the major provisions of the bill, CBO estimates that enacting S. 2290 would result in direct spending of $71 billion for claims payments over the 2005–2014 period and additional revenues of $57 billion over the same period. Including outlays for administrative costs and investment transactions of the Asbestos Fund, CBO estimates that operations of the fund would increase budget deficits by $13 billion over the 10-year period. The estimated net budgetary impact of the legislation is shown in Table 1.

S. 2290 contains both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate direct cost of complying with the intergovernmental mandates in S. 2290 would be small and would fall well below the annual threshold ($60 million in 2004, adjusted annually for inflation) established in UMRA. CBO also estimates that the aggregate direct cost of complying with the private-sector mandates in S. 2290 would well exceed the annual threshold established in UMRA ($120 million in 2004 for the private sector, adjusted annually for inflation) during each of the first five years those mandates would be in effect.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 2290

	By fiscal year, in billions of dollars—									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Claims and administrative expenditures of the Asbestos Fund:										
Estimated budget authority	*	18.5	12.8	12.9	5.3	5.3	5.3	5.2	5.0	4.9
Estimated outlays	*	7.5	10.7	14.6	9.8	7.6	5.3	5.3	5.2	5.0
Investment transactions of the Asbestos Fund:										
Estimated budget authority	5.4	2.0	−4.8	−3.3	0	0	0	0	0	0
Estimated outlays	5.4	2.0	−4.8	−3.3	0	0	0	0	0	0
Total direct spending:										
Estimated budget authority	5.4	20.6	8.0	9.6	5.3	5.3	5.3	5.2	5.0	4.9
Estimated outlays	5.4	9.5	5.9	11.3	9.8	7.6	5.3	5.3	5.2	5.0
CHANGES IN REVENUES										
Collected from bankruptcy trusts [1]	1.0	0	0	4.6	0	0	0	0	0	0
Collected from defendant firms	3.3	2.8	2.8	2.8	2.7	2.7	2.7	2.7	2.7	2.6
Collected from insurers	2.7	7.5	2.2	1.6	1.6	1.6	1.6	1.6	1.6	1.6
Total revenues	7.0	10.3	5.0	9.0	4.4	4.3	4.3	4.3	4.3	4.3
Estimated net increase or decrease (−) in the deficit from changes in revenues and direct spending	−1.5	−0.8	1.0	2.3	5.5	3.2	1.0	1.0	0.9	0.8

[1] Cash and financial assets of the bankruptcy trusts have an estimated value of about $5 billion. The federal budget would record the cash value of the noncash assets as revenues when they are liquidated by the fund's administrator to pay claims.

Notes.—Numbers in the table may not add up to totals because of rounding. * = less than $50 million. CBO estimates that by 2014 the Asbestos Fund under S. 2290 would have a cumulative debt of around $15 billion. Borrowed funds would be used during this period to pay claims and would later be repaid from future revenue collections of the fund. We estimate that interest costs over that period would exceed $2.5 billion, and CBO's projections of the fund's balances reflect those costs. However, they are not shown in this table as part of the budgetary impact of S. 2290 because debt service costs incurred by the government are not included in cost estimates for individual pieces of legislation.

Major provisions

Under S. 2290, a fund administrator would manage the collection of federal assessments on certain companies that have made expenditures for asbestos injury litigation prior to enactment of the legislation. Claims by private individuals would be processed and evaluated by the fund and awarded compensation as specified in the bill. The administrator would be authorized to invest surplus funds and to borrow from the Treasury or the public—under certain conditions—to meet cash demands for compensation payments. Finally, the bill contains provisions for ending the fund's operations if revenues are determined to be insufficient to meet its obligations.

S. 2290 is similar in many ways to S. 1125. A more detailed discussion of the fund's operations and the basis for CBO's estimates of the cost of compensation under these bills is provided in our cost estimate for S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003, which was transmitted to the Senate Judiciary Committee on October 2, 2003.

Budgetary impact after 2014

CBO estimates that S. 2290 would require defendant firms, insurance companies, and asbestos bankruptcy trusts to pay a maximum of about $118 billion to the Asbestos Fund over the 2005–2031 period. Such collections would be recorded on the budget as revenues.

We estimate that, under S. 2290, the fund would face eligible claims totaling about $140 billion over the next 50 years. That projection is based on CBO's estimate of the number of pending and future asbestos claims by type of disease that would be filed with the Asbestos Fund, as presented in our cost estimate for S. 1125. While the projected number of claims remains the same, differences between the two bills result in higher projected claims payments under S. 2290. The composition of those claims and a summary of the resulting costs is displayed in Table 2.

Although CBO estimates that the Asbestos Fund would pay more for claims over the 2005–2014 period than it would collect in revenues, we expect that the administrator of the fund could use the borrowing authority authorized by S. 2290 to continue operations for several years after 2014. Within certain limits, the fund's administrator would be authorized to borrow funds to continue to make payments to asbestos claimants, provided that forecasted revenues are sufficient to retire any debt incurred and pay resolved claims. based on our estimate of the bill's likely long-term cost and the revenues likely to be collected from defendant firms, insurance companies, and certain asbestos bankruptcy trust funds, we anticipate that the sunset provisions in section 405(f) would have to be implemented by the Asbestos Fund's administrator before all future claimants are paid. Those provisions would allow the administrator to continue to collect revenues but to stop accepting claims for resolution. In that event, and under certain other conditions, such claimants could pursue asbestos claims in U.S. district courts.

TABLE 2.—SUMMARY OF ESTIMATED ASBESTOS CLAIMS AND AWARDS UNDER S. 2290

[Dollars in billions]

	Initial 10-year period		Life of fund	
	Number of claims	Cost	Number of claims	Cost of claims
Claims for malignant conditions	59,000	$36	127,000	$82
Claims for nonmalignant conditions	627,000	17	1,230,000	36
Pending claims	300,000	22	300,000	22
Total	986,000	75	1,657,000	140

Major differences in the estimated costs of claims under S. 1125 and S. 2290

You also requested that CBO explain the major differences between our cost estimates for S. 1125 and S. 2290. On March 24, 2004, in a letter to Senator Hatch, CBO updated its October 2, 2003, cost estimate for S. 1125, principally to reflect new projections about the rate of future inflation and an assumed later enactment date for the bill. That letter explains that we now estimate enactment of S. 1125 at the end of fiscal year 2004 would result in claims payments totaling $123 billion over the lifetime of the Asbestos Fund (about 50 years).

Three factors account for the difference between the estimated cost of claims under S. 1125 and that under S. 2290 (see Table 3):

The award values specified in S. 2290 are higher for certain types of diseases. That difference would add about $11 billion to the cost of claims, CBO estimates.

Under S. 2290, most asbestos claims could not be settled privately once the bill is enacted. In contrast, under S. 1125, asbestos claims could continue to be settled by private parties between the date of enactment and the date when the Asbestos Fund is fully implemented; defendant firms could credit any payments made during that period against required future payments to the fund. Consequently, CBO estimates that the fund created by S. 2290 would face about $5 billion in claims that, under S. 1125, we anticipate would be settled privately.

S. 2290 specifies that administrative expenses of the program would be paid from the fund. Under S. 1125, in contrast, administrative costs would be appropriated from the general funds of the Treasury. That difference would increase costs to the fund by about $1 billion over its lifetime.

In the limited time available to prepare this estimate, CBO has not evaluated the differences between the two bills in administrative procedures. Under S. 2290, the Asbestos Fund would be operated by the Department of Labor rather than the U.S. Court of Federal Claims. This and other differences between the two bills could affect the cost of administration, the timing and volume of claims reviewed, and the rate of approval for claims payments.

TABLE 3.—DIFFERENCES IN ESTIMATED CLAIMS AGAINST THE ASBESTOS FUND UNDER S. 1125 AND S. 2290

	In billions of dollars
Estimated cost of asbestos claims under S. 1125:	123
Added costs due to higher award values under S. 2290	11
Additional claims not privately settled after enactment under S. 2290	5
Administrative costs under S. 2290 [1]	1
Total estimated claims against the fund under S. 2290	140

[1] Under S. 1125 administrative costs would be appropriated from the general fund of the Treasury.

Major differences in estimated revenue collections under S. 1125 and S. 2290

CBO estimates that the Asbestos Fund under S. 2290 would be limited to revenue collections of about $118 billion over its lifetime, including contingent collections. CBO has not estimated the maximum amount of collections that could be obtained under S. 1125, but they could be greater than $118 billion under certain conditions. In our cost estimate for S. 1125, we concluded that revenue collections and interest earnings were likely to be sufficient to pay the estimated cost of claims under that bill. That is not the case for S. 2290.

Over the first 10 years of operations, we estimate that revenue collections under S. 1125 would exceed those under S. 2290 by $7 billion. Thus, under S. 2290 we estimate that there would be little interest earnings on surplus funds and that the Asbestos Fund would need to borrow against future revenues to continue to pay claims during the first 10 years of operations.

Estimates of the cost of resolving asbestos claims are uncertain

Any budgetary projection over a 50-year period must be used cautiously, and as we discussed in our analysis of S. 1125, estimates of the long-term costs of asbestos claims likely to be presented to a new federal fund for resolution are highly uncertain. Available data on illnesses caused by asbestos are of limited value. There is no existing compensation system or fund for asbestos victims that is identical to the system that would be established under S. 1125 or S. 2290 in terms of application procedures and requirements, medical criteria for award determination, and the amount of award values. The costs would depend heavily on how the criteria would be interpreted and implemented. In addition, the scope of the proposed fund under this legislation would be larger than existing (or previous) private or federal compensation systems. In short, it is difficult to predict how the legislation might operate over 50 years until the administrative structure is established and its operations can be studied.

One area in which the potential costs are particularly uncertain is the number of applicants who will present evidence sufficient to obtain a compensation award for nonmalignant injuries. CBO estimates that about 15 percent of individuals with nonmalignant medical conditions due to asbestos exposure would qualify for awards under the medical criteria and administrative procedures specified in the legislation. The remaining 85 percent of such individuals would receive payments from the fund to monitor their future medical condition. If that projection were too high or too low by only 5 percentage points, the lifetime cost to the Asbestos Fund could change by $10 billion. Small changes in other assumptions—including such routine variables as the future inflation rate—could also have a significant impact on long-term costs.

Intergovernmental and private-sector mandates

S. 2290 would impose an intergovernmental mandate that would preempt state laws relating to asbestos claims and prevent state courts from ruling on those cases. In addition, the bill contains private-sector mandates that would:

Prohibit individuals from bringing or maintaining a civil action alleging injury due to asbestos exposure;

Require defendant companies and certain insurance companies to pay annual assessments to the Asbestos Fund;

Require asbestos settlement trusts to transfer their assets to the Asbestos Fund;

Prohibit persons from manufacturing, processing, or distributing in commerce certain products containing asbestos; and

Prohibit certain health insurers from denying or terminating coverage or altering any terms of coverage of a claimant or beneficiary on account of participating in the bill's medical monitoring program or as a result of information discovered through such medical monitoring.

S. 2290 contains one provision that would be both an intergovernmental and private-sector mandate as defined in UMRA. That provision would provide the fund's administrator with the power to subpoena testimony and evidence, which is an enforceable duty.

CBO estimates that the aggregate direct cost of complying with the intergovernmental mandates in S. 2290 would be small and would fall well below the annual threshold ($60 million in 2004, adjusted annually for inflation) established in UMRA. CBO also estimates that the aggregate direct cost of complying with the private sector mandates in S. 2290 would well exceed the annual threshold established in UMRA ($120 million in 2004 for the private sector, adjusted annually for inflation) during each of the first five years those mandates would be in effect.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for federal costs, who can be reached at 226–2860, Melissa Merrell (for the impact on state, local, and tribal governments), who can be reached at 225–3220, and Paige Piper/Bach (for the impact on the private sector), who can be reached at 226–2960.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Mrs. FEINSTEIN. Where we have made some changes—and I would suggest them—is in the second class, raising the Hatch-Frist values from $20,000 to $25,000; in class III, raising the values for asbestosis/pleural disease B from $85,000 to $100,000; in class VI, other cancers, going from $150,000 to $200,000; in class VII, giving nonsmokers with 15 years weighted exposure a range of $225,000 to $650,000—that is $50,000 more than in the Hatch-Frist proposal; in class VIII, lung cancer with pleural disease, giving nonsmokers a range of $600,000 to $1.1 million—a $100,000 increase; in class IX, giving nonsmokers a range of $800,000 to $1.1 million a $100,000 increase; and for mesothelioma, the last category, a $1.1 million average award on a sliding scale.

These numbers have been run by Goldman Sachs. They total $123.6 billion, as opposed to the $114.4 estimated for the Hatch-Frist proposal.

Because I have not been party directly to any of the discussion, regretfully, the only way I can get my views through, it appears, is through the floor of the Senate. I believe this is much more fair to nonsmokers and I believe the methodology of giving the trust administrator the ability that, if nonsmoker cases rise above a certain percent in the next year, at the end of the previous year the administrator be given the power to put all of those cases into the tort system which will not only act as a deterrent, but will also provide the ability to fund this.

One other point I want to make before I yield the floor has to do with the CBO letter. The CBO letter, in addition to the additional $5 billion that removing my startup amendment would cost the fund, also points out the bill on the floor is different from the bill we passed out of committee because in the

bill we passed out of committee, administrative costs would be appropriated from the general funds of the Treasury. That difference increases costs to the fund $1 billion over its lifetime.

So those are the reasons why CBO determined that the Hatch-Frist bill will cost $17 billion more than the Committee-passed bill.

By way of conclusion, I would very much hope this bill will go back to the Judiciary Committee. I very much hope all members of the Judiciary Committee would have input into this bill. Or a bill should be negotiated between the two leaders, so it is bipartisan. There is no way I see a bill being written in private passing this body. Too many of us have put in too much time to try to get a fair solution to let that happen.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

Mr. DODD. Will the Senator from Utah yield for 1 minute?

Mr. HATCH. I am delighted to yield.

Mr. DODD. I commend the Senator from California for her statement and comments. She has been deeply involved in this effort, as have many of us over the last number of months, if not years. She has made a very comprehensive set of suggestions, to which I think our colleagues want to pay serious attention. I know my colleague from Utah will. He is a fairminded individual who cares deeply about this legislation as well. But I commend her for her comments.

Mrs. FEINSTEIN. Thank you very much.

Mr. DODD. At an appropriate time, I say to the distinguished chairman of the committee, I will ask unanimous consent that following the remarks of the Senator I may have some time, too. I don't know what the order is, but is such a request appropriate, Mr. President?

The PRESIDING OFFICER. The Senator can seek consent.

Mr. DODD. I ask unanimous consent at the conclusion of the remarks by the chairman of the Judiciary Committee, the Senator from Utah, that the Senator from Connecticut be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I listened to the distinguished Democratic leader on the Judiciary Committee, Senator LEAHY. He made a number of statements I feel need to be corrected. I know he sincerely made them. I am not trying to disparage him in any way, but he has made the same mistake I think the minority leader made this morning, that only $25,000 is given to these people who are heavy smokers, who have no sign of asbestosis, no markers, no signs on their X-rays, where we have $25,000 to $75,000 for these people, even though in all likelihood their maladies have come from their smoking.

If smoking and asbestos work in concert, together, why don't any of the bankruptcy trusts pay any money for lung cancer claims that do not present any markers or impairment at all? They do not.

Here we are giving $25,000 to $75,000 for complaints that get absolutely zero in court. Why are these same claims almost always met with a defense verdict in the tort system? Even the tort system, as out of whack as it is, will not give these people money. Yet we do. You would think it was a crime that it is not more. That is typical of the arguments on the other side. You will never have enough money here to satisfy some on the other side no matter what you do. What we are trying to do is resolve this problem so the country can go forward, so these businesses don't all go belly up, so the jobs are not lost, pensions are not lost, and so people can get money without paying 60 percent of the recoveries to attorneys and for transaction fees.

By the time you add the defense attorneys' costs, the plaintiffs' attorneys' contingent fees, and the transaction costs, it is 60 percent of every dime that is raised in these horrendous court decisions that are paying people who are not sick to the exclusion of people who are. This bill solves that problem.

Isn't it true this bill pays up to $1 million to lung cancer claims where there is more certainty it was caused by asbestos exposure? The fact is, it is true. That is $1 million some of these—a lot of these people will never get under the current tort system. But a lot of people who have never suffered 1 day of impairment in these jurisdictions I have been talking about will wind up with millions of undeserved dollars because this system is out of whack.

I am getting a little sick and tired of hearing my colleagues blast Halliburton. There is only one reason they do that. That is because, even though he has nothing to do with it, even though he has long been gone from it, even though everything he has had to do with it has been finalized and closed, the Vice President used to work for Halliburton. It gets old. I mean it is cheap shots, there is no question about it. Frankly, let me say I have to respond to the dubious argument that Halliburton is gaining a windfall by this fund. Anybody who believes that should call them and ask how they feel about this fund. The truth is they may actually be better off by not having this legislation.

Even some personal injury lawyers involved in the settlement with Halliburton believe that is the case, that they are better off not being part of raising the $124 billion.

The truth has not stopped some of my colleagues from making exaggerated statements about this bill. I suppose it is no surprise that when they get the chance to take a shot, truthful or not, at their favorite whipping boy, they are not going to pass it up. That is what they do—as if all big businesses are bad and all big businesses screw their employees and all big businesses are out to hurt the economy.

Let me state for the record how this bill compares to the Halliburton settlement. The conditional settlement reached with the plaintiffs' lawyers is just over $4 billion. There is a conditional settlement that Halliburton entered into that is a little over $4 billion. Only $2.7 billion of that amount is cash. Of this $2.7 billion, about $2.3 billion may be recovered by Halliburton from insurers. The remaining amount of the settlement, about $1.3 billion, involves issuing shares of stock. If the legislation is adopted, it seems likely the stock value will increase so that any dilution of stock values in the short run will be offset by medium- and long-term capital gains. So the actual cost to Halliburton is not the $4 billion they throw in, which some of my colleagues claim.

We understand the firm believes recoveries from insurers in issuing new stock—two elements that those who argue this is a bailout always neglect to mention—will act together to create an actual out-of-pocket liability to the firm of less than $1 billion.

How does their fund liability compare? As a tier 1 company in this bill, under the fund they would pay $86.5 million per year. The total nominal value of their liability under the fund would be just short of $2 billion. This is a bailout? It is a lot more than they would have to pay under their settlement. I hesitate to even say this in the Senate because if I were with Halliburton, I would take care of the settlement, the heck with this. But it would take some real effective money away from this trust fund. Halliburton is not the only one.

Again, it appears some of my colleagues are not interested in hearing details such as these. They would rather confuse the facts and do anything they can to make sure the personal injury lawyers who support them do not lose out on their more than $60 billion of projected fees—just from asbestos litigation—if this bill is not passed.

No wonder they can afford to run these stupid ads all over America, acting as if they are fighting for little individual people. Give me a break. The fact is, everybody in this body knows there is a tremendous rip-off of a lot of people who have suffered from mesothelioma and other related asbestos diseases who are not going to get anything, or will get relatively nothing, if this bill does not pass.

Now, we are faced today with a historic opportunity to right a serious wrong being committed against victims of asbestos exposure, as well as the thousands of companies and individuals who stand to lose out in terms of potential bankruptcies, loss of jobs, loss of pensions, under today's downright irrational system of compensation under our current tort system.

For more than 20 years, our compensation of legitimate asbestos victims has been unacceptably diminished and delayed. It has become quite evident to the Judiciary Committee that tens of thousands of true asbestos victims, including their families, are faced with agonizing pain and suffering, with uncertain prospects of any meaningful recovery in the existing tort system.

These inequitable results are particularly troubling when viewed against the reality that large dose exposures to asbestos, associated with asbestos-related diseases, ended in the 1970s. That is when they ended. Asbestosis is considered by many as a ''disappearing disease.'' These victims are left with little to nothing because, among other things, precious resources are being diverted toward the defense and payment of a massive influx of asbestos claims brought largely by a group of overzealous personal injury lawyers on behalf of these many unimpaired plaintiffs, people who have never suffered from anything to do with asbestos.

Cardozo law school professor, Lester Brickman, found that more than 80 percent of claims made in recent years and 90 percent at present do not involve a medically recognizable injury. You wonder what is going on. That would not happen but for courts that literally are not abiding by the law, where judges are bought by trial lawyers, and where they are totally plaintiffs oriented and the jurors come from areas where it is not their money, so they will put up any amount of money for people who are not even injured.

In other words, a great majority of asbestos lawsuits today are brought by those who are not even sick. These claimants show lung conditions similar to the general population, including that of individuals with absolutely no asbestos exposure at all.

To put the asbestos litigation problem in perspective, I will share the story of Mary Lou Keener, the daughter of an asbestos victim, who has spoken out in support of this legislation. Mary Lou knows all too well how the current asbestos crises has failed some of our Nation's true patriots, our veterans.

Mary Lou Keener's father served in the engine rooms of the USS *Mayrant, Lindsey,* and *Columbus* in World War II in the Pacific. Both the *Mayrant* and *Lindsey* suffered serious damage from enemy attacks. Mary Lou's father had the dangerous assignment of helping to bring these crippled ships back to port, spending months fighting to keep them afloat, and beginning massive repair work while they were still at sea. He then spent months at the shipyard helping to finish the repairs.

What Mary Lou's father did not know was that the countless hours spent in the engine rooms and boilers would cost him his life. The same is true of thousands of veterans like him. These ships, like almost every vessel in our fleet at the time, contained massive amounts of asbestos. Every moment he spent working to return these ships to battle, breathing the contaminated dust and debris, worsened his condition and guaranteed that he would never ever be able to recover.

Not surprisingly, he developed mesothelioma, ultimately succumbing to this horrible, painful, and deadly disease on—guess what—Veterans Day, 2001.

Mary Lou's father was more fortunate in one way than many veterans: He had a daughter, a truly exceptional woman who is a nurse, a lawyer, and a Navy Vietnam veteran. She is also a member of the Veterans Rights Commission.

When she learned of her dad's condition, she rushed to help him and her mother navigate the complicated maze of regulatory and legal systems that he faced. Unwilling to take no for an answer, Mary Lou pushed to have him examined at the National Cancer Institute, part of the National Institutes of Health. It was there that Mary Lou's father received the definitive diagnosis that he suffered from mesothelioma. Mary Lou made sure he received the best treatment available from experts throughout the country.

After his death, Mary Lou helped her mother fight through the regulatory requirement to obtain dependent indemnity compensation from the Federal Department of Veterans Affairs for a service-connected death. She helped her mother find an asbestos plaintiffs law firm to file a tort and wrongful death claim. Now, despite Mary Lou's efforts, her father's lawsuit, even with a resourceful and tenacious advocate like his daughter, has been languishing in the courts for over 18 months.

As most veterans learn, there are few viable defendants left who are responsible for supplying asbestos to the Navy. Mary Lou's mother received three checks from defendant companies, but they are all bankrupt and the amounts are very tiny. She can only cling to the hope that there may be other viable defendants, but the reality is that far too many veterans will go uncompensated under the current tort system.

Perhaps this is why Mary Lou Keener spoke out in support of S. 2290, stating:

> The courts are clogged with asbestos cases, and even if [my mother] finally has her day in court, the law firm will collect almost half of any jury award. That's why passage of [the FAIR Act] is so important. The Trust Fund solution to this problem envisioned by [the FAIR Act] will bring much needed compensation to veterans suffering from asbestos related diseases and end the vagaries and lengthy delays of the current/tort wrongful death systems.

Last year, Mary's mother received a call from her attorney. Unfortunately, it was not about her husband's case. Instead, she was told she should consider contacting her Senators immediately and ask them to vote against the asbestos legislation. Needless to say, she declined that request. She understands that for veterans like her husband, while the status quo might benefit a handful of personal injury lawyers, it completely fails the one group that should be given the ultimate priority; that is, the asbestos victims.

Now, let me refer to this chart: What is wrong with asbestos litigation? This is for the Navy veteran I have been talking about with mesothelioma. Under the tort system, he gets nothing. Under the FAIR Act, each of them gets $1 million. I have to say, no amount of money will compensate people for what they have gone through, but that is so much more than any of them are ever going to get without this bill.

Now, as I say, unfortunately, the asbestos litigation problem reaches beyond our veterans and into the lives of everyday, hard-working Americans who are victimized by asbestos and the very system designed to vindicate their rights. One matter I find particularly troubling is the case of Huber v. Taylor. That is a class action lawsuit currently pending in the Western District of Pennsylvania. The suit was filed by 2,644 plaintiffs in asbestos personal injury suits against the personal injury lawyers who represented them. The suit charges that the lawyers treated their clients as mere inventory, distributing only a few thousand dollars to each plaintiff for their injuries, while retaining tens of millions of dollars in attorneys' fees.

Now, I bring this case to the Chamber's attention because it underscores the severity of the asbestos litigation crisis and why it is imperative we, as a legislative body, must now act to address this problem.

Ronald Huber spent 35 years as a steelworker, inhaling asbestos fibers while working on the job. In 1995, he joined a class action against nearly 200 companies that made or distributed asbestos or asbestos-containing products. Although that class action settled for approximately $140 million, Mr. Huber has not seen a single penny from this award. How much did Mr. Huber's lawyers walk away with? They received $56 million.

Look at this chart: What is wrong with asbestos litigation? Huber v. Taylor. The trial lawyers got $56 million; asbestos victims basically nothing. Think about it. That is right, the lawyers received $56 million and the asbestos victims received nothing.

In response to this severe injustice, Mr. Huber and over 2,000 of his fellow class members filed a lawsuit on February 7, 2002, in the U.S. District Court for the Western District of Pennsylvania against the personal injury lawyers who represented them in the first action. As of today, the court is still hearing arguments on various motions.

The complaint charges the defendants with breach of fiduciary duty; failure to disclose the identity and nature of the actions they had joined; false representation to deprive the plaintiffs of funds belonging to the plaintiffs;

failure to exercise the degree of competence and diligence exercised by lawyers in similar circumstances; and misrepresentation of material facts. The plaintiffs are seeking compensatory and punitive damages.

All of the plaintiffs to this action are described as ''hard-working union members in blue-collar trades.'' All of them were exposed to asbestos during their working years. All, to a large extent, have little knowledge or experience in the legal system. All state they were ''recruited'' by plaintiffs' law firms for inclusion in ''mass actions,'' and all say their lawyers told them nothing about the lawsuits in which they were involved.

Their complaint arises from what they call the ''corruption of the personal injury bar.'' The lawsuit states that, as early as the early 1980s, the prosecution of asbestos personal injury claims had evolved into an industry and the lawyers who were prominent in that industry had accumulated a vast amount of wealth. To quote the complaint:

> The promise of such wealth drew additional plaintiffs' lawyers into the field, and this resulted in more and more aggressive efforts to recruit asbestos personal injury plaintiffs.

I think it is a sad state of affairs when asbestos victims have to sue their own lawyers to receive compensation for their injuries. We cannot allow the current, broken system to continue in this manner. It deprives victims of a meaningful remedy and diminishes public confidence in our civil justice system.

I think we have to do something now to ensure there are no more Robert Hubers who are left with no recourse other than to sue their own lawyers.

We must also act now to ensure that the tireless efforts of everyday Americans such as Mary Lou Kenner are not taken in vain. These are two of just thousands and thousands of people.

It is because of these problems that I urge my colleagues to support S. 2290. Under this bill, victims will receive prompt and certain compensation through a privately funded trust administered by the Department of Labor. Moving existing claims to the fund will significantly cut out the exorbitant transaction costs inherent in our tort system—especially given the no-fault nature of the new system being proposed.

In today's tort system, victims bear the heavy burden of proving that a specific product caused their illness. They must show culpability through causation and connect the dots that lead to the ultimate defendant. Unfortunately, few victims today are capable of producing sufficient evidence to show their illnesses were caused by a particular company's products. In fact, because of the long latency period associated with these asbestos-related diseases, the quality of evidence will inevitably degrade over time where memories fade and documents get lost. Thus, for the scores of victims who do not have an ironclad case against any one defendant, a no-fault system is an extremely important component when crafting a solution to the asbestos problem.

Now, to illustrate my point, I would like to share the story of siblings Paul and Suzanne Verret. After being diagnosed with plural mesothelioma, both brought suit against four defendants, each a potentially responsible party under tort law. But after hearing evidence presented by the defense, a Texas jury ruled, just last month, that the Verrets' conditions were not caused by any of the four defendants who were likely to have been the result of exposure to asbestos from a Johns Manville factory in the neighborhood.

Asbestos tailings from the plant have been used for driveways and parking lots in the neighborhood where the Verrets grew up. Johns Manville, however, is now bankrupt and its asbestos trust is paying pennies on the dollar on all claims. As a result of the jury's verdict, the Verrets are unlikely to recover any compensation for their injuries, but under S. 2290 they stand to recover $1 million each in compensation.

Now, look at these Texas mesothelioma victims, Paul and Suzanne Verret. Under the current tort system, as shown on the chart on the left, victims hire lawyers and sue defendants. After years of trial processes and delays, victims are unable to prove causation. They use trial lawyers and collect zero. But under this bill, S. 2290, with the trust fund—if enacted—each of these people will collect $1 million in compensation.

By the way, unless they are lucky enough to get a lawyer who is going to forum shop for them into a jurisdiction where the judges are basically in the pockets of the plaintiffs' lawyers, the personal injury lawyers, they might get something that way, but there are going to be very few who get that, and most of those people are not going to be ill. They are not going to have suffered and not going to be able to prove their case in other courts of law in the country. It is pathetic.

Naturally, there are some great lawyers who do what is right here. I do not mean to find fault with them. I find fault with these phonies who use forum shopping jurisdictions and really what I consider to be corrupt judges and, in many cases, corrupt juries, to obtain humongous verdicts for people who are not even sick, taking the moneys away from those who are sick, which this bill would solve.

In the coming days, we will be engaged in a historic debate regarding the asbestos litigation crisis facing this country. The outcome of this debate will have very real consequences on the victims of asbestos and their families. These victims are counting on us, their elected Senators, to do the right thing and address the problems in our tort system that is badly broken by asbestos litigation.

I have to say, when you folks out there see these phony ads about how this bill is bad and the tort system is good, those ads are paid for by these attorneys who have already taken $20 billion in fees away from victims, and will take another $40 billion more, for a total of $60 billion, out of their pockets. It is easy to see why they do not want this bill. It is a gravy train they do not want to stop.

They certainly don't want it to be stopped by this bill, which is where the gravy train would end for lawyers and recoveries that are worthy will begin for victims.

Let me say, although the stakes in this debate are high, the risk of not acting or allowing a broken system to remain broken is even more consequential. We at the very least owe it to people such as Mary Lou Kenner and Ronald Huber to make this bill the pending business of the Senate. We really need to do that.

Let me tell you one more story about the impact of the current asbestos system on American business. The reach of the personal injury lawyers—I am talking about the dishonest ones—and their web of abusive litigation practices appears to have no limit. At last count these personal injury lawyers have cast their asbestos net to include some 8,400 defendant companies representing virtually every industrial sector of the U.S. economy.

Approximately 70 companies, 35 since the year 2000 alone, have now been driven into bankruptcy as a result of asbestos litigation. Disturbingly, most of these companies that now find themselves named as defendants in asbestos cases had little or nothing to do with the manufacture, sale, or distribution of asbestos or asbestos-containing products. Under the ''deep pocket'' theory of law now commonly subscribed to by many personal injury lawyers, liability is not based on culpability; instead, it is based on the nearest available pot of money.

What is more, an estimated 90 percent of the claims now being filed are on behalf of persons with no discernable illness, many of whom were recruited by for-profit, mass- screening operations being sponsored by enterprising trial lawyers.

I would like to talk about a company that has facilities in my home State of Utah. Philadelphia-based Crown Cork & Seal is representative of all too many of the businesses that have found themselves targeted by the personal injury lawyers over asbestos.

In 1963, Crown Cork & Seal, a consumer products packager in the can and bottle cap business, purchased, for $7 million, the stock of Mundet Cork Company, a New Jersey-based firm that made cork-lined bottle caps and insulation that contained asbestos. Because Crown was only interested in the bottle-cap business, Mundet sold its insulation division approximately 90 days after the purchase of its stock by Crown. Thereafter, Mundet, consisting

only of its bottle cap business, was merged into Crown.

Crown never operated Mundet's insulation business, nor had it ever intended to operate its insulation business. Crown was only interested in acquiring Mundet's bottle-cap assets; no Mundet insulation managers ever worked for Crown, and no Mundet stockholders ever had any ownership interest in Crown.

The trial lawyers have made Crown Cork & Seal pay dearly for the 90 days it owned the insulation division of Mundet. To date, Crown has had to pay out over $400 million in asbestos claims. To give this some context, that is over 57 times what Crown paid for Mundet in 1963. In fiscal year 2003 alone, Crown paid over $200 million in asbestos-related costs, of which only $25 million—or 12.5 percent—went to real victims of asbestos-related diseases, and that is what is going on.

It is a rip-off. That is what is going on. That is what our colleagues are arguing for. It is a rip-off. Why? Some say it is because these personal injury lawyers are going to put up $50 million or $100 million for their nominee for President. I hope that is not true, but it is all too evident that that probably is.

Here are these victims who should not have been able to sue Crown Cork & Seal to begin with. Crown Cork paid over $200 million in asbestos-related costs last year alone, and the victims got $25 million out of $200-plus million or 12.5 percent. All the rest went to lawyers, claimants who were not ill, and other costs.

Look at this Crown Cork & Seal chart. What is wrong with asbestos litigation? Crown Cork & Seal: $25 million out of $200 million total. Of the more than $200 million paid by Crown Cork & Seal in 2003, actually only $25 million went to individuals impaired with asbestos-related illnesses. Where did the $175 million go? It is a rip-off. That is what is happening.

This bill will stop that. It is an expensive bill for the companies involved. They are going to have to pay for 27 years and pay through the nose. Many of them are in the same position as Crown Cork. They should never have had to pay a dime to begin with. The story of Crown Cork & Seal is just one of thousands of examples why we cannot put off fixing this problem any longer. Our current system is one that does not serve businesses and their employees whose livelihoods depend on them. Our current system surely has not served the victims of asbestos.

I urge my colleagues to join me in supporting the FAIR Act, to vote for cloture so that we can stop this obstructionist filibuster being led by some of my Democratic colleagues. Think about it. They are filibustering a motion to proceed to this bill so we can debate the bill itself, filibustering it so we cannot add amendments to the bill. If they have good amendments, bring them up. We will listen to them and hopefully pass them, if they are good. If they are not, they might get them passed anyway. The point is, let's at least allow the Senate to work its will. Let's not stop even a motion to proceed this bill.

I would like to respond to claims that were made earlier today that the Hatch-Frist-Miller bill is not fair to pending plaintiffs. This bill preempts and supersedes those claims pending in the tort system today, including verdicts that are still subject to appeal or judicial review. Preemption of such claims assures an end to a broken tort system that everyone agrees is slow, unwieldy, and fundamentally unfair to asbestos victims.

The opponents' solution to their concern that the FAIR Act is unfair for pending plaintiffs is to keep the tort system open for pending claims. These critics are asking Congress to perpetuate the very problem this bill is seeking to rectify; that is, a broken system that is failing victims by misallocating resources away from the truly sick, where such victims receive too little because so much is going to the unimpaired and to attorneys who take most of the money.

We all know the statistics. The vast majority of the claims being filed today, as high as 90 percent, are by individuals with little or no current functional impairment. Let me tell you how this translates into real money. Using the values cited by the minority views in the report of the Judiciary Committee on S. 1125 for unimpaired claimants, it is $40,000 to $125,000. Allowing pending claims to continue could direct anywhere from $10.8 billion to $33.8 billion or more to unimpaired claimants.

How many of these claims are based on mass screenings? It has been estimated that the abuse of mass screenings has resulted in $28.5 billion having been paid for meritless claims. That is almost $30 billion that has gone to people who don't really have claims. This completely undermines the consensus public policy decision to redirect these funds to those who are truly sick from asbestos exposure and the whole purpose of this asbestos legislation.

The bipartisan medical criteria argument forged in the Judiciary Committee recognizes unimpaired claimants should be monitored but should not be paid for illnesses they have not and may never develop. But we will pay for monitoring.

Opponents of the bill who seek to perpetuate the tort system would also preserve the exorbitant attorney's fees associated with such claims. As much as 40 to 50 percent of awards go to the personal injury plaintiffs' lawyers fees and costs. Indeed, while we debate the bill, personal injury attorneys likely will file a large number of claims in the tort system, most of which undoubtedly will be for unimpaired claimants which would be allowed to continue if these opponents have their way. The rest, probably another 10 percent, goes to the defendant attorneys who have to defend these companies, many of which should not have any liability at all.

There is no justification for allowing personal injury lawyers to continue to siphon significant resources out of the system when these resources could be dedicated to compensating those who are truly sick from asbestos exposure. The intent of the FAIR Act is to fix a system that everyone agrees is badly broken and in desperate need of repair.

John Hyatt, the counsel for the AFL–CIO who testified before the Judiciary Committee in 2002, described the tort system as having ''high transaction costs, inequitable allocation of compensation among victims, delays in payment to victims, and a general climate of uncertainty that is damaging business far more than it is compensating victims.'' That is the counsel for the AFL–CIO. I have often heard Democratic colleagues make similar statements perpetuating the tort system, claims that undermine the bill, saying that would be better or more ''fair'' treatment than they would get under the FAIR Act. ''Fair'' has to be in quotes in that manner.

In fact, the Hatch-Frist-Miller bill provides relief to current pending claims. Any claimant who has filed a lawsuit in any State would be eligible for prompt compensation from the fund provided they meet the eligibility criteria set forth in the bill. These criteria are quite wrong. We should not treat plaintiffs in court as second class citizens. Cases filed in the tort system take years to process, and there is no guarantee that even with the trial date, a case will proceed. Cases in New York City given trial dates in 2002 have yet to go to trial. Even then, in most jurisdictions, cases that actually have been tried are often appealed, and years pass before the case is formally resolved. In the interim, plaintiffs are without relief, and money is being spent on lawyers, with no relief. There is no reason to leave this type of system in place. Moreover, the mere fact that a case is filed is no guarantee it will proceed. Claimants' cases proceed sometimes based on how many slots the trial has for your lawyer, where the cases were filed, what defendants are left, and other vagaries completely out of a claimant's control. That day will stop with the passage of this bill, which now provides expedited payments to anyone who can demonstrate a hardship, who has been diagnosed—anybody who can demonstrate a hardship or who has been diagnosed with mesothelioma or with another asbestos-related disease who has less than a year to live or can otherwise establish a circumstance requiring accelerated payment. The money is there now, when it is needed, and it can be paid out quickly to help these families. This bill also fixes the judicial system, unclogs the courts, allowing these judges to deal with other matters, not

asbestos cases in the wings waiting for court time that is precious and, at this point, unavailable.

There is no need or benefit to leave these cases which have been clogging the courts pending in the courts. These cases are the very reason we are seeking to fix a broken system. There is no evidence the courts can or will handle them properly and not prejudice the litigants waiting their turn. Creating a two-track process is likewise unfair to victims and defendants. Despite all the rhetoric from opponents to the bill, when compared to what the current tort system will provide, legitimately ill claimants will fare much better under this FAIR Act.

We will have victims who get immediate relief through the fund, while those with litigation pending must wait and hope for a court date and then hope the company responsible is still solvent and can afford the cost. What will we say to them when we have left a system that we agree is broken, and they are sitting in court for years? Great care has been made to ensure that the compensation program would be processing and paying claims soon after the date of enactment. There are no assurances that plaintiffs would have claims resolved in the tort system within this same amount of time. Indeed, experienced staffs say they are likely to continue to sit in court even longer.

Furthermore, awards in the tort system are disparate and depend largely on where the claim was filed, what judge is presiding, rather than the severity of the illness. In other words, it is a phony system.

Professor Laurence Tribe described the system as resembling a lottery, noting: Some victims receive astronomical awards, while others receive little or nothing. Quite a few severely injured victims die before their cases could can be heard. Plaintiffs point to the larger awards in some cases and cannot be denied, so some have been able to win in this lottery system, or win the lottery. These awards, however, are the exception and reserved for the few claimants who can survive through a long and hard trial, as well as appeals, often taking many years to see any moneys at all. Then they will find that about 60 percent of the moneys are gone anyway.

The plaintiffs bar doesn't point to the majority of claims receiving significantly less money for more severe claims or even up to 40 percent taken out for attorneys' fees. As a stark example, a 2001 asbestos verdict awarded Mississippi plaintiffs $25 million each, where none of the plaintiffs claim prior medical expenses or absences from work due to any related illness with the case of a cancer victim who underwent a lung removal operation. This cancer victim grudgingly agreed to join a class action suit against an asbestos company. He never lived to see the outcome of the case, and after 7 months his estate was awarded a mere $3,000. The others didn't even have injuries.

Substantial judicial proceeds dating back to the early 20th century supports the constitutionality of Congress' authority to preempt tort claims when it believes it is in the public interest. It is clearly in the public interest, and especially in the interest of asbestos victims, that Congress used the full extent of its powers to preempt the current asbestos litigation system.

Finally, Mr. President, allowing personal injury lawyers and the unimpaired to continue to drain resources out of the system and away from those who deserve the resources would not only be unfair to the truly ill, it is likewise unfair to defendants who ask them to pay into a no-fault system, give up some of their insurance company, and still expose them to the litigation lottery. We cannot expect the defendants to bear the costs and risks if it fails the judicial process. This system will continue to take 60 percent of every dollar and waste it on lawyers' experts and administrative costs.

The Hatch-Frist-Miller bill will stop the litigation lottery in its tracks and instead replace it with a fair administrative process that treats all participants fairly and consistently.

I want to respond to a few statements made by my friend and colleague from South Dakota earlier this morning regarding S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004.

Senator DASCHLE stated there was no reversion to the tort system. In fact, there is reversion to the tort system. It is one of the concessions we made. Should the fund become insolvent, then claimants with asbestos injuries who have not received compensation under the fund may pursue their claims in the courts. The statement that there is no reversion is simply wrong. I want to correct the record.

Senator SARBANES stated that we ''sprung'' the bill on the Democratic Senators and their staffs. Senator DASCHLE called attention to the total fund value. For the record, Senator DASCHLE's staff was informed of the new numbers last October. That was 6 months ago. Since October, there have been repeated and continuing discussions of these numbers over the ensuing months. We repeatedly asked the Democrats for a response to the numbers. We have received absolutely none. We repeatedly asked the Democrats for a legislative proposal—some language, an outline, a concept of a structure, something, anything. We received nothing.

As Senator DASCHLE knows, this so-called new bill that we allegedly ''sprung'' on him includes the very numbers we released months ago, the changes demanded by the Democrats, and the changes demanded by the unions. We have had 8 months of serious negotiations. I don't think it is justified for anybody to say they have been kept out of the process, we have not tried to accommodate them about these matters.

Mr. President, I have one more comment that I would like to make to senator DASCHLE's statements this morning. He stated that a lung cancer victim with 15 years of exposure would receive only $25,000 in compensation. He painted an incomplete picture which I would like to finish. First, that figure is the bottom of the range of compensation. Under the claims values in FAIR Act, claimants who were exposed to asbestos and still smoking will receive between $25,000 to $75,000 in compensation. And for the record, Senators LEAHY and KENNEDY have stated that they want $50,000 for claimants falling into this category. Mr. President, I have come here to discuss the FAIR Act. We have a chance to help those who have suffered from asbestos-related injuries for far too long. Many people have spent many months getting us to this point and I want to ensure that we have a complete picture of the bill for the record. We owe at least that much to those victims.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFFEE). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me begin by, first of all, commending my colleagues on the Judiciary Committee. I am not a member of this distinguished committee. I had the good fortune of serving on the Judiciary Committee in the other body years ago, in the House of Representatives. I have great respect for my colleagues who serve on the Senate Judiciary Committee in either body because they deal with some of the most contentious issues before the American public.

It is not easy to be the chairman of that committee, regardless of which party is in the majority in the Senate. I have the utmost respect for my friend from Utah. He and I have spent many years serving in this body together. There have been countless pieces of legislation that we have worked on together that are the law of the land today. I have great admiration for him.

He is a legislator. I say that because there seems to be a shrinking number of legislators around here regardless of party affiliation. He is a legislator. That means someone who is willing to sit down and work out issues. I wish to begin by thanking and commending him for his efforts on this difficult subject matter, asbestos. This is an area in which I have had a longstanding interest, as many of my colleagues know, going back a number of years. This issue is of critical importance to my State of Conneticut, because it is the home of numerous small and large manufacturers, as well as several major insurance companies. They have a strong interest in the outcome of a resolution of this very perplexing problem of asbestos litigation and related issues.

I have a strong interest in trying to come up with a solution for, first and

foremost, victims of asbestos exposure. It is estimated that more than 27 million people who have been exposed to asbestos over the years.

Regrettably, we know there are many who will die prematurely because of their exposure to this product. In fact, last year alone, 10,000 people in this country died as a result of their exposure to asbestos. The numbers are truly staggering. We know there are over 600,000 past and pending cases involving over 6,000 businesses, that have been cited as defendants in these cases. And we know there are going to be literally millions of people who are going to suffer.

So we must attempt to provide a better answer than the present system which has clogged up our courts, which has denied too many victims—seriously impaired victims—of the kind of compensation they deserve. I have had a longstanding interest in trying to come up with a solution. We have gotten very close to such a solution.

Let me begin by reporting on the progress that has been made. There is a tendency to only discuss the areas where there is still disagreement, and I think that only tells part of the story. People such as Senator HATCH and Senator LEAHY, have worked tirelessly on this issue. The majority leader, Senator FRIST, and the minority leader, Senator DASCHLE and their staffs have also spent a great deal of time on this legislation. Senator DASCHLE has always kept his door open, and repeatedly tried to see if we could proceed with a meaningful negotiation process. Such a process must occur in order to bring the various parties together around a resolution of this issue.

There are many others who have been critically involved in this issue. We heard from Senator FEINSTEIN earlier and other members of the Judiciary Committee. Senator NELSON from Nebraska has also worked hard on this issue. Senator CARPER has also worked on this issue. There are many others who care about this issue and have spent a great deal of time on it. Senator SPECTER has been performing an invaluable service in trying to work out the administrative structure of the proposed compensation fund. I am sure I am leaving some of my colleagues out, and I apologize for that, knowing, as I do, that almost every State, without exception, is affected by this lingering question. When there are over 600,000 total cases, every State and Senator is affected.

Seventy companies have already declared bankruptcy on this issue alone because of the judgments that have come in against them.

As a result of those 70 bankruptcies, over 70,000 jobs have been lost from these companies. This is a major economic problem, as well as a major health issue that needs and demands resolution.

The good news is this: There are about five or six major issues involved in the question of whether we can establish a bona fide trust that would allow for fair and equitable compensation to those who have been determined to suffer from diseases related to exposure of asbestos. The five or six major issues are the following:

One, can we establish medical criteria which would make it possible to determine who has been exposed and to what extent have they been adversely affected as a result of that exposure. I thought that issue would never get resolved. This has not been an easy task. Can you imagine trying to bring doctors together with organized labor, manufacturers, and insurance companies, all sitting down and agreeing on what the medical criteria for this legislation should be? I am pleased to announce that months ago we were actually able to reach an agreement on the medical criteria. Amazingly, the issue of medical criteria has been resolved.

The second issue is whether we could create an administrative system to process and review claims. This is also not an easy undertaking. Thanks to Senator ARLEN SPECTER of Pennsylvania and thanks to his constituent, Judge Becker, and, by the way, the involvement of a number of our Senate colleagues under the auspices of Senator SPECTER's leadership—we have reached an agreement in this area we think is going to work.

Creating an administrative system is a major accomplishment. Many people thought we would never be able to resolve this issue. On two of the major five or six issues, we have already achieved results. But it took weeks to work out the details behind these agreements.

An asbestos compensation trust fund idea is complex. It is very complex. When we envision a trust fund that might have to last for 30 years or more, that must deal with thousands and thousands of cases of people who have been exposed to asbestos, it is a serious undertaking. Every comma, every period, every semicolon can and does mean something. So we have to be very careful in how we draft this legislation.

We have hundreds of manufacturers who have been, and continue to be affected by what we are doing. There are major insurance companies that clearly must be involved and will contribute to a trust fund, as the manufacturers will be. Organized labor, representing the hundreds of thousands of victims, must ensure that a trust fund is going to have adequate funding, and that monetary awards are fair and efficiently provided.

We have seen the consequences of the current system. In fact, in the Johns-Manville trust resolution, the trust that was established under the name of that particular company, is a example of the problems with the current system. They believed that the amount of money initially placed put into that trust was going to more than adequately provide for the victims who have been exposed under the Manville situation. As it turns out today, the Manville trust is only paying about 5 percent of the compensation victims should be receiving.

It went very wrong, not because the people who put it together planned it that way, but nevertheless that is what happened. No one I know of wants that to happen here, but it makes my point that this is a complex issue. And that getting this right is very important. We must be sure that this solution is going to work well. So it takes a little time—and in my opinion, it is time well spent.

I do not know why at this very hour we have this legislation before us. It is not ripe yet. It has not matured enough yet. There are still huge issues outstanding.

Obviously, one of the major open issues is the overall dollar amounts. I know it sounds like a lot of money—and there is a lot of money at stake here. But when we start talking about 25 or 30 years of a trust fund's existence, the difference is somewhere around $115 billion and $155 billion, give or take a billion here and there. As Senator Everett Dirksen said: A billion here and a billion there and pretty soon you are talking about real money. This is real money. We are not talking about hundreds of billions of dollars difference. We are talking $20 to $30 billion or so over 30 years, spread among a large number a defendant companies and insurers who face greater losses and greater uncertainty under the current system.

It seems to me if we get actuaries together, and agree at the universe of potential claimants, and provide them fair compensation, we should be able to come up with a neutral number to satisfy the needs of expected claimants.

We have changed approaches from where we started at the outset of this debate. We initially tried to create a bill that was ''evergreen,'' that is, that it would be the complete solution to this problem for as far as the eye could see in the future. However, we began to realize the difficulties of creating a fund that lasts forever. Several factors caused us significant uncertainty. For example, we still import asbestos in this country. There is still asbestos being used, or at least people are being exposed to it even though we now know the problems that result from exposure. So the idea that we are going to have a final number in perpetuity, I think, was abandoned by all sides.

We have contended that this number is somewhere between $115 billion and $155 billion. If that does not end up being right at the end of the day, then we ought to resort back to the present tort system to solve the problem.

I just heard my colleague from Utah say his bill includes that provision. With all due respect, I must disagree with my friend from Utah because the provision in the bill being offered by the Senator from Utah and the Senator from Tennessee, the majority leader, has a 7-year gap between when the trust fund may run out of money and

when the tort system could be used by a victim.

Now, that is hardly reassuring to the victims and their families that the system that presently is in place which provides them some financial relief will be taken off of the table in the event that the trust fund becomes insolvent.

Let me quickly point out as well, that these numbers of 115 or 155—if one takes the high end or the low end, are hardly unreasonable. The Rand Corporation, which is hardly an organization that identifies ideologically with the left or right or Democrats or Republicans, has estimated that the cost of the current problem is somewhere around $300 billion. So at the outset we are talking about a trust of only $155 billion.

While we disagree over actual dollar amounts at this point, I believe that people of good will, sitting down, can come to an honest compromise that would satisfy all parties involved in this debate.

Another open issue is the value of the claims themselves. If we are able to reach agreement on the medical criteria and able to reach agreement on an administrative system, it seems to me, again, that good people who care about this should be able to resolve this issue and provide fair compensation to victims of asbestos.

Another outstanding issue that needs resolution is what to do with pending claims. There are some claims that have been adjudicated. Some are completely adjudicated, others are only in the discovery process. I do not want to get too technical legally, but I think most people would understand there are some cases that are already mature in the judicial system. Determining at what point in the judicial process, should cases be abrogated and claimants directed into the trust fund is a difficult question. When is the judicial process allowed to be completed where those claims exist? I do not have an answer for that one today, but, again, I think people of good will who care about this issue and realize what a huge problem this is could come to some thoughtful, reasonable compromise on how to deal with pending claims.

That is not the complete universe of all the problems, but those are the major ones. Two of them we have solved. Three or four of them deserve additional time and effort to resolve. Certainly the intent of the amendments adopted in Committee by Senators FEINSTEIN and BIDEN that addresses pending claims and returning back to the tort system in the event of insolvency are ideas that should be reconsidered and adapted. There may be others ideas that are also helpful.

The point is there are people making suggestions to resolve these questions. I do not understand why this body is being asked to make a definitive decision on this bill that none of us have seen because it was introduced only 2 or 3 days before the last senatorial recess. We are being asked to accept voting on cloture on this matter on Wednesday or Thursday of this week. I might point out that last November or early December we reached an agreement, a compromise, on how to proceed to the class action issue. I happened to be one of those involved in that negotiation. Why do we not bring up that bill? That bill is ripe and ready to go, not that many of my colleagues would support it. But for those of us who are willing to support a class action reform bill, we reached an agreement on that 4 or 5 months ago, and yet that bill is not being brought up. Why not? That bill is ready to go. This bill is not ready to go.

Why are we taking 3 days in a very abbreviated session of the Senate, when we do not have much time remaining, some 30 days, to bring up a matter where there is so much disagreement that could be resolved if we would spend the time doing it as Senator SPECTER has done, as Senator DASCHLE has done, and as Senator LEAHY has done? I know Senator HATCH and his staff have also worked tirelessly on this topic.

Legislating on a matter like this is hard work. It is labor intensive. Any one of my colleagues, Republican or Democrat, who has been in the Senate for any length of time will say that on major legislation, particularly legislation that is precedent setting such as this is, people are required to roll up their sleeves and put in a tremendous amount of hours to resolve these matters. In my view, it cannot be done thoughtfully or carefully by engaging in open-ended floor debate with amendments flying around that no one really knows the implications of, some of which are passed 51 to 49, others defeated 51 to 49. When we are dealing with something as serious as this, where literally thousands and thousands of lives depend upon receiving adequate compensation, we know we are dealing with a very complex problem.

I urge that a cloture motion not be filed. I know one has not yet been filed, and my strong appeal to the majority leader would be please do not file this cloture motion. There is still time. This is only April. I presume we are going to be here until sometime in early October. Give us the chance, insist upon people meeting and trying to resolve these issues. It may come down that a few of these matters are not resolvable through negotiation, and the only way to resolve them is by having some floor votes on them. I accept that may be the final determination. But we ought not to jump to that when there still is an opportunity to resolve some of these outstanding questions.

I have spoken to organized labor, John Sweeney, and his representatives. They want a bill. It is their membership, many of them, who suffer from the exposure to asbestos. It is their membership that is losing jobs in companies that are declaring bankruptcy. They want a bill, but they want to make sure when they have a bill that the resources will be there to provide adequate compensation.

By and large, the insurance industry, with some exceptions, wants a bill because they realize that the current system is flawed and could cause untold economic hardships on some of these companies. It could cause some of them to collapse, and I am not exaggerating when I say that. They are very interested in getting a bill. I know the overwhelming majority of manufacturers, those that were either involved in the production or use of asbestos over the years, in most cases before anyone knew of the great harms caused by this product, they want a bill.

This is one of those unique situations where all of the parties, all of them, and including, I might add, many of the trial lawyers involved in this area, understand some different resolution of this issue is needed other than the present tort system. Obviously, that is not the view of everyone who is a trial lawyer, but many of them have already spoken out on this issue.

So we have a unique political environment where the major participants are anxious to get a bill. I rarely find that. Normally one finds people highly divided where labor or business is at complete opposite ends of the spectrum on a matter that is before us. Here, nearly all stakeholders want a bill. Instead of sitting down and keeping people at the table and working it out, we are prematurely bringing up something causing this bill likely to fail, and fall before we have an opportunity to resolve the differences. As I said a moment ago, why not bring up class action? Why not bring that up? That is ready to go. Where is the business community that has said to me over and over again: Why don't we get a class action bill here? We have been ready since November and December. Here it is April and nothing has happened on class action. Yet you bring up and consume 3 days of time on the floor of the Senate with a bill that everyone knows, if you invoke cloture or file a cloture motion on the motion to proceed, it is going to fail. And it should fail. It should fail. I say that with deep regret.

I have committed the time of staff members and my own time over the last number of years on this issue. I think to come this close to resolving a major issue affecting the lives of hundreds of thousands of people and their families and attempt to address it in a premature fashion is a huge mistake.

So my appeal to my colleagues is: Sit back and work this out. It is hard, but it can be done. And, if we get near the end of the session and we have not been able to resolve everything, either wait until we get back in January or bring it up and leave a smaller number of issues out on the floor to be resolved

by votes on the floor and healthy debate. But don't jam this now, particularly when we know the outcome, taking up the valuable time of this body on the floor where the time can be better used to take up issues where there has been agreement, at least agreement by a significant majority of us to move forward on the legislation. That has been done now on class action.

Why doesn't the majority leader come over and move to proceed to that bill so we can vote on it? We have been ready for that now, as I said, since 3 or 4 or 5 months ago. There has been no action at all. No action. Why not? Why is that bill not on the floor right now, being debated and discussed?

Of course we have seen the same thing with medical malpractice. There is no effort to negotiate it out. There is a proposal on the Democratic side. It is different from what the majority has proposed, but not that different. You could bring those two sides together and resolve the issue. Doctors deserve better than they are getting. They are being told the Democrats are stopping everything. Why is it the majority refuses to even sit down and try to work out the differences?

I stand ready. My staff does. Again, I am not a member of the committee. Obviously, Senator HATCH and Senator LEAHY, as I mentioned earlier, have done a tremendous amount of work on this and deserve a great deal of credit for trying their best at this.

The leader on this side, politically, is Senator DASCHLE. I have been with him on numerous occasions when we met with the manufacturers, met with the insurance industry. As Senator DASCHLE has said over and over again, his door has been open to do whatever it takes to try to get a bill done. I know from personal knowledge he has offered on numerous occasions to meet with the majority leader and others to try to figure these things out.

I mentioned Senator SPECTER already. Senator BIDEN, obviously, Senator FEINSTEIN, and a number of others have been involved in this, trying to get this done. My hope is that the majority leader will not wait until Thursday. Listen to us over here. We can get this done. It could be a proud moment of this Senate's session, to have actually come up with an answer to a major problem in this country. We are getting very close to resolving it. It will take a little more work, in my view, over the next coming weeks, but it could be done.

My plea this afternoon would be that filing a cloture motion on the motion to proceed would be withheld, that we bring up other matters that are ripe and ready to go forward, and send the people back to work on this bill and let's see if we cannot draft a piece of legislation of which America can be proud.

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.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOBS ACT

Mr. REID. Mr. President, right before we had our break we were asked, Senator DASCHLE and I, to see what we could do to move the FSC bill along. The majority has affixed the name the jobs and opportunity bill, or something like that.

We have always known the importance of this legislation, and we did our very best to move this along. It was held up initially because we wanted a vote on overtime. The majority, for reasons I fully don't understand, refused to allow us to have a vote on this.

As the Chair will recall, this amendment passed previously. What our amendment would do is say the President does not have the right to take away the ability of American nurses, firemen, police, and a total of 8 million people, from getting overtime. In effect, what we have been told by the administration is they were going to promulgate a rule that would take away overtime pay for people who make more than $22,000 a year.

We wanted a vote on this. You can't do that. It passed once; it was stricken in a Republican-only conference. The House passed a resolution saying they wanted their conferees to do the same thing the Senate did and stop the President from doing this.

We have been told by the majority—the distinguished majority leader has come out here on a number of occasions and said this is a must-pass bill. American businesses are getting hurt. So Senator DASCHLE and I worked for the better part of a day calling individual Members. We had 75 amendments. We worked to get them cut down. We not only cut down the amendments to 18, but we have time agreements on these amendments, as little as 5 minutes on some of the amendments. We clearly could have finished all of these amendments in 1 day. All of them wouldn't require votes but, if they did, we would be willing to put in an extra-long day. Therefore, we, through our Democratic leader, went to the Republican leader and said, Here is what we have. Some of these amendments, quite frankly, would not require votes and some would not even be offered. So we wait one night, come back to the majority and say, We are willing to do this deal. We know this is an important bill, that tariffs are being applied against American manufacturers and other business people; what is the problem?

To make a long story short, we were told the majority had 50 amendments with no time limits on them whatever.

The FSC bill is not going forward not because of anything we have done. It is because this Congress, I am sorry to say, using the Harry Truman term, is a do-nothing Congress. We do not do anything. If we have to work past 5 or 6 o'clock at night, that is not a good idea. We cannot even consider coming in and voting at noon on Monday. To think we could vote past 9 or 10 o'clock on Friday, even on a bad day, is out of the question. We usually vote Tuesday afternoon and finish the votes as early on Thursday as we can. This is not a good way to accomplish things. That is why this Congress is doing nothing.

I don't want another word ever said about the FSC bill not going forward because of the Democrats. We want to go forward. We have done everything we can to move this forward. We have wasted on this piece of legislation many days of legislative business when we could be working on things that need to be done in addition to that.

Gasoline prices in Nevada have increased 46 cents a gallon since the beginning of the year, almost 50 cents a gallon. I have not checked today. They may be up another 4 cents. Since the first of the year the prices in Nevada have gone up 46 cents per gallon.

I talked to a contractor who is the largest contractor, he says, in northern Nevada, the Reno area. Diesel fuel prices for his company are costing his company $7,500 a day in addition to what he was paying at the first of the year. This is in addition to the mess we have with steel prices. This is a tremendous burden.

There is no doubt the price of crude oil has contributed to higher prices in Nevada and throughout the country. However, the outrageous 46-cent-a-gallon increase in Nevada since January is not driven by crude oil but corporate greed and profit.

We are used to it in Nevada because during the Enron debacle we were told it was supply and demand. It had nothing to do with supply and demand. It had everything to do with Enron reaping windfall profits. Enron told consumers it was a matter of supply and demand. But it turned out Enron was manipulating the supply of electricity.

In Nevada we get all of our gasoline from California refineries, so any problem with the supply in California is a problem for Nevada. This is a lot of talk about the tight California gasoline market, where prices are typically 20 to 30 cents above the national average. We hear about the law of supply and demand all the time driving prices higher.

One thing I know for certain about the law of supply and demand with the Enron situation, is that it cost the Nevada ratepayers nearly $1 billion during the electricity crisis almost 3 years ago. Based on this bitter experience which is still being litigated in the courts, I was concerned Nevadans might be getting ripped off again when gasoline prices went through the roof early this year. I asked the Federal Trade Commission to investigate these wild price increases, particularly with an eye toward any possible manipulation of gasoline markets. After 5

weeks, the FTC responded by saying prices in Nevada were ''unusually high'' and above predicted norms. An informal FTC investigation is still looking into the cause of the price hike.

There are spikes FTC says they cannot understand. They are having a hard time showing collusion or market manipulation, but they know something is wrong. As they said, the usually high prices are above predicted norms.

I don't need an investigation to tell me big oil profits have soared at the expense of working families. These markets are not competitive when a handful of companies can decide what price they are willing to sell for and what price a consumer is forced to pay.

As a nation, we need to address both the supply and demand side of the energy equation to promote a truly competitive market. On the demand side, we have to increase the fuel efficiency of cars and promote public transit. Maybe that is wishful thinking. On the supply side, we can increase the use of alternative fuels and renewable energy.

In the short term, we have to increase supply. We can do that, in my opinion, by having the President at this time, when the Saudis and others are turning off the spigots and making the supply less—we can increase supply by pulling oil from our petroleum reserves. We need to do that. President Clinton did it. The first President Bush did it.

In the long term, we have to do something with alternative energy. We have to. It is important. I was encouraged before the recess when the energy tax incentives were added to the FSC bill, which I just talked about. I applaud Senators GRASSLEY and BAUCUS for the excellent provision dealing with section 45 production tax credit for renewable energy resources that expands and extends the credit for wind, geothermal, solar, and biomass energy. We must harness the brilliance of the sun, the force of the wind, and the heat within the Earth. By using the bountiful resources to diversify our energy supply, we protect the air we breathe and we protect consumers from these wild price swings.

We cannot lose sight of the fact renewable energy will make our Nation more secure because it is made in the United States of America. I was disappointed to learn we will put off consideration of the FSC bill, even though we have agreed to the finite list of amendments.

The other thing the President can do on a short-term basis is have the Saudis provide more oil. We are told in Woodward's book he has a deal to do this in the fall. Move it up, make the deal a little earlier.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant 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, it is time for us to bring the asbestos bill to a floor vote and to bring it to discussion so we can continue the progress that needs to be made on this important bill. As I said earlier this morning, every day we do not act is a day victims are not receiving appropriate compensation for what they need and deserve.

The bill we put forward provides a reasonable solution to the asbestos litigation crisis and has numerous consensus-building changes that have been added to the underlying bill, many made at the request of Democrats and representatives of organized labor.

What has emerged is a collective effort to date on a proposal that comes from the original S. 1125 and has critical modifications that have been added on the counsel of stakeholders. As I said this morning, there will be a lot of constructive proposals put on the table through the amendment process from Senators on both sides of the aisle to further refine and improve this bill.

I encourage this process. We have had numerous discussions throughout the day, solidly since this morning. I have had the opportunity to talk to the Democratic leader on several occasions discussing both options and how we can best bring this bill to appropriate closure. We will continue these conversations over the course of this evening and tomorrow. A lot of stakeholders are at the table discussing issues that are very important.

Reference has been made to Judge Becker on numerous occasions and over the course of the day and in the statements this morning, and of the mutual respect both sides of the aisle have of the work he has done to date. I would like to continue those discussions tonight and tomorrow to see if there is some way we and the Democratic leadership can put a process in order where we can help mediate some of the differences we all know exist.

My colleagues on the other side of the aisle say we need more time, and I respect that. In truth, we have made real progress, and we are getting real focus on a very important bill. We have been discussing and negotiating and changing and working on this bill for over a year now, and I believe all our colleagues are coming to the table in earnest at this point.

We are going to be filing a cloture motion. The cloture vote will give everyone an opportunity to put their views on the record as we go forward and continue to work on this bill.

Again, every day we do not reach an agreement on this bill is another day victims of asbestos litigation malfunction are suffering. Therefore, I believe working together we are going to be able to bring resolution.

Having said that, we will be filing a cloture motion.

CLOTURE MOTION

Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 472, S. 2290, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Bill Frist, Orrin Hatch, Gordon Smith, Lamar Alexander, Saxby Chambliss, Ted Stevens, Michael B. Enzi, Trent Lott, Kay Bailey Hutchison, Susan M. Collins, Pete Domenici, Rick Santorum, Jon Kyl, George Allen, George Voinovich, John Ensign, Wayne Allard.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we will continue discussions tonight and tomorrow. We will talk with the Democratic leadership as we go forward over the next several days. I am very hopeful we are going to work out a suitable and appropriate process to address these important issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, I have been listening to the discussions today on asbestos litigation, and there have been some provocative statements made on both sides. This is a very important issue. I have to say I have some sympathy for the businesses. But the sympathy I have for the businesses is overwhelmed by what I have seen in the personal suffering of the people who have been injured, some of whom are dead. We do not know how many thousands will die this year. Estimates are probably 10,000 from asbestos.

We still import thousands of pounds of this poison into our country. So I hope all the people who have good intentions—I know they all do—talking about this asbestos reform will, first of all, understand Judge Becker, whom I have never met, is not a Senator. It is nice he has agreed to come in and work on these proposals, but Judge Becker is not a Senator, I repeat. He is not a member of the staff. I do not know who he is meeting with, why he is meeting with them. There are a lot of judges in America, retired judges. It so happens this one is from Pennsylvania. There are retired judges in other places who have the same expertise he has.

I listened to Senator HATCH speak today. I listened to Senator LEAHY speak today. We cannot write an asbestos bill in the Senate. We cannot write it outside here in some office building downtown. The only way I will ever feel comfortable about legislation dealing with asbestos is if it goes through

the channels it is supposed to go through: the Judiciary Committee.

We have men and women on the Judiciary Committee, both from the majority and the minority, who have spent years working on this issue. They are certified experts. They not only understand litigation, they understand legislation.

So I hope everyone understands it is good people who are interested in this legislation do everything they can to weigh in on this issue, but I hope we all look to the Judiciary Committee to come to us with a product. It cannot come out of the Environment and Public Works Committee that I work on. It cannot come out of the Appropriations Committee. It cannot come out of the Governmental Affairs Committee. It cannot come out of any other committee. It has to come out of the Judiciary Committee.

But we have people who have worked on this issue—not only the two leading members of the committee; that is, the ranking member and the chairman—but also people on that committee who have listened to hours and hours and days of testimony. Maybe they should listen to some more. But this is legislation we are talking about that is going to have a price tag on it from $150 billion—I should say, the figure in this bill is a very ridiculously low figure of $109 billion, to maybe as much as $700 billion or $800 billion, maybe $1 trillion. So this is not something we need to rush into.

We need to help victims of asbestosis, mesothelioma. I would hope we would do as the State of Illinois has done, have some type of pleural registry so people who have worked around asbestos and are afraid they are going to get sick would be able to go on to that registry so the statute of limitations is not tolled.

In short, the Judiciary Committee has jurisdiction over this legislation, and this is from where the legislation should come that we deal with on the floor, not some retired judge, or not a Senator who feels he knows more about it than others. I am not pinpointing any Senator. I am saying there are a lot of people who think they have an interest in this issue. Everyone has an interest in this issue. All 100 Senators care greatly about this issue. Some feel more strongly about the businesses than I do; others feel for the victims.

But I would hope we do not try to rush into this and do something that is written here or downtown someplace; that whatever we do, whatever suggestions, whatever people feel will improve our ability to pass this legislation, they will work through Senators HATCH and LEAHY and have the full committee vote on what we do.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I did not hear all the Senator from Nevada had to say about this subject. I have listened to some of the presentations this afternoon. I want to make a couple of comments about the asbestos issue and then I want to talk about a couple of other unrelated matters.

First, on the asbestos issue, I am one of those Senators who has in the past year or year and a half written letters to my colleagues, to Senator FRIST and to Senator DASCHLE, in support of efforts to find a negotiated solution.

On July 31 of last year, I sent a letter to our joint leadership urging that we reach a bipartisan compromise on the issue of asbestos. That letter was signed by a number of other colleagues: Senators MILLER, BREAUX, BEN NELSON, BAUCUS, CARPER, KOHL, LINCOLN, LEVIN, and STABENOW.

In late October, I sent another letter to Senators FRIST and DASCHLE urging that we seize the moment and pass an asbestos bill, but recognizing that in order to do that, there needs to be serious negotiation. All of the stakeholders—and there are big stakeholders on this matter—need to come together to resolve the issues in a way that reflects a true compromise.

There are a couple of things that are necessary to say at this point. One, I believe there is an urgency to deal with this issue. The failure to deal with it causes great economic uncertainty for companies and for our economy. The failure to deal with it means there are some who are sick as a result of having contact with asbestos during their lifetime and who will not be compensated. There are others who are not sick who will receive compensation. There are lawyers in the middle of some of these suits who will receive a disproportionate percentage of awards. I don't think this system works at all. The system is broken.

For that reason, I believe it is in the interest of everyone for us to have legislation in the Senate that can truly reflect a bipartisan compromise. But the bill before us now is not such legislation.

I was surprised, frankly, the week before last, just before the Senate took a 1-week break, to read statements made on the floor of the Senate. I shall not ascribe them to any particular colleague, but those who want to know can look in the RECORD.

One of the colleagues who brought this bill to the Senate floor suggested that the asbestos negotiations were being blocked because the personal injury bar would not otherwise put up $50 million for JOHN KERRY in the election. This colleague of mine said that such a suggestion, if true, was ''pathetic.'' Well, these words are an affront to all those colleagues on my side of the aisle who have been working very hard to get a good asbestos bill through the Senate this year. And these words are hardly appropriate from someone bringing a bill to the Senate floor, for which he seeks bipartisan support.

This is not a serious proposal. We understand that. Senator SPECTER, who I think has done much of the serious work in the Senate trying to bring people together and reach a compromise, does not support this proposal. Let me read what Senator SPECTER said, again a Member of the majority party:

> I decline to join with Senator FRIST and Senator HATCH in their substitute bill because I think it is the better practice to try to work through these problems.

I completely agree with Senator SPECTER. I think the approach to have taken on this would have been for Senator FRIST to have engaged with Senator DASCHLE and have all of the stakeholders work over a period of months to reach a compromise. And it is not too late to do that.

In recent months, Senator DASCHLE has attempted numerous times to meet with Senator FRIST to hammer out these issues, but those meetings have not taken place. I don't know all that has happened with respect to that, but I do know this: Putting a bill on the floor of the Senate that is far short of a true compromise with the stakeholders is not going to solve the problem.

Yet this is an urgent problem that needs solving. I believe, as some of my colleagues do—Senator CARPER, for example, on my side, who has worked very hard on this issue, who believes very strongly, as do I—that there needs to be a solution. I certainly believe that if we end this session of the Congress without addressing this issue, without passing some legislation, we will have failed. All of us will have failed.

It is simple enough to bring legislation that is unacceptable to the Senate floor so you can then have a press conference and say: Well, the other side killed this legislation. That is simple enough, but it does not address any problem or solve any issue.

My hope is that in the coming days, the joint leadership—Senator FRIST, Senator DASCHLE—might join with the stakeholders in this issue around a table and have some hardnosed negotiating and hammer out and develop a proposal that represents a true bipartisan proposal that represents a true compromise by all of those engaged in this issue so that we can pass legislation. Bringing what has been brought to the floor of the Senate the week before last and filing cloture on it is not a way to legislate. They know and we know that this means this legislation does not advance. I fail to see how that solves a problem or begins to address an issue that I believe is urgent.

Once again, there are some principles involved. One, I don't believe that people who are not sick and have never been sick should be compensated. Two, I believe those who are sick should be compensated and compensated fairly and not have to go through a tort system and spend a lot of money for lawyers to be compensated. Three, I believe that the American business community deserves some certainty and that certainty does not exist at this point. That is why I believe a trust fund of sorts that is set up and established with appropriate medical criteria and other definitions is the best

way for us to resolve the issue. I believe we should get to that point—the sooner, the better. But we have wasted a great deal of time.

The process that has now been embarked upon by the majority leader will almost certainly guarantee we will not get to that point. I regret that because I hope at the end of this process, this Congress will understand the urgency for workers, for business, for all of the stakeholders to pass asbestos legislation.

THE OFFICE OF FOREIGN ASSET CONTROL

Mr. DORGAN. Mr. President, I would like to speak for a moment about a subject I discussed with the Treasury Secretary this morning when he testified before my Appropriations subcommittee. We are fighting terrorists who want to attack this country. They have killed thousands of innocent Americans. They wish to attack this country and kill innocent Americans once again. It is an enormous challenge to fight and defeat terrorism. It takes all of our energy every day in our law enforcement areas, in the intelligence community. It takes a lot of coordination and good work. It takes getting it right.

So we have the homeland security office. We have the CIA. We have the FBI, the Defense Department. We have everybody working on these issues—the U.S. Customs Service, and a little agency in the Treasury Department called OFAC, the Office of Foreign Asset Control. These are the people whose principal responsibility is to try to track the financial transactions happening between terrorists, to shut down the financial connections that finance terrorist activities.

But that is not all that is done in the Treasury Department with respect to OFAC. This rather small office is doing other things. Their principal job ought to be to track terrorism and to shut down the financial root that funds terrorist activities. But there are some at the OFAC who are doing other things. Let me describe them.

First, from a speech in December by the Under Secretary of Homeland Security, in Miami, a speech by Asa Hutchinson, where he talked about the crackdown on enforcement of the U.S. embargo against Cuba and goes into some detail; and then the Secretary of the Treasury, also in Florida, on February 9 gives a speech. The Office of Foreign Assets Control at Treasury, he said, is working closely with customs agents inspecting all direct flights to Cuba at Miami, JFK airport, Los Angeles Airport. That is hundreds of aircraft, tens of thousands of passengers, and agents are being meticulous.

Well, I wonder if we are checking quite so closely with respect to trying to track terrorists. You know what they are looking for? I will give you an example. They are enforcing the embargo that we have with respect to Cuba, and part of that embargo is to prohibit Americans from traveling in Cuba, so we have all of these resources and personnel at airports tracking every passenger and every plane to see if someone has done something wrong. This is an example of what they discovered.

This agency in the Treasury Department that is supposed to track terrorism tracked down Joanie Scott. She went to Cuba 4 years ago to distribute free Bibles. Four years later, the folks who wear suspenders at OFAC at the Treasury Department decide they are going to slap her with a $10,000 fine because 4 years ago she went to Cuba to give away free Bibles. She said she didn't know she needed to get a license. Four years later, they slapped her with a $10,000 fine. That is not all of it.

This is a picture of Joan Slote, a 74-year-old grandmother, who is a bicyclist. She is a senior olympian. She rides bicycles all over the world. She happened to ride one in Cuba with a bicycling group from Canada. Guess what happened to Joan Slote? She got fined by OFAC, this little agency in Treasury that is supposed to be tracking terrorists. They are tracking little grandmothers who are riding bicycles in Cuba, in order to punish Castro and enforce the travel ban. They fine American citizens for traveling in Cuba. So she gets fined $7,630 for riding a bicycle in Cuba.

These are some folks who are disabled athletes. They got to go to Havana about 2 years ago for the games for disabled athletes, the world games. They applied again this year, but as the Treasury Secretary and Mr. Hutchinson and others have said, including President Bush, we have this crackdown now on travel to Cuba; so these folks were denied a license to compete in the games for disabled athletes in Havana. The result is that they lost the $8,000 they paid to a travel agency for transportation to Havana to participate in world team sports for disabled athletes. Quite the terrorists, aren't they?

So we have people down at the Treasury Department tracking these folks, a retired grandmother, a woman who takes free Bibles for distribution in Cuba, to see if we can find them. That is what is going on—levying fines of $5,000, $10,000.

There is another man from the State of Washington who decided his father's last wish was to be buried or have his ashes distributed in the church he once ministered at in Cuba. Cevin Allen of Washington State traveled to Cuba to bury his father's ashes on the church grounds where his father once ministered. They decided to fine him $20,000.

That is what they are tracking down at OFAC. They ought to be ashamed of themselves. Their job is to track terrorists.

Let's look at what they have done. They have people stationed at airports. They have trained Homeland Security agents. Hundreds have been trained to do this. Here is what they have nabbed with 45,000 passengers. They have actually worked overtime to thwart terrorists importing cigars from Cuba.

On October 10 of last year, they had this directive from the President and, boy, they went at it. Homeland Security and OFAC at Treasury grabbed this issue. They found that 215 of the 45,461 travelers to Cuba were suspected of taking a vacation. Maybe that is a felony. They were suspected of taking a vacation. What an awful thing. And 283 tobacco and alcohol violations were found. The Homeland Security spokesperson, Christine Halsey, said each violation involved a small amount of rum or cigars; 245 are going to take a vacation, and a small number are bringing in rum. There were 42 narcotics seizures, but it involved prescription drugs, not heroin. There was one hazardous material violation. We have this ramp-up and we are supposed to protect America against terrorism, and you have these folks in green eyeshades trying to levy fines on Americans, and you have agents at airports trying to see who comes back from Cuba, and who traveled illegally so we can fine them. One hazardous material violation was discovered. It was apparently a carbon bioxide canister, which was probably used to add fizz to seltzer water.

Does this sound stupid? It does to me. That is a harsh word. Sometimes our public policies seem flatout dumb. We are confronted with the specter of terrorists who want to kill Americans, cross our borders and commit acts of terror. Yet we have people at airports, Homeland Security agents, and OFAC trying to track little old ladies that went on bicycle trips in Cuba. What are they thinking at the Department of Treasury? Is that the way they want to use their resources?

All of us know that lifting the travel ban to Cuba would happen instantly if we had a vote in the House and Senate. The only way they prevent it is to prevent a vote. But to use assets at the Department of Treasury, agents are supposed to be tracking terrorists, but instead are tracking little grandmothers riding bicycles, or women distributing Bibles, or a son who wants to bury his father's ashes at his home church in Cuba. That defies description to me.

So I am going to find a way during the appropriations process to find out how many resources they are using at the Department of Treasury to do this, and if they don't want to use them properly, they should lose them. If they want to keep them, they ought to use them to protect us against terrorists, not to slap a fine on a grandmother who rode a bicycle in Havana. I think that is nuts.

As we go into the appropriations process, I want to bring attention to that single issue. That is an important issue, and one that I think ought to be dealt with.

I wish to make a comment on an additional issue today. We are heading into an appropriations process. We

have a huge budget deficit, significant fiscal policy problems. Three years ago, it looked as if there were going to be surpluses forever. Now we have the biggest budget deficit in the history of this country. There is no prospect in sight of anything resembling a surplus for the next 10 years and beyond. Despite all that, we still have some needs in this country. We need to find a way to meet them.

With respect to a number of functions, it is Katie bar the door, whatever they need. We are spending $100 billion more for defense than we used to spend. I understand that. We are spending $130 billion already in Iraq, $5 billion a month, $4 billion in Iraq, $1 billion in Afghanistan. Nobody is being asked to pay for it. Increases in homeland security spending, I understand that. Tax cuts, tax cuts, and more tax cuts, and a President who says: Let's make all of them permanent. I understand why he is saying that as well. I don't support it.

I think someone who makes $1 million a year is fortunate, and good for them. I am all for them, but suggesting they should have a $123,000 tax cut per year on their $1 million salary, at a time when we are up to our neck in deficits, in my judgment, defies description.

Let me mention one other issue that I think we need to deal with—the issue of the Indian Health Service. I want to show a picture of a little girl named Avis Littlewind. She died 2 weeks ago. Her aunt said she took her own life around noon in her home. She missed 90 days of school since the start of the school year. She is a 14-year-old girl who apparently felt there was no hope. She lives on an Indian reservation. On the reservations, there are precious few resources to deal with the kinds of problems this young girl obviously confronted—one psychologist, a social worker, no psychiatrist, no automobile to provide necessary transportation.

There is a crisis in resources to deal with these issues. A young girl takes her own life and nobody seems to say much about it. It is just what happens. The fact is, this should not happen. It should not ever happen.

I remember speaking one day on the floor of the Senate about another young girl, a Native American, a young Indian girl, age 3, placed in a foster home, but they did not check out the foster home before they placed her there. The caseworker worked 150 separate cases and did not check out the foster home.

This young girl had her nose broken, her hair pulled out by its roots, and her arms broken at a drunken party. She will never outlive the scars of that beating she took. Why? Because one person was handling 150 cases involving children.

We have a full-blown crisis on Indian reservations in this country dealing with the basic social services that every American family ought to be able to expect to access. When a young girl has serious problems, serious emotional difficulties, and needs help, that young girl ought not to take her own life at age 14 because help is not available. This is a better country than that.

When we come to funding the Indian Health Service this year, we can no longer pretend Third World conditions do not exist on some of the Indian reservations in this country when it comes to health care for kids. We just cannot any longer pretend. Lives are being lost, lives are being ruined, and we can do something about it.

I am going to have more to say as we get into the appropriations process, but I did want to simply say there is a tragedy that is unfolding every day, every hour in parts of this country that are in America's shadows. Out of mind, out of sight for some, but not for all. We, in this Congress, must shine a light on these problems and begin to solve them.

Mr. President, I yield the floor, and 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. CORNYN. 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. CORNYN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. CORNYN. Mr. President, I rise to speak about the PATRIOT Act, a subject which has been much misunderstood. I think some of the misunderstanding has been perhaps just from lack of information or has been misinformation that has been spun in an effort to confuse people and perhaps even to scare people about what is in this important legislation. Indeed, we are all committed to making sure not only that our Nation is secure, and I believe the PATRIOT Act has contributed tremendously to improving the security of the United States of America, but at the same time we have a fundamental commitment in this country to civil liberties. I believe, and I think the American people believe, the Founders of this country believed firmly that we can have both our national security and our civil liberties. Particularly, in a time of war such as we are in now, while there will be some tension, we need not sacrifice our civil liberties.

Nevertheless, there are those who would play politics with this issue in an effort to score political points, or I think others who perhaps for more benign reasons might just be not very well informed and kind of go along, not really knowing the truth. So I want to talk just a few minutes about the PATRIOT Act and what it has done.

Of course the PATRIOT Act has passed overwhelmingly, just a short time after the terrible events of September 11. Indeed, the purpose of the PATRIOT Act was to give law enforcement the tools and our counterterrorism experts and agents the tools they needed in order to prevent future 9/11s.

Indeed, the evidence is clear that the PATRIOT Act has served that important purpose. The Department of Justice has broken up four terrorist cells in the United States since September 11, in Buffalo, Portland, Detroit, and Seattle. It has filed criminal charges related to terrorism against more than 300 individuals. So far it has secured 176 convictions or guilty pleas. Perhaps the best evidence of the success of the PATRIOT Act has been the fact that, thank goodness, America has not suffered another horrific event like 9/11 since that terrible day some 2½ years ago.

I might add we have also been successful in freezing some of the funding that has been essential to financing terrorism around the world. In fact, the PATRIOT Act has allowed us to freeze more than $200 million in funds from organizations that have been sponsoring and funding international terrorism.

Particularly, last week, I guess it was, when we heard the testimony of the former FBI Director Louis Freeh, the former Attorney General Janet Reno, and the current Attorney General John Ashcroft, the American people became introduced more or less the same way that law students are to fundamental principles of law enforcement and due process. Even more than that, the American people were introduced to something that was referred to as ''the wall.''

The wall was the subject of a 1995 memo by Jamie Gorelick, then Deputy Attorney General, now on the 9/11 Commission. Indeed, as she has pointed out, the wall between our antiterrorism and intelligence-gathering efforts and our law enforcement efforts has been longstanding. But it is not a matter that is constitutionally required; it is something the American Government had done to itself. It is a limitation that Congress had placed on information sharing between law enforcement officials. Some only investigate crimes after they have occurred, trying to root out the guilty and then to convict the guilty of the crimes they have committed. The wall is between those law enforcement officials and those intelligence agencies, counterterrorism officials whose job it is to prevent a terrorist attack from even occurring and to preempt that terrible event from occurring. So it was through the PATRIOT Act that we saw this wall come down that has been so important to information sharing.

Indeed, this is not a partisan issue. Attorney General Janet Reno said just a few short days ago, on April 13, with respect to the problems of information sharing within the FBI and other Federal officials, that:

Many of these issues will be or have been resolved by the passage of the PATRIOT Act or other statements.

Indeed, to my recollection, that is not the same words but essentially the same testimony that was presented by former FBI Director Louis Freeh. Former FBI Director Louis Freeh, who served during the previous administration, in talking about this wall that had been brought down as a result of the PATRIOT Act said:

. . . the wall is not an appropriate one with respect to counterterrorism, and that's been repaired both by the PATRIOT Act and the court of review.

I believe the court of review he is referring to is the Foreign Intelligence Surveillance Act, which creates a court of seven Federal judges who review requests for various intelligence mechanisms that try to make sure or, in fact, do make sure as much as is humanly possible that the rights of people who are accused of crimes are not unfairly jeopardized in this process.

The point is that the wall that had been erected separating our law enforcement personnel and preventing them from sharing information with our counterterrorism officials has now been torn down and we now allow information sharing which, indeed, has made America safer.

The PATRIOT Act specifically makes it easier to track terrorists in the digital age. When journalist Daniel Pearl of the Wall Street Journal was kidnapped in Pakistan, the terrorists made the mistake, as it turned out, of sending the ransom demands by e-mail. The PATRIOT Act, having brought our laws into the information age, allowed investigators to quickly obtain essential information from the Internet service provider that the terrorists were using. This in turn led them to cybercafes in Pakistan and then to some of Daniel Pearl's killers, who are now in prison thanks to the expanded tools provided by the PATRIOT Act.

Some have worried aloud that we are jeopardizing our civil liberties by creating a law which allows expanded authority to law enforcement and counterterrorism authorities. But what many people don't understand, or don't know—there is no reason they should know other than the fact that they have now learned more about it—is the PATRIOT Act actually applies tools that have already been in use in other contexts. For example, before September 11, investigators had better tools to fight organized crime than they did to fight terrorism. For example, for years law enforcement officials used roving wiretaps to investigate organized crime. I think it was Senator JOE BIDEN who said if roving wiretaps are good enough for the mob, then they are good enough for terrorists. He, of course, advocated, as many on this floor did, for that. Here is a copy of his remarks. I paraphrased it. Let's go to the exact quote. He said:

. . . the FBI could get a wiretap to investigate the Mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy. What's good for the Mob should be good for terrorists.

Those are statements with which I agreed, made by Senator JOE BIDEN on October 25, 2001, which I submit were true then and remain true today.

I already mentioned that aspect of the PATRIOT Act which has made it easier for us to cut off the financial support that has been used to support terrorist acts. Osama bin Laden, when he first left Saudi Arabia and went to Afghanistan as part of the anti-Communist Jihad, after the Soviets invaded Afghanistan, he and other Jihadists declared holy war against the Soviets at the time. The way he got started in his terrorist activities was financially supporting the acts of other Jihadists, other Muslim extremists. At that time, he directed their fire at the Soviet Union until, of course, the Soviet Union left Afghanistan. Then they turned their fire on America and other freedom-loving countries.

My point is, getting at the financial support for terror was very important. Indeed, the PATRIOT Act has made it much easier to get to that and was responsible for capturing some $200 million in terrorist financing, which has been very important.

One of the things that has concerned me, and no doubt others, about the PATRIOT Act has been the way people have used the PATRIOT Act as almost a dirty word. It has been used to scare people. It has been used to mislead people about what the act does. It is important to understand what the act does and what it does not do.

It has also been used to raise money. This is part of the scare campaign the American people deserve to know about and we as Members of this body need to remind ourselves of and make ourselves aware of. I happened to get a solicitation from the American Civil Liberties Union at my home. This is an excerpt. It caught my eye because I thought, now I understand why there are so many people who are misled and frightened by the PATRIOT Act because there are organizations such as the ACLU that are misleading people about what it does. They are using that fear to raise money. We know one of the strongest motivations there is for human beings is to scare them. Indeed, that is exactly what is happening by misleading the American people about what the PATRIOT Act does, by organizations such as the ACLU.

This solicitation letter I received at my residence said in part:

We need your immediate help to stop radical anti-liberty proposals from becoming radical anti-liberty laws of the land with Congress' and the White House' seal of approval.

Indeed, that sort of statement is not alone. We have another chart that talks specifically about the PATRIOT Act, and another excerpt from the same solicitation by the ACLU:

The USA PATRIOT Act expands terrorism laws to include ''domestic terrorism'' which could subject political organizations to surveillance, wiretapping, harassment, and criminal action for political advocacy.

If that were true, I would be standing and saying we need to look at this twice. We need to do something about it. We need to look further to see whether perhaps we have done something wrong or it needs correction or review.

I was at a hearing of a subcommittee of the Senate Judiciary Committee, and Senator FEINSTEIN put her finger on this and pointed out the kind of hysterical scare tactics the ACLU and others have used in mischaracterizing what the PATRIOT Act does are flatly unfounded. I was there at this hearing, but I had the statement made into a chart so the quote is clear. Senator FEINSTEIN, to her credit, is always a Senator who does her homework. She does her homework in every case, sometimes to my aggravation when she is on the other side of an issue, but sometimes I am glad she does. This is a case where I am glad she did her homework as she always does.

I have never had a single abuse of the PATRIOT Act reported to me.

She was not just sitting passively back waiting for people to write or call as they do to our offices to complain or to register some concern about legislation or some Federal activity.

She went on to say:

My staff e-mailed the ACLU and asked them for instances of actual abuses. They e-mailed back and said they had none.

It is very disturbing that the same organization that mails solicitations to houses of not just Members of Congress but to people all across America, trying to frighten them, mislead them, and scare them into believing Congress has acted without concern for civil liberties or perhaps some law we passed has been abused by Attorney General John Ashcroft and others, when, in fact, it is just not true. Everyone should be concerned about that. It ought to be exposed for what it is.

Notwithstanding the comments of people like Senator BIDEN, who supports the PATRIOT Act, Senator FEINSTEIN, who has done this investigation to find out whether, in fact, there has been abuse—and there has been none reported, even when asked for examples to support their scare tactics—there are some now who say it is time to eliminate the PATRIOT Act or to replace it, using other similar scare tactics.

I might point out this is not limited to the Congress. I had my staff refresh my recollection because I had remembered—indeed, the Presiding Officer may remember, too—there are press reports about city councils around the United States that passed resolutions condemning the PATRIOT Act based on the disinformation and scare tactics the ACLU and others have used to mislead them about whether there was, indeed, a threat to the civil liberties of their constituents. In fact, 287 local governments across the United States

of America have passed such resolutions condemning the PATRIOT Act. I am sad to say, three of those were in Texas: If my recollection is correct, the Dallas City Council, Austin City Council, and one from a smaller municipality.

So we know at least there is some evidence that the kind of scare tactics and misinformation people have been spreading, people at the ACLU have been spreading, is, unfortunately, working, because not enough people like me and others in this body are standing up and correcting the record and providing the truth.

Unfortunately—it is not unfortunate; it is our system. We have elections for President every 4 years. We have elections for the House every 2 years and every 6 years for the Senate, but it should not be too surprising some of this disinformation and misinformation and scare tactics have gotten into the Presidential campaign.

Indeed, I listened with some concern during the race for the Democratic nomination for President where various candidates for that Democratic nomination for President continued along this line of disinformation, misinformation, and scare tactics specifically regarding the PATRIOT Act. The current nominee for President of the Democratic Party participated in that, what I call ''piling on.'' He said in a speech at Iowa State University:

> So it is time to end the era of John Ashcroft.

Unfortunately, this is an instance, I will interject in the quote, in which Attorney General Ashcroft has been reviled, he has been called all sorts of names, held up as a boogeyman in part of the scare tactic for doing his job, for enforcing the laws Congress has passed and the President has signed. If the Attorney General of the United States of America will not enforce the laws Congress passes and the President signs in order to make America more secure, who will? Thank goodness, we have a courageous individual who is willing to stand up against unwarranted criticism and this sort of misinformation or disinformation campaign and enforce the law Congress passes because he believes, as Congress believed when it passed the law, as the President believed when he signed the law, the PATRIOT Act makes America more secure.

Going back to the quote by Senator KERRY at the Iowa State University:

> So it is time to end the era of John Ashcroft.

He goes on to say:

> That starts with replacing the PATRIOT Act with a new law that protects our people and our liberties at the same time.

He later had an interview on ''Morning Edition'' on National Public Radio on August 18, 2003. He said:

> If you are sensitive to and care about civil liberties, you can make provisions to guarantee that there is not this blind spot in the American justice system that there is today under the Patriot Act.

Unfortunately, this disinformation campaign, which stands in stark contrast to the lack of any evidence that Senator FEINSTEIN found in her investigation about abuses, continues now into the Presidential campaign, now that the Presidential nominee of the Democratic Party has been chosen.

Indeed, this is on Senator KERRY's Web site, John Kerry for President Web site. He said:

> John Ashcroft has used new authority under the Patriot Act to perform ''sneak and peek'' searches without ever notifying anyone and without any judicial oversight.

Well, besides this campaign of disinformation and misinformation and scare tactics, I can assure you neither the Attorney General nor any other United States attorney or Federal law enforcement official can legally perform any kind of search without judicial oversight. That is wrong. It is a false statement.

Even if we pulled this out of all the other contexts I have talked about—the disinformation, the misinformation, and the scare tactics—this is a flat misstatement. I hope Senator KERRY will correct that on his Web site because no search under any kind of warrant can be conducted without the approval of a judge or an impartial magistrate. That is a basic part of our criminal law. But, here again, I am worried that unless people stand up and correct the record, this kind of disinformation will continue.

But the worst part of it is this: Notwithstanding the kind of statements I covered by Senator KERRY and others, these are some of the same people who voted for the PATRIOT Act when it passed. Indeed, on October 25, 2001, Senator KERRY said:

> I am pleased at the compromise we have reached on the antiterrorism legislation, as a whole, which includes the sunset provision on the wiretapping and electronic surveillance component.

Then later, more specifically to the subject at hand, this quote is talking generically about the laws that changed included in the PATRIOT Act and others. But he was interviewed on Fox News on October 25, 2001. John Gibson of Fox News said:

> Senator KERRY, today, Attorney General Ashcroft said that terrorists have reason to be afraid, very afraid of this new terror legislation. Why? What's in it that has so much sharper teeth?

Senator KERRY said:

> It streamlines the ability of law enforcement to do its job. It modernizes our ability to fight crime.

Well, I agree with the comments of Senator KERRY in October of 2001 about the benefits of the PATRIOT Act. And I disagree with the comments Senator KERRY—the same person—made when he decided to run for President, and now that he is a Presidential nominee, where he is using the misinformation, this disinformation, these scare tactics, unfortunately, in contrast to the lack of evidence Senator FEINSTEIN was able to glean from even the ACLU about any evidence of abuses.

The fact is, the PATRIOT Act has made America a safer place. And no political campaign, no fundraising goal justifies misleading the American people about what is good about the PATRIOT Act and how it has contributed to bringing down this wall separating law enforcement and counterterrorism officials from sharing information. Indeed, as I said, the best evidence about why the PATRIOT Act is good law, good public policy, is the fact we have not been hit like we were on 9/11. Thank God for that. I know, of course, we hope and pray we never will again be hit in that way. But we are not going to be safer if we play politics with our national security, even in a Presidential year when the attraction is so irresistible, it appears, to some.

The PATRIOT Act has made America safer. Janet Reno, John Ashcroft, Louis Freeh, people on both sides of the aisle, people who have put their hand on a Bible and sworn to uphold the laws of the United States of America, to protect the Constitution—these are people who have testified under oath the PATRIOT Act has made America safer.

So I say, let's not play politics with this important law. Let's not play politics and risk American lives by continuing the disinformation and misinformation and the scare tactics to the point where we would go back and eliminate or revise or neuter this important protection which has made our country so much safer.

So, Mr. President, with that, I would like to turn to some additional matters on behalf of the majority leader.

I see Senator REID on the floor. At this time, on behalf of the majority leader, I would ask——

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ALEXANDER). The assistant Democratic leader.

Mr. REID. If the Senator would yield for a comment?

Mr. CORNYN. I would be happy to yield.

Mr. REID. The staffs are not quite ready to do the close yet. They should be ready in a matter of a few minutes. So if the Senator would allow us a few more minutes?

Mr. CORNYN. Under the circumstances, Mr. President, I ask——

Mr. REID. I will make a statement that will take a couple minutes. Senator DASCHLE is going to make a statement. We can go ahead and do the close, and he can speak after the close, but we are not quite ready on this side to close. It will take another few minutes.

Mr. President, if the Senator will yield for me to make a very brief statement?

Mr. CORNYN. I will be glad to yield.

The PRESIDING OFFICER. The assistant Democratic leader.

PATRIOT ACT

Mr. REID. Mr. President, I would agree with my friend, the former attorney general of Texas, the PATRIOT

Act has made America a safer place. I think that is a fair statement. But I would also say the PATRIOT Act is something we have to watch very closely. We realized when we passed this legislation there may be provisions in it that went too far, not far enough. As a result of that, we have put a provision in this very important bill, the PATRIOT Act, that it would sunset; that if we did not renew that legislation, it would fail; therefore, next year we have to renew this act.

I am confident, based on what is going on around the country, in spite of the statement from the American Civil Liberties Union—we can look to Las Vegas, my home, on one criminal prosecution, what the authorities did there. It is my understanding they used the PATRIOT Act. A person bought a car with global positioning in it. The reason they bought that, of course, is in case something went wrong you could press a button and come and find out where the car is, or, if it was an emergency, someone trying to hijack the car, emergency authorities would be notified. The person never realized law enforcement authorities could focus on that vehicle and listen to everything that went on in that car. That is what they did.

I would have to think without getting a judge's order, without doing some things in addition to what I have described, that was probably going a little too far. The point being, the PATRIOT Act is something we need to take a look at. That is why we have this legislation that will sunset.

I hope the Judiciary Committee and other committees that believe they have jurisdiction will begin as soon as possible taking a look at this legislation to see if there are provisions that should be revised, eliminated, added to. I don't think we need to criticize Senator KERRY because he thinks we need to take a look at the PATRIOT Act. I believe we do, and that is certainly appropriate. The Senate agreed. That is why we included a sunset provision in this most important legislation.

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. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S.J. RES. 1

Mr. CRAPO. Mr. President, on behalf of the majority leader, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 271, S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRAPO. Mr. President, the majority leader has been attempting to clear this request to allow us to proceed to the consideration of the constitutional rights for victims resolution. Given the objection, and on behalf of the majority leader, I now ask unanimous consent to withdraw the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONAL AMENDMENT TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED

CLOTURE MOTION

Mr. CRAPO. Mr. President, I now move to proceed to S.J. Res. 1, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 271, S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

Bill Frist, Jon Kyl, Gordon Smith, Ted Stevens, Trent Lott, Kay Bailey Hutchison, Susan Collins, Pete Domenici, Rick Santorum, George Allen, John Ensign, Wayne Allard, Mitch McConnell, Jim Inhofe, C. Grassley, Mike DeWine.

Mr. CRAPO. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I now withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. CRAPO. 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.

EQUAL PAY DAY

Mr. REID. Mr. President, today, April 20th, is being observed as Equal Pay Day.

I wish I could say it is a celebration of Equal Pay for women. But it isn't.

Instead, this day symbolizes the fact that women continue to earn only 77 percent as much as men, 77 cents on the dollar.

Today, April 20, marks how many extra days a woman has to work to earn as much money as a man earned last year.

Women are paid less than men even when they have the same experience, the same education, the same skills, and live in the same parts of the country.

And they are paid less for doing the same jobs.

For example, women lawyers and women doctors both have median weekly earnings that are nearly $500 less than those of male lawyers and doctors.

Women food service supervisors are paid about $100 less each week than men in the same job, and waitresses earn about $50 less than waiters.

Women professors' weekly earnings are nearly $300 less each week than men's, and the median weekly salary for women elementary school teachers is $70 per week less than that of male elementary school teachers.

When women are short-changed in their paychecks, it doesn't just hurt them. It hurts their whole family, including their children and spouses.

Lower pay for women means a family can't afford as nice of a home, or give their children the same opportunities, as they could if women were paid as much as men.

If married women were paid the same as comparable men, their family incomes would rise by nearly 6 percent. And the poverty rate among families of working women would decline from 2.1 percent to 0.8 percent.

On average, every working family loses $4,000 every year because of unequal pay for women.

If single working mothers earned as much as comparable men, their family incomes would increase by nearly 17 percent, and their poverty rates would be cut in half, from 25.3 percent to 12.6 percent.

If single women earned as much as comparable men, their incomes would rise by 13.4 percent and their poverty rate would fall from 6.3 percent to 1 percent.

Women lose 23 cents on the dollar compared to men—almost a quarter.

Over a lifetime of work, that 23 cents adds up fast. It adds up to real money.

For an average 25-year old working woman, it adds up to about $523,000 during her working life. That's more than a half-million dollars less than a man will be paid.

Because women are paid less when they work, they can't save as much toward their retirement. Half of all older women who received a private pension in 1998 got less than $3,486 per year, compared with $7,020 per year for older men. In other words, the pensions for women were less than half of the pensions for men.

The figures are even worse for women of color. African-American women earn only 67 cents and Latinas 55 cents for every dollar that men earn. Asian Pacific American women still earn only 83.5 cents on the dollar compared to men's salaries.

These statistics remind us that we still have a long way to go, even though we have been fighting for decades to win equal pay for women.

When President Kennedy signed the Equal Pay Act in 1963, it became illegal for companies to pay women less than men who were doing exactly the same work.

Unfortunately, other forms of discrimination have continued, including relatively low wages for jobs that have traditionally been considered ''women's work,'' like teaching, nursing and child care.

Some recent legal settlements provide insight into the kind of discrimination that women still face in the workplace: In 1997, Home Depot and Publix Supermarkets each agreed to pay more than $80 million to settle major lawsuits charging them with sex discrimination against thousands of working women. The lawsuits alleged that, among other things, the companies had assigned women to lower-paying jobs, refused to give them raises, and denied them promotions. In 1999, Texaco agreed to pay $3.1 million in a ''glass ceiling'' settlement to women who alleged they were consistently paid less than their male counterparts in similar positions. In 2000, Ford Motor Co. agreed to pay $3.8 million to women and minority applicants who claimed they were denied jobs as entry-level assemblers. In 2002, American Express Financial Advisors Inc. agreed to pay $31 million to settle a sex discrimination case alleging that female professionals were paid less and unfairly denied promotions.

Everyone agrees that women deserve equal pay. But we still haven't reached that goal.

That's why we must vigorously enforce the equal pay laws that are already on the books. Pass stronger and better equal pay laws, such as the Paycheck Fairness Act, which I am proud to co-sponsor. And protect the rights of workers to organize and bargain with employers.

It is simply not fair that a young woman beginning a career in the workplace today will earn a half-million dollars less than a man.

It isn't fair that pensions for women are half as much as pensions for men.

And it isn't fair that the families of working women are penalized in every paycheck.

Let's pass the Paycheck Fairness Act, and let's work to finally ensure that women who work get paid as much as men.

ENVIRONMENTAL ACHIEVEMENT AWARD

Mr. REID. Mr. President, I rise today to congratulate the Washoe Tribe and Stephanie Lefevre of Nevada on receiving the 2004 Environmental Achievement Award from the U.S. EPA's Region 9 Office.

One of the greatest legacies we can bequeath to our children is a clean and protected environment. I take this opportunity to recognize the Washoe Tribe and Ms. Lefevre for their strong commitment to preserving our State's rich natural heritage.

Headed by Marie Barry, the Washoe Tribe Environmental Department has helped restore a section of the Carson River corridor through Jacks Valley in Douglass County, NV.

The tribe has contributed significantly to the environmental health of its ancestral land, while engaging the local community in a constructive and educational experience. Its ''Washoe on the River Day'' events attracted dozens of volunteers to participate in the restoration process, and learn about the environmental history of the Carson River and its cultural connection to the Washoe people.

As Director of the Nevada Outdoor School, Stephanie Lefevre has developed an environmental education plan to teach students about the problems posed by illegal dumping in local areas. She has also created several other environmental programs in Winnemucca, including a community garden and composting program and a volunteer community recycling program. The recycling program expands conservation efforts and teaches students about responsible environmental stewardship.

Please join me in congratulating the Washoe Tribe Environmental Department and Stephanie Lefevre on their outstanding work and well-earned recognition.

HONORING OUR ARMED FORCES

PVT NOAH L. BOYE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of PVT Noah L. Boye, a Nebraskan serving in the United States Marine Corps. Boye was killed on April 13 when he came under enemy fire near Fallujah, Iraq. He was 21 years old. Boye served in the 1st Battalion, 5th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force based in Camp Pendleton, CA.

A resident of Grand Island, NE, Private Boye was a proud and dedicated soldier who was committed to his country. Private Boye enlisted in the Marine Corps when he was 17 years old. He died courageously performing his duty. Our thoughts and prayers are with his family at this difficult time. All of America mourns Noah Boye and is proud of his service.

Private Boye and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring PVT Noah L. Boye.

Mr. NELSON of Nebraska. Mr. President, PVT Noah Boye was a dedicated Marine who served his country with honor. He joined the Marine Corps right after he graduated from high school in 2001. He was deployed to Kuwait in February 2003 and was part of the initial coalition forces that helped bring down Saddam Hussein in March. Private Boye spent 4 months in Iraq that year and redeployed to Iraq last month. He is described as a caring person who was always there for everybody and anybody. His family remembers him as the life of the party and a genuine and gentle man. The last contact he had with his mother was a letter that she received from him 3 weeks ago that was dated March 7. When his mother showed concern about her son going to Iraq, he told her, ''Mom, that's my job. It's what I have to do.'' Private Boye fought for his country with no regrets and with great honor.

I would like to express my deepest sympathy for the Boye Family, and I know all Nebraskans join me in remembering and honoring Noah's contributions to Grand Island and his sacrifice on behalf of his country. Private Boye's sacrifice will forever remind this Nation of the danger that comes with the duty to protect our Nation's interests and the freedoms of others around the world. As a nation, we are grateful to Marines like Private Boye who make the ultimate sacrifice so that all Americans can live in freedom.

SP DENNIS MORGAN

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of SP Dennis Morgan, a Nebraskan serving with the South Dakota National Guard. Specialist Morgan was killed on April 17 south of Baghdad, Iraq when a roadside bomb exploded as a convoy passed. He was 22 years old. Specialist Morgan was a member of the 153rd Engineer Battalion based in Winner, South Dakota.

Specialist Morgan, of Valentine, NE, worked to protect others by finding and disarming explosive devices along the roads. He died courageously performing his duty.

Specialist Morgan is survived by his wife, Cassie; his mother, Diane Mangelson; and his grandmother, Doris Morgan. Our thoughts and prayers are with all of them at this difficult time. All of America mourns Dennis Morgan and is proud of his service.

Specialist Morgan and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring SP Dennis Morgan.

PFC ANTHONY P. ROBERTS

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Marine PFC Anthony P. Roberts. Anthony epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country and, above all else, honor. In the way he lived his life—and how we remember him—Anthony reminds each of us how good we can be.

A resident of Middletown, Anthony's passing has deeply affected the community. A 2003 graduate of Middletown High School, Anthony was the son of Emma Roberts and the late William Roberts, Jr. Friends, family, and school officials recalled Anthony Roberts as a bright young man who saw military service as a way to give something back to his country. He viewed the Marine Corps as an opportunity to get away from a small town, meet new people, and start a career.

Anthony always had a strong interest in the military. He was a member of Middletown High School's Air Force Junior ROTC program. His participation in that program enabled me to meet him and many of his fellow cadets several years ago when I visited their high school. Friends and family remember Anthony as standing extra tall after earning his Marine Corps uniform.

After graduating from school, Anthony underwent basic training at Camp Lejeune, NC, before being stationed at Camp Pendleton, CA. Anthony became a member of the 2nd Battalion, 4th Marine Regiment. He died in fighting around Ramadi.

Anthony was a remarkable and well-respected young soldier. His friends and family remember him as an honorable man. He enjoyed spending time in Philadelphia, writing rap music lyrics, reading automobile magazines, and playing computer games.

I rise today to commemorate Anthony, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

1LT ROBERT HENDERSON II

Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the service of 1LT Robert Henderson II of Alvaton, KY. His death while performing his duty to his country is a great loss to us all.

On April 17, 2004, LT Henderson was leading a convoy near Diwaniyah. As they were passing through, they were ambushed and LT Henderson was wounded. He later died at a field hospital. I offer my sincerest condolences to LT Henderson's family and loved ones.

His service with the Kentucky Army National Guard's 2123rd Transportation Company was exemplary and duly appreciated. Lieutenant Henderson, according to reports, showed bravery by continuing to drive his lead vehicle toward safety after he was wounded. As one of the U.S. Senators from Kentucky, I know that Lieutenant Henderson served as a fine example of what it means to be a true patriot and an American of the highest caliber.

We are humbled and honored by the sacrifice Lieutenant Henderson has made. His loss reminds us of the heavy cost exacted for our freedom. We must remember that the American way of life has been made possible by the bravery of men and women like Lieutenant Henderson. When freedom has been challenged many like him have answered the call to arms. We must never forget that.

ARMY SERGEANT DAVID MCKEEVER

Mr. NELSON of Nebraska. Mr. President, SGT David McKeever was a soldier who fought honorably for his country. He joined the Army in 1997, right after graduation from South Park High School in South Buffalo, NY. Before going to Iraq to try to help keep peace, he served proudly in Bosnia. He just recently reenlisted to serve his country. He was also approved for a promotion from army specialist to the rank of sergeant just before his death. This well-deserved honor was given to him posthumously.

David had 15 days remaining before he would have left Iraq for Germany, and then return home. His family describes him as a dedicated soldier, proud American, and hero who was fully aware of the high cost of freedom.

SGT David McKeever will be greatly missed and our thoughts and prayers will be with his family and friends. He leaves behind a wife, a one-year-old son, his parents and his four sisters. As a nation, we are grateful to David McKeever and other soldiers like him who make the ultimate sacrifice so that others can live free.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through April 8, 2004—the last day that the Senate was in session before the recent recess. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $7.6 billion in budget authority and under the budget resolution by $13 million in outlays in 2004. The current level for revenues is $3.1 billion above the budget resolution in 2004.

Since my last report dated March 23, 2004, the Congress has cleared and the President has signed the following acts: the Welfare Reform Extension Act of 2004, Pub. L. 108–210; an act to reauthorize certain school lunch and child nutrition programs through June 30, 2004, Pub. L. 108–211; and, the Pension Funding Equity Act of 2004, Pub. L. 108–218. In addition the Congress has cleared for the President's signature S. 2057, an act to require the Secretary of Defense to reimburse certain transportation expenses of members of the U.S. Air Force. These actions changed the level of budget authority, outlays or revenues for 2004.

I ask unanimous consent that the report, with its accompanying letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through April 8, 2004 (the last day that the Senate was in session before the recent recess). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter dated March 23, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Welfare Reform Extension Act of 2004 (Public Law 108–210);

An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (Public Law 108–211); and

The Pension Funding Equity Act of 2004 (Public Law 108–218).

In addition the Congress has cleared for the President's signature S. 2057, an act to require the Secretary of Defense to reimburse certain transportation expenses of members of the U.S. Air Force. Also, a correction was made to the final scoring of the Surface Transportation Extension Act of 2004 (Public Law 108–202), reducing the budget authority that had been scored for that legislation.

The effects of these actions are detailed in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF APRIL 8, 2004

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	1,873.5	1,881.1	7.6
Outlays	1,897.0	1,897.0	*
Revenues	1,331.0	1,334.1	3.1
OFF-BUDGET			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	*

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.— * = Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF APRIL 8, 2004

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation [1]	1,117,131	1,077,938	n.a.
Appropriation legislation	1,148,942	1,179,843	n.a.
Offset receipts	−365,798	−365,798	n.a.
Total, enacted in previous sessions	1,900,275	1,891,983	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	58	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
Total, enacted this session	2,126	749	3,363
Passed, pending signature:			
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057)	13	7	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−21,334	4,221	n.a.
Total Current Level [1, 2]	1,881,080	1,896,960	1,334,119
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	7,621	n.a.	3,119
Current Level Under Budget Resolution	n.a.	13	n.a.

Notes.—n.a. = not applicable; P.L. = Public Law.

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $82,460 million in budget authority and $36,644 million in outlays from previously enacted bills.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

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 3, 2002, a 17-year-old transgender woman, Gwen Araujo, was viciously killed and buried in a shallow grave near South Lake Tahoe. Gwen was beaten severely—with fists, canned goods and a metal skillet—then strangled to death. Before driving her to a remote location to be buried, the attackers wrapped her body in blankets and hit her in the head with a shovel to make sure she was dead.

After a confession to police by one of Gwen's attackers, her body was finally found 2 weeks later. Currently, three men—Michael Magidson, 23, and Jose Merel and Jason Cazares, both 24—stand trial for her murder. A fourth man was also charged with her murder but pled guilty to manslaughter in exchange for testifying against the others. Despite this confession and eyewitness testimony in this case, defense attorneys have suggested that Gwen's murder was a result of something the victim provoked because of her lifestyle choice. The defense has asserted that Gwen ''deceived'' her attackers. Once learning of her biological sex, it caused one defendant to become enraged ''beyond reason,'' thereby resulting in her attack. One attorney has even claimed that no hate crime has been committed in this case.

Clearly, the murder of Gwen was motivated by hatred. I believe that the government's first duty is to defend its citizens, and to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become one of substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

1139TH MILITARY POLICE COMPANY OF MOBERLY, MO

Mr. TALENT. Madam President, I rise today to express my appreciation for the service and the sacrifice of the service men and women of the 1139th Military Police Company of Moberly, MO, for their contributions to Operation Iraqi Freedom.

The 1139th was mobilized in January 2003, and served in Iraq from May to December 2003. Their missions included convey security, securing the flow of personnel and material to sustain the U.S. mission in Iraq; ensuring the security of fixed-site locations in Iraq, performing law enforcement and presence missions to maintain law and order, and to train Iraqi police as they prepare to assume an ever-greater share of the day-to-day duties of stabilizing the country.

Their efforts, and their willingness to leave their families and homes, to assist in the larger effort to stabilize and return Iraq to the family of freedom- and peace-loving nations, says much regarding their understanding of the word service, and their appreciation for the obligations of citizenship.

The United States is a wealthy and powerful Nation, but it is the willingness of young men and women such as these that makes us great. In a dangerous world, they make the difference, both here and overseas. Their efforts will set men free. Their efforts will break the shackles of despotism. Their efforts will secure the safety of Americans here at home.

To the 65 service men and women of the 1139th, you have my respect and my heartfelt thanks for your service.

May God bless these fine young men and women and their families. And may God bless the United States of America.

REAUTHORIZE THE ASSAULT WEAPONS BAN

Mrs. FEINSTEIN. Mr. President, a little before noon 5 years ago today, Dylan Klebold and Eric Harris began a killing spree at Columbine High School that left a dozen of their fellow students and a teacher dead, and more than two dozen others wounded.

The Columbine incident was a wake up call to a nation awash with guns, and showed us all once again what one or two grievance killers or malcontents can do with powerful, semi-automatic assault weapons.

Klebold and Harris were troubled young men who chose, tragically, to take out their angst on fellow students.

Twenty or thirty years ago, that decision might have simply led to a fist fight during recess outside on the playground. But now, with the prevalence of high-capacity, high-powered firearms, that decision quickly led to the deaths of more than a dozen innocents, and then the two shooters themselves.

Using several long guns and a TEC–DC9 semi-automatic assault pistol, Klebold and Harris were able to move through their high school with impunity, firing shot after shot in rapid succession, and quickly ending the hopes and dreams of so many youngsters.

Nobody could take them down, because their weapons made them, for all intents and purposes, invulnerable.

And while Columbine was tragic, it was not unique.

Similar grievance killings have occurred across the nation, in every forum:

In a San Ysidro, CA McDonald's in 1984, when a gunman with an Uzi killed 21 and wounded 15 others.

In Stockton, CA, in 1989, when drifter Patrick Purdy walked into a schoolyard with an AK–47 and killed 5, wounding 30 others.

In Long Island, NY, in 1993, when a gunman killed 6 and wounded 19 others on a commuter train—he was only brought down when he finally stopped to reload.

In Pearl, MS, in 1997 when two students were killed.

In Paducah, KY, in 1998 when three students were killed.

In Jonesboro, AR, in 1998 when five were killed, and ten more wounded.

In Springfield, OR, in 1998 when two were killed, and 22 wounded.

In Atlanta, GA, in 1999 when a troubled day trader killed his wife, two children and several people trading stocks.

At a Granada Hills, CA Jewish Community Center when a gunman wounded three and killed one.

At a Fort Worth, TX Baptist church where seven were killed and seven more wounded at a teen church event, all by a man with two guns and 9 high capacity clips, with a capacity of 15 rounds each.

And the list goes on, and on.

Just last week, I spoke at the funeral of San Francisco Police Officer Isaac Espinoza, who was shot and killed by a gang member armed with an AK–47 and a 30-round clip. Officer Espinoza took three shots in his back as a gunman fired 15 rounds in just seconds, giving Officer Espinoza and his partner, who was also shot, no time to seek refuge.

Officer Espinoza was a bright young star in the San Francisco Police Department, and he had a promising future and loving family. Now, that future is gone. His wife Renata is without a husband. His beautiful three-year-old girl Isabella is without a father.

These are the real consequences of assault weapons. This is not a political debate about a theoretical issue. This is about the death, and tragedy, and loss.

That is why Senator WARNER, Senator SCHUMER and I are seeking to pass legislation to reauthorize the federal assault weapons ban for another 10 years, before it expires on September 13 of this year.

This amendment received 52 votes in this body just last month, but the NRA scuttled the underlying gun immunity bill rather than allow the assault weapons bill to pass.

As a result, we are running out of time. The ban expires on September 13th of this year. We cannot afford to let these weapons back on our streets. We owe the American people more than that. It is just that simple.

This should really be an easy issue.

After all, this amendment already passed the Senate once.

The President has said many times that he supports the current law, and supports renewing the current law.

Every major law enforcement organization in the country supports renewing the ban, as do countless civic organizations, including: Fraternal Order of Police, National League of Cities, United States Conference of Mayors, National Association of Counties, International Association of Chiefs of Police, International Brotherhood of Police Officers, U.S. Conference of Catholic Bishops, National Education Association, NAACP, and the American Bar Association.

And the list goes on, and on.

More than three-fourths of the American people, and two-thirds of gun owners, support renewing the ban.

In a poll conducted by Mark Penn and Associates October 1–6 of last year: 77 percent of all likely voters supported renewing the assault weapons ban; Only 21 percent opposed renewal; 72 percent of Republicans supported renewing the ban, as did 71 percent of those describing themselves as ''conservatives''; 66 percent of gun owners supported renewal, and only 32 percent of gun owners opposed it.

So one might wonder, why don't we just pass the ban by unanimous consent, get it through the House and have it signed into law tomorrow?

But an interesting dynamic is at work here. An interesting dynamic that relates to one, very powerful interest group that has violated the trust of its members and has used threats, distortions and bullying tactics to fight against common sense gun control at every level, and at all costs.

That group, of course, is the National Rifle Association.

But it is my hope that in the coming weeks, this body will stand up to the NRA and instead listen to the President of the United States, who supports the ban.

Listen to law enforcement all across the nation who know that this ban makes sense, and saves lives.

Listen to the studies that show that crime with assault weapons of all kinds has decreased by 50 to 66 percent since the ban took effect almost ten years ago.

A 1999 National Institute of Justice Study found that crime gun traces of assault weapons fell 20 percent in just the first year following enactment of the ban, from 4,0777 traces in 1994 to just 3,268 in 1995.

Murder rates that year dropped 6.7 percent below what they had been projected to be before the ban, once researchers had isolated for other factors.

Murders of police officers with assault weapons also dropped from about 16 percent of gun murders of police in 1994 and early 1995 to 0 percent in the latter half of 1995 and 1996.

A recent study released by the Brady Center shows that the proportion of assault weapons used in crimes fell from a high of 6.15 percent in the year before the ban, to just 2.57 percent by 2001. This is a 58 percent decrease in just 8 years, and includes not only the banned guns, but copycat guns, as well.

The analysis in this study was performed by Gerald Nunziato, who for 8 years served as the Special Agent in Charge of ATF's National Tracing Center. So this is not some fly-by-night study. This is by the one person who perhaps knows what these numbers mean better than anybody.

This follows a statistical analysis by the Department of Justice indicating that banned assault weapons used in crime fell by an even greater percentage—almost 66 percent—between 1995 and 2001.

The bottom line is that this ban has worked.

If we let these guns back on the streets, we open the door to more and more killings.

If we let these guns back on the streets, we tell Steve Sposato, whose wife Jody was killed in the 101 California shooting more than ten years ago, that we have forgotten his pain.

If we let these guns back on the streets, we send an invitation to terrorists to come to America and arm themselves, as recommended in an Al Qaeda training manual. Is now the time to do this?

If we let these guns back on the streets, we ignore ten years of success.

What is the argument for letting these banned guns back on the streets?

Who is clamoring for newly manufactured AK–47s?

Who is clamoring for new TEC–9s?

These are guns that are never used for hunting. They are not used for self defense, and if they are it is more likely that they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

So in the coming weeks I will again offer my amendment to extend the assault weapons ban, and I urge the President to come forward and ''put his money where his mouth is'' in terms of helping us get this legislation passed.

The families of the students killed at Columbine five years ago, Officer Espinoza's wife, and so many other victims fo gun violence demand that we act.

NOMINATION OF EPA DEPUTY ADMINISTRATOR STEPHEN JOHNSON

Mr. WYDEN. Mr. President, on March 10, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Stephen Johnson to be Deputy Administrator of the Environmental Protection Agency, EPA. I did this because I had been trying to obtain information concerning EPA's decision to become involved with the City of Portland combined sewer overflow program since last August. Despite numerous requests, EPA failed to answer my questions and failed to provide me with the documents I had requested, with the exception of a limited number of documents that EPA

would have to provide to any requester under the Freedom of Information Act, FOIA.

Today, I am releasing my hold on Mr. Steve Johnson to acknowledge that EPA has made a good faith effort to provide documents on the Portland sewer situation since I placed a hold on his nomination. Although I am lifting my hold on Mr. Johnson, I remain troubled by EPA's policy for withholding documents from Members of the Senate and the Environment and Public Works Committee, in particular. I believe the EPA position on this critical issue is contrary to the law and the controlling court decisions. I have also voiced my concern that EPA policy would mean the end of Congressional oversight. I believe that Senators should not be forced to place holds on nominees in order to obtain documents they need to conduct their oversight duties as members of the committee with primary responsibility for oversight of EPA.

I will lift my hold on Mr. Johnson's nomination today to acknowledge recent EPA efforts to respond to my requests. I will also be monitoring EPA cooperation in responding to my requests for information in the future. And if EPA again tries to stonewall as it did to my requests for information on the Portland sewers, I will put a hold on other EPA nominations if that is what it takes to get the agency's attention and cooperation.

OFFICER ISAAC ANTHONY ESPINOZA

Mrs. BOXER. Mr. President, I have just returned from San Francisco, a city whose heart has been broken by the tragic shooting death of a brave young police officer. On April 10, Isaac Espinoza was killed in the line of duty at the age of 29.

Officer Espinoza died doing the duty he loved: protecting the community from gang violence. He had volunteered to work as a plain clothes officer in the gang suppression unit of Bayview Police Station, where he served with distinction for 7 of his 8 years on the San Francisco police force.

Officer Espinoza was well known and liked in the Bayview neighborhood. Residents trusted him, and they appreciated his efforts to defuse violence and get guns off the streets. His outstanding work was recognized by the Police Department, which honored him with a Silver Medal of Valor and a Purple Heart as well as a Police Commission commendation.

Isaac Espinoza was also a loving husband, father, and son. My heart goes out to his wife, daughter, and family. I want them to know that the entire community shares their grief. All San Francisco feels the loss of Isaac's death, just as we all appreciate the gift of his life and work.

A gallant police officer is gone, but he will not be forgotten. We can and must carry on his work by giving community police officers and other first responders the resources they need to bring peace and safety to our Nation's streets and neighborhoods.

VOTE EXPLANATION

Mr. AKAKA. Mr. President, due to a previous obligation, I was unable to vote on the conference report to H.R. 3108, the Pension Funding Equity Act of 2004. If I had been present, I would have voted in support of the conference report. I appreciate the work done on this conference report by my colleagues, Senators GRASSLEY, GREGG, MCCONNELL, BAUCUS, and KENNEDY. As others have mentioned before, this legislation is very important to many businesses and their employees suffering from the recent economic downturn and in need of pension relief that the act will provide.

While the act will help millions of employees who are covered under this measure, I am concerned that approximately 9.7 million Americans who belong to multi-employer pension plans, many of them in the construction industry, who are facing the same problems as employees covered by other pension plans, will not be receiving this relief. In January, when the Senate overwhelmingly passed H.R. 3108, we agreed that our pension laws should affect not just single-employer plans but also multi-employer plans. We thought including multi-employers was fair and just. Unfortunately, in conference, there were some that agreed with the Bush administration that multi-employer plans should only receive partial relief. Some would say that the relief will be four percent, others will say it is even less than that. All I know is that millions of hard-working Americans, who report to work just as any other employee, will not receive this relief.

However, with the April 15 deadline where many employers were facing an inflated contribution to their pension plans and the administration's threat of a veto if the final bill included multi-employer relief, I could not penalize approximately 35 million Americans who are covered by single-employer defined benefit plans. The low 30-year Treasury bond interest rates and the unpredictable stock market have adversely affected many companies that contribute to these defined benefit plans. Again, while I believe these conditions affected not just single-employer plans, but also multi-employer plans, I could not jeopardize the 35 million Americans who could have lost their pensions if this important legislation were not enacted into law.

ADDITIONAL STATEMENTS

HONORING ERIN SMALLEY: A REMARKABLE YOUNG WRITER

● Mr. GRASSLEY. Mr. President, today I rise to honor a fine young Iowan, Erin Smalley of Johnston. Erin is a seventh-grade student at Johnston Middle School. Erin wrote the following essay for a school-wide contest for American Education Week on the topic ''Great public schools for every child—America's promise.'' Erin's eloquent and inspiring words remind us of the importance of education in America. I would like to take a moment to share with you what Erin Smalley wrote in her essay, A Passion for Education.

William Butler Yeats, an Irish poet who won the Nobel Prize for Literature in 1923, once said, ''Education is not the filling of a pail, but the lighting of a fire.'' He made an excellent point, but reading through is quote just once will not make the meaning sink in. I am going to break it down to make it more easily understood.

The first part of Yeats' quote states, ''Education is not the filling of a pail.'' I believe it means this: Education is not just putting information and knowledge into someone's mind. You can't dump fact, after fact, after fact onto someone because it will just go in one ear and out the other. Putting a lot of information into someone's head is just like filling a pail with a lot of water. It will probably just sit there, but it won't sink in. That is why education means something more.

The rest of the quote says: ''. . . but the lighting of a fire.'' I believe this means that education is all about enlightening students and making them wonder. To light their fire is to make them want to learn more, to build a passion for what they are being taught. When they have an interest, then they will go for it. When kids are given an education, and they discover a passion for something important to them, then they will go higher and higher and never give up, until they reach their dreams. When the light goes on, that's when they start to discover and learn. That's when education is most important, because then it will hopefully become a turning point in their life.

Everyone should get to go to a free school to learn freely and learn new things. I want every kid to be able to have a passion for something, and be able to have the chance to go for their dreams. I want every kid to get the chance, because it's not fair if only some do. I hope that having an education will light all of the flames, and not just fill up the pails.●

CENTRAL COLLEGE SESQUICENTENNIAL

● Mr. HARKIN. Mr. President, last fall, Central College kicked off a year of festivities to celebrate its sesquicentennial. Founded in 1853 by a determined group of immigrants from the Netherlands, Central College has grown in size and stature during the last century and a half, but remains grounded in the tradition and faith of its founders. This weekend, the celebration continues with the Happy Birthday Dear Central Gala.

Currently affiliated with the Reformed Church in America, the college was originally created through the efforts of the Baptists of Iowa. The Iowa Baptist Society worked to establish an ''institution of liberal and sacred learning'' in the early days of our State. An enterprising, open-minded Pella resident, Dominie Scholte, believed in the

power of higher education and campaigned to bring the new institution to his community. Scholte, a member of the Dutch Reformed Church, sealed the deal for Pella by donating land and money to the new school.

The new Central University of Iowa opened its doors on October 8, 1854, with 37 students in a rented buildlng on Washington Street. From a humble beginning, Central College has grown into a state-of-the-art liberal arts college with 1,700 students. The college offers degrees in 36 disciplines and is well known for its ambitious study abroad program.

The study abroad program began in the summer of 1962 when a group of Central students ventured to the Yucatan Peninsula in Mexico. The program also sent students to Paris, France the following summer and was expanded to a full year of study in 1965. The popularity of the program and the number of foreign locations has increased and now includes England, Wales, Austria, Spain, Holland, China and Kenya. Today, approximately half of Central students spend at least one semester aboard.

Central College alumni, students, staff and Pella residents have participated in a variety of special events over the past several months. The sesquicentennial celebration has showcased the strong liberal arts tradition of the college with special performances, lectures, exhibits and social events. As the college community comes together for the Happy Birthday Dear Central Gala, I offer my heartfelt congratulations on 150 years of excellence in the education and my best wishes to Central College for the next 150 years.●

IN RECOGNITION OF THE LADY PANTHERS OF DRURY UNIVERSITY

● Mr. BOND. Mr. President, I rise to congratulate the Drury University Lady Panthers basketball team on their fantastic march to the NCAA Division II championship game in St. Joseph, MO, on March 27, 2004. Fans and alumni in Southwest Missouri and across the country are justifiably proud of the Lady Panthers.

For years fans from the great State of Missouri have enjoyed watching some of America's most outstanding sports legends. The Lady Panthers are continuing this tradition of excellence, ending their year with an enviable record of 36–2. In an amazing performance, the Drury team battled until the end for the NCAA Division II National Championship. In the words of Coach Nyla Milleson, it was a tremendous journey.

What makes this story remarkable is the fact that the Lady Panthers basketball team was established just 4 years ago under the direction of the late Dr. Bruce Harger, Drury's athletic director for 15 years. Many teams work for years to gain preeminence and respect in their sport. Thanks to the brilliant coaching of Nyla Milleson and her staff, along with the team's strong commitment and hard work, the Lady Panthers were able to achieve this distinction in a very short time.

Coach Milleson skillfully assembled a group of talented young women, many from southwest Missouri where basketball takes center stage in most communities during the winter months. The women's team played their first game in 2000, joining a Drury men's team that is rich in tradition. With strong support from the University and its boosters, the Lady Panthers enjoyed immediate success, culminating in their championship appearance this March.

Long known for academics, Drury University can now add women's basketball to its list of nationally recognized sports programs, continuing its tradition of excellence. There is no doubt that the Drury Lady Panthers are poised to compete in many more games. I congratulate Coach Milleson and all the Lady Panthers team members, coaches and supporters who worked hard to turn their dreams into reality.●

CONGRATULATIONS TO MR. TOM DiBELLO

● Mr. BUNNING. Mr. President, I would like to take a moment today to pay tribute to Mr. Tom DiBello of Covington, KY who has served with great distinction as the Executive Director of the Covington Community Center since 1995.

Tom has strong roots in Covington, KY, even though he first came to the community as a 1-year VISTA, Volunteers in Service to America, worker. Mr. DiBello then worked his way through the Covington Community as an outreach worker, community organizer and program director. As he rose through the ranks, his dedication to the community and list of achievements only grew.

Some of Mr. DiBello's early accomplishments include organizing grassroots efforts for welfare reform and developing the Covington Neighborhood Action Coalition, now known as the Covington Neighborhood Collaborative.

Mr. DiBello is responsible for marked growth of the Community Center, transforming it from a small organization on the west side of Covington to a truly city-wide support and development organization. From developing partnerships to running a capital campaign, Tom's leadership has been integral to the success of the Covington Community Center.

Congratulations again, Mr. DiBello, on your dedicated service to the Covington Community Center. You are an inspiration for all of us throughout the Commonwealth of Kentucky. We look forward to your continued success and achievement.●

RECOGNIZING THE CONTRIBUTIONS OF ALEC BRINDLE

● Ms. MURKOWSKI. Mr. President, I would like to take a few minutes to offer a tribute to a very significant figure in one of my State's largest industries: seafood processing. This man is Alec Brindle, who was for many years with Wards Cove Packing Company, and who has now entered retirement. In addition to having played an important role in the development of Alaska's salmon industry, Alec has also been a friend of mine, and of my family, for many years. It seems to me that anyone with the stamina and perseverance to work in the fish business for 50 years deserves some recognition.

Although Alec was born in the Seattle area, his life has long been tied to Alaska's fisheries. Almost his entire extended family has been involved in Alaskan fisheries since well before Alaskan statehood. As a young boy he spent summers in Ketchikan, at first playing around the cannery, and then, at age 13, he began his career as an employee of the family salmon packing operation. This was the beginning of a career, and a commitment, that would last for 50 years. Alec is one of those people about whom you can say, ''He has truly seen it all''. At various points in his long career fish prices for red salmon have varied from pennies a pound to a point in the late 1980's when a single fish was worth more than a barrel of North Slope crude oil. As Alec himself has pointed out, the fish business is one where at the beginning of the season the processor doesn't know how much fish he will be able to buy, what price he will pay, or at what price he will be able to sell the finished product. Needless to say, trying to craft and maintain a business plan under such circumstances is not an easy task. But Alec, to his great credit, was able to maintain his grace and charm in the face of all these challenges. He was a true gentleman in a very tough business.

Alec did take enough time off from the family business to obtain a law degree. He spent a year clerking for well known Alaska Supreme Court Justice John Dimond. Since Alaska had only recently been granted statehood, these were exciting times for our young State as we sorted through the growing pains of creating a judicial system. As a young attorney Alec contributed to this process.

Most people outside of Alaska aren't aware that the fishing industry has traditionally been my State's largest private employer. Each year, thousands of fishermen and other workers come to Alaska to help in the harvesting and processing of the amazing variety of fishery resources of my State. Although most of Alec's career was spent in the salmon business, he and his family have also been involved in the crab, herring and groundfish sectors. Many fishermen and processing workers have spent their entire careers enjoying an association with Alec and other members of the Brindle family.

But Alec didn't just make a living from Alaska's fisheries; he also gave back a great deal. He was always active in the various industry trade associations which work to maintain the sustainability and profitability of our fisheries. Among these were the Pacific Seafood Processors Association, the Alaska Seafood Marketing Institute, the National Fisheries Institute, and the National Food Processors Association. Alec's other business activities resulted in his being named to the Board of Advisors for Wells Fargo Alaska and becoming Chairman of the Board of the Tongass Trading Company.

Achieving educational goals has always been very important to the Brindles and in addition to his law degree, Alec proudly holds an Honorary Doctorate degree from the University of Alaska Southeast. And the Brindle family has also provided generous financial assistance to many young Alaskans seeking higher education through their support of the Winn Brindle Scholarship program, named for Alec's father.

After knowing Alec for so many years, it is hard for me to believe that he will no longer be actively involved in the seafood industry on a day-to-day basis. However, I know him well enough to say that he isn't about to head for a rocking chair. He will undoubtedly continue to share his time and expertise with those in the seafood industry, and throughout Alaska. He will be missed, but his many contributions and achievements will live on for many years.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 20, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2057. An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

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–7101. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Accidental Release Prevention Requirements: Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements'' (FRL#7642–6) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7102. 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 Plan; Florida Broward County Aviation Department Variance'' (FRL7643–3) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7103. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interstate Ozone Transport: Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Sections 126 Rules'' (FRL#7644–7) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7104. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training'' (FRL#7341–5) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7105. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Chesapeake Bay Program; to the Committee on Environment and Public Works.

EC–7106. A communication from the Vice President for Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2003; to the Committee on Environment and Public Works.

EC–7107. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2003 Nonconventional Source Fuel Credit'' (Notice 2004–33) received on April 9, 2004; to the Committee on Finance.

EC–7108. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Manufacturer Submission of Average Sales Price, Data for Medicare Part B Drugs and Biologicals'' (RIN0939–AN05) received on April 9, 2004; to the Committee on Finance.

EC–7109. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Application of EGTRRA Remedial Amendment Period'' (Rev. Proc. 2004–25) received on April 9, 2004; to the Committee on Finance.

EC–7110. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Intercompany Financing Using Guaranteed Payments'' (Notice 2004–31) received on April 9, 2004; to the Committee on Finance.

EC–7111. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2004–32) received on April 9, 2004; to the Committee on Finance.

EC–7112. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Andean Trade Preference Act; to the Committee on Finance.

EC–7113. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Jordan; to the Committee on Foreign Relations.

EC–7114. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Pakistan's cooperation with the United States in the Global War on Terrorism; to the Committee on Foreign Relations.

EC–7115. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy and Japan; to the Committee on Foreign Relations.

EC–7116. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Australia, New Zealand, and Canada; to the Committee on Foreign Relations.

EC–7117. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia and Kazhazstan; to the Committee on Foreign Relations.

EC–7118. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia, Ukraine, and Norway; to the Committee on Foreign Relations.

EC–7119. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazhakstan; to the Committee on Foreign Relations.

EC–7120. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of the export of defense articles or defense valued at $14,000,000 from the United Arab Emirates to Morocco; to the Committee on Foreign Relations.

EC–7121. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations .

EC–7122. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7123. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations'' (RIN1400–Z) received on April 13, 2004; to the Committee on Foreign Relations.

EC–7124. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to appropriations for the 1998 Tropical Forest Conservation Act; to the Committee on Foreign Relations.

EC–7125. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Government Performance and Results Act; to the Committee on Governmental Affairs.

EC–7126. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the District of Columbia Family Court Act; to the Committee on Governmental Affairs.

EC–7127. A communication from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting, pursuant to law, the Museum's Performance and Accountability Report for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7128. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report under the Government in Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC–7129. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, a report relative to the export of technologies and technical information to countries and entities of concern; to the Committee on Governmental Affairs.

EC–7130. A communication from the White House Liaison and Executive Director, White House Commission on Remembrance, transmitting, pursuant to law, the Commission's second Annual Report; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor.

*Edward R. McPherson, of Texas, to be Under Secretary of Education.

*David Wesley Fleming, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2007.

*Jay Phillip Greene, of Florida, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2005.

*John Richard Petrocik, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2008.

*Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

*Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

*Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Gerald Lee, of Pennsylvania, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NICKLES:

S. 2320. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. STEVENS, Mr. BREAUX, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. SMITH, Mr. BINGAMAN, and Mrs. BOXER):

S. 2321. A bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 2322. A bill to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees; to the Committee on Governmental Affairs.

By Mr. SHELBY (for himself, Mr. MILLER, Mr. BROWNBACK, Mr. GRAHAM of South Carolina, Mr. ALLARD, Mr. INHOFE, and Mr. LOTT):

S. 2323. A bill to limit the jurisdiction of Federal courts in certain cases and promote federalism; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LUGAR, Mr. INOUYE, Mr. GREGG, Mr. GRAHAM of Florida, Mr. CRAIG, Mr. AKAKA, Mr. HAGEL, Mr. SUNUNU, Mr. TALENT, Mr. ALLEN, and Mr. BROWNBACK):

S. 2324. A bill to extend the deadline on the use of technology standards for the passports of visa waiver participants; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. Res. 341. A resolution to urge the resolution of claims related to the confiscation of certain property by the Government of Italy; to the Committee on Foreign Relations.

By Mr. HATCH (for himself and Mr. CRAPO):

S. Res. 342. A resolution designating April 30, 2004, as ''Dia de los Niños: Celebrating Young Americans'', and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 501

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 501, a bill to provide a grant program for gifted and talented students, and for other purposes.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 976

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1083, 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.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1549

At the request of Mrs. DOLE, the names of the Senator from New Jersey

(Mr. LAUTENBERG), the Senator from Idaho (Mr. CRAPO), the Senator from Colorado (Mr. CAMPBELL), the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors 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. 1700

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1796

At the request of Mr. COLEMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1796, a bill to revitalize rural America and rebuild main street, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Louisiana (Mr. BREAUX) 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 Louisiana (Mr. BREAUX) 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. 2179

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2194

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2194, a bill to amend part D of title IV of the Social Security Act to improve the collection of child support, and for other purposes.

S. 2258

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2258, a bill to revise certain requirements for H–2B employers for fiscal year 2004, and for other purposes.

S. 2261

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2261, a bill to expand certain preferential trade treatment for Haiti.

S. 2262

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2271

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2271, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor 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. CON. RES. 99

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 311

At the request of Mr. BROWNBACK, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 330

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.

Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ('OPEC') cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 331

At the request of Mr. FITZGERALD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 331, a resolution designating June 2004 as ''National Safety Month''.

AMENDMENT NO. 2941

At the request of Mr. THOMAS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2941 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAMBLISS (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LUGAR, Mr. INOUYE, Mr. GREGG, Mr. GRAHAM of Florida, Mr. CRAIG, Mr. AKAKA, Mr. HAGEL, Mr. SUNUNU, Mr. TALENT, Mr. ALLEN, and Mr. BROWNBACK):

S. 2324. A bill to extend the deadline on the use of technology standards for the passports of visa waiver participants; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator CHAMBLISS and the other cosponsors on this important bipartisan bill to prevent serious problems for both border security and our travel and tourism industries.

These provisions, called the Visa Waiver Program Compliance Amendments of 2004, will extend for 2 additional years the October 26 deadline in current law for countries participating in the Visa Waiver Program to begin issuing biometric passports.

It has become increasingly clear in recent months that this extension is essential. Strengthening the security of the Nation's borders is a critical part of the ongoing effort to prevent future terrorist attacks. A key part of meeting our security needs is the use of technology to screen out potential terrorists. We enacted specific legislation 2 years ago to authorize the development and implementation of biometric identification methods for visas and other immigration documents, in order to produce better screening of foreign nationals traveling to the United States, and provide front-line agencies with better intelligence for their decisions on applications for admission.

Good technology is essential in fulfilling this mission. So are hiring additional personnel, retaining experienced workers, providing adequate training, and developing effective ways to facilitate coordination and information-sharing among Federal agencies. These measures all enhance our security and create protections against potential terrorist attacks.

If we do not extend the biometric passport requirement for countries in the Visa Waiver Program, we will lose the real value of that particular protection. The current deadline has turned out to be impractical, because it forces countries to meet it, even if they are not ready to do so. The biometric passport process has been plagued with legitimate problems of global interoperability, privacy, chip durability, and production and procurement delays. The deadline was not realistic even from the start, and it is now clear that countries are unable to meet it.

As an official from the Department of Homeland Security testified at a recent Judiciary Committee hearing, ''If we force people to rapidly try to meet the deadline, we are going to get inferior technology that is going to be much more difficult for us to make useful at the ports of entry.''

If we do that, our borders won't be safe. Inferior technology was not what was intended when Congress passed the Border Security Act.

In addition to the danger to border security, the current deadline will have a harsh economic impact. If countries miss the deadline, all their tourists and business travelers will have to obtain visas. The State Department estimates that over 5 million visas will need to be issued in the first year. Department officials believe that even with additional staffing for granting visas, they could process only about 10 percent of the additional workload.

The resulting delays in granting visas would obviously prevent large numbers of legitimate travelers from coming to the United States and produce chaos in the Visa Waiver Program. The Department of Commerce estimates that ''the elimination of the program would cost the United States economy $28 billion in tourism-related exports over the next five years, result in a loss of 475,000 jobs, and completely erode the travel-trade surplus.''

We all agree that we need to screen out terrorists, but we need to do so in ways that will not increase our border security problems instead of solving them. I urge my colleagues to support this needed legislation. It is not a setback for the war on terrorism to wage it more realistically.

Mr. CHAMBLISS. Mr. President, I rise today to introduce, along with Senator KENNEDY, a bill to extend the biometric deadline that is currently set for October 26, 2004 in accordance with the Enhanced Border Security Act. Our bill will extend the deadline to November 30, 2006 in an overall effort to improve our homeland security.

The biometric passport requirement applies to the 27 visa-waiver countries. Millions of these foreign citizens travel to the United States each year for tourism or business and currently these citizens are not required to obtain a visa to enter the United States. All other countries must obtain a visa which includes an interview and background check at the overseas consulate.

There are a number of significant reasons for extending the deadline. I have heard from many businesses very concerned about the adverse impact of the current deadline on travel and tourism to the United States and negative effect on our economy as a result. I have heard from the State Department and Department of Homeland Security about the lack of manpower to conduct interviews and issue visas to over 5 million new entrants per year. But the strongest reason to move the deadline is that it is in our best interests for homeland security.

This bill will allow visa-waiver countries to implement the most effective biometric technology to deter terrorists from entering the United States. Although the United States is not requires by law to meet the same standards, today we are still a ways off from implementing biometric features in our passports. Passage of this bill will encourage our allies in the war on terror to continue in their cooperation with us and our security efforts both at home and abroad. In conjunction with extending the deadline, the US VISIT entry-exit system will apply to all visa-waiver country entrants. Under US VISIT, these foreign visitors will undergo the same security measures, including fingerprinting, which other visitors must meet.

A couple of weeks ago I held a hearing in my Immigration and Border Security Subcommittee on the topic of border security. Several Senators asked questions concerning the biometric deadline, and Department of Homeland Security Assistant Secretary Stewart Verdery made the case. Secretary Verdery said: ''We have gone to Congress and asked for this extension, and we believe that within 2 years those countries will be able to meet the deadline, The technology will be more mature. It will make sense to have it in place at that time. . . . If we force people to rapidly try to meet the deadline, we are going to get inferior technology that is going to be much more difficult for us to make useful at the ports of entry.''

Since September 11, the administration has taken significant and effective steps to strengthen our homeland security. The entry-exit system, US VISIT, is up-and-running and now collecting information on aliens traveling to the U.S. through air and sea ports. The Department of Homeland Security has the SEVIS foreign student tracking system in place and doing its job.

The President has created the Terrorist Screening Center to improve information-sharing and coordinate our

efforts. The extension of the biometric deadline is another step in the right direction as we fight the war on terror.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 341—TO URGE THE RESOLUTION OF CLAIMS RELATED TO THE CONFISCATION OF CERTAIN PROPERTY BY THE GOVERNMENT OF ITALY

Mr. REID (for himself and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 341

Whereas the Government of the Italian Republic confiscated the property of Mr. Pier Talenti, a citizen of the United States, and has failed to compensate Mr. Talenti for that property;

Whereas the Government of Italy has an obligation under the Treaty of Friendship, Commerce and Navigation, signed at Rome February 2, 1948 (63 Stat. 2255) between the United States and the Italian Republic to provide compensation to Mr. Talenti for the confiscated property;

Whereas the failure of the Government of Italy to compensate Mr. Talenti runs counter to such Government's treaty obligations and to accepted international standards;

Whereas section 1611 of H.R. 1757, 105th Congress, as passed by the Senate on June 17, 1997, expressed the sense of Congress that the ''Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti's case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti's claim.'';

Whereas the Government of Italy has not responded to Diplomatic Note 674 issued in 1996, urging such Government to negotiate a settlement with Mr. Talenti; and

Whereas Mr. Talenti has exhausted all legal remedies available to him under the Italian judicial system and has not received ''just and effective compensation'' for the confiscated property from the Government of Italy as required under the Treaty of Friendship, Commerce and Navigation: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the Government of Italy should—

(A) fulfill the requirements of the Treaty of Friendship, Commerce and Navigation signed at Rome February 2, 1948 (63 Stat. 2255) between the United States and the Italian Republic with respect to the property of Mr. Pier Talenti that was confiscated by such Government; and

(B) make reasonable efforts to effect a prompt resolution of Mr. Talenti's claims under such Treaty; and

(2) the Secretary of State should—

(A) continue to press the Government of Italy to resolve Mr. Talenti's claims; and

(B) take any further measures, including all appropriate diplomatic initiatives, that the Secretary determines could assist Mr. Talenti in receiving such compensation from the Government of Italy.

SENATE RESOLUTION 342—DESIGNATING APRIL 30, 2004, AS ''DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS'', AND FOR OTHER PURPOSES

Mr. HATCH (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 342

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'' on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as ''Día de los Niños: Celebrating Young Americans''—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2004, as ''Día de los Niños: Celebrating Young Americans''; and

(2) requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including—

(A) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) activities that are positive and uplifting and that help children express their hopes and dreams;

(C) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) activities that provide opportunities for families within a community to get acquainted; and

(F) activities that provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

Mr. HATCH. Mr. President, it is with great pleasure that I rise to submit a resolution designating the 30th day of April 2004 as Día de los Niños: Celebrating Young Americans.

Nations throughout the world, especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their country's future—their children. Many Americans Hispanic families continue the tradition of honoring their children on this special day by celebrating Día de los Niños in their homes.

We have no greater resource than our children and the designation of a day to honor them will help affirm their importance to the future of our country. This special recognition of children will also affirm to the people of the United States the significance of family, education, and community.

This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and states across the Nation to observe the day with appropriate ceremonies and activities.

I urge you to join me in supporting America's youth by supporting this resolution designating April 30, 2004 Día de los Niños: Celebrating Young Americans.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 21, 2004, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on S. 344, a bill expressing the policy of the United States regarding the United States' Relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; and S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land,

and for other purposes, to be followed immediately by a hearing on S. 297, the Federal Acknowledgement Process Reform Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. 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 Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, April 27, 2004, at 2:30 PM in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1064, to establish a commission to commemorate the sesquicentennial of the American Civil War, and for other purposes; S. 1092, to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; S. 2046, to authorize the exchange of certain land in Everglades National Park; S. 2052, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

Because of the limited time available for the hearings, 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 Tom Lillie at (202) 224–5161 or Sarah Creachbaum at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 20, 2004, at 9:30 a.m., in open session to receive testimony on U.S. policy and military operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 20, 2004, at 2:30 p.m., to conduct a hearing on ''Examination of the Current Condition of the Banking and Credit Union Industries.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 20, 2004, at 9:30 a.m., to hold a hearing on Iraq Transition: Civil War or Civil Society (1).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 20, 2004, at 2:30 p.m., to hold a Subcommittee on International Economic Policy, Export and Trade Promotion hearing on NAFTA: A Ten Year Perspective and Implications for the Future.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 20, 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 FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Tuesday, April 20, 2004, at 2:30 p.m., for a hearing entitled, ''Oversight Hearing on Expensing Stock Options: Supporting and Strengthening the Independence of the Financial Accounting Standards Board.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet on Tuesday, April 20, 2004, at 9:30 a.m., for a hearing entitled, ''Pirates of the 21st Century: The Curse of the Black Market.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR THE DISTRIBUTION OF JUDGMENT FUNDS TO THE COWLITZ INDIAN TRIBE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2489, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2489) to provide for the distribution of judgment funds to the Cowlitz Indian tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. 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 relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2489) was read the third time and passed.

DESIGNATING THE ORVILLE WRIGHT FEDERAL BUILDING AND THE WILBUR WRIGHT FEDERAL BUILDING IN WASHINGTON, DC

TRANSFERRING FEDERAL LANDS BETWEEN THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR

Mr. CRAPO. Mr. President, I ask unanimous consent that the EPW Committee be discharged from further consideration of H.R. 3118 and S. 1814, en bloc, and the Senate move to the consideration of these two bills, en bloc.

Mr. REID. Mr. President, reserving the right to object, I am going to let these matters go forward, but I have spoken personally with the chairman of the EPW Committee, which has jurisdiction over these matters. I have told him I am going to be very direct in my opposing anything that comes out of the committee until we get something resolved regarding a nomination of Gregg Jaczko, which has been sent here from the White House. As I said, I am going to let this go. This is fair warning to my distinguished chairman and friend, Senator INHOFE. I am not going to let anything else move, period, until we get a hearing date set on Gregg Jaczko. Here is a man who is a distinguished scholar in physics; he worked in the Senate; he is a Democrat, and we are entitled to have a Democrat on the Nuclear Regulatory Commission. It has been sent here by the White House. That doesn't happen very often.

I don't want this to be held up in committee. If it is, everything will be held up in committee. With that, I have no objection.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 3118) to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

A bill (S. 1814) to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3118) was read the third time and passed.

The bill (S. 1814) was read the third time and passed, as follows:

S. 1814

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

SECTION 1. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction of certain Federal lands in Missouri from the Secretary of the Interior to the Secretary of Agriculture for continued Federal operation of the Mingo Job Corps Civilian Conservation Center; and

(2) to not change the Secretary of Labor's role or authority regarding this Job Corps Center.

(b) DEFINITIONS.—For the purposes of this Act—

(1) ''Center'' means the Mingo Job Corps Civilian Conservation Center in Stoddard County, Missouri, referenced in section 2(a) of this Act;

(2) ''eligible employee'' means a person who, as of the date of enactment of this Act, is a full-time, part-time, or intermittent annual or per hour permanent Federal Government employee of the Fish and Wildlife Service at the Mingo Job Corps Civilian Conservation Center, including the two fully funded Washington Office Job Corps support staff;

(3) ''Environmental Authorities'' mean all applicable Federal, State and local laws (including regulations) and requirements related to protection of human health, natural resources, or the environment, including but not limited to: the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.); the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.); the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.); the Clean Air Act (42 U.S.C. 7401, et seq.); the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.); the Toxic Substances Control Act (15 U.S.C. 2601, et seq.); the Safe Drinking Water Act (42 U.S.C. 300f, et seq.); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.);

(4) ''U.S. Fish and Wildlife Service'' means the United States Fish and Wildlife Service as referenced at title 16, United States Code, section 742b(b);

(5) ''Forest Service'' means the Department of Agriculture Forest Service as established by the Secretary of Agriculture pursuant to the authority of title 16, United States Code, section 551;

(6) ''Job Corps'' means the national Job Corps program established within the Department of Labor, as set forth in the Workforce Investment Act of 1998, Public Law No. 105–220, §§141–161, 112 Stat. 1006–1021 (1998) (codified at 29 U.S.C. 2881–2901);

(7) ''National Forest System'' means that term as defined at title 16, United States Code, section 1609(a); and

(8) ''National Wildlife Refuge System'' means that term as defined at title 16, United States Code, section 668dd.

SEC. 2. TRANSFER OF ADMINISTRATION.

(a) TRANSFER OF CENTER.—Administrative jurisdiction over the Mingo Job Corps Civilian Conservation Center, comprising approximately 87 acres in Stoddard County, Missouri, as generally depicted on a map entitled ''Mingo National Wildlife Refuge'', dated September 17, 2002, to be precisely identified in accordance with subsection (c) of this section, is hereby transferred, without consideration, from the Secretary of the Interior to the Secretary of Agriculture.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) The map referenced in this section shall be on file and available for public inspection in the Office of the Chief, Forest Service, Washington, DC, and in the office of the Chief of Realty, U.S. Fish and Wildlife Service, Arlington, Virginia.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall file a legal description and map of all of the lands comprising the Center and being transferred by section 2(a) of this Act with the Committee on Resources of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate, and such description and map shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may make typographical corrections as necessary.

(c) APPLICABLE LAWS.—

(1) Subject to section 3, the Center transferred pursuant to subsection (a) shall be administered by the Secretary of Agriculture and shall be subject to the laws and regulations applicable to the National Forest System.

(2) This transfer shall not conflict or interfere with any laws and regulations applicable to Job Corps.

SEC. 3. IMPLEMENTATION OF TRANSFER.

(a) REVERSION REQUIREMENT.—

(1) In the event that the Center is no longer used or administered for Job Corps purposes, as concurred to by the Secretary of Labor, the Secretary of Agriculture shall so notify the Secretary of the Interior, and the Secretary of the Interior shall have 180 days from the date of such notice to exercise discretion to reassume jurisdiction over such lands.

(2) The reversionary provisions of subsection (a) shall be effected, without further action by the Congress, through a Letter of Transfer executed by the Chief, Forest Service, and the Director, United States Fish and Wildlife Service, and with notice thereof published in the Federal Register within 60 days of the date of the Letter of Transfer.

(b) AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the U.S. Fish and Wildlife Service on the Center that is in effect on the date of enactment of this Act will continue with the concurrence of the Forest Service.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Forest Service.

(3) EXERCISE OF RIGHTS.—The Forest Service may exercise any of the rights of the U.S. Fish and Wildlife Service contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(c) CONTRACTS.—

(1) EXISTING CONTRACTS.—The Forest Service is authorized to undertake all rights and obligations of the U.S. Fish and Wildlife Service under contracts entered into by the U.S. Fish and Wildlife Service on the Center that is in effect on the date of enactment of this Act.

(2) NOTICE OF NOVATION.—The Forest Service shall promptly notify all contractors that it is assuming the obligations of the U.S. Fish and Wildlife Service under such contracts.

(3) DISPUTES.—Any contract disputes under the Contracts Disputes Act (41 U.S.C. 601, et seq.) regarding the administration of the Center and arising prior to the date of enactment of this Act shall be the responsibility of the U.S. Fish and Wildlife Service.

(d) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—The Chief, Forest Service, and the Director, U.S. Fish and Wildlife Service, are authorized to enter into a memorandum of agreement concerning implementation of this Act, including procedures for—

(A) the orderly transfer of employees of the U.S. Fish and Wildlife Service to the Forest Service;

(B) the transfer of property, fixtures, and facilities;

(C) the transfer of records;

(D) the maintenance and use of roads and trails; and

(E) other transfer issues.

(e) AGREEMENTS WITH THE SECRETARY OF LABOR.—In the operation of the Center, the Forest Service will undertake the rights and obligations of the U.S. Fish and Wildlife Service with respect to existing agreements with the Secretary of Labor pursuant to Public Law 105–220 (29 U.S.C. 2887, et seq.), and the Forest Service will be the responsible agency for any subsequent agreements or amendments to existing agreements.

(f) RECORDS.—

(1) AREA MANAGEMENT RECORDS.—The Forest Service shall have access to all records of the U.S. Fish and Wildlife Service pertaining to the management of the Center.

(2) PERSONNEL RECORDS.—The personnel records of eligible employees transferred pursuant to this Act, including the Official Personnel Folder, Employee Performance File, and other related files, shall be transferred to the Forest Service.

(3) LAND TITLE RECORDS.—The U.S. Fish and Wildlife Service shall provide to the Forest Service records pertaining to land titles, surveys, and other records pertaining to transferred real property and facilities.

(g) TRANSFER OF PERSONAL PROPERTY.—

(1) IN GENERAL.—All federally owned personal property present at the Center is hereby transferred without consideration to the jurisdiction of the Forest Service, except that with regard to personal property acquired by the Fish and Wildlife Service using funds provided by the Department of Labor under the Job Corps program, the Forest Service shall dispose of any such property in accordance with the procedures stated in section 7(e) of the 1989 Interagency Agreement for Administration of Job Corps Civilian Conservation Center Program, as amended, between the Department of Labor and the Department of the Interior.

(2) INVENTORY.—Not later than 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service with an inventory of all property and facilities at the Center.

(3) PROPERTY INCLUDED.—Property under this subsection includes, but is not limited to, buildings, office furniture and supplies, computers, office equipment, vehicles, tools, equipment, maintenance supplies, and publications.

(4) EXCLUSION OF PROPERTY.—At the request of the authorized representative of the U.S. Fish and Wildlife Service, the Forest Service may exclude movable property from transfer based on a showing by the U.S. Fish and Wildlife Service that the property is needed for the mission of the U.S. Fish and Wildlife Service, cannot be replaced in a cost-effective manner, and is not needed for management of the Center.

SEC. 4. COMPLIANCE WITH ENVIRONMENTAL AUTHORITIES.

(a) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Within 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, all reasonably ascertainable documentation and information that exists on the environmental condition of the land comprising the Center.

(2) ADDITIONAL DOCUMENTATION.—The U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with any additional documentation and information regarding the environmental condition of the Center as such documentation and information becomes available.

(b) ACTIONS REQUIRED.—

(1) ASSESSMENT.—Within 120 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, an assessment, consistent with ASTM Standard E1527, indicating what action, if any, is required on the Center under any Environmental Authorities.

(2) MEMORANDUM OF AGREEMENT.—If the findings of the environmental assessment indicate that action is required under applicable Environmental Authorities with respect to any portion of the Center, the Forest Service and the U.S. Fish and Wildlife Service shall enter into a memorandum of agreement that—

(A) provides for the performance by the U.S. Fish and Wildlife Service of the required actions identified in the environmental assessment; and

(B) includes a schedule for the timely completion of the required actions to be taken as agreed to by U.S. Fish and Wildlife Service and Forest Service.

(c) DOCUMENTATION OF ACTIONS.—After a mutually agreeable amount of time following completion of the environmental assessment, but not exceeding 180 days from such completion, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with documentation demonstrating that all actions required under applicable Environmental Authorities have been taken that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on the Center.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Center and the requirements of this section shall not in any way affect the responsibilities and liabilities of the U.S. Fish and Wildlife Service at the Center under any applicable Environmental Authorities.

(2) ACCESS.—At all times after the date of enactment of this Act, the U.S. Fish and Wildlife Service and its agents shall be accorded any access to the Center that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Forest Service shall not be liable under any applicable Environmental Authorities for matters that are related directly or indirectly to activities of the U.S. Fish and Wildlife Service or the Department of Labor on the Center occurring on or before the date of enactment of this Act, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the Center; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with applicable Environmental Authorities at or related to the Center or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Center, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this title affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under applicable Environmental Authorities with respect to the Forest Service after the date of enactment of this Act.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Center resulting in the violation of an environmental authority shall be responsible for all costs associated with corrective actions and subsequent remediation.

SEC. 5. PERSONNEL.

(a) IN GENERAL.—

(1) EMPLOYMENT.—Notwithstanding section 3503 of title 5, United States Code, the Forest Service will accept the transfer of eligible employees at their current pay and grade levels to administer the Center as of the date of enactment of this Act.

(b) TRANSFER-APPOINTMENT IN THE FOREST SERVICE.—Eligible employees will transfer, without a break in Federal service and without competition, from the Department of the Interior, U.S. Fish and Wildlife Service, to the Department of Agriculture, Forest Service, upon an agreed date by both agencies.

(c) EMPLOYEE BENEFIT TRANSITION.—Employees of the U.S. Fish and Wildlife Service who transfer to the Forest Service—

(1) shall retain all benefits and/or eligibility for benefits of Federal employment without interruption in coverage or reduction in coverage, including those pertaining to any retirement, Thrift Savings Plan (TSP), Federal Employee Health Benefit (FEHB), Federal Employee Group Life Insurance (FEGLI), leave, or other employee benefits;

(2) shall retain their existing status with respect to the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS);

(3) shall be entitled to carry over any leave time accumulated during their Federal Government employment;

(4) shall retain their existing level of competitive employment status and tenure; and

(5) shall retain their existing GM, GS, or WG grade level and pay.

SEC. 6. IMPLEMENTATION COSTS AND APPROPRIATIONS.

(a) The U.S. Fish and Wildlife Service and the Forest Service will cover their own costs in implementing this Act.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

CONVEYANCE TO FRESNO COUNTY, CALIFORNIA, OF THE EXISTING FEDERAL COURTHOUSE IN THAT COUNTY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 408, H.R. 1274.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1274) to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1274) was read the third time and passed.

ORDERS FOR WEDNESDAY, APRIL 21, 2004

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 21. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then begin a period for morning business for up to 60 minutes, with the majority leader or his designee in control of the first 30 minutes, and the Democratic leader or his designee in control of the final 30 minutes; provided that following morning business, the Senate resume consideration of the motion to proceed to S. 2290, the asbestos bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the asbestos bill. The majority leader is hoping to find a way to begin consideration of the asbestos litigation. However, the cloture vote on the motion to proceed to the bill will occur Thursday, unless an agreement is reached during the interim.

Also, as a reminder, the Senate will conduct a cloture vote on the motion to proceed to the victims' rights amendment this week as well. Again, the majority leader has been working on an agreement to begin consideration of the victims' rights amendment. However, this procedural vote will be necessary unless that consent is granted.

ORDER FOR ADJOURNMENT

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under

the previous order, following the remarks of Senator DURBIN.

Mr. REID. Senator DURBIN will speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. 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.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. DURBIN. Mr. President, I come to the floor this evening to address the pending issue of asbestos reform legislation. It is a very serious and complicated issue. I look forward to speaking for a few moments about what I consider to be the history of this issue and the way we should respond to it.

Before doing so, I am compelled to address the previous speaker, my colleague and friend from the State of Texas, Senator CORNYN, who, within the last hour or so, spoke on this floor about the PATRIOT Act. The reason why this is an issue of great importance to many of us is that it is a law which all but one Senator voted for, and it is a law which many of us, on both sides of the aisle, Democrat and Republican, believe has some serious weaknesses and flaws that need to be remedied.

In response, I have introduced a bill called the SAFE Act with Senator LARRY CRAIG of Idaho. Senator CRAIG and I are about as far apart on the political spectrum as humanly possible. Yet we have come together with the understanding that whether you are conservative or progressive liberal—whatever your label may be—we all value our constitutional rights in America.

Senator CRAIG and I looked closely at the PATRIOT Act and think that there are three or four specific areas that need to be addressed.

However, President Bush wants to keep the PATRIOT Act as it is, making it permanent law, and change some provisions to give the Government even more power and further reduce judicial oversight. He has chosen to make this one of the bedrocks of his campaign for reelection. My friend from Texas, Senator CORNYN, and the President have made an issue over differences that they have with Senator JOHN KERRY on this issue.

I call the attention of the President and his supporters to the fact that the SAFE Act, which we brought to the floor, enjoys bipartisan sponsorship. In fact, when we had the press conference announcing the changes we proposed for the PATRIOT Act, we were joined by some of the most liberal and the most conservative organizations in Washington.

Rarely do they come together. But on the issue of civil rights and constitutional rights, we finally find common ground. Yet the President sees it differently, and Senator CORNYN as well.

A little history is worth noting at this moment. We all remember September 11, 2001, and what happened, the fear we had that another attack might be imminent, and because of the belief that the Government needed additional tools and weapons to fight terrorism, there was a bipartisan effort between Congress and the White House to write a bill giving our Government more authority and more power to deal with terrorism, changes in the law which were long overdue to deal with modern technology and the scope of the terrorist threat.

The bill was debated on a bipartisan basis and passed the Senate and the House with overwhelming numbers of support. We understood as well that September 11, 2001, was a unique moment in American history and that our response was not only to the terrible tragedy of September 11 but also to many of the fears which were welling in the breasts of every American family. Because of our concern that this fear and emotion may have taken us too far in the PATRIOT Act, we put in an insurance policy. We said, after a period of time, after a few years, we are going to come back and look at many elements of this law. We are not going to make it permanent forever. We will come back after a few years and decide whether we went too far.

In the heat of the moment with the fear of September 11, did we give the Government more power than was necessary to protect us? Did we endanger or in any way lessen our constitutional protections more than necessary? So this review provision, this sunset clause, was just basically common sense.

The President has chosen this as one of his areas of attack, and his argument yesterday was, why do we need to review this law? Is the threat of terrorism gone now?

I think the President does not understand why this sunset provision was put in the law. I am certain we will decide that the majority of the elements of the PATRIOT Act are still necessary, but that does not mean that every word in that act should be treated like the Ten Commandments. We need to take that act and honestly ask whether it was done in the heat of the moment, whether too much authority was given to the Government, and whether we have infringed basic liberties and rights which we are here to protect.

The President and Senator CORNYN seem to argue that it is the burden of the citizens of America to come forward and explain why their rights should not be taken away by the Government. I think they are both totally wrong. It is the burden of the Government to announce and rationalize why any individual rights of American citizens should ever be taken away. These God-given rights, as we refer to them in the Declaration of Independence and the Constitution, are basically ours by virtue of our human existence. For any government to take them away, there must be a compelling reason.

The PATRIOT Act gets to the issue of privacy and freedom versus security and government control. We recognized in the PATRIOT Act the need for the government to monitor the new powers carefully. The 4-year sunset provision will force Congress and the administration to honestly look at the PATRIOT Act and see if we have gone too far.

Some provisions expire at the end of 2005. None of them expire at the end of this year. So there is no need to reconsider the PATRIOT Act this year. This has a lot more to do with an election in November than the act itself. If nothing is done by Congress, the Government will continue to have all of its authority under the PATRIOT Act through this year and into next year.

We wanted to keep the review of the PATRIOT Act out of election year politics, and that is why the sunset was 2005. Sadly, the Bush administration and their supporters in Congress want to put the PATRIOT Act on the 50-yard line, right in the middle of this titanic gridiron battle between the two political parties for the Presidency. That is unfortunate. The issues of security for America—stopping terrorism—should not be politicized this year. I hope they will not be, but sadly that is what is happening.

Think of this for a moment: The President and the White House threatened to veto the reform bill which Senator CRAIG and I have introduced, the bipartisan SAFE Act, even before it was heard in committee, even before there was an attempt to amend it, even before there was a vote in either the Senate or the House. It is rare, if not unprecedented, for the President and White House to threaten a veto on a bill so soon after it has been introduced. It shows me that the President is raising this bill to such a high profile in an effort to make it a central part of a political campaign, rather than focusing on protecting America.

During the course of his campaign, Senator KERRY said that in his first 100 days as President he wants to end the era of John Ashcroft. JOHN KERRY has promised to strengthen terrorism laws that work, strengthen money laundering laws to end funds for terrorists, improve information gathering and protect the basic rights and liberties of all of our citizens.

Senator KERRY and I support the SAFE Act, this bipartisan effort to reform the PATRIOT Act. Here are several of the most important provisions: It will protect innocent people from Government snooping by eliminating John Doe roving wiretaps, which do not identify the person or place being tapped. It requires warrants for roving wiretaps to identify either the target

of the wiretap or the places to be tapped. So we say to the Government, if they are going to intercept my conversations at unspecified locations, they must say to the court that they are going after this particular person. They cannot have a wiretap that might sweep up the conversations of my family, my business, my church, whatever it happens to be, without specifically saying to the court, this is the person that we want to wiretap, or this is the phone, this is the place that we want to wiretap. That specificity has always been part of the law. To get away from John Doe roving wiretaps, which allow the Government to just swoop in and collect information and then take a look at it to see if there is anything there of concern, goes way beyond the authority needed to protect America.

This SAFE Act will also impose limits on the Government's ability to carry out what are called sneak-and-peek searches by requiring that immediate notice of a search be given unless the notice would endanger a person's life or physical safety, or result in flight from prosecution or the destruction of evidence.

We have seen on television and in the movies and perhaps in real life the knock on the door and someone has a warrant in their hand, issued by a judge, which says, we have a warrant to search the premises and we are coming in. This is very common. But when it comes to these sneak-and-peek warrants, the search can be undertaken on anyone's premises without immediate notification if that notice would jeopardize an investigation or delay a trial. This could apply in almost every case. We say that immediate notification has to be given of a search unless there is a compelling reason not to—a person's life or physical safety is in danger or there is a risk of flight from prosecution or evidence being destroyed.

Third, it protects libraries and bookstores from Government fishing expeditions, but still allows the FBI to follow up on legitimate leads. This is an issue that really touched a lot of people. To think that because I use the Springfield public library or the library in the City of Chicago that somehow the books that I check out are going to be examined by the FBI to see if I am a suspicious person even though there is no specific reason to look at me goes way too far.

None of the changes we suggest will interfere with law enforcement and intelligence officials preventing terrorism. We retain all of the powers of the PATRIOT Act, but we restore safeguards that are indispensable to democracy and civil liberties. These safeguards are a continuing source of our country's strength. They are not luxuries or inconveniences to be dumped in time of crisis.

I am afraid the administration wants just the opposite. The President wants even broader powers than the PATRIOT Act now allows. Yesterday he called for a new law to let Federal agents obtain private records and conduct secret interrogations without the approval of a judge or even a Federal prosecutor. This goes way beyond anything that we have ever seen in terms of trying to make America safe. It really infringes on our basic rights. We all agree that law enforcement needs the tools to protect us, but President Bush cannot point to a single terrorism investigation in which officials had any problem obtaining the court orders they needed. Yet he is asking for expanded authority that would undermine civil liberties and judicial review. Frankly, our current laws are adequate to the task. We need to bring terrorism under control but not at the expense of our basic rights as citizens.

THE ASBESTOS BILL

Mr. DURBIN. The bill pending before us is known as the Hatch-Frist asbestos bill. Asbestos is a common material that those of us my age remember throughout our lives. It has been used in building materials, tiles, insulation, coverings for pipes, and so many different uses. We used to view it as that fireproof material that was safe and, frankly, protected us. Over the years, we came to learn that it was much different. It turns out that asbestos is an insidious threat to public health. It is insidious, in that there is virtually no safe level of exposure. It is insidious in that it is a random killer. We know of workers who have been in the asbestos industry their entire lives and never once showed any problem—no illness, no symptom, nothing. We know in the same circumstances that many of these workers find that their wives have come down with serious asbestos-related diseases, even though their wives never set foot in their workplace. Puzzled by this, we started looking into it and found that even though the worker might not have been susceptible to asbestos-related diseases, his wife, who merely laundered his clothes, picked up enough dust in that process to end up infected, diseased, and destined to die. That is how it is such a random killer.

We also know, despite all of the compelling evidence about the danger of asbestos, that we continue to import massive amounts of asbestos each year in the United States. While we sit here and argue about how the companies responsible for asbestos-related disease and death should be held liable, when we talk about how victims should recover, the simple reality is that asbestos is alive and well and still to be found across America. New victims of asbestos are being created every single day by companies that know the risk and are willing to endanger their customers and employees for profit.

I don't have a lot of sympathy for those companies. They know the danger and they continue to use asbestos in some forms in a dangerous manner.

It is regrettable that the bill before us today did not go through committee. It is regrettable this bill was not debated. This is an extremely important issue. Twenty years ago, I was a brand new Congressman and I was invited to fly to Colorado right outside Denver to visit the national headquarters of Johns Manville Corporation. I didn't know why they wanted me out there 20 years ago, but they asked me to come out so I did fly out. I went to this beautiful headquarters, located outside of Denver in a magnificent building, and they told me they were having a problem with asbestos-related lawsuits.

At that time, in August of 1982, Johns Manville was preparing to file for bankruptcy protection because of the lawsuits being filed against it. At that time, if anyone suggested that 20 years later, in 2004, there would be over 70 companies facing bankruptcy, such as Johns Manville, including some of the Nation's largest manufacturers, people would have said that would be impossible. Certainly these companies still would not be sued like Johns Manville and they still wouldn't be selling asbestos products in America in 2004, would they?

The simple answer is yes. Those products continue to be sold. The people who were victims of those diseases continue to be discovered.

If anyone during the 1970s and 1980s had suggested that by the 21st century, the number of legal claims being filed for asbestos injury would have been rising instead of falling, those predictions would have been ignored. Yet, those predictions have all come true. Let me show you a chart to give you an idea of the incidence of asbestos-related disease in America. This is for 2002.

If you look at asbestos-related deaths here, you will find some 10,000 deaths. As I said, the number of deaths related to asbestos is on the rise in America. So there are only three other areas of death here that are larger in numbers: AIDS, of course, some 20,000 victims, almost twice as many; alcoholic liver disease, some 12,000 victims; firearm deaths, right around 12,000; and then asbestos. Then look at all of the other causes of death that claim fewer victims than asbestos: skin cancer, hepatitis, asthma, drowning, fires, Hodgkin's disease, and tuberculosis.

This is a serious public health problem in America. Asbestos is an ongoing environmental and health issue.

To better understand the true cost of asbestos, we need to recognize both sides of the litigation, not only companies facing bankruptcy but victims facing disease, debilitation, and death. From my experience talking with people, it seems most Americans were under the impression that asbestos has been banned.

I will tell you a story about that and let you know that didn't happen, at least it didn't happen on a permanent basis. Asbestos is still in buildings, schools, homes, offices, and workplaces—in automobiles. It is in and around 200,000 miles of drinking water

pipes that have been underground for 40 years and are now deteriorating. Sadly, very few of these items are being regulated by the Government. Why? Because there has been a systematic and long-term failure by the Government of this country when it comes to reining in asbestos use.

Senator PATTY MURRAY from the State of Washington has a bill to which we need to agree. It is a bill which will virtually ban, permanently, asbestos and asbestos products in America with few notable exceptions—where it is contained and can't be dangerous. Let me tell you the history leading up to S. 1115, the Patty Murray bill, which is so important.

In July of 1989, the EPA announced the manufacture and sale of most asbestos products would be banned. The decision came after 10 years of research and $10 million in spending. The EPA's ban was premised on authority granted to it by the Toxic Substances Control Act, and it was intended to stop the export of asbestos from America as well. The ban was instituted in three stages: a ban on roofing and flooring felt, tile, and clothing made from asbestos by 1990; brake linings, transmission components, and the like; and a ban on the use of asbestos in pipes, shingles, brake blocks, paper, and the like.

As predicted, a lawsuit was filed by asbestos companies and industrial organizations to challenge the EPA ban. The companies argued the ban was just too costly for industry and that alternatives to the use of asbestos were neither safe nor effective.

The EPA defended the proposed ban. However, it lost in the Fifth Circuit U.S. Court of Appeals. They said the EPA failed to demonstrate ''substantial evidence'' to justify the ban. Specifically the circuit court found the Agency's administrative record failed to show the ban was the ''least burdensome alternative'' for dealing with the unreasonable risk posed by asbestos. The circuit court did acknowledge that asbestos was a potential cause of cancer at all levels of exposure—underline all levels of exposure. There is no safe level of exposure to asbestos. If you think, just because you have a ironing board cover at home that gets hit by the iron as you are ironing your clothes, only a tiny bit of asbestos dust is floating around your house, be prepared to accept the obvious. It is dangerous at any level of exposure.

President Bush's father and his administration in 1991 would not appeal this decision by the Fifth Circuit, so since then, the EPA, unfortunately, has made no further effort to ban asbestos, and it is doubtful this administration in the closing months of this year will do so.

For those who are watching this debate, following it, I recommend a book that opened my eyes to the deep and sad history of the use and ongoing danger of asbestos. The book is called ''Fatal Deception: The Untold Story of Asbestos.'' The author's name is Michael Bowker. He talks about the hazards of asbestos discovered in the mining town of Libby, MT. You ought to read these stories about what happened to the unsuspecting miners and their families who worked for W.R. Grace and other companies, dealing with asbestos in Libby, MT.

He gives a detailed explanation of the dangers of the product, not just for the workers, as I said earlier, but also for their families. This book, and another called ''The Asbestos Tragedy'' by Paul Brodeur, are significant because they reveal the deep, dark, dangerous secrets of asbestos mining and manufacture.

Let me share a few examples. By the early 1930s, asbestos workers had developed asbestosis and were bringing lawsuits against Johns Manville—the 1930s, more than 70 years ago. The largest asbestos manufacturer—again, Johns Manville—and Raybestos-Manhattan of Connecticut, the second largest asbestos company, faced lawsuits. As a result, the two firms, together with other leading asbestos manufacturers, initiated a systematic coverup of the dangers of asbestos that continued for more than 40 years.

In 1933, Lewis Herold Brown, the president of Johns Manville, advised the company's board of directors that 11 pending lawsuits brought by employees who developed asbestosis while working at the company's plant in Manville, NJ, could be settled out of court, provided the attorney for the injured employees could be persuaded not to bring any more cases. That is 1933. The first asbestos lawsuits were being filed, the first notice being given to American business that they were dealing with a dangerous, toxic, lethal product.

In 1935, Sumner Simpson, the president of Raybestos-Manhattan wrote a letter to Vandiver Brown, of Johns Manville, telling him:

> I think the less said about asbestos the better off we are.

Brown, in a followup letter, replied:

> I quite agree with you that our interests are best served by having asbestosis receive the minimum of publicity.

Is that corporate misconduct? Is that the kind of irresponsible conduct we would countenance today or even make excuses for? Or do it?

In 1936, Brown and Simpson, together with officials of other companies, arranged to finance animal laboratories at the Trudeau Foundation's Saranac Laboratory in New York. The studies showed significant numbers of animals developed asbestosis after being allowed to inhale it. These results were suppressed, made secret for more than 40 years.

The case goes on and on. Some of the things that were said during the course of events are nothing short of incredible. There is one in particular that is worth noting. On September 12, 1966, more than 30 years after the discovery of asbestos danger to factory workers and people exposed to it, E.A. Martin, the director of purchasing for Bendix Corporation, wrote to an executive at Johns Manville. This letter was disclosed in the course of a lawsuit from the director of purchasing for Bendix Corporation writing to Johns Manville about asbestos.

He says:

> So that you'll know that asbestos is not the only contaminant a second article from OP&D Reporter assesses a share of the blame on trees.

Then he closed:

> My answer to the problem is: If you have enjoyed a good life while working with asbestos products why not die from it. There's got to be some cause.

What an attitude when it comes to the workers and the consumers of asbestos products.

When we debate this issue with appropriate sympathy for the economic plight of many companies that are far removed from those I quote, understand we came to this moment in our history with the epidemic of asbestos-related disease and death because of clear and convincing corporate misconduct for 50 years. Businesses that knew better endangered and imperiled their workers and consumers with this product to make money. And the cavalier, if not demonic response, from people like E.A. Martin is proof positive of that worst example of conduct.

During the last Congress, in September 2002, Senator LEAHY held the first hearing on the state of asbestos injury litigation. We considered what we could do. Senator HATCH has held a couple of hearings since then and moved the ball further along. We heard testimony from expert witnesses on both sides, a lot of different stakeholders being present. There is probably no issue in Washington that has received more attention from both sides.

Last spring, Senator HATCH introduced a bill as a starting point for negotiation. I was skeptical of the bill but told him I was willing to work with him and others in good faith to try to find a way to deal with the increasing number of asbestos-related lawsuits. I generally support the concept of a no-fault trust fund. If we can reach that moment in time where there is an adequate amount of money in a trust fund, where workers and others who have been exposed to asbestos can step forward, make their medical claim, and then receive compensation without lengthy litigation and expensive attorney's fees, this is a good result and a fine and positive thing.

I am sorry to report the bill before the Senate does not reach that level. I agree with many Illinois company representatives who have come to see me that they need certainty about their exposure to liability in the future. We can provide it as long as we have a bill that is fundamentally fair.

I also agree with the victims of asbestos injury and their widows, whom I have met, we need to come up with a quick and easy process to issue these

payments. We have an opportunity now to do it.

Leading up to last summer, I thought we were going to reach that point. But there were several things about Senator HATCH's original bill that we found out were problematic. The Hatch bill was designed to provide certainty to parties who, collectively, was only going to have pay into a trust fund about $90 billion. It did not provide certainty to the victims, only certainty to the companies in terms of their liability. Certainly, $90 billion is a lot of money, but when you look at the real cost we may face for asbestos-related claims in the future, it may not be nearly enough. We may need twice as much.

The committee finally increased the value of the trust fund in the Hatch bill to $153 billion. It is interesting that after we reported that bill, the insurance industry, one of the major players in supplying the money for the trust fund because of their ultimate liability, announced they would not support it because it cost too much. We have been hung up on this issue of how much to put in the trust fund.

There is also a question about what happens if we guess wrong. What if the trust fund does not have enough money? What if there are too many victims? What happens to those victims if the trust fund runs out of money? DON NICKLES, a Republican from Oklahoma, fears from his point of view the Government will be asked to step in and replenish the trust fund with unlimited liability in the future. He is so skeptical of the amount of the trust fund in the bill pending before the Senate he announced he will oppose it. He does not think it will be enough for payouts and taxpayers in the future might be left holding the bag rather than the companies and insurance companies that are today responsible. That is a valid point to raise.

Claims values are another element. What is it worth? What if you have the worst possible asbestos-related disease, known as mesothelioma, which is a form of lung cancer which is ultimately fatal? What is it worth for you in terms of its value if you are an innocent victim of this mesothelioma? I will show some photos in a few moments of the victims. You will understand they are people, many of whom had no idea that exposure to asbestos was dangerous. What do you do if you were exposed to this asbestos and are in a situation where you end up with the disease or face a fatal situation at a later point? How much is it worth?

The question before the Senate on mesothelioma was whether $1 million is adequate. I can state the current litigation and current awards that are given in lawsuits are significantly larger, even after considering attorneys' fees. That $1 million might be a good value to a family if it did not take an attorney and years in court to reach that number, but we have to at least be honest that some of the valuations in the pending bill are not adequate.

This bill, since markup in the committee, has disappeared and reappeared, with Senator FRIST and Senator HATCH working together. This was an arrangement, a compromise among the principals on the Republican side which did not involve any Democrats, to my knowledge, and did not involve any of those who were critical of the original bill. It was brought on a take-it-or-leave-it basis—again, with no hearing on the new bill.

The new bill, sponsors claim, will provide up to $124 billion, $57.5 billion from defendant companies, $46 billion from insurance companies, unspecified sums from existing trust funds. There is a concern as to whether that is enough money, as I mentioned earlier. This bill, though it is claimed to be the FAIR Act, may not be fair when it comes to victims and the recovery.

I am concerned with some of the statements made in the Senate. My friend, Senator HATCH of Utah, said in the Senate when he introduced the bill April 7th:

> Some say—I think somewhat cynically—many of our colleagues on the other side are not going to vote for this bill because no amount of money is going to make them satisfied because two of their major constituencies are against the bill, and have been, so far, against any bill.

Senator HATCH went on to say:

> Some have said they are afraid the personal injury bar will not put up at least $50 million for JOHN KERRY in this election if they vote for the bill. Others are saying without that money, they might not be able to elect JOHN KERRY President. I think that is a pretty cynical approach, of course.

Let me say to my friend, Senator HATCH, that is an element of this debate which should have been left outside of the record. I don't think it is good to question the motives of either side of the aisle. We see this very contentious issue from a different perspective. But to suggest we are being driven by campaign contributions, I hope, is plain wrong. In my case, it is wrong and I don't believe we should raise that as part of the specter of this debate.

Let me say before I go into the victims' stories, we have an opportunity to do some good and to pass a bill creating an asbestos trust fund, but we need to adequately fund it. We need to also make certain pending settlements and awards are not extinguished by this new trust fund. We need to make sure the level of compensation for victims is adequate. We can do it. But we need to work on a bipartisan basis to achieve it.

Let me show a few of the victims that tell the story. This is John Rackow of Lake Zurich, IL. He grew up in Chicago, IL, and eventually moved to the suburbs. He is a businessman, married, with three kids. He worked for a lot of different companies and was involved in property development. He was athletic, very active. He started noticing shortness of breath. An avid golfer, his game was off. He went to the doctor and his doctor discovered he had mesothelioma, the worst form of asbestos-related lung cancer.

He did not want to believe the result. He went to a lot of different doctors for treatment and relief of the pain. But, unfortunately, he became so weak he was ultimately hospitalized. He became weaker by the day and passed away at the age of 64.

This gentleman shown in this picture is also from my home State of Illinois, former policeman Donald Borzych, of Tinley Park. He grew up in Chicago, IL. He attended parochial schools in the city and studied for the priesthood. Donald eventually chose to become a Chicago police officer.

While in school, he worked with various construction companies. You will find that a recurrent theme. Donald was handy with home and auto repairs.

After retiring, he and his wife enjoyed traveling and spending time with friends. Donald found himself tired and short of breath. He went to a doctor and was diagnosed with malignant mesothelioma. He went through numerous treatments but with no positive results. He was accepted to an experimental program and lost his hair. He has been in treatment for over 2 years.

I met with several widows of the victims of asbestosis and mesothelioma. One of those who really brought the issue home to me was the widow of my former colleague, Bruce Vento. Bruce was a great guy. He was a Congressman from the Minneapolis-St. Paul area. I served with him for 14 years in the House of Representatives. I saw him in the gym every morning. He thought a lot about his health and physical condition. He always worked out and wanted to be in good shape.

Then he started to feel pretty poorly. He went to the doctor, and he said: You have asbestos-related disease. You have mesothelioma. It turned out Bruce contracted this disease even though he did not smoke because he was exposed to asbestos as a youngman when he worked for a company that installed asbestos products at job sites.

He eventually succumbed and died from this disease. It was a great loss to the State of Minnesota and to the U.S. House of Representatives. I think Bruce Vento was a wonderful person. His wife Susan is also a wonderful person. Susan has now taken up Bruce's cause and is arguing for fair compensation for victims.

Let me tell you about a couple of others who may surprise you if you did not know they were victims of mesothelioma, asbestos-related disease.

ADM Elmo Zumwalt, Jr., graduated from the Naval Academy in just 3 years, yet ranked seventh in his class. He was the youngest person to ever serve as Chief of Naval Operations in the United States of America. He commanded the U.S. Naval forces in Vietnam. He was the one who crusaded to help those who were involved in exposure to agent orange after the Vietnam war.

In 1999, doctors found a tumor in the admiral's left lung. He was diagnosed

with mesothelioma, based on exposure to asbestos while serving in the U.S. Navy. He underwent a tracheotomy but only survived for just a few months.

Here is a rather famous actor from my generation, Steve McQueen. He died of mesothelioma. It turns out, as a young man he had been exposed to asbestos when he was working odd jobs in construction areas. And McQueen was one of these handsome, dashing heroes on the movie set who ultimately was reduced to a shell of a man by this crippling and debilitating disease.

I tell you this because I want you to understand in the course of the debate that it is not just the blue-collar workers who are the victims—and many of them are—but people who went on to high and lofty positions in life, whether they served in the U.S. Navy or became movie stars or went on to Congress, never knowing they were carrying within their lungs the seeds of their death, the asbestos-related fibers.

When we say we want to make certain that tomorrow's victims are going to be compensated, it is because we do not know how many time bombs are ticking in America today. I do not know if I have been exposed to asbestos. No one listening to this debate can possibly say whether they have been exposed to asbestos because it was so prevalent and was to be found in almost every place we turned.

So when we talk about having adequate funds in the trust fund for this to be a payout that is worthy of the disease and death that it has caused, I think it is not an unreasonable request.

Many say this debate this week and the vote is really just symbolic. Sadly, too many things around here have just become symbolism. There was no real genuine effort to hammer out a bipartisan agreement, no effort to compromise. We are being given this bill on a take-it-or-leave-it basis. Each of us will get up and say a few words about the bill. I obviously oppose it. But I sincerely hope, after it is defeated—I think it will be—we will sit down and talk about a trust fund that is fair to victims, a trust fund that is fair to companies. And I would implore those company representatives who come to see me, and their insurance companies, to come up with a dollar figure that is fair, that gives you some certainty about your future. That is what you tell me over and over is what you want. You want to know what your liability is going to be so you can plan for it. It is the uncertainty of the current system, you say, that makes it so difficult to stay in business. I want to work with you on that. I think a lot of the Members of the Senate do, on both sides of the aisle.

But bringing a bill with a take-it-or-leave-it number in it of less than $124 billion is not an answer.

Mr. President, I yield the floor. I want to personally thank you for staying. I did not realize you had a 7 o'clock appointment. I hope I can return the favor to you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:25 p.m., adjourned until Wednesday, April 21, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate April 20, 2004:

THE JUDICIARY

VIRGINIA MARIA HERNANDEZ COVINGTON, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE RALPH W. NIMMONS, JR., DECEASED.

EXTENSIONS OF REMARKS

HONORING THE 14TH ANNUAL DC BLACK PRIDE CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. NORTON. Mr. Speaker, this Memorial Day Weekend, May 28–31, is the 14th Annual DC Black Pride celebration in Washington, DC.

DC Black Pride is an exciting 4-day event complete with dynamic workshops, receptions, cultural arts activities, small and large nightclub events culminating with the world's largest Black Pride Festival at Washington, DC's new state-of-the-art Convention Center. It is considered one of the preeminent Black Pride celebrations in the world consistently drawing 30,000 people to the Nation's capital. Attendees come from every major urban area in the United States as well as from Canada, Great Britain, France, Germany, the Netherlands, the Caribbean and South Africa. The Black Pride Festival features activities for the entire family including a performance by national recording artist, Kelly Price, 200 exhibition booths, book signings from noted writers, participation from national and local health organizations, and arts and crafts.

This year's DC Black Pride theme is, "Honoring Our Sheroes and Heroes," to remember and honor African-American/Black—women and men, LGBT and straight, dead and alive, those who are famous and those who are known only to a few who have shown strength of character in order to make a difference in the lives of our people and our Nation.

The event is coordinated by Black Lesbian and Gay Pride Day, Inc (BLGPD), a nonprofit organization with a volunteer Board of Directors: Earlene Budd, Member-At-Large; Sterling A. Washington, Member-At-Large; Clarence J. Fluker, Secretary; Robert Jones, Vice President; Eric E. Richardson, Member-At-Large; B. Roland Edwards, Member-At-Large; Cheryl Dunn, Treasurer; Rayceen Pendevis, Member-At-Large; Toni Collins, Member-At-Large; Shanika Whitehurst, Member-At-Large; and Earl D. Fowlkes, Jr., President. BLGPD's mission is to build awareness of and pride in the diversity of the Black lesbian, gay, bisexual and transgendered community as well as to create a funding source and support organizations that are addressing HIV/AIDS and other health issues adversely affecting our community.

I ask the House to join me in welcoming all attending the 14th Annual DC Black Pride celebration in Washington, DC, and I take this opportunity to remind the attendees that United States Citizens who reside in Washington, DC are taxed without full voting representation in Congress.

HONORING DR. BRADLEY E. HABERMEHL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Rotary Club of Burton, Michigan to honor my good friend and constituent Dr. Bradley E. Habermehl. Dr. Habermehl has unselfishly donated his time and medical expertise to educating the underserved on maintaining good eye health. On Thursday, April 22, 2004, the Burton Rotary Club during their monthly meeting will present Dr. Habermehl with the prestigious Jack Hamady Good Scout award for outstanding community service.

Dr. Habermehl was born and raised in Burton, Michigan. He graduated in 1981 from Bentley High School. He attended Ferris State University, after which he enrolled in the Illinois College of Optometry. Upon graduation in 1988 he joined the private group of Dr. Thomas Pardee and Dr. David Visser, where he began his primary eye care practice. His practice has flourished into one of the most well known, and accomplished eye care practices in Genesee County. On June 27, 1988, he became a member of the Burton Rotary Club, and in 1990 he served as President of the Club. Dr. Habermehl made history in 1996, when he became the youngest Optometrist to be appointed to the State Board of Examiners of Optometry. He currently holds the position of Chairman of the Board until his term expires in June of 2004. Dr. Habermehl shares his knowledge of maintaining excellent eye health to not only the residents of Genesee County, but to the underserved populace around the world. In 2001, he was appointed Chairman of the Burton Rotary Club's Avoidable Blindness Committee, and as a result has led a team of doctors, VOSH volunteers, and Rotarians to Mexico for the past four years to dispense used eyeglasses. This effort has led to the giving of corrected vision to over 10,000 Mexican citizens. Dr. Habermehl is also actively involved with the Michigan Optometric and the American Optometric Association. He is the Director of the Flint Sensory Learning Center, which is devoted to aiding children and adults with developmental delays. Dr. Habermehl has received numerous accolades for work, but one that is most worthy of mentioning for this occasion is the "Rotarian of Year" award, which he has been awarded three times by the Burton Rotary Club. Dr. Habermehl credits the love and support of his devoted wife Cindy and his two children, Chad and Kylee to his success.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating a humanitarian, and my good friend Dr. Bradley E. Habermehl.

HONORING DOUG HARRISON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor and congratulate Doug Harrison upon his retirement after 33 years of service to the Fresno Metropolitan Flood Control District. A reception will be held in his honor on April 15th in Fresno, California.

Doug has achieved numerous accomplishments and has been involved in many noteworthy projects. Mr. Harrison has spoken nationally on urban storm water and flood control issues, including frequent testimony before the United States Congress and the California State Legislature. He has published numerous articles and was a contributing author for a national water resources policy white paper developed by the National Water Alliance for the George Bush administration. Doug's work in urban runoff quality research was recognized by the American Waterworks Association as the best water resources research effort of 1988. The State Water Resource Control Board acknowledged Mr. Harrison for Federal Clean Water Act program assistance, and was subsequently named by the American Public Works Association as one of the Top Ten Public Works Leaders in the nation in 1993.

Mr. Harrison has received various awards and recognitions. He was named Manager of the Year by the California Special Districts Association, and later given the 2002 Excellence in Water Leadership Award by the Association of California Water Agencies. During Doug's tenure, the Fresno Metropolitan Flood Control District has been awarded: The Theodore Roosevelt Environmental Award of the Association of California Water Agencies, Award of Merit from American City and County Magazine, and the Award of Excellence, California Park and Recreation Society, to name a few.

Mr. Speaker, I rise today to honor Doug Harrison upon his retirement from the Fresno Metropolitan Flood Control District. I invite my colleagues to join me in wishing Doug a fulfilling retirement.

CONGRATULATING MRS. BERNICE MOUNIA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mrs. Bernice Mounia on her momentous 80th birthday that she will be celebrating on April 19, 2004. Bernice has spent the past 80 years of her long and distinguished life caring for her family and her community in Gary, IN. Her presence in Northwest Indiana has allowed her the opportunity to touch the lives of many people.

Bernice was born on April 19, 1924, and subsequently moved to Gary, IN from Alabama in 1944 with her loving husband, Webster Mounia. After moving to Gary, IN, Bernice and Webster were blessed with the births of their 10 wonderful children. Her children, as well as people whose lives are touched by Bernice, admire her for devoting unselfish love, time, dedication, guidance, and spirit to her family, church, and friends.

As we'll as being dearly loved and respected by her family and community, Bernice was also well known for her ingenuity and prudence. Bernice currently resides in the same house at 2700 Jefferson Street that she and her husband built 48 years ago. She displayed ingenuity in constructing insulation out of dryer lint to plug cracks around windows and doors. Along with her many other accomplishments in her community, Bernice was also a pioneer in the practice of recycling. Due to her resourcefulness, Bernice invented ways in recycling aluminum, bread bags, cloths, jars, food, soap, wax paper, and cans of grease that were left over from her gourmet cooking.

Gourmet cooking on a frugal budget was definitely one of Bernice's fortes. Bernice made sure no one in her family went without a first class meal to eat. As well as providing the best meals available for her children, Bernice also wanted the best upbringing for her children. By providing unwavering guidance to her children, she instilled in them the morals and fortitude that have molded her children into successful adults who are raising families of their own.

Mr. Speaker, Bernice Mounia has given her time and efforts selflessly to the people of Northwest Indiana throughout her long and illustrious life. She has taught every member of her family and extended family the true meaning of service to all people in the community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mrs. Bernice Mounia for her outstanding contributions to Indiana's First Congressional District. I am proud to commend Bernice for her lifetime of service and dedication.

GAY AND LESBIAN ACTIVISTS ALLIANCE OF WASHINGTON, DC, 33RD ANNIVERSARY RECEPTION HONORING DISTINGUISHED SERVICE AWARD RECIPIENTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. NORTON. Mr. Speaker, I rise today to recognize a Washington, DC institution that has been in the forefront of the lesbian, gay, bisexual, and transgendered civil rights movement, and that I have the distinct honor and pleasure of representing in this body: the Gay and Lesbian Activists Alliance of Washington, D.C. (GLAA), the oldest continuously active gay and lesbian rights organization in the United States.

Since its founding in April 1971, GLAA has been a respected and persistent advocate in District politics tirelessly asserting equal rights and social equality for lesbians and gay men living in the city through peaceful participation in the political process.

GLAA has long fought to improve relations among the District's gay, lesbian, bisexual, and transgendered communities and the D.C. Government. GLAA has taken the lead in advocating better training for the D.C. Metropolitan Police Department and Fire and Emergency Medical Service employees. GLAA persuaded the D.C. Public Schools to implement and enforce an effective, antiharassment policy established to protect all students. GLAA advocated effective public health strategies in the fight against AIDS. GLAA fought to insure that treatments and medicine are available to those in need and that the District's spending on HIV/AIDS services be both open and transparent.

GLAA also has long been at the forefront of the efforts to strengthen enforcement of the D.C. Human Rights Act of 1977 by demanding all antidiscrimination policy statements in the D.C. Government reflect the full range of classes protected by that law.

On April 20, GLAA held its 33rd Anniversary Reception honoring the 2004 recipients of its Distinguished Service Awards: Sarah Kellogg, Deacon MacCubbin, The Mautner Project, Cheryl Spector, and Nadine Chandler Wilburn.

Sarah Kellogg is a director of D.C.'s Reel Affirmations film festival and a member of the board of its parent organization, One In Ten.

For 35 years Deacon MacCubbin has been a model community activist and business leader. He created the first D.C. Gay Pride celebration, the gay switchboard, the first D.C. gay youth support group, and his bookstore, Lambda Rising, serves as a de facto community center.

Since its founding in 1990, the Mautner Project has been the only national organization dedicated to lesbians with cancer, their partners and caregivers. Its mission is to improve the health and well-being of lesbians and their families by: delivering services and support to lesbians with cancer, their families and caregivers; educating lesbians about important health issues; educating healthcare providers about the needs and concerns of their lesbian clients; and promoting lesbian health through research, advocacy, and activism.

For over two decades Cheryl Spector has been a community activist. She has documented gay and lesbian life in Washington with her still and video photography.

Nadine Chandler Wilburn who performed excellent service to the LGBT community while she was interim director of the D.C. Office of Human Rights from 2002–2003.

GLAA's thirty-three year fight to secure equal rights for the LGBT citizens of Washington, D.C. is more poignant as United States Citizens living in our nation's capital, who have fought in every American war, including the present war in Iraq, are taxed without representation. Furthermore, GLAA's open and forthright advocacy for rights reminds us that LGBT soldiers, who have sworn to protect our country with their lives, must serve in silence, without the open support of their chosen families and communities, neither asking nor telling.

I ask the House to join me in congratulating the Gay and Lesbian Activists Alliance and its honorees.

HONORING MT. MORRIS HALL OF HONOR 2004 AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Mt. Morris community to pay tribute to the 2004 Mt. Morris Morris Hall of Honor inductees. The inductees, Linda Fishell, Jim Corbin, Fredrick Shannon, and Judy Neaves will be inducted into the hall on April 29, 2004, during a lavish dinner and ceremony to be held at the Masonic Temple in Mt. Morris, MI.

The Mt. Morris Hall of Honor was established in 1991. The honor is bestowed upon individuals, both residents and nonresidents who have made significant, long-term contributions to enhancing the quality of life in the Mt. Morris area. Since its creation, the community has inducted 31 individuals into the hall.

Hall of Honor inductee Linda Fishell is committed to the children of Mt. Morris. She has been a volunteer with the Girl Scouts of America for 20 years, and is currently serving as neighborhood treasurer and registrar. Linda is also a volunteer for the Tiger Cubs and Boy Scouts. She has been volunteering at the Mt. Morris High School for approximately 12 years.

Hall of Honor inductee Jim Corbin although no longer a resident of Mt. Morris still finds time to Give back to the community. He does so by donating his D.J. services to Mt. Morris local events, including the 125th August festival. Jim has been a Mt. Morris volunteer for 15 years. Hall of Honor inductee Fredrick J. Shannon has been a Mt. Morris area volunteer for 30 years. He donates his time and resources at the scene of accidents, fires and natural disasters by video taping, and photographing the efforts of rescue workers for documentation and training purposes. Hall of Honor inductee Judy Neaves is a dedicated member of the Mt. Morris Lioness club. She is active on both the local and district level. Aside from placing numerous volunteer hours within her own chapter, she also volunteers with the men's Lions Club by participating in their eye saving events. Judy has also volunteered with the Senior Winter Olympic for 12 years, Genesee County Fair for 10 years, and Crossroad Village.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the 108th Congress to join me in recognizing these outstanding citizens for their compassion and commitment to the community of Mt. Morris, MI.

HONORING RONALD E. STEARN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Ronald E. Stearn on the occasion of celebrating 40 years of dedication and service to the city of Sonora as a council member. He was sworn into office on April 21, 1964. An event will be held in his honor on April 19 in Sonora, California.

In his 40 years of service, Mr. Stearn has served in many roles within the community. He was mayor of Sonora for three 2-year terms and has only missed 3 council meetings throughout his career. Ron is known as the Parking & Traffic expert, providing a wealth of knowledge and history about the infrastructure of the city of Sonora. He has always voted based on what he believes is best for the city and strives to accurately represent the people of Sonora.

Ron has committed himself to the city of Sonora and its organizations for numerous years. He remains open to new ideas while respecting and promoting the city's history and well-being. Mr. Stearn's dedication to the city has been an inspiration to his fellow council members as well as the public. In addition to being a council member Ron has been a lifetime member of the Independent Hose Company, a volunteer fire organization, since 1950. He also managed and worked for Mundorf's Hardware for 47 years.

Mr. Speaker, it is my pleasure to congratulate Ronald E. Stearn on the occasion of his 40th anniversary on the city council of Sonora. I urge my colleagues to join me in wishing Ron many years of continued success.

CONGRATULATING THE DEDICATED AND SKILLED WORKERS IN NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On April 17, 2004, in a salute to their workers' durability and longevity, the Hammond Carpenters Union Local 599 will recognize their members for 25 years or more of dedicated service. They will be recognized during a pin ceremony banquet held on Saturday at the Carpenters Union Hall in Hammond, Indiana. These individuals, in addition to the other Local 599 members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the exemplary American worker: loyal, dedicated, and hardworking.

The Carpenters Local 599, which received its charter in 1899, will honor members for their years of devoted service. The carpenter who will be honored for 55 years of service is Wayne Verble. The member who will be honored for 50 years of service is Ronald Carlson. Those members being honored for 45 years of service include Ezequile (Jack) Lopez and Walter Wisinski. Those members being honored for 40 years of service include: Robert Farkas, Paul Hornak, Joseph Komoroski, Robert Lowry, Harold McMillion, Bernard Ritchey, Edward Scheeringa, Darrel Sills, and John Verbeek. Those members being honored for 35 years of service include: Greg Argentine, Charles Gibbs, Raymond Maida, Jr., Rudy Medellin, Jr., Michael Schaller, and William Underwood. Those members of Local 599 who will be honored for 30 years of service include: Daniel Brown, Timothy Foley, and John Perz. The carpenters who will be honored for 25 years of service include: Thomas Childers, David Jazyk, Fred Kuhn, Richard Meyers, Victor Michael, Brian Morton, Kenneth Pitts, and Fred Tomkutonis.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These workers are all outstanding examples of each. They have mastered their trade and have consistently performed at the highest level throughout their careers. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of the Hammond Carpenters Union Local 599, in addition to all the hardworking union men and women in America. The men and women of Local 599 are a fine representation of America's union workforce; I am proud to represent such dedicated men and women in Congress. Their hard labor and resolute courage are the achievement and fulfillment of the American dream.

EIGHTH ANNUAL YOUTH PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. NORTON. Mr. Speaker, this Saturday, April 24th, marks the culmination of Youth Pride Week in Washington, DC with our Eighth Annual Youth Pride Day.

Youth Pride Day occurs every April in Washington, DC. It is the annual celebration for gay, lesbian, bisexual, and transgender (LGBT) young people, which has brought over 13,000 youth together since its start in 1997. The celebration has grown from just 900 participants in 1997 to over 2,500 young people last year. Youth Pride Day has evolved into Youth Pride Week, which comprises over a dozen events ranging from a conference, dances, and poetry readings, to Youth Pride Day on Saturday.

The Youth Pride Alliance sponsors Youth Pride Day. The Alliance was founded in 1996, and its mission is to celebrate the dignity and courage of all young people as they discover their identities as gay, lesbian, bisexual, transgender, or straight.

The Alliance challenges society to stop hate, violence, fear, isolation, and denial as it reminds us that LGBT youth in our nation's Armed Forces, do so under the policy of ''Don't Ask, Don't Tell.'' While they have sworn to defend the United States with their lives, they must suffer the hate, fear, isolation, and denial this demonstrably untenable policy engenders.

We, who live in our nation's capital and are taxed without representation, feel a special affinity to any other group that has been denied the full rights and privileges, which most United States Citizens enjoy. I remind the House that Washingtonians are taxed without representation.

I ask this House to join with me in welcoming all those attending Youth Pride Day.

HONORING COMMANDER JOHN J. ROESNER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to honor an American hero, my constituent Commander John J. ''Jack'' Roesner for 22 years of faithful steadfast service to the United States Navy. His hard work, dedication and leadership to this Nation is without doubt commendable. On May 7, 2004, the U.S. Navy will join along with his family to honor him during a retirement ceremony to be held at his command, OPNAV—Naval Education and Training.

Commander (CDR) Roesner was born and raised in my hometown of Flint, Michigan. He attended Northern Michigan University, where he earned both his Bachelor and Masters Degrees. In February of 1982, CDR Roesner completed Navy Officer Candidate School and earned his commission. His first assignment as a Surface Warfare Officer was aboard the USS *Mahlon S. Tisdale* (FFG–27), where he served as the Commanding Ordance Officer and subsequently as Damage Control Assistant and Combat Information Center Officer. During this tour CDR Roesner qualified as Surface Warfare Officer and Gas Turbine Engineering Officer of the Watch (EOOW). In November of 1985 he transferred to the Naval Reserve Officer Training Corps (NROTC) located at the University of Mississippi as an Associate Professor and Instructor of Naval Science. In February of 1989, he graduated from the Surface Warfare Officer Department Head Curriculum, after which he was assigned as the Combat Systems Officer of the USS *John Rodgers* (DD–983), and subsequently afloat as Combat Systems and Material Officer on the staff of Commander, Destroyer Squadron Twenty-Six. CDR Roesner in November of 1992 reported for duty in Washington, D.C. as Aide and Administrative Assistant to the Naval Inspector General, where he served until 1985. After his tour in Washington he returned to sea duty and was stationed aboard the USS *Scott* (DDG–995) as the Executive Officer, followed by subsequent afloat tour as Chief Staff Officer for Commander, Destroyer Squadron Thirty-Two. In 1998, he became the Executive Officer of the Navy Recruiting District Minneapolis, and on April 14, 2000 he assumed Command of the district. In November of 2001, CDR Roesner reported to OPNAV (N–79). During CDR Roesner's career he has deployed five times to the Mediterranean and/or Western Pacific, completed three North Red Sea surges in support of U.N. sanctioned Maritime Interception Operations, and two Counter-Narcotics Operation deployments. He completed JPME phase-1 training through the Air Force Command and Staff College. CDR Roesner was awarded the Meritorious Service Medal w/gold star, Navy/Marine Corps Commendation Medal w/two gold stars, along with various unit and campaign awards. Aside from being an outstanding leader and role model, he is a devoted husband to his wife Stephanie.

Mr. Speaker, as a member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating my constituent and one of the U.S. Navy's finest sailors Commander Roesner upon his retirement

from the U.S. Navy. He has served his country with honor, enthusiasm and great concern. I wish him all the best in the future.

HONORING UNITED CEREBRAL PALSY OF CENTRAL CALIFORNIA 50TH ANNIVERSARY AND THE FANSLER FOUNDATION 20TH ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to commend United Cerebral Palsy (UCP) of Central California in celebrating 50 years of compassionate care and for honoring the Fansler Foundation's 20th Anniversary as well. In recognition of these milestone events, UCP of Central California will be hosting a Starlight Fantasy Ball on Saturday, March 27th in Fresno, California.

UCP of Central California is a non-profit, voluntary health agency that was incorporated in 1954 and is affiliated with state and national UCP Associations. The mission of UCP is to advance the independence, productivity, and full citizenship of persons with disabilities. UCP of Central California serves seven counties in the San Joaquin Valley including Fresno, Kern, Kings, Madera, Mariposa, Merced, and Tulare; serving over 500 children, adults, and family members everyday. The core purposes of UCP are to advocate on the behalf of children and adults with cerebral palsy, autism, mental retardation, Down Syndrome, head trauma, and muscular dystrophy. They seek to create local, as well as national, awareness of programs and services available to children and adults with disabilities while raising revenue to support program services they provide.

UCP of Central California is honoring the Fansler Foundation for its support of the community. The Fansler Foundation is a non-profit foundation established in 1984, by David (Paul) Fansler, Sr. Paul's primary vision was to assist developmentally challenged youth and aid other qualified charities working with children who do not have the opportunity or support to get ahead. The dream was to help provide for these charities in the Fresno County Area; the Fansler Foundation has supported such groups as the American Lung Association, the Marjoree Mason Center, Break the Barriers, and UCP of Central California to name a few. The Fansler Foundation has given over six million dollars of support to numerous organizations over the last 10 years alone. Since Paul's death, Marlene Fansler continues the dream that Paul began 20 years ago.

Mr. Speaker, I commend United Cerebral Palsy of Central California and the Fansler Foundation for their continued dedication to those who have disabilities. I urge my colleagues to join me in praising them for their years of establishment and hard work.

CONGRATULATIONS TO ANNA SAUGER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. LEVIN. Mr. Speaker, I rise to offer my heartiest congratulations to Anna Sauger, a beloved mother, wife, and citizen who was born a century ago on April 4, 1904.

Born in a coal mining town in Portage, PA, Anna often speaks of the hard life for the family of eight boys and three girls. The family kept two cows for milk, two pigs and some chickens for fresh eggs.

Her father, brothers and other coal miners fought for an 8-hour workday, better safety in the mines, and ultimately formed a Union, only to face a lockout in this company town, and were forced to leave their homes.

Ultimately, the company settled; Anna continued her education in a one-room school house and married John Sauger, a young miner. They lived in a small house in an area known as "Whiskey Row" until they moved to Detroit in 1925, where she raised a family of six boys and three girls.

During WWII, Anna was one of many working women who helped build the arsenal of democracy. She worked at the old Packard plant helping build Packard-Merlin engines used in the P–51 Mustangs. Her other jobs included factory work at Bundy Tubing and Glo-Tone cleaners.

Then tragedy struck and Anna lost John, her partner and best friend, in 1971. John was also her means of transportation, taking her from place to place. At the young age of 70 years old, Anna secretly took driver's training and got her driver's license. She became the proud owner of a driver's license and a green Dodge Scamp.

Last year, when Anna was honored with a visit to her home by Governor Jennifer Granholm, she presented her with a handmade pillow and blanket, made on her 1956 Pfaff sewing machine.

Mr. Speaker, I ask my colleagues to join me in applauding and honoring Anna Sauger on the wonderful occasion of her 100th birthday. I am pleased to join her many friends and family in paying tribute to a new centurion and a life that represents so very well the challenges and opportunities of our great country.

IN HONOR OF SIAS INTERNATIONAL UNIVERSITY, ZHENGZHOU, CHINA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BECERRA. Mr. Speaker, I rise today to recognize and pay tribute to the Sias International University of Zhengzhou, China, on the occasion of its fifth anniversary. Founded in 1998 by Dr. Shawn Chen, the Sias International University has been recognized as the first American-owned university in China.

Sias International University has a mission to educate professionals and help them gain an in-depth understanding of international business theory and practice. Its unique blend of Western and Eastern culture creates a truly international learning environment to better prepare its students for today's global market. This dual-culture educational environment also fosters greater understanding between the United States and China.

One of the fastest growing universities in China, Sias International University has a student population now exceeding 7,000 and offers over 30 different majors, including business, engineering, art, sciences, languages, and liberal studies. Its unique partnership with Fort Hays State University in Kansas enables Sias International University to offer dual degree programs in many majors. Through Fort Hays State University's virtual campus and online courses Chinese students learn first hand about American educational values.

Dr. Chen's vision of international cooperation through academia has established Sias International University as a model for future education in China. As we speak, the partnership between Sias International University and Fort Hays State University is educating future leaders in government and industry from both the United States and China, all the while strengthening ties between our two nations.

The establishment of an institution like Sias International University could not be timelier. At a time when countries are threatened by terrorism and the national reflex worldwide is to close borders, we must remember that our economies, our people, and thus our nations are intertwined in this world. We must continue to resist reactions of fear and isolation and work instead towards forging relations with our international neighbors.

Mr. Speaker, as students, faculty, board members, university leaders, and the community gather to celebrate the accomplishments of Sias International University on the occasion of its fifth anniversary, I ask my colleagues to join me in extending congratulations and best wishes for continued growth and prosperity to this thriving institution.

IN HONOR OF LEEANN O'TOOLE'S DEDICATION TO THE BURBANK UNIFIED SCHOOL DISTRICT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate LeeAnn O'Toole for 34 years of dedicated service to the Burbank Unified School District.

LeeAnn began her employment with BUSD on June 1, 1970, in the Division of Special Services as Secretary to the Senior Psychologist and Supervisor of Individual Guidance. At that time, this office was a combination of what we now know as the Special Education and Pupil Services departments. After a few months, she was transferred to Instructional Services, and served as Secretary to the Curriculum Coordinators and the Supervisor of Music. She worked there until April 1973, when she took maternity leave. Subsequently, she decided to resign her position to become a full-time stay at home mother.

LeeAnn returned to the District part-time in May 1979 at McKinley Elementary School as a health assistant. In September 1980, she transferred to Jordan (Junior High School

then) as a full time Counseling assistant. In April of 1982, she transferred to the Division of Instruction as a full-time Secretary to the Elementary Curriculum Coordinator. In May of 1984, LeeAnn moved to the Superintendent's Office as a Secretary. She left briefly in 1989 to take a position as Secretary to the Superintendent in the La Canada Unified School District where she was quickly promoted to Director of Administrative Services. The following year, she decided personnel work was not her true calling. Upon the retirement of the Secretary to the Superintendent in Burbank in 1991, she was rehired to fill that position where she has served ever since. Over the years, the job title has changed. She is now known as the Assistant to the Superintendent.

LeeAnn is a shining role model and irreplaceable BUSD employee. I ask all Members of Congress to join me today in congratulating LeeAnn O'Toole for a truly exemplary professional and public service career, and for her immense commitment to the city of Burbank and its residents.

TRIBUTE TO DANIEL S. CHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to Daniel S. Chan. On March 22, 2004, the city of Sacramento and northern California lost one of it most respected and honorable business leaders when Daniel S. Chan passed away. As his friends and family gather to remember Daniel's remarkable life and many outstanding contributions to his friends, family, and community, I ask all my colleagues to join with me in saluting this exceptional citizen and my dear family friend, Daniel S. Chan.

A native of Sacramento, Dan was born on June 9, 1915. Dan was a graduate of Sacramento High School, Class of 1933. During the same year, Dan's father, Chan Tai Oy, who immigrated from Canton, China to Sacramento in the early 1900s, started a new business venture; General Produce Company. At the age of 18, Daniel would join his father and two brothers, Tom and Eddie, and cousin, Davis Sun, and embark on what will be an illustrious six-decade long career with General Produce Company.

As an owner, Dan was chief buyer and salesman for General Produce Company. Dan's dedication to the company and his work ethic were legendary. Dan worked seven days a week for over 60 years. Through Dan's outstanding business acumen and hard work, and his collaboration with his brothers Thomas and Eddie, General Produce Company would become one of Northern California's largest wholesale produce distributors. In addition to General Produce Company, Dan and his brothers also started one of the first department stores in Sacramento in the late 1950s and he also became involved in real estate, developing commercial and residential properties in the South Land Park Area in the 1950s and 1960s.

I came to know Dan and his family through my father's, Yasuji, employment with General Produce Company, where he was a top salesman. Dan and my father would have lunch together everyday. Dan was an owner who truly cared about the best interests and well being of his employees. Over time, our families became very close. Dan and his wife Kitty, headed a loving family that included children; Deborah, Terrie, and Daniel. I have always had the utmost respect for the kindness and decency of the Chan family.

In addition to possessing great knowledge in buying and selling virtually every commodity General Produce Company handled, Dan was also a man of many other interests. An avid baseball player in his younger days, Dan was a big baseball fan who regularly attended San Francisco Giants baseball games: A voracious reader, Dan would read four newspapers on a daily basis. Dan was also a man who enjoyed building things. Dan used his precious free time to build his children a tree house and decorative garden accessories for the enjoyment of his friends and family. After his retirement in the mid–1990s, Dan took up fishing and enjoyed golfing well into his later years. Dan and his wife, Kitty, traveled to many places, both domestic and overseas.

Dan was preceded in death by his wife Kathleen "Kitty" Chan and siblings, Thomas, Eddie, and Marjorie. He is survived by his children; Deborah Chan of Hong Kong, Terrie Chan of Orinda and Daniel Chan of Sacramento. Dan was the loving grandfather of Ian Lee, Taylor Lee, Tyler Chan and Collin Chan.

Mr. Speaker, as Dan Chan's family and friends gather to pay tribute to his wonderful life, I am honored to express my respect and gratitude to one of Sacramento's finest citizens. It was truly a privilege for my family to count Dan Chan as our dear friend. I ask all my colleagues to join me in honoring Dan Chan's remarkable life.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117. Had I been present, I would have voted "yea" on rollcall votes 96, 98, 99, 100, 101, 102, 103, 106, 108, 109, 110, 111, 112, 115, and 117. 1 would have voted "nay" on rollcall votes 97, 107, 113, 114, and 116.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. BACA. Mr. Chairman, I reluctantly support this transportation reauthorization.

While this bill includes important projects for my district, it does not adequately fund our nation's transportation priorities.

A population boom in the Inland Empire has created a desperate need for federal funding.

Commuters and emergency vehicles must be able to access our highways safely and efficiently.

In name of homeland security and economic vitality we, in the Inland Empire, must improve our infrastructure.

The average commute time in our district is 30 minutes to an hour. This is outrageous for an exurb community.

Last year my district grew by approximately 60,000 people.

Sixth in the nation for population growth.

These are thousands of Californians that deserve better investments in transportation infrastructure to correspond with the population growth.

I am not happy that this legislation will further condemn Californians to subsidize the transportation spending of other states.

I am not happy that this administration believes that deficit spending for millionaire tax cuts is necessary, but federal spending for job-creating transportation improvements is wasteful.

By limiting funds well below the Senate highway bill, Republicans are missing a prime opportunity to begin job creation and recover some of 3 million private-sector jobs lost under the Bush Administration.

That is why I will enthusiastically support the Davis amendment. This alternative increases the funding in the bill to the Senate-passed level of $318 billion.

This would create about 1.8 million more jobs than the House GOP leadership bill without adding to the deficit.

This Democratic amendment would create about 1.8 million more jobs and $235 billion more economic activity than the House GOP leadership bill without adding to the deficit.

The increase for highway and public transit over the House bill is fully paid for by cracking down on abusive corporate tax shelters and companies that move off-shore to avoid paying U.S. taxes.

The Senate overwhelmingly passed a $318 billion compromise measure by a vote of 76 to 21 on February 12.

Mr. Chairman, that is why I reluctantly support the reauthorization, but ask my colleagues to please enthusiastically support the Davis amendment to create jobs, fix our roads, and invest in the future.

COMMEMORATING WOMEN'S HISTORY MONTH

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

Ms. LEE. Mr. Speaker, I rise today along with other women Members of Congress to honor the contributions and landmark efforts of women. As we look back on March, Women's History Month remains an important time to reflect on and commend women for their lifelong efforts to our country. Women have been the cornerstone of this country, so it is difficult for me to honor just one today, but after thought and reflection, I've decided to honor the life's work of a mentor and long time role model of mine, Ms. Betty Shabazz.

Betty Shabazz epitomizes the strength, tenacity, confidence, compassion, and fidelity of a progressive Black woman. Early in my career, I met her on several occasions, and she gave great guidance on how to be proactive, detail specific and plan for the unexpected. As a young woman, Shabazz left Detroit to study at the Tuskegee Institute, the renowned historic black college in Alabama. She later went to New York, where she became a registered nurse.

In New York, Shabazz was introduced to the Nation of Islam and its founder Elijah Muhammad. It was in 1956 that Betty X met Malcolm X, then a rising star in the Nation of Islam. Two years later they married, and within 5 years, they had four daughters. After breaking off from the Nation of Islam in 1964, Malcolm and Betty X adopted the Muslim surname Shabazz.

In early 1965, Malcolm was gunned down while speaking at the Audubon Ballroom in Harlem. Betty Shabazz, pregnant with twins, was in the audience with their daughters when one of the greatest Civil Rights Leaders of our time was murdered. Betty raised their six daughters alone, returned to school, and in 1975 earned a doctorate in education from the University of Massachusetts. She went to work as an administrator at Medgar Evers College in Brooklyn while carrying out an effort to inform people around the world about civil and human rights and racial tolerance.

In a sudden and tragic twist of fate, the world lost a great champion and voice. In June of 1997, Betty Shabazz passed away at 61 from third-degree burns that ravaged over 80 percent of her body. This was a tragic ending to an extraordinary life.

For all of her honest criticism and constructive praise, I thank her and honor her. Betty Shabazz was a true womanist, activist, and leader. I owe here a great debt of gratitude and in the years to come will continue to work to preserve her memory.

TRIBUTE TO JOHN HEIN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MATSUI. Mr. Speaker, today I rise in tribute to a man with a distinguished public service career. Throughout the course of his career, John Hein has served the people of California, especially its school children, with great success and distinction. John recently retired from his position as the Associate Executive Director for the California Teachers Association. It is my honor to ask all my colleagues to join me in saluting John Hein, a tireless and passionate advocate for public education in California.

John Hein has undoubtedly been one of California's most effective education reformers and loyal supporters of public education in recent history. John possesses the necessary work ethic and conviction to successfully represent and advance the interests of California's 6.5 million school children. John's remarkable track record in moving an extraordinary agenda for California's school children is almost unparalleled anywhere in the field of education.

John's insight and perseverance were instrumental in negotiating a settlement in the California Teachers Association v. Gould lawsuit that resulted in the largest decrease in class size in the history of California. John's masterful handling of this settlement also produced the largest financial commitment to instructional materials for each student in every subject, as well as the largest increase in professional development opportunities for classroom teachers in the Nation.

Aside from being an astute negotiator, John was also a skilled organizer of a number of important public campaigns. John was a major organizer in a mass demonstration of teachers and other supporters of public education that played a big part in a $2 billion increase in general revenues to the public schools. To this day, this change in policy remains the largest single increase in school funding in the history of California. Driven by a deep commitment to increased local funding for public schools, John played a vital role in the successful effort to reduce the vote threshold for local school bonds from two-thirds to 55 percent. Passage of this measure resulted in a $26 billion increase in state funding for new and rehabilitated schools. John also lent his considerable talents to the fight against school vouchers. John was able to bring together a massive statewide coalition that delivered a resounding defeat to the voucher movement in California and across the nation. Time and time again, John has proven that he is one of the greatest friends of public education in California.

John's relentless dedication to public education and his strong leadership have made the California Teacher's Association one of the most powerful organizations to lobby on behalf of public education and associated issues in the country. Under John's leadership, the California Teachers Association crafted the most rigorous academic standards in the nation, a new statewide testing system, a new school facilities law and other major education reforms.

A man of many talents and considerable energy, John's leadership in California went well beyond public education issues. John has served on the executive boards of campaigns that sought to protect affirmative action, racial data collection, bilingual education, and immigrants' rights in California. John's commitment to public service has enabled him to make a positive contribution to the lives of all Californians.

Mr. Speaker, as John Hein embarks on an exciting new chapter of his life, I am honored to pay tribute to a great champion of public education in California. The people of California have benefited greatly from John's leadership and we all owe him a debt of gratitude. I ask all my colleagues to join me in wishing John continued success in all of his future endeavors, wherever retirement may lead him.

HONORING THE CONTRIBUTION OF THE CIVILIAN CONSERVATION CORPS TO THE DEVELOPMENT OF WHITE ROCK LAKE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. HENSARLING. Mr. Speaker, as the U.S. Congressman representing White Rock Lake in Dallas, I would like to recognize the invaluable contribution made by the young men of the Civilian Conservation Corps (CCC) to the development of White Rock Lake.

With the dedication of the new CCC statue at White Rock Lake Park, we honor the lasting contribution of the approximately 3,000 young men who, over the course of seven years, spent six months to two years learning a trade and performing a valuable public service.

These young men labored diligently, making a host of improvements to White Rock Lake, including deepening and widening the lake, constructing, clearing underbrush, and building bridle paths, trails, picnic grounds, barbecue pits, shelter houses, thousands of feet of retaining walls and planting hundreds of pecan trees. One of their major accomplishments was the creation of the park at Flag Pole Hill, which we still enjoy today.

Today, I recognize the "boys in green" from the CCC Camp at White Rock Lake and thank them for their hard work as we dedicate a new statue in Sunset Bay to honor the outstanding contribution they made in helping build our community.

TRIBUTE TO ALDEN B. DOW OF MIDLAND, MICHIGAN—100TH BIRTH YEAR COMMEMORATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CAMP. Mr. Speaker, I rise today to commemorate the 100th anniversary of the birth of Alden B. Dow.

In 2004, the city of Midland, Michigan will be holding a year-long celebration to honor the life and accomplishments of Alden B. Dow entitled "The Quality of Life—The Influence of Alden B. Dow."

Born in Midland on April 10, 1904, Dow's leadership and architectural ingenuity served as inspiration to his community. Trained at Columbia University's School of Architecture, Dow completed over 520 projects throughout his fifty-year career, each focusing on a theme of individuality. He designed homes throughout the United States, including World War II housing for the Department of Defense in Brazoria, Texas. He also designed the entire town of Lake Jackson, Texas during the same period. In addition to housing, Alden Dow also designed colleges, hospitals, and community buildings. His design of the First United Methodist Church in Midland won the Eighth Annual National Honor Awards of the American Institute of Architecture in 1958, and was the only religious structure to receive such an award. Dow has also received such honors as honorary degrees from various colleges and universities, and was a Fellow for the American Institute of Architects. He served as president of the Michigan Society of Architects in 1949, winning the organization's gold medal in 1960. He was also a recipient of the Frank Lloyd Wright creativity award in 1982, and in 1983, Dow was honored as Michigan's only Architect Laureate.

I am honored today to recognize, along with the city of Midland, Michigan, the accomplishments of Alden B. Dow and his life contributions during this celebration.

OIL-FOR-FOOD CREDIBILITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BEREUTER. Mr. Speaker, this Member agrees with the sentiments expressed in an April 12, 2004, Lincoln Journal Star editorial entitled "Credibility at Stake in Probe of Oil-for-Food." This Member commends the article to his colleagues.

[From the Lincoln Journal Star, Apr. 12, 2004]

CREDIBILITY AT STAKE IN PROBE OF OIL-FOR-FOOD

If the United Nations is to retain credibility as an effective force in international affairs, it cannot afford a slipshod and superficial investigation into its handling of the oil-for-food program.

Rumors of corruption in the program have been floating around for years, but more specific charges have been leveled recently.

The charges are especially troubling at a time when the United Nations is being encouraged to take a larger role in the stabilization of Iraq.

The oil-for-food program, established and operated by the United Nations, was begun in 1996 to ease hardship imposed on ordinary Iraqi citizens by economic sanctions. Under its guidelines, Iraq was allowed to sell oil to buy goods that had humanitarian purposes, such as food and medicine.

Iraq sold about $67 billion worth of oil before the program ended, according to the U.S. General Accounting Office.

The program was set up to pay for itself. The United Nations earned a 3 percent commission. Most of the money went to cover the United Nation's costs, and the remainder was to go to the weapons inspection program.

But GAO officials said recently that Saddam Hussein's government pocketed more than $10 billion in proceeds from oil sales. About $5.7 billion came from oil smuggled to its neighbors. Another $4.4 billion came from illegal surcharges and kickbacks on legitimate contracts.

Several months ago, an Iraqi newspaper said it had documented proof that oil revenue was diverted to more than 200 businesses, organizations and individuals, including French and Russian politicians and Benon Sevan, the U.N. official who ran the oil-for-food program.

U.N. officials attempted and succeeded in blocking some of the smuggling ventures, but the recent charges portray the corruption as much more extensive than previously suspected. One of the ticklish aspects of the corruption charges is that U.N. General Secretary Kofi Annan's son, Kojo, worked for one of the companies that are implicated in the scandal. Suggestions that Kojo Annan was involved in the corruption seem dubious, however, since he left the company before it became involved with the program.

Kofi Annan initially was slow to respond to the new charges, but he won U.N. Security Council permission last month to establish an independent investigation into the charges. The approval was less than enthusiastic, however. Russia agreed only to "take note" of the investigation.

The United Nations has filled an invaluable role over the years in addressing humanitarian problems and helping to resolve conflicts.

In order to retain the trust of the international community, the United Nations must be willing to thoroughly investigate these charges of corruption. If results warrant, the international organization also must take decisive action against any of its own officials who may have been involved.

COMMENDING THE ATHLETES, ORGANIZERS, VOLUNTEERS AND FANS OF THE DODGE TOUR DE GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. COLLINS. Mr. Speaker, this week Georgians will line the roads to witness the top ranked stage road bicycle race in North America.

The Dodge Tour de Georgia promotes tourism, stimulates local industry, and is proud to benefit the Georgia Cancer Coalition. The race serves as a rolling festival to entertain and educate spectators across the Peach State about cycling, fitness, and most importantly about the possibility for a cure for and the prevention of cancer. This second annual event, April 20 to 25, 2004, takes pro cyclists and multitudes of visitors on a scenic 641-mile journey through the Great State of Georgia.

Athletes from over 15 countries will compete for $100,000 in cash and prizes. With a mix of road races, an individual time trial, and challenging terrain, the 2004 Dodge Tour de Georgia will be an exciting event for both racers and spectators.

A great deal of attention will be on cycling this year, since many elite athletes vie to represent their countries in the Olympic Games in road, time trial or track disciplines of cycling in August. And, five-time Tour de France Champion Lance Armstrong seeks his record sixth consecutive win on the Champs-Elysees in July. Part of the reason for a significant increase in media and spectator interest in the Dodge Tour de Georgia this year is because Armstrong will compete in the event with his United States Postal Service Pro Cycling team. It will be the only stage race Armstrong is expected to enter in North America this year, and the only event in the U.S. for him prior to his record attempt in France.

Officials with the Dodge Tour de Georgia project a $20 to $30 million boost to the Georgia economy. The value provided to its charitable beneficiary, the Georgia Cancer Coalition, is expected to surpass $2.5 million, doubling the number from 2003. The 2004 Dodge Tour de Georgia, the country's premier, professional cycling stage race, will visit 11 host cities in 6 days, from Tuesday, April 20 to Sunday, April 25.

As a world-class sporting event, the Dodge Tour de Georgia is defined in part by the 128 elite, professional cyclists who will compete in seven stage races, traversing 649 miles across Georgia in 6 days. As a vehicle to promote tourism and stimulate economic growth, the race is defined by the thousands of visitors and volunteers who plan to visit from across Georgia, the U.S. and abroad.

From just the impact of media, officials, teams, and support personnel, not including spectators, local communities will see an immediate impact from 3,000 room nights and over 7,000 meals.

I would like to commend the sponsors, organizers, and staff of the Dodge Tour de Georgia, for bringing a world-class event of this magnitude to the people of the United States. I would also like to commend the Union Cycliste Internationale, for sanctioning this event.

I would like to recognize the host communities, Alpharetta, Athens, Carrlloton, Columbus, Dalton, Dahlonega, Dawsonville, Hiawassee/Young Harris, Macon, Rome, and Thomaston; as well as their local organizing committees for their contribution to this worthy cause.

Cancer is a brutal killer that strikes without regard to age, race, sex, or station in life. I am grateful that there are organizations like the Georgia Cancer Coalition, which are dedicated to its eradication and there is support from organizations like Dodge; GE Energy; The Georgia Department of Industry, Trade, and Tourism; Georgia Power; Southern LINC; and the many others who have bonded together to organize and promote Georgia's Race to Cure Cancer.

This event brings the finest cyclists in the world to compete and raise money to fight a terrible killer so that all of the world may benefit. I am proud that this event will be held in my home state of Georgia and I commend all the athletes, organizers, volunteers and fans that make the Dodge Tour de Georgia a truly special event.

APRIL SCHOOLS OF THE MONTH NEW YORK'S 4TH CONGRESSIONAL DISTRICT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mrs. McCARTHY of New York. Mr. Speaker, it is with great pride that I congratulate the 63 elementary and middle schools from the 4th Congressional District which were recently designated as part of New York State's Most Improved Schools, and it is my honor to name them as my April Schools of the Month.

To qualify for Most Improved status, the schools have had to dramatically improve their English and Math scores. More than 50 percent of the students from the schools that made the list surpassed the English and Math standards and the number of students scoring at that level has increased by 20 points over the past 5 years, based on 4th and 8th grade test results.

The schools that made the list come from a mixture of areas from my Congressional district, proving that improving education isn't just a socioeconomic issue, but an area of concern that knows no boundaries. I am hopeful these schools will provide motivation to the rest of the schools in my district. It is common knowledge that education is the key to our children's future. We must ensure that not only the schools who made the list this year, but every one of our public schools has the funding to maintain their momentum and help all their students to meet the tougher Regents' standards.

The level of improvement by these schools is due to the hard work of the students, teachers, school staff and the parent body. Parents play a large role in the education of children by ensuring students complete their homework and improve their skills. However, I must specifically commend the teachers, who toil at a

tough job that doesn't receive enough appreciation. That is why I am going to begin honoring teachers each month by naming a Teacher of the Month. This honor will allow us to recognize the dedication and tireless effort put forth by these true professionals.

Once again, I congratulate all the honorees and look forward to honoring them, and other schools, in the future.

IN MEMORY OF EDWARD J. VOLANTE, LONGTIME CLIFTON HEIGHTS FIRE CHIEF, CAREER FIREFIGHTER WITH A LEGACY OF PUBLIC SERVICE, COMPASSION AND COURAGE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of my good friend, Edward J. Volante, a longtime Clifton Heights Fire Chief and career firefighter. As his family, friends and neighbors mourn the passing of Ed Volante, I want to take a few moments today to remember his work and the difference he made in the community he served so bravely and selflessly.

Chief Volante was a lifelong resident of Clifton Heights, Pennsylvania, where he served as fire chief for 26 years and a firefighter for 50 years. He embodied the most noble virtues of public service. The Chief served in almost every position in the fire company since joining the Clifton Heights Hose & Hook in 1954. Chief Volante will be remembered for his loyal dedication to improving his community's ability to respond to emergencies and ensure the safety of all residents.

Firefighting is a matter of life and death, and individuals like Chief Volante assume an enormous responsibility when they accept the job of running a fire department. They are responsible for the lives, homes, and livelihoods of thousands of citizens throughout their community. And on a day-to-day basis they become directly responsible for the health and welfare of all the men and women they supervise. Chief Volante discharged these enormous responsibilities with real distinction. During his 26 year tenure as chief, a good department became even better. Chief Volante took great pride in the fact that his fire company was the proving grounds for other companies. Chief Volante was respected for his commitment to public safety and his ability to get things done.

Recognizing how difficult it is these days to recruit volunteers, he had a sign posted outside the fire company, ''Volunteers needed, apply here.'' He often said, ''you can never have too many volunteers.'' The citizens of Clifton Heights should take comfort that their fire company will continue to evoke Chief Volante's spirit and legacy through their continued efforts to better their community. When the alarm sounds at all hours of the day and night it will serve as a call for more volunteers to the noble calling of the fire service.

Mr. Speaker, the 7th Congressional District has lost an exceptional public servant, and I have lost a good friend. I wish Chief Volante's wife of 44 years, Carol Ann and family, my heartfelt condolences and may they find comfort in knowing that the many people he impacted deeply value his dedication and generosity and the example of his life and work. Chief Edward J. Volante exemplified the spirit of service that has made this country great. This man was a genuine community leader. He not only did his job well, he loved it, and the community he served. We are safer because of his life and sacrifice. I am personally grateful to have known Chief Volante as a friend, and mourn his passing.

IN RECOGNITION OF THE DEDICATED SERVICE TO THE HERNDON COMMUNITY BY TOM AND BETSY GREIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. WOLF. Mr. Speaker, on behalf of Rep. TOM DAVIS and myself, it is our pleasure today to recognize the contributions to community journalism made by Tom and Betsy Grein through their ownership of The Observer newspapers in the Herndon community of Fairfax County, Virginia. After 13 years at the helm starting in June 1990—when they bought The Observer from the late Peggy Vetter, the newspaper's founder—the Greins last October sold the paper to new owners.

Tom and Betsy Grein formed a team dedicated to maintaining the highest standards of journalism with a focus on providing the community of Herndon with a vital source of information. Tom served as editor and publisher and Betsy was general manager and advertising director. During their tenure, The Observer grew with the community, increasing its circulation from 14,000 to more than 60,000, tripling its full-time staff, adding editions in Loudoun County and Reston, and publishing electronically on the World Wide Web.

Tom also wrote more than 700 ''Our Town'' columns, faithfully documenting his perspective of Herndon and the history and people of the community.

In addition to their tireless efforts as the owners of The Observer, they also found time to be active members of the Herndon community. Tom served on the Board of Directors of Herndon Community Television and the Herndon Rotary Club and Betsy was a member of the Board of Directors of the Herndon Dulles Chamber of Commerce and the Council for the Arts of Herndon.

We express appreciation to Tom and Betsy Grein on behalf of all the citizens of the greater Herndon community for their dedicated service to community journalism and wish them the best in their future endeavors.

REMEMBERING THE VICTIMS ON THE OCCASION OF THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 89th anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children. Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, ''Ketse azat ankakh Hayastan''—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

TRIBUTE TO PROVIDENCE MISSIONARY BAPTIST CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize Providence Missionary Baptist Church on the occasion of the dedication of their new church facilities. Founded in Newark in 1921, this church has been serving and ministering to our community for 83 years, and has long been an institution within my district.

In March of 1921, six families gathered to establish the Rose Hill Baptist Church, calling Rev. B.W. Keith as their first pastor. Though they have moved to various locations around the city of Newark, they have continued to bless our community through their dedication to serving each other, as well as their neighbors, through compassionate ministry.

Providence Missionary Baptist Church continues to reach beyond their own parish to serve the citizens of Newark, establishing a feeding and clothing ministry called Feed My Sheep, Christian Education and Leadership training, an Annual Leadership Conference, and a preschool for the children in the community.

Under the leadership of their current Pastor, Rev. Vincent Grove, they continue to experience growth, adding new members to their

congregation, and renovating and expanding their facilities.

Mr. Speaker, please join me in extending my thanks to the members of the Providence Missionary Baptist Church for their contributions to our city. I also invite my colleagues to join me in sending our congratulations as they celebrate the completion of their new church building, and offering our best wishes as they commemorate their 83rd anniversary later this year.

CONGRATULATING THE PEOPLE OF TAIWAN

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GREENWOOD. Mr. Speaker, on the occasion of the 25th anniversary of the enactment of the Taiwan Relations Act (April 10), I wish to congratulate the people of Taiwan. For the last quarter century, the Taiwan Relations Act has been the cornerstone of the U.S. relationship with Taiwan. It has enabled Taiwan to move from an authoritarian state to a full democracy and has provided the people of Taiwan with the tools necessary to achieve the highest standards of living.

Taiwan has now completed its third ever direct presidential election. Even though incumbent President Chen Shui-bian won a razor thin victory over his opponent, Taiwan's latest presidential election has demonstrated to the world that the people of Taiwan have exercised their democratic right through a remarkable 80 percent voter turnout.

Let us hope that in the days and months ahead Taiwan President Chen will use the power of his office to lead Taiwan's 23 million people, and that peace and stability will continue to prevail in the Taiwan Strait for the next 25 years and beyond.

In the meantime I wish to salute Taiwan Ambassador C.J. Chen, who will be returning to Taipei next month. He has served Taiwan well as his country's top diplomat in Washington during the last 4 years. He and his wife Yolanda will be missed by their friends in Washington.

CONGRATULATING FAIRFIELD UNIVERSITY PRESIDENT ALOYSIUS P. KELLEY, S.J.

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SHAYS. Mr. Speaker, I want to congratulate Aloysius P. Kelley, S.J., the seventh and longest-serving President in Fairfield University's history, who plans to retire on June 30, 2004, after 25 years of service.

Father Kelley's decision marks the end of a tremendously successful 25-year tenure during which Fairfield University has become one of the preeminent Jesuit schools in the country. As the longest serving president of the nation's 28 Jesuit colleges and universities, arriving at the University in 1979, Father Kelley has presided over the graduation of 64 percent of Fairfield's 38,000 alumni.

During his tenure, Father Kelley worked tirelessly in collaboration with the University's faculty, alumni, parents and friends to achieve extraordinary results. He has overseen facility expansion that has transformed the campus, including the construction and acquisition of 14 new facilities and the renovation and expansion of 12 others.

The student body and faculty of Fairfield University have been strengthened over the past 25 years. On the undergraduate level, Fairfield this year set an all-time record in the number of applications, with 7,655 for 850 seats in the incoming class. During Father Kelley's tenure, the average combined SAT score for the entering class has increased from 1,065 to 1,197. Fairfield's admission for this year's entering class placed it among the top five percent of four-year colleges and universities in the nation in terms of selectivity. The intellectual environment thrived during Father Kelley's tenure

This is the end of an extraordinarily successful era. Under Father Kelley's leadership, Fairfield University has experienced dramatic growth and success. To top it all off, the institution's endowment has increased from under $2 million in 1979 to $131 million currently.

Father Kelley will be greatly missed. He leaves a strong legacy and bright future on which his successor may build. I would like to extend my heartfelt appreciation to Father Kelley for his tremendous accomplishments.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Mr. ROGERS of Michigan. Mr. Chairman, my primary objective being named to the House Transportation and Infrastructure Committee in the 107th Congress was to improve Michigan's minimum rate of return for highway dollars from the current 90.5 percent in the reauthorization of TEA–21. Sadly, the bill reported from the House Transportation and Infrastructure Committee, H.R. 3550, while increasing the overall pot of money to $284 billion over six years, decreases the amount of programs or "scope" that the minimum rate of return applies to, effectively decreasing our share to about 79 percent of every road dollar. The amendment offered by Mr. ISAKSON of Georgia on the House floor would have corrected this flaw and at least allow Michigan and other donor States to continue receiving the same rate of return on the same scope of projects as in current law. The net effect of this amendment would have been an additional $300 million to meet Michigan's needs. While I voted in favor of this amendment, it was defeated by a vote of 170–254.

Given the fact that under H.R. 3550, Michigan will receive less of a percentage of road dollars than they do today, I am voting against it on final passage. Michigan's roads and infrastructure have taken a back seat to other States for far too long. Enough is enough—it is time these Federal road dollars go to Michigan projects and create Michigan jobs. I am hopeful that we can work to make the final product better for Michigan's citizens in conference committee.

50TH ANNIVERSARY OF THE UNITED CEREBRAL PALSY OF WESTERN PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to praise a valuable organization located in the Fourth Congressional District of Pennsylvania that has striven to advance the independence of individuals with disabilities for 50 years. I am proud to represent the congressional district that has housed, for 50 years, the United Cerebral Palsy (UCP) of Western Pennsylvania.

Building on the vision of the founding families who purchased and renovated a three-story home in Spring Church, Armstrong County, where a day clinic for children with disabilities was housed, UCP today serves some 1,500 individuals, adult and children, in their homes and communities. For half a century the agency, serving Armstrong, Indiana, and Westmoreland Counties in southwestern Pennsylvania, has been providing programs and services for physically and mentally challenged individuals. Most of the consumers are diagnosed with cerebral palsy, mental retardation, Down syndrome, developmental delays, speech and language disorders, spina bifida, multiple sclerosis or spinal cord injuries. The accomplishments that UCP has made in the last 50 years have made significant improvements to the lives of the physically and mentally challenged in southwestern Pennsylvania.

I ask my colleagues in the House of Representatives to join me in honoring this fine organization and the benefits that it has bestowed on so many individuals in southwestern Pennsylvania. It is truly an honor to represent the Fourth Congressional District and to recognize the 50th anniversary of the United Cerebral Palsy of Western Pennsylvania.

VAISAKHI DAY, SIKH HOLIDAY—USE OPPORTUNITY TO FREE KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOWNS. Mr. Speaker, April 13 is Vaisakhi Day, the anniversary of the founding of the Sikh Nation in 1699. The Sikhs love freedom as we do, Mr. Speaker. They have a long tradition of fighting oppression wherever it rears its ugly head and they have a history of self-rule.

I would like to take this opportunity to wish the Sikhs in America and the Sikhs around the world a happy Vaisakhi Day.

The Council of Khalistan, the organization that is leading the Sikh movement to liberate

their homeland, Khalistan, recently published an open letter to the Sikhs, a Vaisakhi Day message. It urged the Sikhs to use the opportunity to liberate their homeland. The letter called upon them to remember the Sikh Nation's heritage of freedom.

The letter pointed out the suffering of the Sikhs at the hands of the Indian government. That repression has taken the lives of over 250,000 Sikhs in the last 20 years, in addition to over 50,000 Sikhs who were picked up, tortured, killed, and secretly cremated, declaring their bodies ''unidentified.'' Another 52,000–plus are being held as political prisoners, according to the Movement Against State Repression, a Punjabi human-rights organization. In addition, India has killed more than 300,000 Christians in Nagaland, over 85,000 Kashmiri Muslims, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. Yet the U.S. taxpayer continues to be taxed to send foreign aid to this brutal country.

The letter calls on the Sikhs to take the opportunity of Vaisakhi to demand a free and independent Khalistan by means of slogans, by peaceful resistance, and by bringing forth new leadership. It takes note of the death of Gurcharan Singh Tohra, the President of the Shiromani Gurdwara Prabandhak Committee, and the political collapse of former Chief Minister Parkash Singh Badal to call for new leadership that supports freedom for Khalistan. It notes the seminar held on Khalistan last year, which shows that the desire for freedom remains strong in Punjab.

This letter makes a very strong case for a sovereign, independent Khalistan and it does a good job of exposing the brutal tyranny that India has inflicted on the Sikh Nation.

Mr. Speaker, how can we, as the bastion of freedom, sit idly by and close our eyes to this terror? The time has come to stop U.S. aid to India. This may be the most effective way that we can influence them to stop the repression of Sikhs, Christians, Muslims, and other minorities. And if India is the democratic state that it says it is, it should conduct a free and fair vote on the question of independence. This Congress should put itself on record urging India to do this as soon as possible. That is the democratic way to settle issues, and we should use our influence to help this occur.

Mr. Speaker, the letter from the Council of Khalistan is very informative. For the information of my colleagues and the public, I would like to insert it into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, April 6, 2004.

VAISAKHI DAY MESSAGE TO THE SIKH NATION: SIKHS WILL CELEBRATE VAISAKHI DAY APRIL 13

DEAR KHALSA JI: On April 13, the Sikh Nation will celebrate Vaisakhi Day, observing the 305th anniversary of the day Guru Gobind Singh established the Khalsa Panth. The Guru granted sovereignty to the Sikh Nation, saying ''In Grieb Silrhin Ko Deon Patshahi.'' We must remind ourselves of our heritage by raising slogans of ''Khalistan Zindabad'' and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Every morning and evening we recite, ''Raj Kare Ga Khalsa.'' Now is the time to act on it. Do we mean what we say every morning and evening?

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 20 years. The Indian government has murdered over 250,000 Sikhs since 1984. In addition, over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as ''unidentified bodies.'' Their remains were never even given to their families! Over 52,000 Sikhs sit in Indian jails as political prisoners without charge or trial, according to the Movement Against State Repression (MASR.) Some of them have been in illegal custody for 20 years!

The Indian government forgot the Sikh tradition. Sikhs can never forgive or forget the Indian government's military attack on the Golden Temple and 125 other Gurdwaras throughout Punjab. Over 20,000 Sikhs were murdered in those attacks, known as Operation Bluestar, including Sant Janail Singh Bhindranwale, General Shabeg Singh, Bhai Amrik Singh, and over 100 Sikh religious students ages 8–13 who were taken out into the courtyard and shot. These attacks accelerated the Sikh independence movement and deepened the desire for independence in the hearts of Sikhs, a fire that burns brightly in the hearts of the Sikh Nation to this day. Sant Bhindranwale said that the attack on the Golden Temple would ''lay the foundation stone of Khalistan'' and he was right. Late in 2003, former Member of Parliament Atinder Pal Singh organized a seminar on Khalistan at Baba Makhan Shah Labana Hall, Sector 30, Chandigarh. This shows that the flame of freedom is still burning in the hearts of Sikhs. It is time to take action to free our homeland. Repression and genocide of this magnitude at the hands of the Indian government is unparalleled in the late part of the 20th century. India should be ashamed of the genocide it has committed against Sikhs, Christians, Muslims, and other minorities.

With the passing of Gurcharan Singh Tohra, new leadership must emerge at the Shiromani Gurdwara Prabandhak Committee (SGPC.) In addition, new political leadership must emerge with Prakash Singh Badal under indictment. Mr. Badal's time is not long either. He has had cancer already and he is an old man. This new leadership must be committed to the cause of freeing our Sikh homeland from the repression and brutality of the Indian government by reclaiming our lost sovereignty in a free and independent Khalistan.

Khalsa Ji, at this time of Vaisakhi, the whole Khalsa Panth must be energized to reestablish a sovereign, independent Khalsa Raj by freeing our homeland, Khalistan. It is time for Sikhs to look back at our history of persecution and suffering over the past 20 years. The Hindu government of India, whether run by the Congress Party or by the BJP, wants minorities either subservient to Hinduism or completely wiped out. The Indian government and its allies have tried to weaken the Sikh religion by saying that Sikhism is part of Hinduism. If that is true, why have they murdered so many Sikhs? Hindus practice idol worship; Sikhism is monotheistic, worshipping only one God. Hindus believe in the caste system; Sikhs believe in the equality of the whole human race. Remember the words of Guru Gobind Singh: ''Recognize ye all the human race as one.'' In spite of the fact that the religions believe completely opposite things, Hindus desire to engulf Sikhism just as they did with Jainism and Buddhism in India. They think that Buddhism is part of Hinduism because Siddhartha Gautama, the Buddha, was born in India. Similarly, Guru Nanak was born Hindu, so they proclaim Sikhism to be part of Hinduism. Yet Guru Nanak said that he was ''neither Hindu nor Muslim.'' Jesus was born Jewish. Does that mean that Christianity is merely part of Judaism?

On this auspicious occasion celebrating the birth of the Khalsa Panth, we must bring back our Khalsa spirit. We must remember our heritage and tradition of ''Khalsa Bagi Yan Badshah'' by committing ourselves to freeing our homeland, Punjab, Khalistan, from Indian occupation. We need a new Sikh political party which has a dedication to the interests of the Sikh Nation as its sole objective, to establish Khalsa Raj by liberating Khalistan, severing all political ties with India. If the BJP wants Hindu Raj, it cannot object to Khalsa Raj.

The Indian government wants to break the will of the Sikh Nation and enslave them forever, making Sikhism a part of Hinduism. This can only be stopped if we free Punjab from Delhi's control and reestablish a sovereign, independent country, as declared on October 7, 1987. We must recommit ourselves to freeing our homeland, Punjab, Khalistan. Raise slogans of ''Khalsa Bagi Yan Badshah,'' ''Raj Kare Ga Khalsa,'' ''Khalistan Zindabad,'' and ''India out of Khalistan.'' Use this Vaisakhi to launch a Shantmai Morcha to liberate Khalistan.

Last year's seminar on Khalistan shows that the flame of freedom still burns brightly in Punjab in spite of the Indian government's brutal repression. Perhaps this is why India is afraid to hold a free and fair vote on the subject of independence. The essence of democracy is the right to self-determination.

Remember the words of Professor Darshan Singh, former Jathedar of the Akal Takht, during the celebration of Guru Nanak's birthday: ''If a Sikh is not a Khalistani, he is not a Sikh.'' He was only reiterating the Guru's blessing, ''In Grieb Sikhin Ko Deon Patshahi.'' The time to achieve our independence is now.

Always remember our heritage: Raj Kare Ga Khalsa; Khalsa Bagi Yan Badshah. Freedom for Khalistan is very close.

Panth Da Sewadar,
GURMIT SINGH AULAKH,
President.

INTRODUCTION OF THE AMERICAN WORKERS AND MANUFACTURERS SUPPORT ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. LARSON of Connecticut. Mr. Speaker, many of my colleagues and I have been watching with great interest the nightly news report on Lou Dobbs Tonight entitled ''Exporting America.'' The series has highlighted the disturbing trend of good paying American jobs that are being sent overseas. In the past three years, more than 2.8 million Americans employed in manufacturing have lost their jobs. Because each manufacturing job supports two non-manufacturing positions; that means at least 8.4 million people have been affected, directly or indirectly, because of the loss of American manufacturing to overseas companies. Despite these job losses, over 16 million Americans are still employed in the manufacturing sector. Additionally, manufacturing contributes roughly 17 percent of our nation's gross domestic product, provides 71 percent of our exports, and funds 67 percent of our nation's research and development investment. As these numbers indicate, manufacturing is the backbone of our economy and action must be taken to protect and create jobs here at home and stem the tide of American manufacturing jobs moving overseas.

Current free trade policies have enticed many large corporations and retailers to take

advantage of cheap foreign-made goods. I was dismayed when the Chairman of the President's Council of Economic Advisors, only months ago, stated that companies outsourcing American jobs overseas is a ''good thing.'' While these policies can lead to a temporary boost for a sector of the economy, most notably in the retail sector, in the long run their implications can be detrimental to American workers. I doubt that any Americans who are out of work because their job went overseas believe that outsourcing is a good thing. We must protect the jobs we have and create others to fill the void left by the jobs that have been lost.

An even more dangerous result of these policies is the threat to our national security when vital defense-related products are made in foreign countries. The ever shifting geopolitical landscape could leave the source of critical components of our defense systems in the hands of a nation unsympathetic to the United States. Manufacturers are also major customers of information and communications technology. Many electronics components are now manufactured only outside the United States. For example, the wire industry is nearly nonexistent. If our manufacturing base continues to erode, the effects will be devastating, not only in terms of individual job losses, but also in terms of the ripple effects that will be felt throughout our economy and our national security.

In response to this disturbing trend, I worked with business and labor leaders to craft the American Workers and Manufacturers Support Act. This legislation is an eight-point plan which lays out pragmatic steps designed to secure our manufacturing economic base, protect jobs, and help grow the manufacturing sector here at home.

First, we must end the threat to our national security by strengthening the Buy American Act to ensure that the federal government supports domestic companies and domestic workers by buying American-made goods. The bill would strengthen the existing Act by applying its provisions to the new Department of Homeland Security and by tightening existing waivers. It would also require that information be provided to Congress and to the American people about how often the provisions of this Act are waived by Federal departments and agencies.

Second, we must enforce existing trade agreements. This bill establishes a Congressional Trade Office to provide Congress with independent, nonpartisan, neutral trade expertise and monitor compliance with major, bilateral, regional, and multilateral trade agreements. The Office will also observe and evaluate dispute settlement deliberations and selected trade negotiations.

Third, we must stop the manipulation of currency exchange rates. Several nations have for years intervened aggressively in currency markets to maintain their national currencies at artificially low values relative to the U.S. dollar. The result is the gradual decline of manufacturing in the U.S. and job losses in manufacturing. This bill would give a ninety day deadline for the Administration to negotiate an end to the currency devaluation by countries such as China that severely undervalue their currency. If these bilateral negotiations fail, the legislation requires the President to utilize powers he already possesses under U.S. and international law to file legal action to halt these practices and recover damages for U.S. manufacturers.

Fourth, we must enable American consumers to make informed choices about purchasing American made goods. This bill charges the Department of Commerce with studying the feasibility and impact with regards to costs to manufacturers and consumers of enacting laws requiring all products retailing at more than $15 to state clearly on the labels the percentage of components made in the United States.

Fifth, we must invest American dollars in America. This bill brings the U.S. into compliance with World Trade Organization regulations and protects U.S. manufacturing jobs. It repeals the Foreign Sales Corporation/Extraterritorial Income (FSC/ETI) tax provisions that provide a partial tax exemption for U.S. exports. These provisions have caused the European Union to threaten retaliatory tariffs because the WTO has ruled that these tax exemptions are prohibited export subsidies. The bill also provides transitional relief to companies currently receiving the FSC/ETI benefit, and provides permanent tax relief to make U.S. companies more competitive in the global market, resulting in an increase in U.S. manufacturing and U.S. manufacturing jobs.

Sixth, we need to stop pitting big American manufacturers against small ones. Large manufacturers and retailers know that smaller companies have difficulty competing within the current trade structure, and sometimes they use questionable tactics in trying to obtain favorable prices. One such practice is to place a large contract order to get a favorable price then to cancel the contract after only a portion of the goods are provided. This bill charges the Secretary of Commerce with setting up an investigative unit to look into these practices, establishing guidelines to address abuses and a unit to allow small manufacturers to confidentially report their complaints.

Seventh, we must ensure the flow of qualified manufacturing workers. This bill includes preparation of students for manufacturing jobs under the Advanced Technological Education Program and increases funding for the program. Additionally, it provides funding for the Manufacturing Skills Standards Council, which sets performance standards to certify job skills for manufacturing workers.

Finally, the eighth step is to support America's small manufacturers. This bill creates a new Undersecretary within the Department of Commerce to oversee the new Manufacturing and Technology Administration created by the bill. This office would be tasked with supervising the National Institutes of Standards and Technology; National Technical Information Service; and a new policy analysis office named Office of Manufacturing and Technology Policy. Additionally it would conduct manufacturing and technology policy analysis to improve United States industrial productivity, manufacturing capabilities, and innovation. It would also be tasked with identifying manufacturing and technology needs, problems and opportunities within and across industrial sectors. It would propose and support studies and policy experiments, in cooperation with other federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity. Finally, it would encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries.

If our manufacturing base continues to erode, the effects of individual job losses on our economy and national security will be devastating. In conclusion, I urge my colleagues to join me in supporting this legislation.

HONORING ALBERT J. BOUDREAU

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commend Albert J. Boudreau for over 12 years of dedicated service to the town of Vienna, Virginia, as a member of the Vienna Town Council.

A native of New York City, Mr. Boudreau graduated from the University of Maryland and served in the United States Air Force during the Korean conflict. He has been a resident of Vienna for 45 years and first was appointed to the Vienna Town Council in January of 1992 to fill an unexpired term. Later that year, he won election and has served with honor and distinction ever since.

During his tenure on the Vienna Town Council, Mr. Boudreau has held a number of regional and statewide leadership positions. He has served as vice president and president-elect of the Virginia Municipal League, as well as on the league's Executive Committee and Effective Government Committee. Additionally, he has been a member of the Northern Virginia Community Appearance Alliance, the Northern Virginia Transportation Coordinating Council, and the Virginia Commission on Intergovernmental Relations. Mr. Boudreau also is the first president of the newly formed Virginia Local Government Finance Corporation, jointly sponsored by the Virginia Municipal League and the Virginia Association of Cities and Counties.

His dedication to Northern Virginia extends beyond public service. For years, Mr. Boudreau has been incredibly active throughout his community. He enthusiastically has supported and volunteered for numerous community programs such as the Southeast Vienna Civil Association, the Vienna Woods Swim Club, the Vienna Little League, the Cub Scouts, the Boy Scouts, and the Girl Scouts.

Mr. Boudreau has proven an invaluable asset to the town of Vienna, and while his retirement is well deserved, I know that he will be greatly missed.

Mr. Speaker, in closing, I would like to express my gratitude to Albert J. Boudreau for all of his efforts on behalf of Northern Virginia. He has served his community well, truly meriting recognition. I call upon my colleagues to join me in applauding Mr. Boudreau's past accomplishments and in wishing him the best of luck in all future endeavors.

COMMEMORATING COMMUNITY BANKS OF PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to commemorate the Community Banks of Pennsylvania and the more than 40,000 full- and part-time employees who have helped provide the Commonwealth with more than 170 years of financial support. I am honored to note that the Pennsylvania State Senate has designated April 19, 2004, through April 24, 2004, as ''Community Banking Week.''

With more than $180 billion in assets, Community Banks recognize that when money stays in a town, it becomes a renewable resource, creating an economic cycle that constantly revitalizes and stimulates local communities. Community Banks work with the citizens in every sense of the word. These banks have made significant contributions to the economic well-being of the Commonwealth through their financial support, their dedication as good neighbors and, above all, through their service as financially sound and reliable sources of economic lifeblood in our communities.

The Community Banks have long helped in the development of our communities and of this Commonwealth as a whole. On average, 95 percent of their loan portfolio is reinvested in their own communities through residential mortgages and commercial, agricultural and student loans. Indeed, neighbors are helping neighbors build homes, save for higher education, plan for retirement and fulfill life-long dreams.

I ask that my colleagues in the House of Representatives join me in honoring this integral aspect of the Commonwealth of Pennsylvania's economy during Community Banker's Week. Without the continued support that the Community Banks have provided to Pennsylvania, much of the success that the Commonwealth has experienced would have been impossible.

GURCHARAN SINGH TOHRA, SIKH LEADER, DIES—LEFT LEGACY OF BETRAYAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOWNS. Mr. Speaker, I noticed in the April 3 issue of the Washington Post that Gurcharan Singh Tohra, a Sikh who led the Shiromani Gurdwara Prabandhak Committee (SGPC), the Sikhs' highest administrative body, which administers all the Sikh places of worship, called Gurdwaras, in Punjab, died April 1 in a hospital in New Delhi. He was 79 years old.

On behalf of my colleagues in the U.S. Congress, I would like to extend my sympathies to Mr. Tohra's family. In this time of loss for them, we all pray for them and for the departed. However, it is important to have the record reflect the actions that Mr. Tohra took against his own people.

The Council of Khalistan published a press release on April 6 which details the betrayal of the Sikhs by Mr. Tohra. It is excellent reading and I recommend it to my colleagues.

In that press release, the Council of Khalistan took note of Mr. Tohra's invitation to the Indian government to launch its military attack on the Golden Temple, the most sacred of Sikh shrines, in June 1984, in order to eliminate his political rival, Sant Jarnail Singh Bhindranwale, who was a strong advocate of an independent Sikh state, Khalistan. Sikhs will be commemorating this brutal attack on June 5 here in Washington. The Indian forces simultaneously attacked 125 Sikh Gurdwaras throughout Punjab and murdered over 20,000 Sikhs in these attacks alone. They shot bullet holes in the Sikh holy scriptures, the Guru Granth Sahib. They took young Sikh boys ages 8 through 13 out in the courtyard and shot them at point blank range. Meanwhile, Mr. Tohra, who had said that the tanks would have to roll over his body to get to the Temple, came out with his hands up. The Golden Temple complex is also the headquarters of the SGPC.

Mr. Tohra was also in a longstanding political alliance with the corrupt Parkash Singh Badal, who was thrown out of office after running the most corrupt government in Punjab's history—a regime so corrupt that the voters chose the Congress Party, which organized and carried out the Golden Temple attack, rather than re-elect Mr. Badal. Mr. Tohra also was an ally of the Indian government, first under the Congress Party and then under the current regime of the BJP. This is the same Indian government that has murdered over 250,000 Sikhs, Mr. Speaker. It is also holding over 52,000 Sikhs as political prisoners, some since the 1984 attacks!

With Mr. Tohra gone, new leaders must emerge. I call on my Sikh friends to make sure that these new leaders are strong supporters of freedom for the Sikhs of Punjab, Khalistan. And as the beacon of freedom, I urge the United States to take action to help liberate the Sikh Nation and all the nations seeking their freedom from India, including Kashmir, predominantly Christian Nagalim, and others.

The time has come to stop our aid to India until it respects the basic human rights of all people within its borders and to demand that India act like the democracy it says it is by holding a free and fair vote on the matter of independence for Khalistan, for Kashmir, for Nagalim, and for all the other nations seeking their freedom. This is the democratic way and self-determination is the essence of democracy. It is also the only way to prevent leaders in the mode of Gurcharan Singh Tohra from emerging again to connive with the Indian government to keep the Sikhs in slavery.

Mr. Speaker, I would like to place the Council of Khalistan's press release on Mr. Tohra into the RECORD at this time.

G.S. TOHRA PASSES AWAY AT 79

WASHINGTON, DC, April 6, 2004.—Gurcharan Singh Tohra, the longtime President of the Shiromani Gurdwara Prabandhak Committee (SGPC), which runs all the Gurdwaras (Sikh places of worship) in Punjab, died of a heart attack April 1 in New Delhi. He was 79 years old.

''We offer our sympathies and prayers to Mr. Tohra's family,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the struggle for independence for the Sikh homeland, Khalistan, as declared on October 7, 1987. ''We pray for them in their time of loss and may Guru bless this departed soul,'' he said. ''However, it is better to leave a legacy of service and sacrifice rather than a legacy of betrayal as Tohra did,'' he said. ''What Tohra did in life will remain a part of the history of the Sikh Nation. He will not be remembered as a friend of the Sikh Nation,'' Dr. Aulakh said.

Tohra connived with the Indian government prior to its invasion of the Golden Temple, the center and seat of the Sikh religion. The Golden Temple is the headquarters of the SGPC. He joined with Harchand Singh Longowal and others in inviting the Indian government to attack the Golden Temple to murder pro-Khalistani leaders Jarnail Singh Bhindranwale, General Shabeg Singh, and others, even while they were telling the Sikh Nation that Indian tanks would ''have to roll over our dead bodies'' to get to the Temple. From June 3 through June 6, 1984, the Indian government carried out Operation Bluestar, a military attack on the Golden Temple and over 125 other Sikh temples throughout Punjab. More than 20,000 Sikhs were killed in Operation Bluestar. Longowal was assassinated by a patriotic Sikh for his betrayal of the Sikh Nation. ''Sikhs can never forgive or forget the attack on the Golden Temple,'' said Dr. Aulakh. On Saturday, June 5, Sikhs will gather in Washington, D.C. to commemorate the twentieth anniversary of this brutal massacre and desecration.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.'' According to a study by the Movement Against State Repression (MASR), 52,268 Sikhs are being held in illegal detention as political prisoners without charge or trial. In September 1995, human-rights activist Jaswant Singh Khalra was kidnapped by police for publishing a study documenting that the Indian government secretly cremated thousands of Sikh youth by declaring them ''unidentified bodies'' after torturing and murdering them. He was murdered about six weeks later while in police custody. His body was never returned to his family. Police SSP Swaran Singh Ghotna murdered former Jathedar of the Akal Takht Gurdev Singh Kaunke.

Although Tohra was not corrupt like former Punjab Chief Minister Parkash Singh Badal, he maintained an alliance with Badal, even though he once said publicly that he would not even go near Badal's grave. The Badal regime was the most corrupt in Punjab's history. In 1993, Tohra urged Sikhs to ''prepare for the long struggle'' to liberate Khalistan, yet he maintained a political alliance with the Indian government, first with the Congress Party (which carried out the Golden Temple attack) and then with the militant Hindu nationalist Bharatiya Janata Party (BJP.) ''It seems as if there were two Gurcharan Singh Tohras,'' Dr. Aulakh said.

India is not one country; it is a polyglot thrown together by the British for their administrative convenience. Sikhs ruled Punjab until 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership into taking their share with India on the promise that Sikhs would have ''the glow of freedom'' in northwest India. For that mistake, Sikhs are suffering now. ''As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not

a Sikh','' Dr. Aulakh noted. ''Tohra worked with the Indian government in its most brutal efforts to suppress the Sikh Nation's effort to realize the Guru's blessing by reclaiming its sovereignty,'' he said.

''Democracies don't commit genocide,'' Dr. Aulakh said. ''Only in a free and sovereign Khalistan will the Sikh Nation prosper. In a democracy, the right to self-determination is the sine qua non and if India is truly a democracy, it should accept the sovereignty of the Sikh Nation,'' he said.

AETNA'S ''GOOD CORPORATE CITIZENSHIP'' VOLUNTEER ACTIVITY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I am proud to rise today to report on the ''Good Corporate Citizenship'' of AETNA, a constituent company in my district. During the week of April 26th, approximately 1,100 employees from Aetna's Consumer Markets segment across the country will donate more than 4,400 hours to charitable causes in their communities.

Aetna has a long history of volunteerism and contributing to the communities where it operates. In 2003, Aetna and the Aetna Foundation contributed approximately $16.5 million nationally, with nearly $4.4 million directed at entities in Connecticut, Aetna's home State for 150 years.

Every day, Aetna employees across the country demonstrate their compassion and commitment to this goal by devoting hundreds of hours of personal time to volunteerism. This commitment has created what is now recognized as Aetna's ''Culture of Caring''—a tradition of volunteerism that has become a part of Aetna's core values.

As part of this April 2004 charitable initiative, employees from 20 sites around the country will join together to make an impact in the lives of others. In my home State of Connecticut, this fine group of Aetna employees will focus on assisting The Children's Home of Cromwell, where they will collect school supplies and backpacks for resident children; The American Red Cross, where employees will paint houses and clean yards for low-income housing residents; Foodshare of Greater Hartford, where Aetna staff will participate in the Walk Against Hunger and will sort food at the Hartford Farmer's Market; The Shepherd Home, where employees will collect small appliances and furniture for transitional housing residents; and Community Renewal Team, where Aetna employees will paint classrooms for low-income, inner-city preschools, read to students, and provide nutritional snacks.

Being a leader in health care is a source of pride for the entire Aetna community. I am proud to represent Connecticut and Aetna's employees, especially as they demonstrate that corporate responsibility and employee volunteerism are key business objectives, objectives which help make Aetna such an integral part of the local community.

HONORING THE LIFE OF TONI WINTERS MCMAHON

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Toni Winters McMahon, who passed away on January 21, 2004.

Born Catherine Antoinette Winters in Keene, New Hampshire, Mrs. McMahon was a music graduate of Tufts University, where she was elected to Phi Beta Kappa. She then pursued graduate study in public administration at George Mason University.

In Northern Virginia, Mrs. McMahon became involved in her community as a school activist. She served as president of the Fairfax County Council of PTAs and started projects to encourage high school seniors to volunteer at the county's various human services agencies. In 1981, she raised over $100,000 to save the Claude Moore Colonial Farm at Turkey Run in McLean when the National Park Service withdrew funding. Several years later in 1984, she was named the Fairfax County Citizen of the Year, an award cosponsored by the Fairfax County Federation of Citizens Associations and The Washington Post.

Since 1984, Mrs. McMahon served as president/CEO of the Arts Council of Fairfax County, overseeing events such as the International Children's Festival at Wolf Trap National Park for the Performing Arts. While in this position, she fully committed herself to fund-raising, grant-writing, board development, and long-range planning. In 1999, Mrs. McMahon received the Jinx Hazel Arts Citizen of the Year Award from the Arts Council of Fairfax County.

Mrs. McMahon always will be remembered for her dedicated efforts on behalf of the arts. She is a remarkable individual who played an integral role in making the arts in Fairfax County what they are today. At the time of her death, her board memberships included the George Mason University Center for the Arts, the Lorton Arts Foundation, and the Cultural Alliance of Greater Washington. Her survivors include four children: Dr. Doug McMahon of Medford, Oregon; John W. McMahon of Warrenton, Virginia; and Toni L. McMahon and Norwood McMahon, both of Fairfax, Virginia; and three grandchildren.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mrs. McMahon and express my deepest condolences to all who knew and loved her.

HONORING MR. TOM REILAND

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Tom Reiland of Shaler, Pennsylvania, who recently had an asteroid named in his honor: Minor Planet 10320 Reiland. It brings me great pleasure to represent the Fourth Congressional District of Pennsylvania, the congressional district in which Mr. Reiland resides.

Director of the Nicholas E. Wagman Observatory in Frazer Township, Pennsylvania, and member of the Amateur Astronomers Association of Pittsburgh, Mr. Reiland has devoted himself to improving the astronomy facilities in western Pennsylvania. Mr. Reiland, along with fellow members of the Amateur Astronomers Association of Pittsburgh, opened the Nicholas E. Wagman Observatory in 1982. Since then he has gone on to sponsor numerous events that help to inform the public about the joys of astronomy. In fact, he is now the chairman of the association committee that coordinates star parties at Wagman Observatory. The star parties give the public insight into astronomy and a chance to see celestial objects through the observatory's two large telescopes. It was on February 28, 2004, at the annual Wagman Winterfest star party that Mr. Reiland was informed the asteroid would be named after him.

I ask that all my colleagues in the House of Representatives join me in honoring such a dedicated and inspirational citizen of the Fourth Congressional District of Pennsylvania. It is truly my pleasure to honor someone who has given so much back to southwestern Pennsylvania.

RECOGNIZING DR. JOHN SHEEDY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Dr. John Sheedy of Hollidaysburg, Pennsylvania, for his countless contributions to the Home Nursing Agency and on receiving the Visiting Nurse Associations of America Volunteer Board Member of the Year Award.

As a life-long resident of Blair County, Dr. Sheedy has connected with citizens in the area in a way that few are able. Since the late 1960s, when he worked alongside nurses to launch the first home care agency, Dr. Sheedy worked diligently to make positive changes throughout the system so that health care would be more accessible to Pennsylvania's immobilized citizens. From the very beginning, he served as medical director, and he was one of the first members of the board of directors. The impact he has had on the Home Nursing Agency, as well as central Pennsylvania, is immeasurable.

For more than 30 years, Dr. Sheedy has taken advantage of the opportunities to teach and challenge others on staff at the agency, and he has worked tirelessly to make improvements where they have been needed. His devotion and commitment to those in the community are admirable, and I am grateful for all that he has accomplished throughout Blair County.

Dr. John Sheedy has served this Nation every day of his life, touching the lives of every American citizen indirectly as he served in the United States Navy, as well as directly, as he has visited countless homes and patients in need. Central Pennsylvania is a better place because of the contributions that Dr. Sheedy has made. Thank you for all that you have done, Dr. Sheedy, and congratulations on receiving this much-deserved award.

IN MEMORY OF LANCE CPL. TRAVIS J. LAYFIELD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. STARK. Mr. Speaker, I rise today to honor the memory of Lance Cpl. Travis J. Layfield. Travis, a 19-year-old resident of Fremont, California, served his country with honor in the United States Marines. Sadly, he was killed during a firefight in the Anbar Province of Western Iraq on Tuesday, April 6, 2004.

The 2003 graduate of Washington High School has become a hero to all of us for his service with the 2nd Battalion, 4th Marines, 1st Marine Division, 1st Marine Expeditionary Force out of Camp Pendleton in southern California.

Travis entered ROTC while in junior high school and was totally focused on a career in the Marine Corps. Last year he completed 12 weeks of basic training at the Marine Corps recruit depot in San Diego. He left for the Middle East in February 2003, first heading to Kuwait and later Iraq.

There has been a tremendous outpouring of love and respect for Travis from his classmates and friends at his high school alma mater, Washington High School, as well as the entire community of Fremont, California, who are mourning the loss of this proud young marine.

We shall long remember Lance Cpl. Travis J. Layfield. He gave his life for peace and democracy and died, as a noble marine, serving our country. Our prayers and thoughts are with his family.

HONORING JANE PERKINS MARONEY AND ADA LEIGH SOLES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today in honor of two very distinguished Delawareans and former members of the Delaware House of Representatives, the Honorable Jane Perkins Maroney and the Honorable Ada Leigh Soles. As legislators, their contributions to our State have touched the lives of many and have helped to improve our community. On behalf of the citizens of the First State, I would like to pay tribute to these outstanding individuals and extend to them our congratulations on being chosen as the joint recipients of the League of Women Voters of New Castle County Carrie Chapman Catt Award.

Jane Perkins has been recognized for her many years of dedicated service to Delaware politics. In 1998, she was the recipient of our State's highest award, the Order of the First State. Following her time in elected office, Jane continued her tireless advocacy for fellow Delawareans through her work with local and national organizations. Her current focus, as program director of Creative Grandparenting, Inc., involves developing and leading workshops for people who are facing difficult transitions in their lives. Jane's devotion to promoting child and family health initiatives deserves this recognition and our gratitude.

Ada Leigh Soles's work on behalf of her fellow Delawareans has also played an important role in making our State a better place to live and raise a family. During her career, she has been honored for her leadership by numerous academic and community organizations. Ada Leigh has received the New Castle County Civic League's Good Government Award and the University of Delaware's Medal of Distinction, along with numerous local and national awards recognizing her tireless efforts on behalf of libraries. As a testament to her distinguished tenure and the esteem in which she was held by her colleagues, Ada Leigh Soles was often regarded as the ''conscience'' of the Delaware State House of Representatives.

Mr. Speaker, it has been my sincere privilege to have served as Governor of Delaware while both Jane Maroney and Ada Leigh Soles were members of the Delaware House of Representatives. I wish to thank these two outstanding individuals for their friendship, commitment, and constant dedication to the citizens of Delaware. Their service to our State will have a permanent place in Delaware history. They deserve our thanks and praise.

CONGRATULATIONS TO STUDENTS FROM HAMPTON HIGH SCHOOL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the students from Hampton High School in Allison Park, Pennsylvania, who will travel to Washington, D.C., on April 30, 2004, to compete in the national finals of the We the People: The Citizen and the Constitution, a highly prestigious academic competition on the Constitution. It is an honor to represent such dedicated students and teachers.

The high school students have studied for months with their teacher, Mr. Cliff Stevenson, in order to prepare themselves for their roles as experts testifying on constitutional issues in a simulated congressional hearing. They placed first in both the district and State competitions earlier this year to represent the Commonwealth of Pennsylvania in the national finals. The annual 3-day competition is the culminating activity of the We the People: The Citizen and the Constitution, the most extensive education program of its kind in the country. Since last fall they have studied We the People, a text developed by the Center to provide students with a fundamental understanding of the Constitution and the Bill of Rights.

The We the People program is funded by the U.S. Department of Education and is directed by the Center for Civic Education in Los Angeles. According to Stephanie McKissic, Director of Education at the National Constitution Center, ''There is no finer educational program that fosters in our younger generation the concepts and understanding of our constitutional heritage, leading them to a reasoned commitment to its fundamental principles.'' Since the program's creation over 15 years ago, it has reached more than 26.5 million elementary, middle, and high school students nationwide.

I ask that my colleagues in the U.S. House of Representatives join with me in honoring these devoted high school students and teachers from the Fourth Congressional District of Pennsylvania. It is truly an honor to represent such an outstanding group of students and teachers.

TRIBUTE TO THE HOPE FIRE COMPANY OF GREAT BARRINGTON, MASSACHUSETTS ON ITS 150TH ANNIVERSARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. OLVER. Mr. Speaker, I rise today to recognize and congratulate the Hope Fire Company of Great Barrington, Massachusetts, on its 150th anniversary. Their long and outstanding record of public service will be celebrated during their annual ball on May 8, 2004.

On February 7, 1854, hardware merchant Erastus F. Russell hosted a meeting of 19 young men from the community. This meeting established Hope Fire Company No. 1; and with ''strong arms and willing hearts,'' they pledged to obtain and man a fire engine for the town.

With great enthusiasm and support from their friends and neighbors, the Hope Fire Company was able to quickly raise the $1,550 needed to purchase an engine ''of the first class, of superior caliber, and power, with suitable fixtures to equal all emergencies.''

By June 15 of that year, the local paper reported that the company, now 80 members strong, paraded in full dress to the train depot to receive their new engine: a pumper and hose cart manufactured by Button & Company of Waterford, New York.

That same summer, the company played a central role in the town's 4th of July celebration. They were grandly toasted during the ceremonies, and member Charles A. Sumner responded with a sentiment that still holds true today:

''May we attain such promptness and efficiency of action as shall entitle us to your confidence, so that when the devouring element threatens you, and all seems lost, the smack of our brakes may remind you that there is one Hope left yet.''

It has been 150 years, but the dedication and professionalism of the Hope Fire Company has never wavered. I ask my colleagues to join me in commending the company on its anniversary.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through TEA-LU, a bill that I will support despite its flaws. The Department of Transportation studied the Nation's infrastructure and prescribed a $375 billion solution. I joined the leadership in endorsing the original version of this bill, which filled that prescription. Unfortunately, the administration is unwilling to come up with the support necessary to ensure that we are able to maintain and improve the Nation's infrastructure. As a result, we are today considering a bill that does not do nearly enough to improve the quality of life for individuals living in New York City and around the country. I look forward to working with the Committee leadership to see that this bill is improved in conference.

Mr. Chairman, as this bill moves to conference, I want to highlight four issues that are of particular import to me and my constituents. It is my hope that the conferees will include these improvements in the conference report.

First, this bill should ensure that resources are devoted by formula to states that require improvements. The minimum guarantee program shifts funding from states that have the greatest need—like New York—to other states. Each year, New York provides $20 billion more to Washington than it gets back. New Yorkers ought not be punished for our efforts to conserve fuel, as any expansion of the minimum guarantee program would do.

Second, this bill shortchanges New York on transit funding. Despite having a third of the nation's transit ridership, New York only gets 14% of Federal funds. Transit funding should better reflect need.

Third, I hope that conferees will ensure that states starved for a consistent funding stream for ferries and waterborne transportation can count on funding from the Ferry Boat Discretionary Fund. As a co-chairman, with Mr. NETHERCUTT, of the Ferry and Waterborne Transportation Caucus, I am acutely aware of how much a guaranteed stream of funding would mean to improve both congestion and homeland security all across the country, and particularly in New York City, where roads are clogged on a normal day, and ferry transportation would provide not only congestion relief but another way to ensure escape from Manhattan in the case of a terrorist attack. At a minimum, New York should receive $5 million per year. I hope conferees will work with me and other Members who represent districts that would benefit from a guaranteed ferry funding stream.

Fourth, I hope that conferees will work with me to ensure that the generous funding we have provided for Senior transportation in this bill is put to its best use. I believe that establishing a center for best practices and a technical assistance center, as delineated in the other body's Surface Transportation Authorization Bill, would provide an enormous service to this nation's elderly population.

Nevertheless, Chairman YOUNG, Mr. OBERSTAR, Chairman PETRI, and Mr. LIPINSKI deserve the thanks and appreciation of every Member of this House for their tireless effort to ensure that the nation's surface transportation systems receive the resources required to keep America moving.

Mr. Chairman, I have worked hard to ensure that this bill will make significant improvements to the lives of ordinary New Yorkers. Included in this bill are a number of projects that will enhance transportation throughout New York City and in my district in particular.

At my urging, the bill includes:

$15,000,000 for the New York City Department of Transportation to build the facilities and purchase the ferry boats necessary to establish high speed ferry service between the Rockaway Peninsula and Manhattan.

$500,000 to help the New York State Department of Transportation install two permanent variable message signs that will display amber alert messages on the belt parkway.

$500,000 for the New York City Department of Transportation to study and implement improvements to the area surrounding the intersections of Avenue U and Flatbush Avenue.

$1,000,000 for each of the boroughs of New York City to make improvements to pedestrian safety, in consultation with each borough president.

$250,000 for the areas surrounding each of 10 schools in New York City. Those funds are to be spent on efforts to improve pedestrian safety surrounding those 10 schools. Students walking to IS 114, PS 200, PS 124, PS 277, Prospect Park Yeshiva, PS 81, IS 194, IS 72/PS 69, PS 153, and St. Roberts Bellarmine will all be better protected by improvements installed with funding provided in TEA-LU.

$700,000 to abate noise emanating from state roadways located within New York City that are paved with concrete. ''Diamond grinding'' measures should significantly improve the quality of life of those residing within earshot of those roadways.

$50,000 to improve the roadways surrounding the Brooklyn Children's Museum.

$1,000,000 to be used to build a new facility for the Broad Channel Volunteer Fire Department.

$4,000,000 to be used by the DOE Fund to establish a graffiti elimination program throughout the Boroughs of Queens and Brooklyn. Among the areas addressed by this program will be Kings Highway from Ocean Boulevard to McDonald Avenue.

$3,000,000 to improve transportation facilities in the vicinity of West 65th Street and Broadway in conjunction with the major capital improvements being done at Lincoln Center.

$1,000,000 for the New York City Department of Transportation to improve the streets and sidewalks of Middle Village, Queens.

$500,000 to be equally distributed at five locations in New York City for the New York City Department of Transportation to enhance the enforcement of truck routes.

$300,000 for Gateway National Park to improve the RIIS Park Boardwalk.

$1,000,000 for Gateway National Park to establish a ferry terminal at Floyd Bennett Field.

$3,000,000 to be used to improve traffic flow in the vicinity of Atlantic and Flatbush Avenues.

$1,000,000 to be used by City and State Agencies to improve homeland security at bridges and tunnels throughout New York City.

$500,000 to improve the roads and facilities at the Kew Gardens Long Island Rail Road Terminal.

$950,000 to design and construct a bicycle and pedestrian walkway along the decommissioned Putnam Rail Line in the Bronx.

$2,000,000 to improve 125th Street in Harlem in conjunction with improvements being made by Columbia University.

$1,000,000 to help Easter Seals purchase and equip cars that provide livery service to disabled New Yorkers.

And $1,000,000 to establish a bus rapid transit system at a location to be detemined in consultation with the Transportation Workers Union. Bus rapid transit uses a variety of traffic improvements, like exclusive bus lanes and coordinated signal changing, to speed bus travel on congested city routes.

At the urging of Congresswoman VELÁZQUEZ, Congressman CROWLEY and myself, the bill includes more than $1,500,000 for pedestrian safety improvements on Queens Boulevard.

These high priority projects will make a considerable contribution to the lives of New York City residents. I could not have secured these and other programs within TEA–LU without the help and counsel of individuals here in Washington, as well as in Albany and New York City.

In particular, I would like to thank both the Democratic and Republican staff of the Transportation Committee, both of whom worked tirelessly on this piece of legislation, and who deserve the entire House's thanks. In particular, I would like to thank Ken House, Clyde Woodle, Eric Vanschyndle, Ward McCarragher, Kathleen Zern, David Heymsfeld, Dara Schleiker, and Sheila Lockwood of Mr. OBERSTAR's staff. Additionally, I would like to thank Jim Tymon of Mr. YOUNG's staff who for his willingness to work with me on the issue of Ferry Transportation.

I would also like to thank Tom Kearney, Tom Herritt and their colleagues at the Albany Office of the Federal Highway Administration, Nancy Ross, Fred Neveu, Ron Epstein and their colleagues at the New York State Department of Transportation, and Andra Horsch and David Woloch and their colleagues at the New York City Department of Transportation.

RECOGNIZING JOHN SPAAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SKELTON. Mr. Speaker, let me take this means to recognize John Spaar, who will be assuming the office of President of the Missouri Press Association in 2005. He will be the third generation in his family to hold this office. His mother, Betty Spaar, and his grandfather, W.L. Simpson, preceded him.

The Missouri Press Association, first organized in 1867, is a voluntary membership of newspapers in the state. All daily newspapers and almost all weekly newspapers are members. Activities of the association include setting up workshops, seminars, conventions, publication of a magazine (The Missouri Press News), supplying information for members, and helping newspapers find skilled personnel. The association's greatest accomplishment has been the establishment of the Missouri School of Journalism at the University of Missouri-Columbia, the first school of journalism in the world. Today, the association continues to assist the school in placing graduates in outstanding jobs.

The Missouri Press Association is in the middle of a long-range planning process. Upon taking the reins of the association next

year, John Spaar will lead it in the early stages of this plan. He will also continue to direct the association's important work of monitoring legislation in Jefferson City.

Mr. Speaker, John Spaar currently serves as the 1st Vice President of the Missouri Press Association. I am sure the Members of the House will join me in thanking him for his contributions to the field of journalism and congratulating him on his selection as the next president of the association.

IN RECOGNITION OF PHILIP CHRISTOPHER AND CARYN SCHWAB ON THE EVENING OF THE CHARLES J. VALLONE SCHOLARSHIP DINNER DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mrs. MALONEY. Mr. Speaker, I rise to recognize Philip Christopher and Caryn Schwab, who will be honored at the 2004 Charles J. Vallone Scholarship Dinner Dance. For the past seven decades, the Charles J. Vallone Scholarship Fund has helped deserving young people from the Astoria community attend the college of their choice. Additionally, each year, the Scholarship Fund acknowledges community members who have made outstanding contributions to the public good.

This year's honorees, Philip Christopher and Caryn Schwab, certainly deserve our appreciation. Ms. Schwab, the Executive Director of the Mount Sinai Hospital of Queens, has been a tireless and effective advocate for the health care priorities of New York residents for more than twenty years. During her distinguished career, Ms. Schwab has served as Health Care Advisor to New York City Mayor Ed Koch and as Vice President of the Columbia-Presbyterian Medical Center. Under her direction, the Mount Sinai Hospital of Queens has demonstrated its commitment to community service. Ms. Schwab has presided over the expansion and modernization of Mount Sinai's emergency room and the creation of its new endoscopy and mammography facilities; additionally, during her tenure, the Hospital has greatly expanded its inpatient and outpatient services to those in need.

The Scholarship Fund's second honoree, Philip Christopher, is a philanthropist and champion of democracy and human rights. Mr. Christopher is the CEO of Audiovox Communications Corporation. Under his leadership, Audiovox has become a leader in the telecommunications industry.

Mr. Christopher, a native of Cyprus, immigrated to the United States when he was ten years old. Following the Turkish invasion of Cyprus in 1974, his ancestral home and property were confiscated by the Turkish Army. This tragedy inspired Mr. Christopher to become a passionate advocate for human rights. As President of both the Pancyprian Association of America and the International Coordinating Committee for Justice for Cyprus, Mr. Christopher has used most of his free time to fight for the liberation of his homeland. Additionally, Mr. Christopher serves on the Board of Directors of the Cellular Telecommunications Industry Association and is a member of the Board of Directors of the New York Hospital Medical Center of Queens, where he helped found the Kyrenia Cardiovascular Center.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to the Charles J. Vallone Scholarship Fund and its honorees, Caryn Schwab and Philip Christopher. Their many accomplishments are a reflection of the vibrant and thriving community they so faithfully serve.

PAYING TRIBUTE TO KEN ARNOLD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Ken Arnold and thank him for his commitment to serving the people of Colorado for eight years in the Colorado General Assembly as a State Senator. His dedication and tireless efforts have done much to ensure a promising future for all Coloradoans. As Ken celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Colorado and the Colorado General Assembly.

Upon his retirement from the Colorado State Patrol as a major, Ken still felt he could serve his community, and he successfully ran for the State senate seat for District 23 in 1996. While serving the people of Adams, Broomfield and Weld counties, Ken has focused on education reform, transportation concerns, and criminal justice issues. For this current term, he sits as chairman for the Education Committee, and is a member of the Finance, Judiciary, and Legislative Council Committees. For his excellent record in the General Assembly, he has been named Guardian of Small Business by the NFIB in 1999 and 2000, and recognized by the CACI as their Legislator of the Year in 2000.

Mr. Speaker, it is quite clear that Ken Arnold is a person who possesses dedication and commitment to his life long pursuit of public service. Ken's selfless dedication to his community and the State of Colorado has helped ensure a promising future for our great country, and it is my privilege to recognize him today before this body of Congress and this Nation. It is my distinct pleasure to honor Bill here today, and wish him and his wife Marilyn all the best in their future endeavors.

RECOGNIZING RICHARD BECKER JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Richard Becker, Jr. for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Outstanding Firefighter and Emergency Management Services Person of the Year in Boyertown, Pennsylvania.

Richard Becker has been a volunteer at the Friendship Hook and Ladder Fire Company and the Boyertown Lions Community Ambulance Company since he was 16 years old. Now at 42, Richard Becker is being recognized for 25 years of service to the Boyertown area community.

Richard Becker currently serves as the Assistant Financial Secretary at the Friendship Hook and Ladder Fire Company, in addition to his full-time job as a computer programmer in Conshohocken. Richard is also attending Lehigh Valley Paramedic School and will graduate in December upon completion of 1,500 hours of school and practical work.

The Boyertown community has benefited greatly from Richard Becker's service. He provides learning experiences for the children in the community during Fire Prevention Week when he allows the children to come to the fire house and learn the essentials of fire safety. The students are also given the opportunity to learn about the different kinds of equipment used by firefighters during an emergency. Richard feels that Fire Prevention Week is a way to encourage future emergency services volunteers with younger members of the community.

Mr. Speaker, I ask that my colleagues join me today in recognizing Richard Becker for his many years of exemplary service to the Boyertown Community.

U.S. COMMISSION ON OCEAN POLICY REPORT: ''EVERYTHING OCEANS''

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, today marks a milestone for our oceans and for the way we view them. It has been more than 30 years since we, as a Nation, have evaluated our relationship with the sea. This morning, the U.S. Commission on Ocean Policy released its Preliminary Report—a comprehensive consideration of ''everything oceans,'' including governance structure, stewardship and education, living resources, science needs, and many other topics.

The Commission was mandated by the Oceans Act of 2000, legislation on which I am an original cosponsor and which is based on bills that I initially introduced in 1997 and 1999. In the Oceans Act we gave the Commissioners an enormous task and today I want to recognize the efforts of the 16 Commissioners, 26 Advisors, and countless staff who helped to create such a comprehensive report. I am sure that the Commission's excitement over the Report's release equals the thrill felt by those of us who love and care deeply about the oceans.

The U.S. Commission Report details, in over 400 pages, the appalling state of our oceans governance and embarrassing record of protecting ocean resources. While we have many crises—at home and abroad—that require our immediate attention, we cannot overlook the fact that our oceans are in a state of crisis, too. It is my sincere hope that both Members of Congress and the Bush Administration will read the U.S. Commission's Report and realize that our oceans need attention—now—and that the country is looking to us—their leaders—to act.

We all depend on our oceans and coasts, from the person who lives off the water to the

person who visits once in a lifetime. The oceans provide food, jobs, vacation spots, scientific knowledge, and opportunities for reflection, Despite our inability to measure the many non-market values associated with our oceans and coasts, we are able to quantify some of the benefits they provide. For example, over a trillion dollars is added to our economy each year by ocean and coastal economies. I trust that we can all agree that this is a huge contribution; a contribution that must be protected so the returns keep coming.

Protection of our oceans will require a change of course. Unfortunately, all too often we take our oceans for granted: We underestimate their value and we ignore the negative consequences human-related activities can have on them. Our oceans represent the largest public trust resource in the U.S. and cover an area nearly one and a half times the size of the continental United States. Americans expect the Government to safeguard this vast resource and I hope that the Report just released will be the impetus for us to actually begin to do so.

Simply put, our current ocean and coastal management system, created over thirty years ago, is archaic and incompatible with new knowledge about how the oceans and coastal waters function as a whole. Our policies are fragmented, both institutionally and geographically. For example, Mr. Speaker, today we find ourselves with over ten federal departments involved in the implementation of more than 130 ocean-related statutes. It is time to reconsider this incoherent and often times incompatible management situation and bring order to our ocean governance structure. The U.S. Commission's Report offers some guidance on how to do just this.

One of the biggest advances in our understanding of oceans to occur since our last national review of ocean policy is that the natural world functions as ecosystems, with each species intricately connected to the other parts that make up the whole. The U.S. Commission's Report, as well as the independent Pew Oceans Commission Report released last June, clearly states that we must adopt a new policy framework that is based on the concept of ''the whole,'' an ecosystem-based approach rather than one based on political boundaries. This approach will not be as easy or straight forward as our previous approaches, but we must dedicate ourselves to making it a reality. With a comprehensive national ocean policy explicitly written to maintain healthy ocean ecosystems, our oceans will be a bountiful resource in which we can all take pride.

The Report released this morning also stresses the importance of instilling a new ecosystem-based stewardship ethic. Involved in instilling this ethic is increasing ocean-related education for all Americans at all levels, from first-graders learning how to read to graduate students investigating challenging scientific processes. The U.S. Commission details suggestions on how we can instill a new stewardship ethic by emphasizing and investing in greater marine science education. I look forward to learning more about their recommendations.

The Report released today is, technically, a Preliminary Report. It is being sent to the Governors for their comments. This comment period lasts until May 21, 2004. I sincerely hope that all states will take this opportunity to acknowledge that the oceans provide value for every American, whether intrinsic worth or direct economic benefit, and provide the Commission with input before the comment period ends. Despite historic and geographic patterns suggesting otherwise, every state has a role to play in the management of our oceans.

It is up to each of us to not let this unprecedented opportunity pass us by. With the U.S. Commission on Ocean Policy and The Pew Oceans Commission Reports in the last year, the Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government. Action by this Administration could very well save our largest public trust. The time for leadership is now. I am dedicated to providing it in Congress, with the help of my fellow Oceans Caucus co-chairs, and I hope the President will provide it in the White House.

Mr. Speaker, I would like to close with a quote from the Report that encapsulates my thoughts on this historic day:

''The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will mark the sands of beaches from Maine to Hawaii long after ours have washed away.''

Mr. Speaker, I urge all of my colleagues to dedicate themselves to shaping a better future for our oceans.

CONGRATULATING CAROL L. RUPPRECHT ON WINNING THE 2004 VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, it is my great honor to stand before you today to recognize the achievements of a fine Westfield High School student, Carol Rupprecht, of Carmel, Indiana. Ms. Rupprecht—sponsored by VFW Post 10207 in Westfield, IN—has been named a winner in the 2004 National Voice of Democracy Program and recipient of the Department of Connecticut and Auxiliary Scholarship.

Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio and essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. This year, more than 80,000 secondary school students participated in this contest competing for 59 national scholarships. The contest theme for this year was ''My Commitment to America's Future.''

I am respectfully requesting that Ms. Rupprecht's winning essay, entitled ''My Commitment to America's Future,'' be submitted to the CONGRESSIONAL RECORD for my colleagues' review.

We're always talking about the future. Our guidance counselors try to prepare us for it; stockbrokers try to predict it; scientists discuss their hopes and ideas for it.

But it inevitably ends up that we cannot know and pencil in every detail of what will happen in days to come. But we can influence the future through what we do in the present and what we commit to do in the future. A commitment is not just a promise in a valiant speech or a fleeting charitable intention. A commitment is a set of actions that follow up on one's intentions.

When September 11th recharged our devotion to America, we began to exhibit this renewed commitment by reciting the Pledge of Allegiance more frequently at school. We have recited it from memory since we were in elementary school, but this renewal of tradition got me thinking. What exactly am I promising? Am I only pledging to be loyal to this country, or does it entail more than that? To me, it does.

In order to outline all that my pledge of allegiance involves, I have created the acronym PLEDGE: Protect, Lead, Education, Dedicate, Give, and Elect. This will ensure that I never forget what I owe America.

The first letter of PLEDGE is ''P.'' I will protect the ideals of America—the values that make our country stand out from the rest. The determination to protect these ideals was epitomized in the hearts of the veterans such as those who will forever be remembered at the Korean Memorial in Washington D.C. As I passed the silent statues of these men forever frozen in their quest for freedom, I knew that they had made the ultimate commitment to the preservation of America and its values. They were assigned a duty and didn't back down. The valor and selflessness that these soldiers demonstrated are qualities I should strive to imitate.

The second letter of PLEDGE is ''L.'' I will lead my fellow Americans, especially the youth of America, and I will encourage them to follow the examples of our forefathers, our war veterans, and of past and present patriots. I, too, will endeavor to set an example worth following.

The next letter in PLEDGE is ''E.'' I will educate myself on our nation's history and the sacrifices of veterans who enabled us to have a history. I will then be able to share what I learn with others.

The fourth letter, ''D,'' stands for ''dedicate.'' I will dedicate my time, energy, and talents to making the most of the opportunities America has given to me. I will study hard; I will work hard. I won't let my dreams become wilted flowers that could have thrived. Instead, I'll sow discipline, determination, and faith and cultivate my field of dreams.

The letter ''G'' in PLEDGE stands for ''give.'' I will give my services to the community and my prayers for the people of America, especially its leaders. As author Carolyn Simpson said in her book The Value of Patriotism, ''Patriotism boils down essentially to one thing: giving something back to your community.'' I, too, believe that one of the best ways to show a love for one's country is to show love for its people.

The final letter in PLEDGE, ''E,'' stands for ''elect.'' When I reach the voting age, I will ensure that my voice is heard by electing government officials. My vote will have an effect on America's future, in the same way that my actions today will affect America's future.

We, the youth of America, are its future. The veterans who went before us fought and sacrificed to secure our freedom, and we are now reaping the benefits of what they sowed. Let's do the same not only for our own generation but also for those that follow. Let's make a PLEDGE to Protect, Lead, Educate, Dedicate, Give, and Elect.

God has richly blessed America, and America has given much to each of us. So what will I give back? What is my commitment to America's future? I will wake up each morning with a renewed determination to serve my God and my country. I will appreciate those who were and are committed to America, and I will endeavor to be counted among them.

HONORING LEINKAUF ELEMENTARY SCHOOL OF MOBILE, ALABAMA, ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BONNER. Mr. Speaker, today I rise to honor the staff, students, and friends of Leinkauf Elementary School of Mobile, Alabama, as they celebrate 100 years of providing quality education to the students of that area.

The school was named for William H. Leinkauf, a member of the Mobile County Board of School Commissioners from 1871 to 1894. When it opened its doors in November 1903, the school had an enrollment of just 51 students. In the century that has passed since that time, the school has witnessed a tremendous growth in its student body that has increased to a present level of more than 600 boys and girls. At present, it is believed Leinkauf Elementary is the oldest continually operated public elementary school in Mobile County, and, perhaps, in the entire state of Alabama.

Leinkauf Elementary has a long and proud tradition of providing one of the finest educational settings anywhere in the country. The teachers and administrators have, from the school's opening, demonstrated a clear understanding of the needs of the students and have met these needs with compassion, care, and a personal interest in every boy and girl. The admirable traits displayed on a daily basis by the school staff resulted in producing countless successful students, a list which includes such distinguished individuals as Winston Groom, the award-winning author of Forrest Gump, and former Alabama Governor Don Siegelman.

Mr. Speaker, I ask my colleagues to join me in honoring Leinkauf Elementary School on its 100th anniversary. In a time when Americans are placing more emphasis and more effort into providing quality educational opportunities for their children, Leinkauf continues to set the standard for success in this area. I congratulate the faculty, staff, and students currently at the school, and I also congratulate the generations of students who have used their education and their experiences there as a springboard to success later in life.

It is my hope Leinkauf Elementary School continues its story of success for another one hundred years.

PAYING TRIBUTE TO LOLA SPRADLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Lola Spradley and thank her for her leadership and contributions to Colorado as the Speaker of the Colorado House of Representatives. She has brought an outstanding level of energy and commitment to the Colorado General Assembly throughout her years of public service. As Lola celebrates her retirement, let it be known that the citizens of Colorado and I are eternally grateful for the guidance she has provided in making Colorado a leader of American democracy.

Lola was appointed to the House of Representatives to fill a term in 1997, and was subsequently elected in 1998, 2000, and 2002. Serving Chaffee, Custer, Fremont, Park, Pueblo and Saguache counties, Lola has fought for the issues that are important to her constituency, including renewable energy, affordable health care, and water conservation. Before serving as Speaker of the House, Lola was the House Majority Leader, and currently chairs the Executive Committee of Legislative Council and the Legislative Council Committee. Her outstanding record of public service has garnered Lola numerous legislator of the year awards, the Fremont Economic Development Corporation Citizen of the Year award in 2000, and the NFIB's Small Business Guardian of the Year award in 1998, 1999, 2000, 2001, and 2002.

Lola's commitment to community participation exemplifies her belief that it is the duty of every citizen to do what they can to make their community stronger. She is an active member of the Canon City Lions Club, the Pueblo Community College Foundation Board of Directors, the Sangre De Cristo Arts Center Board of Directors, and the Colorado State Fair Ladies.

Mr. Speaker, I am honored to pay tribute to State Representative Lola Spradley before this body of Congress and this nation for her selfless dedication to public service. It is clear that she has been an invaluable resource for the State of Colorado, and her efforts have helped ensure a promising future for our great country. I would like to extend my congratulations to Lola on her retirement and wish her and her husband Dale all the best in their future endeavors.

RECOGNIZING JOAN KELSCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Joan Kelsch for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Educator of the Year for 29 years of dedicated service as a teacher at the Saint Francis Academy in Bally, Pennsylvania.

Joan Kelsch, a graduate of West Chester University in Pennsylvania, has been teaching at Saint Francis Academy for 29 years. She began her career teaching fourth graders and has consistently demonstrated her dedication to education. While on maternity leave after the birth of each of her two children, she continued her teaching efforts as a substitute.

In 1982, recognizing her dedication and passion, Joan was asked by Father Joseph Fricker to create a kindergarten program for St. Francis Academy. Joan eagerly took on this task and created the first kindergarten class for the school consisting of thirty students.

Joan has been credited with creating an exciting and enriching learning environment for her students, while also enhancing the curriculum of several programs throughout the school. Her students have art work decorating the rooms and, not only does this artwork display the abilities of the children, but it also highlights the talent that Joan possesses as a teacher. Joan has created several learning devices for children, such as literature tea parties, where the students learn etiquette while also challenging their reading skills and vocabulary with students from the fifth grade. In this challenge, the students are also encouraged to use their imagination by creating new words and new definitions.

As a teacher in a Roman Catholic school, Joan also has the responsibility for aiding the spiritual guidance of her students. She prepares the students for the sacraments of Reconciliation and the Holy Communion. In addition, Joan is also a religion coordinator for St. Francis Academy. She attends yearly meetings to help update textbooks and curriculum for Catholic school students.

Outside of the classroom, Joan acts a Staff Liaison to the Home and School Association where she attends monthly meetings. Joan also spends her time volunteering in her community. Each summer, Joan and her husband, William, volunteer at the annual church carnival and, every fall, Joan works at the Santa Secret Shop at the annual bazaar for the school.

Mr. Speaker, I ask that my colleagues join me today in recognizing Joan Kelsch for her many years of exemplary service to St. Francis Academy's community.

IN HONOR OF TED FEHRING

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, I rise today in honor of Ted Fehring, who turned 90 on April 8th. Born to buggy manufacturers in Columbus, Indiana, Ted has lived a full and truly exceptional life. A man of the highest moral integrity, Ted has proven to be a devoted family man, dedicated member of the community, faithful Christian and successful businessman.

Ted married Marie Theresa Grote on June 29, 1938, and the rest is history—with five daughters, Janet, Jean, Joy, Julie and JoAnn, thirteen grandchildren and seven great-grandchildren, Ted has led a rich family life.

As for his professional career, Ted has embarked successfully upon several different career paths: he was a teacher, a coach, an escrow officer, Vice-President of a Savings and Loan, and President of a Mortgage and Investment company. Ted has been a Carmel resident since June of 1945 and his active participation in our community has been invaluable.

He has been a member of the Lions Club, the Governing Board of the Church of the Wayfarer, the Red Cross, and has officiated many college football games—and this is only a fraction of his achievements!

I have known Ted Fehring to always be an honest and good man. Ted's ability to balance work, community involvement and his family serves as a model to all of us in the central coast community. At 90, Ted continues to live his life to the fullest and it is truly an honor to be able to recognize him today.

PURSUING DEMOCRACY ONE VOTE AT A TIME

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to inform my colleagues on Indonesia's recent strides towards democratization. Indonesia should be hailed as the poster child for emerging democracies throughout the world. A major secular state with a Muslim majority, Indonesia is the world's third largest democracy and is gaining International recognition for its strides towards complete democratization. Indonesia's democratization matters precisely because the country is making progressive political and constitutional reforms while also demonstrating that Islam and democracy are not mutually exclusive and can successfully work in tandem for one nation.

When so many positive stories in the Muslim world are obscured by violent uprisings in areas of historic conflict, it is high time to take notice of the truly impressive strides Indonesia is making. On Monday, April 5th, nearly 148 million voters in Indonesia took to the polls in a critical test for their young democracy. Indonesians selected national, provincial, and regional Parliamentary Representatives. Unlike other international elections, campaigning there has not been marred by violence—and by most media reports—the balloting was conducted in an efficient, clean, transparent, and purely democratic manner. And on July 5th, in one of the largest electoral undertakings in the world and for the first time in Indonesia's history, the President and Vice President will be directly elected.

Indonesia's economy was battered in the financial crisis of 1997, and governing this sprawling archipelago has not been easy in the wake of the economic meltdown and dramatic political change that we have witnessed in the seven short years of post-Soeharto Reformasi. In fact, much remains to be done there, particularly in the critical areas of judicial reform, corruption, human rights, and social welfare.

With close to half of the world's shipping fleet passing through Indonesian waters, the geopolitical importance of the country cannot be overstated. In addition, the threat of terrorism in Southeast Asia is real and Indonesia has been the unfortunate victim of several major attacks in recent years. In order to quell terrorist threats, Indonesia's government is discovering new ways of working with regional law enforcement and intelligence communities in hopes of rooting out homegrown radicalism. But Indonesia should not fight this battle alone: solid U.S. support is needed in the struggle to keep Indonesia safe against the devastation and destruction of terrorism.

With more than 300 major American firms doing business in Indonesia—and as massive decentralization takes place—near term U.S. investment in the country will exceed $25 Billion. As a result, the United States should continue providing support to help Indonesia stabilize and consolidate these economic, political, and social gains. By combining strategic development initiatives and more effective public diplomacy, we can successfully engage Indonesia in this election year and beyond.

As a new generation of democratic participation arises out of Indonesia's turbulent past, the United States and Indonesia's neighbors can only benefit as Indonesia embraces the model of a modern democratic state. With Indonesia's current level of economic and social development, the International Community now has the unique opportunity to assist with the country's continual progress towards complete democratization. We should do all we can to help Indonesia become a positive Muslim and democratic influence in that vital region of the world community.

CONGRATULATIONS TO SISTER MARY EILEEN WILHELM, R.S.M., ON THE OCCASION OF HER RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to Sister Mary Eileen Wilhelm, R.S.M., on the occasion of her retirement as President and Chief Executive Officer of Mercy Medical in Daphne, Alabama.

For the past 36 years, Sister Mary Eileen has served the families of south Alabama with compassion, dedication, commitment and a tremendous amount of love.

As a member of the Order of the Religious Sisters of Mercy, Sister Mary Eileen has spent her career finding and implementing the most effective, up-to-date methods of meeting the healthcare requirements of some of the neediest patients in the Gulf Coast region.

She received her Nursing Diploma from the Providence Hospital School of Nursing in Mobile, her Bachelor's Degree from Mount Saint Agnes College in Baltimore, Maryland, and her Master's Degree in Health Care Administration from George Washington University in Washington, D.C. At the conclusion of her academic studies, Sister Mary Eileen served her hospital administrative residency at the Veterans Administration Hospital in Pittsburgh, Pennsylvania.

From 1959 to 1966, she served as a staff nurse, first at Saint Martin dePorres Hospital in Mobile, and then at Stella Maris Hospital in Baltimore, Maryland. She then accepted a position as Director of Nursing Services at Villa Mercy in Daphne, Alabama, an organization which over the years has developed into the modern day facility known as Mercy Medical.

Along with her active involvement in the life and growth of Mercy Medical, Sister Mary Eileen has played a large role in the activities of numerous organizations in Alabama and throughout the United States. These include, but are certainly not limited to, membership on the Catholic Health Association, the St. Joseph's Health System Board of Trustees in Atlanta, Georgia, the Sisters of Mercy of the Americas (Baltimore Regional Community), the Southwest Alabama Hospital Council of the Alabama Hospital Association, and the Mercy Medical Board of Trustees.

Additionally, Sister Mary Eileen has been named to ''Who's Who of American Women,'' ''Who's Who in Religion,'' and ''Who's Who in Health Care.'' She was a 1994 graduate of ''Leadership ALABAMA'' and currently serves as a member of ''Envision Mobile-Baldwin.''

Mr. Speaker, I ask my colleagues to join me today in recognizing Sister Mary Eileen Wilhelm for her tremendous contributions to the citizens of the First Congressional District of Alabama. The experience and enthusiasm she has brought to her job and the concern and compassion she has displayed throughout the years to everyone with whom she has had contact are unquestioned and unparalleled.

She has indeed been a genuine asset both to her order and to the thousands of men, women and children she has assisted for over four decades. I am proud and honored to call her my friend, and I offer my heartfelt thanks and congratulations as she enters this new phase of her life.

PAYING TRIBUTE TO ROB FAIRBANK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Rob Fairbank and thank him for his commitment to serving the people of Colorado as a three-term member of the Colorado House of Representatives. Rob will always be remembered for the leadership and guidance he has provided for his district, and as he celebrates his retirement, let it be known that he leaves behind an outstanding legacy of commitment to the people of Colorado and the Colorado General Assembly.

Rob was elected to serve the people of Jefferson County in 1998 based on his common sense approach to government and his previous political experience. From 1995 through 1997, he served as Political Director for the Colorado Republican Committee; he served as campaign manager for Bill Owens for Treasurer in 1993 and 1994; served as Program Director for the Independence Institute from 1991 to 1993; and was the Deputy Political Director of the Colorado Republican Committee from 1989 to 1991.

Rob's current service in the State House includes serving as Majority Caucus Chair and Vice Chair for the Finance Committee. He is also a member of the Appropriations Committee; Legislative Council Committee; and State, Veterans, and Military Affairs Committee. Some of the honors he has received for his significant accomplishments while serving in the House include the Jeffco Coalition of Chambers 1999 Champion of Enterprise award; the CACI Friend of Business award in 1999 and 2000; and the National Federation of Independent Businesses Guardian of Small Business award in 2000.

Mr. Speaker, I am honored to pay tribute to State Representative Rob Fairbanks for his selfless efforts of public service in the Colorado General Assembly. Rob is not afraid to stand up for what he believes in, and he works tirelessly to better his Jefferson County community and the State of Colorado. I would like to extend my congratulations on Rob's retirement and wish him and his wife Mary Ann the best in their future endeavors.

RECOGNIZING SERGEANT GREGORY L. MILLER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Sergeant Gregory L. Miller of the Boyertown Police Department for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Boyertown Police Department's Outstanding Law Enforcement Officer of the Year.

Sergeant Gregory Miller began his career with the Boyertown Police Department March 3, 1982 as a part-time officer. He eventually became a full-time officer with the Department in 1984.

During Sergeant Miller's 22 years of service, he has made a great impact on the Boyertown community. In 2001, he was recognized for his involvement in the prevention of a suicide. A year later, in 2002, Sergeant Miller was named the Police Liaison Officer of the Year for his work with the Berks County Youth Aid Program. In 2003, he was recognized for his bravery in an incident involving a knife-wielding man. Sergeant Miller was also the driving force behind starting up the new bike patrol in Boyertown.

Aside from his service in the Boyertown Police Department, Sergeant Miller is also an active member of his community. He has been a member of the Friendship Hook and Ladder Fire Company since he was 16 and he volunteers with the Boyertown Lions Community Ambulance Company.

Mr. Speaker, I ask that my colleagues join me today in recognizing Sergeant Gregory Miller for his many years of exemplary service to the Boyertown community.

IN MEMORY OF LEE TOLER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Lee Toler, a great man who passed away on February 4th, 2004. Lee was a shining example of the power one man can have in so many peoples' lives, and without him the world is a little dimmer. I offer Velma, his wife, and the rest of Lee's family my sincerest condolences.

Lee came from humble beginnings, as all great men do, but his spirit was richer than all the wealth in the world. His life was devoted to helping kids in our community and in California avoid the dangerous and detrimental effects of drugs and crime. He worked for the benefit of individuals and our community, and he did much of it as a volunteer.

During the 1960s Lee was a school custodian in Seaside, at Portola Junior High School, later renamed King Middle School after the assassination of Martin Luther King Jr. He became well known for his willingness to counsel students who came to him, and began to seek ways to help others. His ability as a counselor convinced then Governor Reagan to allow him into state prisons to work with inmates. He was also a key figure in championing the cause of drug treatment as an alternative to imprisonment.

In 1966 Lee founded Young Adults for Action to offer activities and alternatives to drugs, and in 1974 created Young Adults for Action Manufacturing Co. This organization recognized that good jobs could play a crucial role in discouraging drug use among teens, and he worked with local employers to offer jobs to youth and parolees. When these non-profits ended Lee continued his mission with Jobs Not Drugs in 1979, a successful program that continues to this day.

Lee's extraordinary work has not gone unrecognized. He's been the recipient of numerous awards, including the Governor's Award for Creative Citizenship, presented by Governor Reagan in 1968. The only other person to receive this award during Reagan's administration was Bob Hope for his work with soldiers overseas. I also had the opportunity to honor Lee twice, once in 1995 and once in 2000, with the Congressional Recognition Award.

Mr. Speaker, I rise once more to applaud Lee Toler's many accomplishments. Lee was blessed with the ability to see the goodness that existed in everyone, and his life's work was devoted to bringing that out in people. While some merely condemn, Lee sought to understand. My only regret is that Lee could not be in every school, courtroom, and prison in our country, because our society grew greater and stronger with every person he touched. He was a remarkable figure in our community, and his memory will live on in the many people whose lives he has touched. I join the communities of the Monterey Bay, and friends and family in honoring this truly admirable man and all of his lifelong achievements.

TRIBUTE TO 25TH ANNIVERSARY OF TAIWAN RELATIONS ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate the Republic of China (ROC) on Taiwan in recognition of the 25th anniversary of the Taiwan Relations Act. I am proud that Taiwan and the United States have enjoyed such a strong and durable relationship over the last quarter century in part due to our shared democratic values.

The Taiwan Relations Act has been instrumental in maintaining peace, security and stability in the Taiwan Straits and the Western Pacific since its enactment in 1979. Today Taiwan is truly an economic success story and I am confident that the Bush Administration and our allies in the region will remain committed to playing an appropriate supporting role in reducing tensions across the straits. I am also hopeful that expanded confidence-building exchanges between Beijing and Taipei will lessen the likelihood of any potential conflict in the region.

Under the framework of the Taiwan Relations Act, the Republic of China has become a shining example of economic prosperity. Taiwan has become the eighth largest U.S. trading partner with total Taiwanese exports of US$ 32.2 Billion and imports of US$ 18.4 Billion. Taiwan is currently the world's twentieth largest economy with a GDP of US$ 219 Billion. I believe the United States should continue to expand trade opportunities with Taiwan like the recently signed letters of intent for Taiwan to increase purchases of Indiana's agricultural products.

I stand today in strong support of Taiwan's membership in international organizations such as the World Health Organization and the United Nations. Taiwan is deserving because of its commitment to our shared values of freedom, democracy, human rights, peace and prosperity.

Once again, Mr. Speaker, on the historically significant occasion of the 25th Anniversary of the Taiwan Relations Act, I rise to pay tribute to America's relationship with Taiwan, and I call upon this body to recommit ourselves to the prospect of peace, freedom and democracy in Taiwan for the next twenty-five years and beyond.

HONORING THE MEMORY OF THE HON. MARY FRANCES STEWART

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BONNER. Mr. Speaker, Baldwin County and indeed the entire First Congressional District of Alabama will say goodbye tomorrow to a dear friend, a wonderful lady and a truly outstanding public servant. Today, however, I rise with a heavy heart to honor the life—and mourn the death—of that special friend, Baldwin County Commissioner Mary Frances Stewart, who was killed in a tragic car wreck early Saturday morning.

Without a doubt, Commissioner Stewart was the epitome of a true Southern lady. Both gentle and genteel, Mary Frances somehow found a way in almost everything she did to make people feel good about themselves and good about their government.

Moreover, she had that rare knack for being equally devoted to her family and her constituency in Baldwin County. It goes without saying but her death leaves a void both in the life of the county she so dearly loved and in the wide circle of her family and many friends—a void that quite frankly will be nearly impossible to fill.

A native of rural Georgiana, in Butler County, Mary Frances was a graduate of Georgiana High School and received both her Bachelor's and Master's Degrees in Education from the University of South Alabama.

She began what would become a distinguished 23–year career in teaching in the Alabama public school system, spending 13 years with the Mobile County school system. Commissioner Stewart spent the last ten years of her teaching career at Foley High School in

Baldwin County where she specialized in American and Alabama history.

During her years in the classroom, Mary Frances spent untold hours in an effort to stir her students with a passion for and ownership of their government. Whether taking her students on field trips to Montgomery or Washington, D.C., she always challenged her students to learn about the past as they prepared for their future. To say her career in education was a success would be a major understatement; few people can lay claim to being awarded both ''Mobile County Teacher of the Year'' and ''Baldwin County Teacher of the Year'' honors, awards that bespeak the tremendous recognition and respect she enjoyed from her peers.

Following her retirement from teaching, Mary Frances became active in local politics and eventually ran for a seat on the Baldwin County Commission. She was elected to a four-year term representing the residents of Commission District Four in the south-central part of the county and had served with admiration and distinction since that time. As a member of the commission, she served as Chairperson of the Road and Bridge Committee and as Vice Chairperson of the Environmental Resources Committee.

In addition to the many demands of her elective office, Commissioner Stewart also served on numerous boards and foundations whose goals are to advocate the special interests and needs of the residents of Baldwin County. During the past several years, she served as a member of the South Baldwin Chamber of Commerce, the South Baldwin Regional Medical Center Foundation Board, the Jennifer Claire Moore Foundation Board, the Junior Achievement of Mobile/Baldwin Board, the Community Health Hospital Board, and the Department of Human Resources Quality Assurance Committee.

Commissioner Stewart was selected by former Alabama Governor Fob James to serve on the State of Alabama Aeronautics Board. She also served on the Board of Trustees of Morgan's Chapel United Methodist Church in Bon Secour, Alabama, where she was an active member.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant, a long-time advocate for Baldwin County and a true friend to one and all. Commissioner Mary Frances Stewart will be deeply missed by her family—her son, Ed Stanford, her daughters, Tammy Stanford-Henley, Jo Stanford, and Fran Kollins, and her five grandchildren—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them all during this difficult time.

PAYING TRIBUTE TO WILLIAM (BILL) SINCLAIR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to an American patriot and dedicated public servant. William ''Bill'' Sinclair will be retiring after serving the citizens of Colorado Springs, Colorado, from the Colorado State House of Representatives for eight years. As Bill celebrates his retirement, let it be known that he leaves behind an outstanding legacy of commitment to the people of Colorado and Colorado General Assembly.

Bill has always held firm to his beliefs of serving his country and community. He spent a distinguished career serving in the United States Air Force, defending our country in World War II, Korea, and Vietnam. He logged 6,000 flying hours as a command pilot, retiring in 1975 as a Colonel. Serving as a business manager for several nonprofit organizations in Colorado Springs, Bill became actively involved in numerous civic organizations. He is a past president of the Retired Officers Association and downtown Rotary Club, a former chairman and member of the Pikes Peak Center for Performing Arts, and a past member of the Board of Directors of CHINS-UP of Colorado Springs.

Bill was elected to the State House of Representatives in 1996, and currently serves as chairman on the State, Veterans, and Military Affairs Committee and is a member of the Transportation & Energy Committee. His outstanding record of public service has garnered Bill numerous honors, including legislator of the year awards in 1998 and 1999 from the Colorado Association of Commerce and Industry and in 2001 by the Colorado Sherrifs Association. He has twice been recognized as a Guardian of Small Business by the National Federation of Independent Businesses.

Mr. Speaker, it is quite clear that State Representative Bill Sinclair is a person who possesses dedication and commitment to his life long pursuit of public service. Bill's selfless dedication to Colorado Springs, the State of Colorado, and the United States has helped ensure a promising future for our great country, and it is my privilege to recognize him today before this body of Congress and this Nation. It is my distinct pleasure to honor Bill here today, and wish him and his wife Barbara all the best in their future endeavors.

RECOGNIZING MICHAEL J. MAGGIO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Michael J. Maggio for being honored by the Boyertown Area Times and Boyertown Jaycees as the Boyertown Citizen of the Year for his contributions to the greater Boyertown region.

Michael Maggio relocated to the Boyertown area with his wife Sue in 1966. A physicist, he worked for 23 years at Cabot Corporation as a research group leader and a plant technical services manager.

Michael Maggio graduated in 1949 from Welsey Junior College in Dover, Delaware, where he was the captain of the basketball team. He went on to receive his B.S. in physics from Franklin and Marshall College in Lancaster, Pennsylvania, in 1952. Upon moving into the Boyertown area, Michael became involved in the community and has been an active member of the Boyertown Lions Club for 24 years. He served twice as the president of the Club and he also served eight years as a member and treasurer of the Boyertown Lions Community Ambulance Board of Directors. In 1997, he was awarded the prestigious Melvin Jones National Award and, in 2001, he was named the Lion of the year.

Michael Maggio also has made an impact in the community outside of his activities in the Lions Club. A member of the St. Columbkill Roman Catholic Church, Michael was a religious instructor and also volunteers as an usher. Michael has served as a catalyst for ongoing service to and support of the Boyertown community by serving as the Emergency Management Coordinator and a member of the Boyertown Board of Health. Further, he is serving as the Co-Chair of the Lions Ambulance Organization's new building fund.

In his spare time, Michael enjoys bicycling, golf and photography. Well-known throughout the community as a family man, Michael has five children, fourteen grandchildren, and three great-grandchildren.

Mr. Speaker, I ask that my colleagues join me today in recognizing Michael J. Maggio for his many years of exemplary service to the Boyertown community.

IN MEMORY OF JOHN STAGNARO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Giovanni ''John'' Stagnaro, a patriarch within the Italian community of Santa Cruz who passed away this past March at the age of 90. Founder of the immensely popular and successful fishing business Stagnaro Brothers, John's legacy as a hard-working and dedicated entrepreneur has made his family name a staple in Santa Cruz County. John is survived by his wife of 67 years, Mamie Stagnaro; their three daughters: Teresa Tera, Jeanie McPherson, and Carol Tuttle; his eight grandchildren and thirteen great-grandchildren.

Born in the tiny Italian coastal village of Riva Trigoso, John's life was an archetype of the American Dream. Via Ellis Island, John immigrated to the United States at the age of five, and quickly settled in Santa Cruz. In 1937, after saving several hundred dollars, John purchased part of a fishing company on the Santa Cruz Wharf—and the rest is history. Working alongside his brother, John's fish market and restaurant quickly became a staple of the Wharf. Today, Stagnaro Brothers is the last open-air fish market on the wharf.

John was a devout Catholic and an active member of the Holy Cross Catholic Church in Santa Cruz. He was also an avid participant in many community-based social organizations including the Sons of Italy, the Santa Cruz Elks Lodge, the Marconi Club, and the Italian Catholic Federation. John will surely be missed by his family and the community as a whole, but his business and his name will be a legacy that will last for generations to come.

TRIBUTE TO ERICKA DUNLAP

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CRAMER. Mr. Speaker, I rise today to honor the achievements of Miss America

2004, Ericka Dunlap. Ericka is using her reign as Miss America to challenge all Americans to look past one's race, religion, and culture and embrace the unique diversity of our country.

Mr. Speaker, last fall Ericka Dunlap was crowned Miss America and immediately embarked on a national tour promoting her platform, "United We Stand, Divided We Fall Behind: Celebrating Diversity and Inclusion." Ericka feels that education is the vehicle that will allow us to move past bigotry and accept another person's culture, background, lifestyle, and ability. She is making an extra effort to reach out to our children and educate them about diversity before any predisposed notion is set. I commend her efforts and believe that Ericka is an excellent role model for young women everywhere.

Mr. Speaker, on April 17, Ericka was the Keynote Speaker at the 50th Anniversary Gala for the Huntsville Alumnae Chapter of Delta Sigma Theta Sorority, Inc. I rise today to welcome her to North Alabama and to honor her achievements in promoting tolerance across our country.

IN TRIBUTE TO THE HONORABLE ED PEASE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the work of an outstanding individual, the Honorable Ed Pease, former Congressman to the people of the 7th District of Indiana, on the conclusion of his second term as the volunteer International President of the North American Interfraternity Conference (NIC). I am proud to have known and worked with Ed Pease in a number of roles as a former colleague, a fellow Eagle Scout and Boy Scout leader, a friend for life and a fraternity brother.

Ed Pease graduated Phi Beta Kappa from Indiana University and the Indiana University Law School. After a period of private practice, he was elected to the Indiana State Senate and served for 12 years, where he chaired the Judiciary Committee and was responsible for major reform of the state's criminal justice system. Outside the legislature, Ed worked for Indiana State University in Terre Haute as General Counsel and later became the University's Vice President for Advancement.

From 1997 to 2001, I had the pleasure of working alongside Ed Pease in the U.S. House of Representatives, where Ed was considered one of the GOP's rising stars. During his time in Congress, Ed was a valuable member of both the Transportation and Infrastructure Committee and the Judiciary Committee. At the conclusion of the 106th Congress, Ed retired from the House so he could spend more time with his family and friends. His retirement was a loss for this House, for the people of the seventh district of Indiana, and for our country. During his time in Congress, Ed Pease was widely hailed by his peers as a smart, hard working, unassuming Member who cared more about getting the job done than getting credit for his achievements.

Mr. Speaker, Ed Pease might have retired from the House in 2001, but he has not retired from a career of selfless public service. It is this second career of volunteer service that I have come to praise today. Throughout his career, regardless of the significant time demands of his professional life, Ed has always made it a priority to serve as a community leader in organizations that build the values and morals of America's young men and women. Ed has a long history of service to the Boy Scouts of America both at the national council level and here in Washington for the National Capitol Area Council. Ed has also been Chairman of the Boy Scouts' National Order of the Arrow Committee. He has been President of the Philmont Staff Association which supports the Philmont Scout Camp in New Mexico, the Boy Scouts of America's premier high-adventure camp that has taught thousands of young men valuable lessons that last a lifetime.

Ed Pease's commitment to the moral development of young men has extended past scouting to working with college fraternities, the organizations that build the character and leadership skills of tens of thousands of college men every year. Mr. Speaker, it is Ed's exceptional work for fraternity men nationwide that I rise to recognize today. Ed and I share the bond as brothers of the Pi Kappa Alpha Fraternity. He was initiated into the Delta Xi chapter of Pi Kappa Alpha Fraternity at Indiana University on February 26, 1971. Ed's membership in Pi Kappa Alpha shapes the values that would direct his career of public service. In 1973, he was named the national fraternity's outstanding undergraduate member before serving on the staff on the national organization. He has a long history as a chapter advisor to Pi Kappa Alpha's Indiana State chapter, and in 1983, Ed Pease was named Pi Kappa Alpha's national chapter advisor of the year. From there, Ed has served in a number of leadership roles at the national level, including four years as National Vice President and two years as National President of Pi Kappa Alpha. Ed is currently serving as the Secretary/Treasurer of the Pi Kappa Alpha Educational Foundation.

Ed Pease has not been content to serve just his own brothers for he has had a larger mission of improving the collegiate experience of all men and women who join a college fraternity. For that reason, Ed Pease was elected to the North American Interfraternity Board of Directors in 1995. The NIC is the umbrella group for 66 national fraternities that have 350,000 undergraduate members and 4.2 million living alumni worldwide. In 1999, Ed Pease was elected President of the NIC and served the organization in that capacity for one year.

Now Mr. Speaker, it is hard to explain Ed Pease's contribution to the fraternity world without explaining what fraternity life is all about. There are those in today's society who like to belittle the virtue of the college fraternity experience but they don't really understand how important a role these organizations play in positively influencing the development of tomorrow's leaders. The critics hold up the actions of a few people as an indictment of a system that has done much for our nation. Nine million Americans are proud fraternity and sorority alumni and their experiences in these organizations helped them become better students and better citizens of our great nation. While only three percent of the nation's population has been a member of a fraternity or sorority, these organizations are proven leadership laboratories for developing the next generation of American leaders. For proof, you need look no further than this Congress itself, where 110 current Members of the House of Representatives are alumni of fraternities and sororities, as are 45 current Senators.

College fraternities and sororities are one of the most successful leadership development programs available to college students today, helping members graduate with the management and interpersonal skills needed to excel in today's society. These fraternities are the nation's largest networks of student volunteers, providing 10 million hours of service a year and preparing members for a lifetime of community involvement. Fraternity housing is the largest not-for-profit housing market outside of the host colleges and universities themselves. The 250,000 students living in fraternity housing today at 8,000 chapter houses nationwide have an unparalleled opportunity to live and work together on a daily basis with students from different cultures, religions and life experiences. Fraternities are now the largest, most visible, and most active values-based organizations on college campuses today. The men and women who are fraternity members today learn how to incorporate the principles and values of their organization into their daily lives to form the moral foundation for their future actions. In 2002, the NIC was undergoing some dramatic and fundamental restructuring of its Board of Directors, with an eye on improving its ability to serve its student and alumni members. In need of a leader with a steady hand and an outstanding vision for the future, the NIC turned to Ed Pease who was re-elected President.

In the past two years, the NIC has undergone some major changes that better position it to advocate for and enforce higher standards for the men who join its fraternal organizations. As part of that change, Ed Pease has focused the NIC's efforts on asking Congress to help college fraternities provide a better experience for their members. Ed's focus has been on issues such as freedom of association, membership standards, infrastructure improvements, tax law, leadership development, and scholastic excellence. He has helped restart the Congressional Fraternal Caucus, an organization I am proud to chair, along with Congresswoman Stephanie Tubbs Jones. Through Ed Pease's efforts and outreach to his former colleagues, the Collegiate Housing and Infrastructure Act has been introduced and sponsored by 65 members of the House and 15 members of the Senate. Last September, this House included the Collegiate Housing and Infrastructure Act as part of the Charitable Giving Act of 2003 that passed with overwhelming bipartisan support. If that bill becomes law, it will allow all student associations on college campuses to use a private market approach to upgrade and replace their facilities in the future, thus making it possible for these student groups to continue to thrive for decades to come. These initiatives are so typical of Ed and his accomplishments in the public arena over the past 30 years: He creates lasting legacies that leave institutions better than he found them.

Mr. Speaker, I would like to share with you some representative remarks from Ed's peers in the fraternity world, for they show how deeply he is respected for his work on behalf of college students everywhere. Ray Orians is the Executive Vice President of the Pi Kappa

Alpha Fraternity, of which Ed Pease and I are members. Ray Orians says ''Ed Pease personifies leadership with integrity. Ed's favorite role in the fraternal world, despite his many achievements, was that of chapter advisor, for it was in that position where he could be a respected and influential teacher who is constantly rewarded by his students' accolades and responses well into life.'' Jon Williamson is the Executive Vice President of the North American Interfraternity Council and has worked closely with Ed Pease for several years. He describes Ed Pease as a dignified, articulate consensus builder who ''sees his goal as a servant leader with the ultimate goal the greater good of the college student and he envisions the college fraternity as the vehicle to accomplish that.''

Mr. Speaker, at the end of April, Mr. Jim Estes of Kappa Alpha Order will be sworn in as the new National President of the North American Interfraternity Conference. I welcome Mr. Estes and look forward to the opportunity to work with him to improve the fraternal experience for today's college students. But as I welcome Mr. Estes to his new position of responsibility, I ask this chamber to join me in recognizing our friend and former colleague Ed Pease for his outstanding decades of service to the college fraternity world. I know he will continue to be an active and visible part of the fraternity movement in the future, but now is the moment to thank Ed Pease for his dedication, his vision and his selflessness in leading the fraternal community to better days.

PAYING TRIBUTE TO JOHN ANDREWS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to John Andrews and thank him for his leadership and contributions to Colorado as the President of the Colorado Senate. The level of energy and commitment that he has brought to the Colorado General Assembly throughout his years of public service is truly outstanding. As John celebrates his retirement, let it be known that the citizens of Colorado and I are eternally grateful for the guidance he has provided in making Colorado a leader of American democracy.

At the age of sixteen, John attended the 1960 Republican National Convention as a page, and from then on knew he was destined to a career in politics. A volunteer on numerous GOP conventions and a speechwriter for President Nixon, John was elected to the Colorado Senate in 1998 for District 27. Representing Arapahoe County, John has worked hard to improve education and transportation; strengthen judicial accountability; protect Colorado's water; minimize taxes and regulation; and foster economic growth. In 2002, John was elected president of the Senate, and serves as chairman for the Executive Committee of the Legislative Council and the Legislative Council Committee; as well as serving on the Local Government Committee and State, Veterans, and Military Affairs Committee.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this Nation to State Senator John Andrews for his selfless dedication to public service. It is clear that John has been an invaluable resource for the State of Colorado, and his efforts have helped ensure a promising future for our great country. I would like to extend my congratulations to John on his retirement and wish him and his wife Donna all the best in their future endeavors.

RECOGNIZING BRIANA RUDY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Briana Rudy for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Boyertown Area High School Outstanding High School Senior.

Briana Rudy is an invaluable member of her school and her community. As a member of her senior class, Briana participates in many extracurricular activities. She is involved in fund-raising events to help disabled children, including those with cystic fibrosis, and she also serves as the treasurer of the school's Art Expo Committee that plans the school's annual art show. Briana writes for her school newspaper, The Cub, and is also a staff member of the school magazine, The Accent.

In addition to her extracurricular activities, Briana works two part-time jobs and participates in several service clubs. In her free time, Briana volunteers with children at the Boyertown Area YMCA. She has been a volunteer there since age 12 and, when she turned 16, she was hired to teach gymnastics, preschool dance, and youth sports. Over the summer, Briana also works as a YMCA camp counselor.

In the fall, Briana plans to attend West Chester University in Pennsylvania and major in social work where she will continue to work during the summers as a volunteer with children in the YMCA program.

Mr. Speaker, I ask that my colleagues join me today in recognizing Briana Rudy for her years of exemplary service to her school and the Boyertown community and wish her well in her future at West Chester University and beyond.

TRIBUTE TO ALL POINTS LOGISTICS, INCORPORATED

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CRAMER. Mr. Speaker, I rise today to congratulate All Points Logistics, Incorporated for being named the Boeing Corporation's Small Disadvantaged Business Supplier of the Year and a Boeing Preferred Supplier Company. All Points Logistics, Inc. is a Native American and disabled veteran-owned small business that helps support the Boeing Corporation's Ground-based Midcourse Defense program.

Boeing and All Points Logistics have worked together since 2001. In December of 2003, All Points Logistics became the first company to sign the Missile Defense Agency's Mentor-Protégé Agreement. Through this agreement, All Points Logistics was able to expand its services with Boeing and open a new office in Madison, Alabama—bringing an additional twelve jobs to our North Alabama community.

All Points Logistics is a valuable part of the Alabama Boeing team. Through timely service and high quality products, All Points Logistics has given Boeing the flexibility to meet the needs of its customers and provide for our nation's defense. For its reliability, Boeing recognized them as a preferred supplier.

Mr. Speaker, on April 9, Boeing and All Points Logistics Inc. held a ceremony recognizing the Supplier of the Year award. I want to take this opportunity to congratulate all of the employees of All Points Logistics Incorporated on a job well done. I rise today to join in their celebration.

IN HONOR OF MR. GARY ENGEBRETSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SESSIONS. Mr. Speaker, I rise to congratulate Gary Engebretson, as he retires from his position as president of the Contract Services Association of America (CSA)—a position he has held for 17 years.

Gary came to CSA in 1987, with a background in electrical engineering and a love of politics. While working as an electrical contractor, he became involved in Iowa's Republican Party, where he eventually became one of the state leaders. He moved on to the Veteran's Administration, getting his first real taste for public policy that would stick with him for the rest of his career. That was followed by a lengthy stint at the Republican National Committee, as Chief of Staff and Executive Assistant. Moving from there to a Texas-based oil company, Gary met a then unknown, budding Texas politician just beginning his foray into politics, that of George W. Bush. Like our president, Gary, too, had a run at political office. Luckily for CSA, he lost.

Under Gary's leadership, CSA has taken an active role in our legislative process, supporting the Federal Activities Inventory Reform Act (which I sponsored), and, more recently, the Service Acquisition Reform Act (SARA) that became law last Fall. Gary also has given CSA a real presence in agency circles, too; for example, by signing partnering agreements with the Naval Facilities Command and the Army's Training and Doctrination and Forces commands, and developing a close relationship with the Department of Labor's Wage and Hour Division and the agency Labor Advisors.

As the successes in D.C. grew, so did CSA's reputation within the industry. Under Gary's leadership, the size of the membership has grown, and CSA has become the ''go-to'' association for the Government services contracting industry. Whether Gary's longevity in Washington is ultimately due to his penchant to be a straight shooter or just that he's a nice guy, his golden reputation in D.C. has made CSA the strong presence that it now enjoys. I want to extend my best wishes to Gary and his wife Lára on their new phase of life.

PAYING TRIBUTE TO GAYLE BERRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Gayle Berry and thank her for her tireless efforts serving the people of Colorado as a four-term member of the Colorado House of Representatives. Gayle will always be remembered as a dedicated public servant and leader of the community, and as she celebrates her retirement, let it be known that she leaves behind a terrific legacy of commitment to the people of Colorado and Colorado General Assembly.

A lifelong resident of Mesa County, Gayle graduated from Fruita Monument High School and received her college degree from Mesa State College. Before entering the political arena, she worked as a legal secretary, and owned and operated a successful small business for fourteen years. Elected to the Colorado House in 1996, Gayle currently chairs the House Transportation and Energy Committee, sits on the House Appropriations Committee and the House Local Government Committee, and served four years on the Joint Budget Committee. Her excellent record in the State House has earned Gayle numerous Legislator of the Year awards.

Gayle's extensive involvement in civic organizations comes from her belief that in order to better your community you have to be an active participant. Her commitment to Mesa County includes membership in Club 20, Mesa State College Alumni Association, the juvenile pilot program W.R.A.P., and the Speakers Bureau for Kids Voting Mesa County. She has also served as chair and as a member of the Grand Junction Area Chamber of Commerce, and as a board member of Community Hospital.

Mr. Speaker, it is my honor to recognize State Representative Gayle Berry's dedication and commitment to public service. It is not only her incredible devotion, but also her passion for contributing towards the betterment of the Mesa County community and the State of Colorado that I wish to bring before this body of Congress and this Nation. It is my distinct pleasure to honor Gayle here today, and wish her all the best in her future endeavors.

CONGRESSIONAL TRIBUTE TO COLONEL JAMES E. MAKOWSKE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. STUPAK. Mr. Speaker, I rise to honor the many years of dedication and achievements of my good friend, Col. James E. Makowske, who after 25 years of active duty, retired April 16th, 2004 as Commander of the U.S. Air National Guard's Alpena Combat Readiness Training Center. Jim's leadership and decades of service to further the best interests of America and the Air National Guard have more than earned him this great honor.

Born in Detroit in 1956, Jim was raised in Capac and graduated from Capac High School in 1975. That year, he enlisted in the U.S. Air Force and served for four years as an F–15 Aircraft Maintenance technician at Langley Air Force Base in the 1st Tactical Fighter Wing.

He separated from the Air Force in 1979 to attend Michigan State University where he earned his bachelors degree in engineering in 1982. The tug of service brought him back to enlist in the Michigan Air National Guard that year at Selfridge ANG Base. He received his commission in 1983 and his navigator wings in 1984. He served as a weapons system officer in the F–4, in the 191st Fighter Interceptor Group until 1988—the same year he completed his Master's Degree in Business Administration (MBA).

Jim transferred to the 110th Fighter Wing as the Chief of Engineering and Design in 1988. He then served as the Base Civil Engineer from 1989 to 1999 and concurrently served in the 110th Civil Engineer Squadron Commander starting in 1991. In 1999, he was assigned as the commander of the Alpena CRTC and was promoted to Colonel in March 2001.

Jim has also found time to serve the Alpena community. He has been a member of the Alpena Chamber of Commerce Board of Directors since 1999 and served as its president in 2003. He also has served on the Boards of the Boys and Girls Clubs, Target Alpena and is a member of the Alpena Rotary Club.

Jim is married to Carol Makowske (McIver) and has two children, Coral and Nathanial. Nathanial has continued the family tradition of military service when he enlisted last year in the Air National Guard in Battle Creek.

Mr. Speaker, Col. Jim Makowske's military career and service to our country can be characterized by putting the needs of others before his own. Our Nation, the State of Michigan and the Alpena Community have long benefited from his selflessness, and I ask you and my House colleagues to acknowledge his lifetime of service.

HONORING THE DEARBORN CHAMBER OF COMMERCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the Dearborn Chamber of Commerce on the occasion of its 60th anniversary.

As the central source of information for and about Dearborn, Michigan businesses, the Chamber of Commerce has served the community well throughout its transformation from a heavily industrial city to its current mix of commercial, retail, and institutional enterprises.

The Chamber has successfully worked to provide leadership by developing a unified voice for member businesses through promotion, assistance, and the development of partnerships. The Chamber is also supportive of the Dearborn Public Schools with its annual Alberta Muirhead Teacher of the Year Award to recognize outstanding Dearborn public school teachers.

The Chamber works hard to promote both the Dearborn community and its businesses. In the past, the chamber has hosted an old world market, a business expo, and an auction. The Chamber was also responsible for a summer food festival to help promote the Ford Senior Players Championship golf tournament. Another recent project is the Chamber's first "grub crawl," which will serve to promote the city's growing restaurant scene.

I would like to ask my colleagues to rise and join me in commending the Dearborn Chamber of Commerce for 60 years of service to the community and area businesses. I hope that they will continue to help the City of Dearborn as it evolves over the next 60 years.

TRIBUTE TO THE FRIENDS OF THE DES PLAINES PUBLIC LIBRARY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KIRK. Mr. Speaker, it is with great honor that I congratulate The Friends of the Des Plaines Public Library on their 50th anniversary. They have enriched the town of Des Plaines, Illinois for the last 50 years as an integral support system for the Des Plaines Public Library.

In April of 1954, a planning committee of the American Association of the University Women founded The Friends of the Des Plaines Public Library. They have been active in expanding the Des Plaines Library since The Friends' inception, most recently helping with a move to a larger building in 2000.

The Friends' original purpose was to stimulate public interest in the library, as well as collect data on the history of the town. Today they also provide extra financial support for the library for items not normally available through conventional budgetary provisions. The Friends raises funds using semi-annual book sales, and uses them to support programs and purchase items for the library, such as a microfiche reader, display cases, original artwork, a sound system, and other items.

In 1957 The Friends were involved in the Library's 50th anniversary, and compiled a large file on the history of Des Plaines from 1833 on, including photographs, family histories, and industrial development. This compilation has since become a part of the Des Plaines Historical Society. Since moving into the new library in 2000 The Friends has donated, supported, funded and purchased items for more than $53,000. In honor of their 50th Anniversary and all The Friends that have come before them, they will be presenting the Library with a bronze statue of Abraham Lincoln. This statue was sculpted in 1933 for the Chicago World's Fair by Guido Rebechini, and will go in the library's atrium on permanent display.

Thank you, The Friends of the Des Plaines Public Library, for all your hard work for the library and your community. Your constant dedication and commitment is worthy of the highest commendation. Best wishes on your 50th Anniversary.

PAYING TRIBUTE TO KEN CHLOUBER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Ken Chlouber and thank him for his commitment to public service as a two-term senator in the Colorado General Assembly. As the President Pro Tem of the Senate, Ken will always be remembered for the leadership and guidance he has provided. As he celebrates his retirement, let it be known that he leaves a great legacy of service and dedication to his district and the State of Colorado.

An extraordinary man in every sense of the word, Ken has had a colorful career in and out of politics. He has worked as a miner and auctioneer; enjoys running ultra marathons; is a big game hunter; and his pack burro racing skills garnered him election to the Colorado Pack Burro Racing Hall of Fame in 1985. Elected from District 4 in 1996 to serve the people of Douglas, El Paso, Lake, Park, and Teller counties, Ken has sponsored bills supporting agriculture, mining, tourism, emergency medical care, prison construction, and the creation of the Arkansas Headwaters Recreational Area. In addition to serving as President Pro Tem, Ken is a member of the Agriculture, Natural Resources, and Energy; Appropriations; Legislative Council; and Transportation committees. Ken's honors for his excellent record in the General Assembly include the American Cancer Society Legislative Accomplishment and the NFIB Guardian of Small Business.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this nation to State Senator Ken Chlouber for his selfless dedication to public service. It is clear that Ken has been an invaluable resource for the State of Colorado, and his efforts have helped ensure a promising future for our great country. I would like to extend my congratulations to Ken on his retirement and wish him and his wife Pat all the best in their future endeavors.

MARQUETTE RANKS IN TOP 30 ''AMERICA'S MOST LIVABLE CITIES''

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. STUPAK. Mr. Speaker, I rise today to applaud the good work of the local leaders in the county of Marquette, Michigan who have worked to make this First District community a great place to live. As a result of that hard work, Marquette County, located on the shores of Lake Superior, earlier today was named one of the ''America's Most Livable Communities,'' in the annual ranking by the Partners for Livable Communities, a national nonprofit whose prestigious list is published in USA Today.

The county of Marquette has been through soiree challenging times over the years. That includes its efforts to recover from the closure of K.I. Sawyer Air Force Base a decade ago that resulted in the loss of more than 1,000 civilian jobs as well as its work to keep its mining industry strong and competitive in the 21st Century.

But in recent years, the community of business leaders, government, clergy and education, through many task forces like the Lake Superior Community Partnership, have come together to move forward and develop innovative ways to strengthen this region.

The community boasts a state-of-the-art regional medical center in Marquette General Hospital. Marquette is also home to Northern Michigan University and its U.S. Olympic Education Center.

In addition, these partnerships have created new incentives to bring business to the area and it has provided them and residents with broadband services to ensure this smaller community can compete with its urban neighbors.

Marquette County is home to eight museums, an arts and cultural center, a symphony and provides four seasons of recreational opportunities, with some of the best mountain biking and cross-country ski trails in the country.

I would also like to note that Marquette County was named one of the 10 ''All-America Cities'' in 2003 by the National Civic League.

But probably most important of all, Marquette has an active and strong base of community leaders and volunteers who have worked together to make this county a great place to live. Some of those individuals were here in Washington D.C. to attend the special ceremony. They include: Monsignor Cappo of St. Peter's Cathedral, Marquette County Commissioner Bill Nordeen, Doreen Takalo, chair of the Marquette County Township Association, Karen Anderson of K.I. Sawyer, Bob Racia of Marquette General Hospital, Bill and Sue Rigby of Northern Michigan University, Marquette City Manager Gerald Peterson, Marquette Mayor Jerry Irby, Ishpeming Mayor Gary Nelson, John Mommarts of the Noquemanon Trail, Liz Smith of Project W.E.A.V.E. and Steward Harrison of Telkite.

Mr. Speaker, Marquette County has more than earned this great honor.

HONORING THE HENRY FORD NATIONAL HISTORIC LANDMARK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to The Henry Ford—a National Historic Landmark—on its 75th anniversary.

The Henry Ford, located in Dearborn, Michigan, began in 1929 as Greenfield Village and Henry Ford Museum. The original concept was Henry Ford's idea—to create a school to teach young people about how past innovations can influence the future. The Museum and Village grew as Ford's historical collection multiplied. The artifacts range from ordinary household objects to obscure technical inventions of many eras. Some of the categories of artifacts, particularly in the agriculture, transportation, industry, communications, and domestic life areas, are recognized as the most complete collections in existence.

The Henry Ford now includes the Henry Ford Museum, Greenfield Village, IMAX Theatre, Benson Ford Research Center, and the Ford Rouge Factory Tours. These attractions host 1.5 million visitors per year. The Henry Ford is a state-designated ''Anchor Organization,'' which means that it has been enlisted to develop programs to promote participation in cultural activities and serve as a mentor to other cultural organizations with similar missions. The Henry Ford has set the standard for historic education and historic learning experiences not only in Southeast Michigan, but throughout this country.

The fresh, innovative spirit Henry Ford embodied is alive in the Henry Ford experience. This creative approach to education, community involvement, and economic development issues are an asset to the people of Dearborn and its surrounding areas.

I would like to ask my colleagues to rise and join me as I congratulate this organization for 75 years of bringing education and enlightenment to Southeast Michigan and, indeed, the entire country. I extend my best wishes to The Henry Ford, its staff, volunteers and supporters for continued success in celebrating American accomplishments and inspiring younger generations to new heights of achievement.

TRIBUTE TO MR. C. DOUGLAS PARKS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KIRK. Mr. Speaker, I would like to congratulate Mr. C. Douglas Parks on his retirement from the Aptaskistic-Tripp School District 102 in Buffalo Grove, Illinois. After thirteen years as Superintendent and nearly forty years in public education, Mr. Parks is retiring, committed in both belief and practice to that idea that all children can learn. The vision and leadership he has provided ensure that School District 102 is and will continue to be a world class learning environment.

During Mr. Parks' tenure, he worked to expand opportunities for learning for all children, believing that every student should have a supportive environment, every student should be involved both individually and collectively in learning, and that every student can be empowered through learning. He has remained committed to developing a foundation of respect, pursuit of excellence, accountability, fairness, trustworthiness and honesty in his district. Besides applying these principles to academics, he is also committed to improving the quality of life for his students. Recently, he supported an innovative nutrition education initiative for healthier living.

I would like to extend my thanks to Mr. Parks for being such a positive influence in District 102, and wish him all the best in his future endeavors.

PAYING TRIBUTE TO ALAMOSA COUNTY CHAMBER OF COMMERCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the

Alamosa County Chamber of Commerce for over eighty years of impeccable service to the Alamosa, Colorado business community. The Alamosa Chamber is an incredible asset to the town, and I would like to join my colleagues here today in recognizing the Chamber's tremendous service to the Alamosa community.

Looking back on the history of Alamosa, the Chamber has sponsored many events and activities to improve the town, including its Town and Gown banquet, Cribbage tournaments, and founding the Alamosa Community Development Corporation. The Chamber has also helped to maintain a fantastic relationship between the town and Adams State College through sponsoring scholarships and organizing community and school events. Most importantly, the Chamber has been instrumental in promoting local businesses, aiding in their growth and success throughout the years.

Mr. Speaker, the Alamosa County Chamber of Commerce is a dedicated organization that is actively involved in bringing the people of Alamosa together. For over eight decades, the Chamber has left an indelible mark of excellence on the Alamosa community and the State of Colorado. It is my privilege to pay tribute to the Chamber and its members before this body of Congress and this nation today. I thank them for the remarkable service they provide to Alamosa and the State of Colorado.

TRIBUTE TO WESTERN MUNICIPAL WATER DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an organization whose dedication and contributions to the community of Riverside County, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community organizations who willingly and make their communities a better place to live and work. Western Municipal Water District is one of these organizations. On Thursday, May 13, 2004, Western Municipal Water District will celebrate 50 years of service.

Western Municipal Water District, since its formation on January 19, 1954 and authorization by public vote on January 26, 1954 has fulfilled its founding raison d'etre, to augment the shortage of local water available to local communities with supplemental water imported 242 miles to western Riverside County via Metropolitan Water District's Colorado River Aqueduct.

The Western Municipal Water District, recognizing the need for a long-term source of high quality drinking water to sustain domestic needs of a burgeoning population, began importing a second source of high quality water in 1979 from northern California via the State Water Project's 444 mile-long California Aqueduct.

The Western Municipal Water District provides vital wastewater services as administrative operator of the West Riverside County Wastewater Authority since 1998, as operator of the Santa Ana Regional Interceptor (SARI) brine line since 1983, and as owner-operator of the March Air Reserve Base treatment facility providing irrigation water to the nation's second largest veteran's cemetery since 1996.

The Western Municipal Water District, as a court-appointed watermaster pursuant to the 1969 Stipulated Judgment, has been instrumental in maintaining peace among all parties to water rights and water quality issues in the Santa Ana Watershed.

The Western Municipal Water District, as one of the five water agencies comprising Santa Ana Watershed Project Authority (SAWPA), has provided exemplary water resource management through implementation of the Santa Ana Watershed Basin Plan in cooperation and integrated planning with its neighbors in the Santa Ana Watershed.

Western Municipal Water District, has worked cooperatively and diplomatically to address complex political and regulatory issues impacting water at local, regional, state and national levels, and has invested prudently in efficient drought-proofing ventures such as the Nonpotable Conveyance System, Arlington Desalter and Riverside-Corona Feeder. I would like to express deep appreciation to Western Municipal Water District for profound contributions to the present and future health and prosperity of all communities in Western's 510 square mile service.

TRIBUTE TO OUR NATION'S RESERVE AND NATIONAL GUARD MEMBERS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to our nation's Reserve and National Guard members. In particular, I would like to take this opportunity to welcome home reservists from Ft. Meade in the 2nd Congressional District of Maryland—my home district. This includes members from the 323rd Military Intelligence Battalion and the 444th Personnel Service Battalion, Detachment 2. These men and women have rejoined their families after serving in the Middle East for as long as 14 months and we are thrilled to see them return home.

But Mr. Speaker, such home comings are bitter sweet in light of ongoing conflicts in Iraq and Afghanistan. As the number of wounded and casualties continues to rise—as the length of deployment for many reservists expecting 'temporary' activation continues to be extended—there is much concern and worry at home. Loss is always difficult and war is never easy. But America's support for our men and women in uniform, for their dedication and service, for their sacrifice, for those who have already paid the ultimate price . . . America's support shall not waver. And I for one vow to continue to do all I can to support our Armed Forces.

For me, that support has meant many different things. From the creation of Operation Hero Miles to help soldiers returning home on R&R to founding a Veterans Advisory Council in the Maryland 2nd Congressional District to work with local veterans on national issues, I believe lawmakers need to put their efforts where their rhetoric is. I am less interested in what people say than what they do and I urge my colleagues to consider this edict as we look at the legislative agenda for the remainder of this congressional session.

Our nations' Reserve and National Guard members are facing daunting problems largely created by the realities of the post-September 11 War on Terrorism. With a leaner full time active military, we are relying on the talent, dedication and service of reservists in unprecedented ways. Not since the Korean War have such a large percentage of boots on the ground been filled by reservists and not since they have reservists served for such extended periods of time. But even in Korea, that percentage has never been as high as it is today.

Today, reservists face unprecedented problems. Military benefits that exist today simply were not a concern back in the 1950's when our forces were largely involuntary. Today, America's reservists are serving side-by-side with full time active military men and women . . . and yet they are not recognized equally when it comes to their benefits. Parity is the key word for reservists today and little legislation is actually moving through Congress to solve their problems. Their retirement plans are unequal. Health care prior to activation is non-existent for many and creating readiness issues. Reservists are plagued with payroll problems causing bankruptcies, divorces, and unfair heart ache. There are critical questions about gap pay for reservists working in the private sector when not serving. Extended deployments are creating unforeseen hardships for families, employers, small business owners, and the self employed.

Mr. Speaker, it doesn't matter if you were for or against the war in Iraq. The reality is we are there now and the troops deserve our support with the same unwavering dedication. I urge leadership in both chambers and on both sides of the aisle to help our nation's Reserve and National Guard members. Yes, we should continue to salute and pay tribute as they return home. But we should do so with our actions here in this chamber to ensure that our actions reflect how truly grateful we are.

A TRIBUTE IN HONOR OF ROSANNA MAY LEDDY-GREEN, 2004 LEGRAND SMITH SCHOLARSHIP WINNER OF MORENCI, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Rosanna May Leddy-Green, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Rosanna is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Rosanna is an exceptional student at Morenci High School. She has an outstanding record of achievement, exemplified by her status on the All 'A' Honor Roll. Rosanna has excelled in athletics as a member of the cross

country and track teams for four years and was named academic all-state. Her extensive list of school activities includes Spanish Club, National Honor Society, and S.A.D.D. Rosanna is also secretary of her graduating class.

As a Member of the United States Congress, I am proud to join with her many admirers in extending the highest praise and congratulations to Rosanna May Leddy-Green for winning the 2004 LeGrand Smith Scholarship. This honor not only recognizes her accomplishments, but also is a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation have contributed to her success. To this remarkable young woman, I extend the most heartfelt good wishes of the United States Congress for her success and for all her future endeavors.

PAYING TRIBUTE TO TOM MCAVOY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise and pay tribute to journalist Tom McAvoy and thank him for his contributions to Colorado as the Denver Bureau Chief for The Pueblo Chieftain newspaper. The level of integrity and honesty that he has brought to this position throughout his twenty-one years of reporting on Colorado politics is truly exceptional and worthy of recognition by this body of Congress. As Tom moves on to his new position at The Pueblo Chieftain with the newspaper's editorial board, let it be known that the citizens of Pueblo and I are eternally grateful for the outstanding work Tom has done in covering the Colorado Legislature.

A Pueblo native, Tom received a degree in political science and mass communications from then Southern Colorado State College, and went on to receive his master's degree in journalism from Ohio State University. Before joining the Chieftain in 1977, Tom worked for the Associated Press's Denver bureau, taught journalism at Southern Colorado State College, and was Denver's information officer in Pueblo. Since Tom joined the Chieftain, he has built a solid reputation for his fair and thorough reporting on Colorado politics and other events occurring in Denver that affect Pueblo and Southern Colorado. The Colorado Press Association recognized his first-rate coverage, as he became the first recipient of their Shining Star award, which recognizes the most consistent reporter or writer over a year's span.

Mr. Speaker, it is clear that Tom McAvoy's dedication and hard work reporting on the Colorado Legislature has been an invaluable resource for the State of Colorado and is worthy of acknowledgment before this body of Congress and this nation today. I have personally known Tom for twenty years and can guarantee that his insight at the Capitol will be sorely missed. Thanks, Tom, for all your hard work, and I wish you and your wife, Sue, all the best with your new position at The Chieftain.

TRIBUTE TO TERI OOMS, PRESIDENT, INLAND EMPIRE ECONOMIC PARTNERSHIP

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of the Inland Empire are exceptional. The Inland Empire has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Teri Ooms is one of these individuals.

In 1997 Teri Ooms was appointed the President/CEO of the Inland Empire Economic Partnership (IEEP) and of its sister companies. IEEP is responsible for the regional marketing, attraction and recruitment of new business to the region, the expansion and retention of existing business, film, tourism, high tech regional development, workforce collaborative, regional visioning and the Small Business Development Center.

Ms. Ooms joined the Inland Empire Economic Partnership in 1991 as the Executive Director of its Inland Empire Small Business Development Center. Under the excellent direction of Ms. Ooms, the Center grew to a staff of 21 with multiple regional locations, and its program has increased funding to $1.1 million, making it the largest California program. The Center has created numerous special services and training programs, and can demonstrate economic impact of over $300 million in its eleven year history.

As President/CEO, Ms. Ooms completed a reorganization of the company resulting in new programs and services, financial stability and increased prominence in the community. In the period of 1997–2003 IEEP has had 70 successful business attractions and retentions resulting in over $730 million in new investment into the region creating over 9,500 jobs. The region has over 5,000 film shoots, demonstrating a little over $425 million in regional impact in the same period. In 1999, she was awarded "Management Leader of the Year," by the A. Gary Anderson Graduate School of Management, and in 1998, was a recipient of the "Women of Distinction" award given by the Business Press. Since 1997, IEEP's membership has grown by 10% and maintains an average membership retention ratio of 93%. EIIP has evolved to include a high technology development program and coordination of the region's workforce collaborative to bring education and business partnerships to benefit employers, employees and students and a regional collaborative focused on regional visioning, planning, advocacy and implementation.

Teri's tireless passion for community service has contributed immensely to the economy of the Inland Empire in California. I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she retires.

IN RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BRADY of Texas. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenuous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because one of my constituents, Carol Ann Demaret, is the mother of a child born with severe combined immunodeficiency. Her son David struggled with this terrible disease his entire life before passing away at the age of 12. Because the disease left David without a functioning immune system he became known as the "bubble boy" due to his confinement in an insulating bubble that protected him from infection.

Since David's death, Carol Ann has become a tireless advocate for the primary immune deficiency community. She has testified before Congress in support of increased federal funding for biomedical research focused on these devastating diseases. Carol Ann is also a longstanding member of the Board of Trustees of the Immune Deficiency Foundation, which is the nation's leading organization dedicated to improving the quality of life for PIDD patients. Recently, the Foundation entered into an historic research partnership with the National Institute of Allergy and Infectious Diseases at the National Institutes of Health. The establishment of the "US Immunodeficiency Network" represents the most significant advancement in primary immune deficiency research in our nation's history. I was pleased to work with the Carol Ann, the Foundation, and my colleagues in the House to make this research consortium a reality.

Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership in this area and I am proud to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

TRIBUTE TO MR. WILLIAM R. STEWART

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor a constituent and distinguished public servant, Mr. William R. Stewart. Mr. Stewart served as Chief Counsel of the National Labor Relations Board (NLRB), the first African American to do so. For his service, Mr. Stewart was a recipient of the President's Award for Distinguished Federal Civilian Service, the only NLRB lawyer to receive this honor its entire 69–year history. Upon bestowing this tribute, President Clinton spoke of Mr. Stewart as ''instrumental in winning national labor law cases that have had a major impact on American workers.'' The President further noted Mr. Stewart's contributions, such as ''protecting the rights of the blind workers and preserving the ability of workers to vote by mail in union elections.''

Mr. Stewart was born in Terre Haute, Indiana. He graduated from Indiana University with a bachelor's degree in government in 1954 and was elected Phi Beta Kappa. An ROTC student, upon graduation, he was commissioned in the Army as a second lieutenant. He served in Germany in an armored division and was later selected to be the courts and boards officer and assistant adjunct of a combat command of more than 5,000 men. Upon completing his tour of duty in 1957, he returned to his home State to complete law school at Indiana University. During his time at Indiana Law, he was elected to the Order of the Coif, an honor society for law school graduates from the 77 member schools.

Immediately following law school, Mr. Stewart worked as an attorney for the Atomic Energy Commission, though he soon joined NLRB where he served with great distinction for most of his professional career.

On February 16, 2004, William R. Stewart passed away at the age of 71, in Washington D.C. Mr. Speaker, I would like to take this opportunity to extend my heartfelt sympathy to Mr. Stewart's family, including his two brothers Stanley and Richard. My district, and the Nation, lost a great public servant with the passing of William R. Stewart.

Mr. Speaker, I would also like to take this opportunity to thank Mr. William B. Gould IV. Mr. Gould was Chairman of the NLRB during Mr. Stewart's final years there, as well as his dear friend. He has provided me with a copy of the eulogy he delivered for his friend, and I respectfully ask that it be included in the RECORD.

MEMORIAL TO WILLIAM R. STEWART—REMARKS OF WILLIAM B. GOULD IV, ARLINGTON NATIONAL CEMETERY FEBRUARY 27, 2004

First, allow me to extend my heartfelt condolences to Bill Stewart's brother here in attendance, Stanley Stewart, Bill's nieces, Standish Stewart, Sherry Weaver, and Belinda Jones, and his nephew, Kent Bell.

For the many who knew him or had some contact with him—and most especially for those many who loved him—William Rufus Stewart incorporated many characteristics in that multi-dimensional personality of his. Two features override all of them—his commitment to excellence—this is what prompted President Bill Clinton to characterize his contributions to the NLRB to be ''unparalleled''—and his compassion for humanity and life.

Every February or March for the past five years subsequent to my departure from Washington, Bill would come to California and visit with my wife and myself at our home on the Stanford campus. Here he had a set routine which he would follow with or without the two of us.

Sometimes he would sit in on a class or two and provide me with a good critique—just as he would do here in our Washington days together. Bill would begin each morning—and sometimes the afternoon as well—with a long walk through our beautiful campus, returning full of observations about the trees and flowers and other things that he had seen along the way. On one occasion he and my wife spotted a coyote sauntering calmly through an open park, and this quickly became one of those stories which he loved to tell and retell.

Usually he timed his visit with the Stanford baseball games at our lovely Sunken Diamond. This past rainy weekend the University of Texas was in town and it made me think of Bill's comments about a splendidly executed extra inning Stanford-Texas baseball game two years ago, again in the winter rain which turned on and off while we sat soaking in our seats.

For almost a year, Bill had been telling me about an outstanding left-handed pitcher from his hometown of Terre Haute, Indiana, whom Stanford had snatched away, he said, from professional baseball. Ironically, on this past Sunday, there he was, as Bill had described him, pitching a magnificent three-hitter against hard-hitting Texas in his very first college start. I wanted to call Bill on the phone and I thought of how, at least until a little more than a month ago, we had planned to see that game together.

There were certain trigger points for which Bill could produce predictably automatic and voluble reactions, one of them being Indiana basketball and its former coach Bobby Knight. We often laughed together when I pushed some of his buttons by mentioning an individual for whom I knew he had either great devotion, as was the case with Knight, or those individuals and organizations for whom Bill possessed little regard and occasional scorn—and he would always oblige me with an uproarious reaction to my button pushing. The most fun in those exchanges was the knowledge that Bill knew that I was putting him on and then would oblige me without fail with one of those patented Bill Stewart eruptions.

Just as Bill's views were not capable of modification on matters like Bobby Knight, it was difficult to get him to back down in most discussions or arguments—and we had a few of those—about the National Labor Relations Act, the National Labor Relations Board, and society generally. But he was nothing if not intellectually curious, and that trait led to a good deal of back and forth. The fact that he was always imaginative and probing in his search for new approaches as well as so resolute, served me well as both Chairman and his friend.

Our mutual friend, Professor Herman Levy of Santa Clara Law School, who served with Bill at the Board in the '60s as well, has told me how Bill, as the assertive and sometimes disputatious president of the NLRB Professional Association in the '60s, insisted that Herman be excluded as a supervisor. Herman—and Bill and I often spoke of Herman's unyielding points of view—was of the view that he was not a supervisor and ultimately the two of them were to devise a sensibly balanced compromise whereby Herman was able to sit in on the union meetings, but not to have a vote—and perhaps not, given Bill's perspective, a voice either!

I can remember in the period of 1963–64, when Bill and I first became friends, his attendance at the newly-opened Arena Theater and his love for opera and classical music. The arts were a big part of Bill's life. Whenever I went to exhibits or concerts in Washington, he would gently needle me, implying that I was only a superficial philistine. There was so much laughter and conviviality with him in this kind of back-and-forth banter.

Indeed, laughter is one of the things that I treasure most about Bill. So many times my confidential assistant, Mary Ann Sawyer, and I would be smiling at one another as Bill and Al Wolff or some other individual would be howling at something that they found amusing! The loud and sustained laughter would frequently cascade into the anteroom where Mary Ann sat—and through my adjacent office as well.

As someone who loved the arts, it seemed appropriate that Bill also had a great sense of the dramatic—I always remember his description of his first meeting with a former Board member with whom Bill was trying to negotiate some kind of arrangement prior to my arrival in Washington. Bill would go into a semi-crouch, putting his hands up near his face: ''We were circling one another like two cats in a ring,'' said Bill on countless occasions in describing this meeting. Incidentally, Bill accomplished that mission, and he and the individual in question soon became the best of friends.

Bill possessed the very highest professional standards and this was one of the reasons why he was so valuable to me and to the NLRB. He elevated the level of what would be acceptable for me and the staff. He best exemplified public service as a high and noble calling.

In reviewing any of my opinions or speeches, Bill would always flyspeck them carefully, and quoting his former colleague on the General Counsel side, Bob Allen, he would say: ''We have to make sure that it is pretty,'' i.e., that all the i's should be dotted and the t's should be crossed (Bill would always be careful to say, ''This is what Bob Allen would say''). This kind of meticulous care is one of the reasons why President Clinton praised his work so unqualifiedly.

As many of you know, Bill was the first and only NLRB employee in its entire 69-year history to receive the highest honor that any civil servant can receive—the President's Award for Distinguished Federal Civilian Service. Bill was a lawyer par excellence who not only set the highest standards, but was a role model and inspiration to me and innumerable others. He was the first and only African American ever to be appointed to the highest non-Presidential appointee level at the Board, i.e., the rank of Chief Counsel, serving with me from 1994 to 1997. And he was a tower of strength, expertise and wisdom for me, the NLRB, and the United States government. In the tumultuous '90s when our Board was under such attack from within and from without by many who do not believe in the purposes of the Act, Bill, along with the wonderful Mary Ann Sawyer whom Bill identified for me and recruited, were the nerve center of the agency. More than anyone that I know, they kept the Board going in its most difficult days.

Bill was the gatekeeper through which everyone and everything went. Bill's public service was vital to the rule of law in labor-management relations.

But there is another dimension to Bill Stewart which is even more important and goes to the essence of this good man.

Last year when Bill came to visit us in California, he could not come in February or March as was his practice. The reason was that he was helping two friends who themselves appeared to be in their last days and

who thus were in the midst of enormous and considerable distress. Bill had to be there for them, and thus could not come to California until June. That was the kind of man that he was.

When he retired from the NLRB in 1997 and when the parties that we had for him were still fresh in all of our minds, one of his first professional works was to represent a paraplegic in a disability case. And Herman Levy told me when they recently went together on a cruise to Alaska, it was Bill who would make sure that Herman, needing assistance, had a wheelchair and made sure those in charge of the ship were aware of his problems.

Bill loved his family. He was proud of his family—his parents and his siblings—and was particularly solicitous of their children. Indeed, he was solicitous and helpful to young people generally, not only in the legal profession and on our staff, but also to my own sons, with whom he would never fail to sit down and talk when they came to Washington and with whom he would sometimes meet when he was on the Los Angeles portion of his annual California visit.

Bill Stewart was devoted to Indiana University as well. It gave him his start in life. He often spoke fondly of his work as personal assistant to Herman B. Wells, Chancellor of the University. Thus, it was meet and right that in 1999 Bill was elected to the Indiana University Academy of Law Alumni Fellows, the most distinguished honor for an Indiana law graduate—and that he was to enjoy a reunion with Mr. Wells at that time.

Bill never stopped grieving for his deceased partner, Bill Dresser, who accompanied him when we went to the White House in October 1997 to meet President Clinton to commemorate Bill's Award.

Counsellor in all senses of the word . . . So often during these past two weeks since Bill's death on February 16, I have awakened in the middle of the night, finding it difficult to believe that he is gone. But on one occasion a week ago, I awoke and began to think about a problem of my own completely unrelated to the terrible events of February 16—but which seemed almost equally insoluble. I decided that it would be important for me to speak to someone about it. It was 5 a.m. and my mind automatically focused upon area code 301 and the number for Bill's home. That was my first instinct.

I have often thought that most of us will be extremely fortunate if we are remembered beyond one or two or five years subsequent to our respective deaths.

Bill will not be forgotten.

PAYING TRIBUTE TO THE COLORADO BLUESKY ENTERPRISES, INC.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, it is a special honor that I rise today to pay tribute to the Colorado Bluesky Enterprises, Inc. that is a devoted and compassionate organization in Pueblo, Colorado. The Colorado Bluesky Enterprises, Inc. has been improving the lives of Colorado citizens with developmental disabilities and their families for 40 years, and I would like to join my colleagues here today in recognizing their tremendous service to the Southern Colorado community.

The Colorado Bluesky Enterprises, Inc. has provided services and support to individuals with developmental disabilities and their families since its inception in 1964. This wonderful organization has placed individuals in jobs throughout the area after training them in their own community-based cafes and through contracted employment opportunities. The organization has served over 2,000 children with developmental disabilities, ages 0–3 years, by providing up to three years of therapy, which enable each child to begin life at their highest level of physical and cognitive skill.

Colorado Bluesky Enterprises, Inc. has served adults by providing residential shelter with loving host home families for hundreds of individuals and building affordable housing for highly independent consumers. In addition, it has provided transportation, counseling, life skills training and case management to consumers while spending thousands of hours training police, lawyers, city officials, judges and members of the Pueblo community about the special needs of individuals with developmental disabilities. Colorado Bluesky Enterprises is the lifeblood for the community of families who love and care for an individual with a developmental disability.

Mr. Speaker, the Colorado Bluesky Enterprises, Inc. is a dedicated, selfless organization that has 40 years of service assisting those in need from the Southern Colorado community. Their focus on individuals with developmental disabilities, and their families, is outstanding and exemplary to all of us in our nation. This organization's enthusiasm and commitment certainly deserve the recognition of this body of Congress. Congratulations on celebrating 40 years of compassionate and caring service.

COMMENDING TAIWAN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DUNCAN. Mr. Speaker, the people of Taiwan have been some of the best friends this Country has ever had, and I would like to commend them on their longstanding friendship with this Nation. I also want to commend Taiwan for its continuing efforts in developing and sustaining a free democratic society and free markets.

The people of Taiwan are to be further commended for their efforts seeking greater international recognition, including an increasing role and participation in the World Health Organization and the United Nations. Quite simply, Taiwan is too important an economic force and democratic ally to be shunned to the political backwaters of global isolation.

I am encouraged with Taiwan's new administration's stated goal of pursuing better relations with the People's Republic of China. Taiwan's cross-strait dialogue with the PRC is crucial for resolving misunderstandings between Beijing and Taipei and Washington, which, Mr. Speaker, is the foundation for peace and stability in the Taiwan Strait, and, indeed, for all of Asia.

Mr. Speaker, congratulations to Taiwan, which has the support and best wishes of the United States Congress and the American people.

RECOGNIZING THE CAREER AND RETIREMENT OF EDWARD GEPPERT—CHIEF OF STAFF OF THE ILLINOIS FEDERATION OF TEACHERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career and retirement of Edward Geppert, the Chief of Staff of the Illinois Federation of Teachers since 1994.

Prior to that, Ed served the IFT as Director of Organization (1983–1994), Field Service Director (1997–1983) and Executive Board Member (1975–1977).

Ed began his career in education as a social science teacher at Cahokia High School (1969–77) teaching government, sociology and history. He has been an IFT member since 1969 and is the forma president of the Cahokia Federation of Teachers, Local 1272. In 1977, he became a field service director for the IFT, organizing locals in Southern Illinois. He has also served as a delegate on the East St. Louis (now Southwestern Illinois) Central Labor Council and the Southwest Area Council, IFT/AFT/AFL–CIO. Ed has also been a member of the Glassblowers and Bottlers Union and the United Rubber Workers.

His expertise in education and labor has been recognized by such groups as the Illinois Educational Labor Relations Board, the Illinois State Board of Education, the Illinois Learning Partnership and Southern Illinois University at Edwardsville. He is also an active member of the Labor Committee of the Leadership Council Southwestern Illinois.

Ed and his wife Marti, a teacher in Cahokia, have three sons, Brad, Steve and Dan and reside in Belleville, Illinois. Their special joy is daughter-in-law Laurie and grandson Jack. Ed also serves his community through his involvement with the Illinois Learning Partnership.

I have known Ed for many years through his involvement with my wife Georgia, who is also an educator. I consider Ed my friend and have the utmost respect for him and the work he has done for education in our area and our state. Many times I have sought Ed's advice on issues related to the educational system in our country.

The IFT is an organization that is 85,000 strong with 23 offices around the state to service members and provide program support to each member. Ed has the courage of his convictions, and the IFT we know today is due in no small part to Ed's tremendous ability to build a team, keep everybody involved and continue working for our most democratic American institution, public education.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of Ed Geppert and wish him and his family the very best in the future.

REMEMBERING THE LIFE OF COOPER L. YATES

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MILLER of Florida. Mr. Speaker, i rise today to honor the life and memory of Cooper L. Yates, who died unexpectedly April 17, 2004.

Cooper was from Cedartown, Ga., raised in Fort Walton Beach, attended Pensacola Junior College and earned a degree in fine art from the University of West Florida as a member of its charter class. Included among his early jobs in Pensacola were stints with JC Penny Co., WEAR–TV and Gulf Power Company. After experience as creative director of AD/Com Advertising Agency, he opened Creative Workshop, which grew into Hemmer & Yates Inc., where he was a principal and creative director. H&Y was a collection of artists, writers and other talented individuals who formed, during the 1980s, what many considered to be Pensacola's foremost advertising agency. Cooper's work was not limited to the local area; for a time he spread his publicist talents in Texas, California and Australia. For the past few years, he was president of Great Southern Advertising.

He served as president of the Panhandle Tiger Bay Club and the Arts Council of Northwest Florida, was a board member of the Arts Council of Florida, vice-chairman of the Historic Pensacola Preservation Board, a member of the Architectural Review Board, the Committee of 100 and the Medical Education Research Foundation. He was creator and a Charter Master of the Irish Politicians Club, a member of the Pensacola Bicentennial Constitution Commission and an Adjunct Professor at both Pensacola Junior College and the University of West Florida.

Mr. Speaker, Cooper Yates had many talents. He was a brilliant, creative innovator in public relations and advertising and could sit down at a moment's notice and spin a yarn that would make Mark Twain envious. His sense of humor was renowned throughout Northwest Florida. In fact on his most recent business card, he lists Hand Bills, Sandwich Boards, Church Fans and Sky Writing as a few of his many advertising services.

Cooper was a true Renaissance man born 500 years too late. He was a pressman, a philosopher, a politician, a publicist, a pundit, a planner, a performer, a professor, and a poet. He was extremely well read, remarkably resourceful, and was infamous for his insatiable intellect and imaginative insight into intangible incomprehension.

Cooper was captivated by politics—a self-proclaimed Yellow Dog Democrat—and for years community leaders in Pensacola, including politicians-both Democrats and Republicans, sought his counsel and advice. His keen sense of fashion, impeccable taste and eye for what was right aesthetically led to a style all his own. He would often be seen climbing out of his classic Corvette or bright red Land Rover Defender wearing a tropical, button-down shirt and his signature hat, ready to tell an anecdote about a local politician or quote a clever phrase from Hunter S. Thompson.

He was loved and will be missed by his mother, Bessie L. Yates, with whom he regularly attended services at the First Baptist Church in Fort Walton Beach; his daughter, Robin Michelle (Shelley) Yates Boudreau (Josh); his sister, Betty (Bett) L. Yates Adams (Dixon); brothers Lawden H. Yates Jr. (Judy) and Donald N. Yates (Teresa); beloved grandsons, Elliott Aejenour and Samuel Cooper; nephews and nieces Christopher, Amanda, Christian, Paul, Alice, Melissa, Cooper and Nathan; chiliheads Jerry, Mike, Greg, Jim, Caleb, Bob and 6:10 (always late) Don; partner Melanie Brown, and many others far and wide.

Mr. Speaker, Cooper Yates may have left us, but his memory and his spirit will live on throughout Northwest Florida. And I'm sure if they need a Sky Writer in heaven, Cooper's already got the job.

CONGRATULATING THE PEOPLE OF TAIWAN ON THEIR RECENT ELECTIONS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. ACKERMAN. Mr. Speaker, I rise today to extend my heartiest congratulations to the people of Taiwan on the conduct of their recent Presidential elections and to President Chen on his reelection. More than 80 percent of registered voters turned out in a clear demonstration that the people of Taiwan want a free and democratic future.

I continue to be impressed by the growing strength of democratic institutions on Taiwan and by the commitment of the people of Taiwan to freedom, democracy, and human rights. These are values that the people of Taiwan share with the people of the Untied States.

Mr. Speaker, I know that all my colleagues will join me in extending congratulations to the people of Taiwan, to President Chen and Vice President Annette Lu on their re-election, and in hoping that the future of Taiwan will be resolved through peaceful means.

RECOGNIZING THE 5TH YEAR ANNIVERSARY OF AMERICAN LEGACY FOUNDATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. WAXMAN. Mr. Speaker, I would like to congratulate the American Legacy Foundation on its fifth year of saving lives. The Foundation was established through the settlement agreement between the tobacco industry and state attorneys general. Five years ago, we did not know whether this unique public education and research would bear fruit.

It is now clear that the Legacy Foundation has exceeded all of our expectations. While even getting one child, teenager, or adult to quit smoking is a victory in itself, programs and research supported by the Legacy Foundation have affected thousands of young lives.

The Foundation's innovative ''truth'' campaign is particularly impressive. This successful campaign has been cited by academic studies and credited to have helped reduce smoking rates among 8th'', 10th, and 12th graders. Programs such as ''Circle of Friends,'' ''Great Start,'' and ''Priority Populations'' are also making a large impact.

There is still so much more to do. Tobacco still causes more death than alcohol, AIDS, car accidents, illegal drugs, murder and suicides combined. Lung cancer still kills more women than breast and cervical cancer combined. While this Congress and this Administration has largely ignored the dangers of tobacco use, millions of teenagers have become addicted, many of whom will die from entirely preventable diseases.

Unfortunately, at this pivotal time, funding for the American Legacy Foundation is dropping precipitously. It is imperative that a way be found to sustain the Legacy Foundation and its important work.

HONORING CIVIL AIR PATROL AWARD RECIPIENTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. ISRAEL. Mr. Speaker, I rise to honor four cadets from Suffolk County, New York, for their achievements with the Civil Air Patrol, Squadron 7. On April 13, 2004, Cadet 2d Lieutenants Daniel Umpa and Nicholas Calarco were presented with the General Billy Mitchell Award, and Cadet Captains Ryan Elliott and Matthew Cooney were presented with the Amelia Earhart Award.

The Civil Air Patrol has a long history of service to our nation as the official civilian volunteer auxiliary of the United States Air Force. Formed in 1941, just prior to the Japanese attack on Pearl Harbor, the Civil Air Patrol sank two enemy submarines and rescued hundreds of crash survivors during World War II. Currently, the Civil Air Patrol focuses on cadet programs, aerospace education and emergency services. The four cadets that I honor today are sure to continue that legacy.

The General Billy Mitchell Award is earned by cadets who have completed the first eight achievements of the cadet program, fulfilled physical fitness requirements and passed an exam on leadership theory and aerospace. I commend Cadet 2d Lieutenant Daniel Umpa and Cadet 2d Lieutenant Nicholas Calarco on this great accomplishment.

The Amelia Earhart Award is awarded to recipients of the General Billy Mitchell Award who have completed the first eleven achievements of the cadet program and passed an exam on leadership theory and aerospace. I commend Cadet Captain Ryan Elliott and Cadet Captain Matthew Cooney, who join nearly 10,000 other cadets who have received this prestigious award over the last 30 years.

The Civil Air Patrol is actively involved in protecting America from the threat of terrorism, and I am confident that these four cadets will continue to make important contributions in securing the safety of our nation.

INTRODUCTION OF H.R. 4175, VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I am proud to introduce H.R. 4175, the Veterans' Compensation Cost-of-Living Adjustment Act of 2004. Veterans' Affairs Committee Ranking Member Lane Evans, as well as the Chairman and Ranking Member of the Benefits Subcommittee, HENRY BROWN and MICHAEL MICHAUD, respectively, join me as original cosponsors of the bill. H.R. 4175 would provide a cost-of-living adjustment to veterans' benefits, effective December 1, 2004.

The VA Committee periodically reviews the service-connected disability compensation and dependency and indemnity compensation (DIC) programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, Congress acts annually to provide a cost-of-living adjustment in compensation and DIC benefits.

Mr. Speaker, Congress has provided increases in these rates for every fiscal year since 1976. The Administration's fiscal year 2005 budget submission includes funding for a projected 1.3 percent increase.

I urge my colleagues to support this bill.

CELEBRATING THE LIFE OF MERCED POLICE OFFICER STEPHAN GRAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to celebrate the life of Merced Police Officer Stephan Gray, who was killed on April 14 in the line of duty. He was the first officer killed in the Merced Police Department's 115-year history.

During his 7 years of distinguished service in Merced, Officer Gray represented the very best in law enforcement. In the course of his work in the department's Gang Violence Suppression Unit and the Special Operations Unit, he consistently went above and beyond the call of duty and was known for his extensive involvement in the community.

Officer Gray received numerous thank you letters from citizens for his work and commendations for assisting in the capture of a dangerous criminal street gang member and saving the life of an 11-month-old infant.

He made a special effort to fully understand his beat, even visiting streetside basketball courts and baseball fields. Residents of south Merced appreciated Officer Gray's presence, and his influence was immeasurable.

In short, Officer Gray was the role model that communities like Merced so desperately need. The city will miss his special dedication and selfless service. I hope that this tragedy will shed light on his important work and inspire others to the same calling.

Officer Gray is survived by his wife, Michelle, and three children, Landess, Isaiah, and Cameron. I offer the entire Gray family my condolences.

IN RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BROWN of Ohio. Mr. Speaker, I am pleased to join my colleagues in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases, which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product know as intravenuous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because a family in my district, the Gargaszs, have a son Dylan who has a primary immune deficiency disease. Dylan was born looking healthy, but by his first month checkup he had a raging ear infection, followed by chronic infections throughout his first year of life. Additionally, Dylan was failing to thrive and grow like a normal child. Dylan spent at least one day a week in the doctor's office, and was hospitalized with pneumonia five times by 18 months old. Finally, at 18 months, Dylan's mother took him to Rainbow Babies and Children's Hospital, where an immunologist finally diagnosed him with a primary immune deficiency disease. Dylan started his IGIV therapy once a week, and now at 6 years old, is doing relatively well. His younger brother and mother are now being tested to see if they have a primary immune deficiency disease.

Dylan is not unique with the difficulty and delay in diagnosis of his primary immune deficiency disease. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is over 9 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses in the general public and the health care community.

Mr. Speaker, I want to thank the Immune Deficiency Foundation for its leadership in this area and I am pleased to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

CONGRATULATING EDINBURG NORTH HIGH SCHOOL

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. HINOJOSA. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Edinburg North High School for being selected for one of the 2004 College Board Inspiration Awards. Edinburg North is one of three exemplary high schools in the nation being honored for their steadfast commitment to fostering student success in some of America's most poverty-stricken communities. Each school receives a prize of $25,000 to use in furthering its academic goals. The Inspiration Awards recognize outstanding work in improving the academic environment and helping economically disadvantaged students achieve the promise of higher education. I would like to congratulate the superintendent, Eugenio Gutierrez, the principal, Mario Salinas, the teachers, students, and entire school community for this prestigious award.

Edinburg North High School is truly an inspiration for all of us who value education and academic excellence for all students. For the Hispanic community, it reaffirms our core faith in our own potential. Over 95 percent of the students at Edinburg North are Hispanic, and eighty percent of them are bilingual.

Edinburg North High School has succeeded in the face of many challenges. More than half of its students participate in the free and reduced price lunch program. Many students are the children of migrant and seasonal farm workers, and many of these young people work in the fields themselves. As recently as the late 1990s, Edinburg North's poor academic performance led the state of Texas to notify all parents that they had the option of sending their children to another school.

The school community—students, parents, teachers, administrators, local officials, and community leaders—made a commitment to turn things. The school did not merely aim for proficiency, but rather it reached for excellence with stunning results.

The school community decided although its students come from the most economically disadvantaged part of the district, they were not going to be educationally disadvantaged. Edinburg North High School made access to challenging courses a number one priority. It instituted an ''open-door'' policy for advanced placement courses, and now enrolls more students in college-level courses than any other school in the city. Over the last five years, Edinburg North has doubled the number of students taking at least one advanced placement exam.

This focus on rigorous courses has opened the doors to higher education for students of Edinburg North, many of whom are the first in their families to attend college. Last year almost three-quarters of the students were accepted to college, including some of the most selective institutions in the nation, such as the Massachusetts Institute of Technology, Dartmouth College, Columbia University, and Rice University.

This is what is possible when we invest in excellence in the Hispanic community. I urge my colleagues to join me in saluting Edinburg North High School for its achievement and applauding the college Board for sponsoring the

Inspiration Awards. May each year be more competitive than the last.

LEWISBURG RECOGNIZED AS ONE OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION'S DOZEN DISTINCTIVE DESTINATIONS

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RAHALL. Mr. Speaker, Lewisburg, one of West Virginia's proudest attractions known for its history, beauty and hospitality, offers a bit of everything for those seeking attractive destination spots to visit, and recently, the National Trust for Historic Preservation named Lewisburg one of its Dozen Distinctive Destinations.

The City of Lewisburg is a cultural and artistic center in West Virginia. Downtown Lewisburg is designated as an historical district, with many of its buildings listed on the National Register of Historic Places, and the city has won acclaim as one of the best small-town arts centers in America. History buffs, theatre goers, music lovers, shoppers and fine diners alike can delight in Lewisburg. It is no wonder why West Virginia holds its annual State Fair on the outskirts of this splendid city.

Just down the road from Lewisburg is the world-famous Greenbrier Resort, a source of pride for every Southern West Virginian, and so important nationally that for years it was intended to be the American government's home away from home.

The recognition of Lewisburg by the National Trust for Historic Preservation is a great honor bestowed upon one of West Virginia's best kept treasures. West Virginians have always known the beauty, the history and the draw of Lewisburg. It was just a matter of time before the rest of the world took notice.

Lewisburg is a prime example of the best West Virginia has to offer. Our countryside is filled with historic treasures, grand vistas, wild whitewater, towering mountain ridges, and numerous trails that cater to horseback riders, ATV users, hikers and bikers. Travelers and tourists can find a cornucopia of activities and adventures across Southern West Virginia, as we offer attractions that appeal to a wide variety of interests and tastes.

Today, as more Americans than ever are looking for exciting, yet safe, places to vacation, and West Virginia, my home State, has become even more attractive as a destination to many adventurists and vacationers alike. Half the people in the whole country live within 250 miles of the Mountain State, making it an easy day's drive for all who wish to visit.

RECOGNIZATION OF THE YOUNG ONSET PARKINSON'S ASSOCIATION AND THE ACCOMPLISHMENTS OF MS. GINA REILLY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. PALLONE. Mr. Speaker, it is with great honor that I have the opportunity to recognize the outstanding achievements of Ms. Gina Reilly and the Young Onset Parkinson's Association (YOPA). The YOPA is dedicated to providing support as well as raising public awareness about Parkinson's disease. Ms. Reilly is one of many volunteers whose tireless efforts help to make the foundation a success.

Parkinson's disease is a debilitating disease that affects 4 in every 1,000 Americans, and while the disease is more prominent in older people, five to ten percent of all Parkinson's cases are early-onset. Parkinson's has no known origin or method of prevention; but with the assistance of organizations like the YOPA and the American Parkinson's Disease Association, treatments and a cure are coming closer to becoming a reality.

The YOPA's mission is to raise public awareness and to offer support for those living with early-onset Parkinson's disease. In addition, the association has coordinated with local, regional and national Parkinson's organizations in fundraising efforts for Parkinson's research. Ms. Gina Reilly is one of the most prominent volunteers who has helped make this mission a reality.

Prior to her diagnosis, Ms. Reilly was a renowned competitor in U.S. adult ice dancing competitions. In addition to being a champion ice dancer, she was also a ballroom dancer, nightclub singer, and owner of a successful graphic arts and computer embroidering business. After her diagnosis in 2003, Ms. Reilly refused to let her disease prevent her from further achievements. In addition to continuing her pursuits in athletics and business, Ms. Reilly has begun working with the YOPA. Her incredible courage and fortitude provide a role model of how one can live their life while afflicted with Parkinson's disease.

Mr. Speaker, I ask that my colleagues recognize the outstanding work of the Young Onset Parkinson's Association, and I congratulate Ms. Reilly for her outstanding achievements and bravery.

CONFIRMATION OF PAUL ANDERSON FOR THE FEDERAL MARITIME COMMISSION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MICA. Mr. Speaker, it was my pleasure to appear before the Senate Commerce, Science and Transportation Committee on March 30, 2004 to introduce Paul Anderson of Fort Lauderdale, Florida, at his confirmation hearing for the post of Federal Maritime Commissioner. President George W. Bush nominated Paul for the position on Oct. 1, 2003.

In nominating Paul Anderson, President Bush has chosen someone who possesses a rare blend of work experience and background that makes him an asset to the commission. With a background in both government and the maritime industry, Mr. Anderson is positioned well as a knowledgeable and forceful advocate for a strong United States maritime industry.

I have known Paul for more than 20 years, working with him in the Senate with former Senator Paula Hawkins when I was chief of staff. He is well qualified with Senate experience, 8 years with Hvide Marine, a U.S.-flagged diversified marine transport company in Florida and 9 years with JM Family Enterprises, the nation's largest distributor of Toyota vehicles. Clearly his knowledge of business in addition to the maritime industry will be invaluable in his position. He balances knowledge of government responsibilities and the needs of private companies.

If it was my own son being considered, I couldn't be more proud of Paul Anderson. It was my honor to introduce him to the Senate committee.

I'm confident the administration has made a fine choice in nominating Paul Anderson for this important post and I urged the committee to act favorably on the nomination.

HONORING SERGEANT JONATHAN N. HARTMAN

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CRENSHAW. Mr. Speaker, as we pray for all those in our armed services who find themselves in harm's way, I rise to pay tribute to a soldier from my home state who gave his life to his country during Operation Iraqi Freedom.

Sergeant Jonathan N. Hartman, age 27, of Jacksonville, Florida, died April 17, 2004 in Dwaniyan, Iraq. Sergeant Hartman was assigned to the Army's 2nd Battalion, 37th Armored Regiment, 1st Armored Division, based in Friedburg, Germany.

Mr. Speaker, Sergeant Hartman is the epitome of a great American. He served his country with pride. He served his country without question. Sergeant Hartman served his country because he loved his country. For his service, his honor, his dedication, and his sacrifice, I know I speak for the entire Congress and for good Americans everywhere when I say, thank you.

Mr. Speaker, there are no words that can be said here today that will erase the sorrow and pain of this loss. What we can say, and what we can do, is continue to support this mission, the men and women who are fighting for this great country, and pray for his loved ones. It is the service and dedication of men and women like Sergeant Hartman's that make the United States safer, more secure, and a great nation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4103–S4169

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2320–2324, and S. Res. 341–342. **Page S4158**

Measures Passed:

Cowlitz Indian Tribe Distribution of Judgment Fund Act: Senate passed H.R. 2489, to provide for the distribution of judgment funds to the Cowlitz Indian Tribe, clearing the measure for the President. **Page S4162**

Building Designation: Committee on Environment and Public Works was discharged from further consideration of H.R. 3118, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia, and the bill was then passed, clearing the measure for the President. **Pages S4162–64**

Federal Lands Transfer: Committee on Environment and Public Works was discharged from further consideration of S. 1814, to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior, and the bill was then passed. **Pages S4162–64**

Conveyance: Senate passed H.R. 1274, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county, clearing the measure for the President. **Page S4164**

Asbestos Litigation: Senate began consideration of the motion to proceed to the consideration of S. 2290, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure. **Pages S4123–4150**

A motion was entered to close further debate on the motion to proceed to the consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 22, 2004. **Pages S4144–50**

Crime Victims' Rights Constitutional: Senate began consideration of the motion to proceed to consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. **Page S4150**

A motion was entered to close further debate on the motion to proceed to the consideration of the joint resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 22, 2004. **Page S4150**

Subsequently, the motion to proceed was withdrawn. **Page S4150**

Nominations Received: Senate received the following nomination:

Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida. **Page S4169**

Enrolled Bills Presented: **Page S4157**

Executive Communications: **Pages S4157–58**

Executive Reports of Committees: **Page S4158**

Additional Cosponsors: **Pages S4158–60**

Statements on Introduced Bills/Resolutions: **Pages S4160–61**

Additional Statements: **Pages S4155–57**

Notices of Hearings/Meetings: **Pages S4161–62**

Authority for Committees to Meet: **Page S4162**

Adjournment: Senate convened at 9:45 a..m., and adjourned at 7:25 p.m., until 9:30 a.m., on Wednesday, April 21, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4169).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF THE TREASURY

Committee on Appropriations: Subcommittee on Transportation, Treasury and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of the

Treasury, after receiving testimony from John W. Snow, Secretary of the Treasury.

APPROPRIATIONS: BUREAU OF RECLAMATION/ARMY CORPS OF ENGINEERS

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Bureau of Reclamation and the Army Corps of Engineers, after receiving testimony from John W. Keys III, Commissioner, Bureau of Reclamation; John P. Woodley, Jr., Assistant Secretary of the Army (Civil Works); and Lieutenant General Robert B. Flowers, Chief of Engineers, U.S. Army Corps of Engineers.

IRAQ AND AFGHANISTAN

Committee on Armed Services: Committee concluded open and closed hearings to examine United States policy and military operations in Iraq and Afghanistan, after receiving testimony from Paul D. Wolfowitz, Deputy Secretary of Defense; General Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff; and Mark I. Grossman, Under Secretary of State for Political Affairs.

BANKING AND CREDIT UNION INDUSTRIES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine current conditions of the banking and credit union industries, focusing on improved risk-management practices of banks, the current status and direction of regulatory efforts to revise capital standards for internationally active banks, deposit insurance, and consolidation within the domestic banking industry, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; John D. Hawke, Jr., Comptroller of the Currency, and James E. Gilleran, Director, Office of Thrift Supervision, both of the Department of the Treasury; Donald E. Powell, Chairman, Federal Deposit Insurance Corporation; Dennis Dollar, National Credit Union Administration, Alexandria, Virginia; and Kevin P. Lavender, Tennessee State Bank Commissioner, Nashville, on behalf of the Conference of State Bank Supervisors.

IRAQ TRANSITION

Committee on Foreign Relations: Committee concluded a hearing to examine the current state of society in Iraq, focusing on moving the Iraqi people toward a secure, independent state, after receiving testimony from James R. Schlesinger, Lehman Brothers, Samuel R. Berger, Stonebridge International, LLC, and Richard N. Perle, American Enterprise Institute, all of Washington, D.C.; Benjamin T. Dodge, International Institute for Strategic Studies, London, United Kingdom; and Juan Cole, University of Michigan, Ann Arbor.

BLACK MARKET

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the effectiveness of the federal government's current efforts to enforce existing intellectual property rights and how current U.S. intellectual property enforcement policies relate to the loss of manufacturing jobs, after receiving testimony from Jon W. Dudas, ActingUnder Secretary of Commerce for Intellectual Property and Acting Director of the U.S. Patent and Trademark Office; Francis Gary White, Unit Chief, Commercial Fraud Division, Immigration and Customs Enforcement, Department of Homeland Security; Jeff Gorman, Gorman-Rupp Company, Mansfield, Ohio; Phillip A. Rotman II, Dana Corporation, Toledo, Ohio; and Daniel C.K. Chow, The Ohio State University College of Law, Columbus.

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: 10 public bills, H.R. 4170–4179; and 2 resolutions, H. Res. 598–599 were introduced. **Pages H2198–99**

Additional Cosponsors: **Pages H2199–H2200**

Reports Filed: Reports were filed today as follows:

Filed on April 14: H.R. 3970, to provide for the implementation of a Green Chemistry Research and Development Program, amended (H. Rept. 108–462);

H.R. 2131, to award a congressional gold medal to President Jose Maria Aznar of Spain (H. Rept. 108–463);

H.R. 2693, to reauthorize the Marine Mammal Protection Act of 1972, amended (H. Rept. 108–464); and

H.R. 4030, 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,amended (H. Rept. 108–465). **Page H2198**

Speaker: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker Pro Tempore for today. **Page H2157**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Richard G. Wilson Processing and Distribution Facility Designation Act: H.R. 4037, 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", by a 2/3 yea-and-nay vote of 392 yeas with none voting "nay", Roll No. 118; **Pages H2159–61, H2164**

General John J. Pershing Post Office Building Designation Act: H.R. 3855, to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office", by a 2/3 yea-and-nay vote of 389 yeas with none voting "nay", Roll No. 119; **Pages H2161–62, H2164–65**

Dosan Ahn Chang Ho Post Office Building Designation Act: H.R. 1822, to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office", by a 2/3 yea-and-nay vote of 399 yeas with none voting "nay", Roll No. 120; and **Pages H2162, H2165–66**

Recognizing the 91st annual meeting of The Garden Club of America: S. Con. Res. 97, a concurrent resolution recognizing the 91st annual meeting of The Garden Club of America. **Pages H2162–64**

Recess: The House recessed at 2:52 p.m. and reconvened at 6:30 p.m. **Page H2164**

Commission on the Review of the Overseas Military Facility Structure of the United States—Appointment: Read a letter from the Minority Leader wherein she appointed Mr. Keith Martin of Shavertown, Pennsylvania, to the Commission on the Review of the Overseas Military Facility Structure of the United States. **Page H2159**

Meeting Hour for Thursday: Agreed that when the House adjourn on Wednesday, April 21, it adjourn to meet at 9 a.m. on Thursday, April 22, for the purpose of receiving former Members of Congress in the House Chamber. Further agreed that it be in order for the Speaker to declare the House in recess subject to the call of the Chair for the purpose of receiving the former Members. **Page H2166**

Senate Messages: Message received from the Senate today appears on page H2157.

Senate Referral: S. 129 was referred to the Committee on Government Reform and S. 1108 was referred to the Committee on Resources. **Page H2196**

Discharge Petition: Representative Baird moved to discharge the Committee on Rules from the consideration of H. Res. 572, providing for the consideration of H.J. Res. 83, proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives (Discharge Petition No. 7).

Amendments: Amendments ordered printed pursuant to the rule appear on page H2200.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today and appear on pages H2164, H2164–65, and H2165–66. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 11:51 p.m.

Committee Meetings

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

HIPC DEBT RELIEF

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade and Technology held a hearing entitled "HIPC Debt Relief: Which Way Forward?" Testimony was heard from Thomas Melito, Acting Director, International Affairs and Trade, GAO; and public witnesses.

PAPERWORK REDUCTION

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on What is the Administration's Economic Growth Plan Component for Paperwork Reduction? Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Mark W. Everson, Commissioner, IRS, Department of the Treasury; Patricia

A. Dalton, Director, Strategic Issues, GAO; and public witnesses.

CONTINUITY IN REPRESENTATION ACT

Committee on Rules: Heard testimony from Chairman Ney and Representatives Larson of Connecticut, Lofgren, Jackson-Lee of Texas, Maloney, Sherman, Baird, and Langevin, but action was deferred on H.R. 2844, Continuity in Representation Act of 2004.

BRIEFING—TECHNICAL TRANSPORTATION STRATEGIC PLAN

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence held a briefing on Technical Transformation Strategic Plan. The Subcommittee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 21, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2005 for missile defense, 10 a.m., SD–192.

Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2005 for foreign assistance and to combat international terrorism, 2:30 p.m., SD–124.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development, Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, and Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Policy, both of the Department of Housing and Urban Development, 2 p.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold an oversight hearing to examine the implementation of the Recreation Fee Demonstration Program by the Forest Service and Bureau of Land Management, and on policies related to the program, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the current state of society in Iraq, 9:30 a.m., SD–419.

Committee on Indian Affairs: business meeting to consider pending calendar business; to be followed by a hearing to examine S. 297, to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, 9:30 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on Interior, to continue appropriation hearings, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on NIH, 10:15 a.m., 2358 Rayburn.

Subcommittee on Transportation, Treasury and Independent Agencies, on the IRS, 10 a.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on NASA, 10 a.m., and 1 p.m., 2359 Rayburn.

Committee on Armed Services, hearing on Iraq's Transition to Sovereignty, 10 a.m., and to hold a hearing on the Performance of the Department of Defense Acquisition Process in Support of Force Protection for Combat Forces, 3 p.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on the Importance of Highly Qualified Teachers in Raising Academic Achievement, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality and the Subcommittee on Environment and Hazardous Materials, joint hearing entitled "Current Environmental Issues Affecting the Readiness of the Department of Defense," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "The FASB Stock Options Proposal: Its Effect on the U.S. Economy and Jobs," 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "DOD's Counternarcotics: What Is Congress Getting for Its Money?" 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing on Iraq Oil-for-Food Program: Starving for Accountability, 10 a.m., 210 Cannon.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled "Protecting Our Nation's Cyber Space: Educational Awareness for the Cyber Citizen," 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on The Taiwan Relations Act: The Next Twenty-Five Years, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe, hearing on the U.S. and Northern Europe: The e-PINE Initiative, 1:30 p.m., 2200 Rayburn.

Committee on the Judiciary, oversight hearing entitled "Should the Congress extend the October, 2004 Statutory Deadline for Requiring Foreign Visitors to Present Biometric Passports?" 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing and markup of H.R. 2934, Terrorist Penalties Enhancement Act of 2003, 2 p.m., 2141 Rayburn.

Committee on Resources, hearing on H.R. 2941, Colorado River Indian Reservation Boundary Correction Act, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on H.R. 3846, Tribal Forest Protection Act of 2004, 10 a.m., 1334 Longworth.

Committee on Transportation and Infrastructure, to mark up H.R. 3879, Coast Guard Authorization Act for Fiscal Year 2005, 11 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on GDIP Budget, 9 a.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, briefing on Narco-Terror Connections, 1 p.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Cybersecurity, Science, and Research and Development and the Subcommittee on Infrastructure and Border Security, joint hearing entitled ''The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures,'' 10:30 a.m., 2212 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the economic outlook, 10 a.m., SH–216.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, April 21

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of the motion to proceed to consideration of S. 2290, Asbestos Litigation.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, April 21

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 3970—Green Chemistry Research and Development Act of 2004;

(2) H.R. 4030—Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004;

(3) S. 2022—Senator Paul Simon Federal Building Designation Act;

(4) H.R. 3147—James V. Hansen Federal Building Designation Act;

(5) H.R. 4019—To address the participation of Taiwan in the World Health Organization; and

(6) H.R. 1779—Guardsmen and Reservists Financial Relief Act of 2003.

Consideration of H.R. 2844—Continuity in Representation Act of 2003 (Subject to a Rule).

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