United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, APRIL 22, 2004 No. 53

# House of Representatives

The House met at 9 a.m.

The Reverend Ronald J. Nuzzi, Director, ACE Leadership Program, University of Notre Dame, offered the following prayer:

In every age, O Lord, You have been our refuge. So we seek Your wisdom that justice may flow from our deeds. Bless the work of our hands this day.

By the power of Your outstretched arm, open our eyes to see the needs of all who suffer, our ears to hear the cry of the poor, our hearts to feel the anguish of those who do not know freedom.

Hear our prayers, O Lord, as they rise up to You from this, the people's House. To these deliberations bring a spirit of wisdom and understanding.

Grant us a vision of the world as Your love would have it, a world where the weak are protected and children do not go hungry; a world where the riches of creation are shared by all; a world where all cultures and races live in harmony and respect; a world where peace is built with justice and justice is guided by love.

Make us prudent in our planning, courageous in taking risks, patient in suffering, unassuming in prosperity.

As You have been in every age, O Lord, be our refuge and our strength now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. RYAN of Ohio 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.

## WARM WELCOME FOR THE REVEREND RONALD J. NUZZI

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

Mr. RYAN of Ohio. Mr. Speaker, I would just like to take this opportunity to thank Father Ron Nuzzi for his uplifting prayer this morning and his great work not only in the Catholic Church but in his leadership and developing catholic school teachers through his program at University of Notre Dame. He is a lifelong friend of mine and my family and has been there for me and my family for every special occasion, good and bad, that our family shares. So I would like to take this opportunity to thank him again for his wonderful prayer this morning.

## RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, April 20, 2004, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess subject to the call of the Chair.

## RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. To all of you I want to say good morning. On behalf of the House of Representatives, I am happy to welcome to the Chamber very good friends of this institution, former Members of Congress.

You are not only friends of this institution; you are also friends of ours, and we look forward to this opportunity every year when we have this chance to visit with you and catch up on each other's lives.

Every one of you has spent precious years of your life, some of the best years of your life, working to represent the needs and concerns of the American people right here in this Chamber.

Your commitment to your Nation did not end when you left the halls of Congress. Many of you have committed to serve the Nation in many other honorable ways.

Senator Sam Nunn is one of those people, and he currently is an ideal and worthy choice to receive the Distinguished Service Award.

While deprived of the opportunity to serve in the House, Senator Nunn served the other body with great distinction. Known as an expert on defense issues, Senator Nunn was respected by both sides of the aisle for his sense of fair play, his patriotism, and his commitment to the security of this Nation.

Finally, I would like to take this opportunity to thank all former Members for their continued efforts both home and abroad. Your outreach in college campuses throughout this country has helped to strengthen the work of our government and to encourage public service. Your support on parliaments around the world is invaluable, and I want to thank you for those efforts as well.

At this time, I would request that the gentleman from Missouri, Mr. Jack Buechner, vice president of the Former Members Association, take the chair.

Mr. BUECHNER (presiding). Will the Clerk call the roll of the former Members of Congress.

The Clerk called the roll of the former Members of the Congress, and the following former Members answered to their names:



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ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 34TH ANNUAL SPRING MEETING, APRIL 22, 2004

Hon. Beryl Anthony (Arkansas)
Hon. William V. ''Bill'' Alexander (Arizona)
Hon. Robert E. Badham (California)
Hon. James J. Blanchard (Michigan)
Hon. John Brademas (Indiana)
Hon. William Broomfield (Michigan)
Hon. James T. Broyhill (North Carolina)
Hon. John H. Buchanan, Jr. (Alabama)
Hon. Jack Buechner (Missouri)
Hon. Richard R. Chrysler (Michigan)
Hon. James Coyne (Pennsylvania)
Hon. Norman D'Amours (New Hamsphire)
Hon. Joseph J. Dioguardi (New York)
Hon. Robert B. Duncan (Oregon)
Hon. Louis Frey, Jr. (Florida)
Hon. Benjamin A. Gilman (New York)
Hon. Ralph R. Harding (Idaho)
Hon. Marjorie Heckler (Massachusetts)
Hon. Dennis M. Hertel (Michigan)
Hon. Peter Hoagland (Massachusetts)
Hon. William J. Hughes (New Jersey)
Hon. Robert W. Kastenmeier (Wisconsin)
Hon. David S. King (Utah)
Hon. Robert ''Bob'' Krueger (Texas)
Hon. Lawrence P. ''Larry'' LaRocco (Idaho)
Hon. Jim R. Lightfoot (Iowa)
Hon. Marilyn Lloyd (Tennessee)
Hon. Matthew F. McHugh (New York)
Hon. Thomas McMillen (Maryland)
Hon. Lloyd Meeds (Washington)
Hon. Robert H. Michel (Illinois)
Hon. Dan Miller (Florida)
Hon. Richard Dale ''Dick'' Nichols (Kansas)
Hon. Sam Nunn (Georgia)
Hon. Stanford E. Parris (Virginia)
Hon. Howard W. Pollock (Arkansas)
Hon. John J. Rhodes, III (Arizona)
Hon. Ron Sarasin (Colorado)
Hon. Richard T. Schulze (Pennsylvania)
Hon. David E. Skaggs (Colorado)
Hon. Don Sundquist (Tennessee)
Hon. James W. Symington (Missouri)
Hon. Charles W. Whalen, Jr. (Ohio)
Hon. Harris Wofford (Pennsylvania)

□ 0915

Mr. BUECHNER (presiding). At this time Chair will recognize the President of the Former Members of Congress, the gentleman from Idaho, Larry LaRocco.

Mr. LAROCCO. My thanks to the Speaker pro tem and to all of you for being with us. We are especially grateful to Speaker HASTERT for taking time from his busy schedule to greet us and give us his warm welcome. It is very gratifying to see such a great turnout this morning.

It is always a privilege to return to this wonderful institution which we revere and where we shared so many memorable experiences. Service in Congress is both a joy and a heavy responsibility, and, whatever our party affiliation, we have great admiration for those who continue to serve this country in this unique institution. We thank them all for once again giving us this opportunity to report on the activities of the U.S. Association of Former Members of Congress.

This is our 34th Annual Report to Congress, and I ask unanimous consent that all Members be permitted to revise and extend their remarks.

The SPEAKER pro tempore. Without objection, so ordered.

Mr. LAROCCO. Mr. Speaker, our Association is nonpartisan, bipartisan, if you will. It has been chartered, but not funded by the Congress. We have a wide variety of domestic and international programs, which several other Members and I will discuss briefly. Our membership numbers approximately 560, and our purpose is to continue, in some small measure, the service to country that we began during our term in the Senate and the House of Representatives.

Our finances are sound. We support all our activities via three income sources: membership dues, program grants and our annual fund-raising dinner. In addition, we have had the good fortune of a bequest by Frieda G. James, whose husband, Benjamin Franklin James, served five terms in the House representing Pennsylvania as a Republican. Her kind gift to the Association has been a blessing, especially given the economic downturn over the past few years, which really took its toll on the nonprofit sector.

At our last Board meeting, the Board of Directors voted to commence an endowment fund campaign. The goal of this fund is to ensure the financial viability of the Former Members Association for many years to come. We envision a time when investment earnings of the endowment fund can be used to supplement the Association's budget during lean years, sort of a safety net to guarantee that tough economic times will not shut us down. In addition, the endowment fund can serve to expand the programs and reach of our Association and to support new ventures and services created by our staff members and Board. We will send you information about the endowment fund later this year, and I encourage you to become involved.

Mr. Speaker, I would now like to turn to the many programs and services the Former Members of Congress Association offers to its Members, to sitting Members of the House and Senate, and to the public at large.

Our most significant domestic activity, mentioned by the Speaker of the House this morning, is our Congress to Campus Program. This is a bipartisan effort to share with college students throughout the country our unique insight on the work of the Congress and the political process more generally.

A bipartisan team of Former Members spends up to 2.5 days on college campuses throughout the United States, meeting with students both in the classroom and outside, as well as with members of the faculty and the local community. This is a great experience for our Members, and it generates a deeper appreciation for our democratic form of government, as well as encouraging young people to participate actively in public service.

Since the program's inception in 1976, Former Members of Congress have reached more than 150,000 students through their visits to campuses in 49 States and the District of Columbia. In the 2003 and 2004 academic year thus far, we have visited 26 schools and in 18 States. The Association partners with the Center for Democracy and Citizenship and the Stennis Center for Public Service at Mississippi State University to administer this program.

At this point, I would like to yield to David Skaggs, the gentleman from Colorado, who currently serves at executive director of the Center For Democracy and Citizenship, to discuss the new administration and endeavors of the Congress to Campus Program.

David, just let me say on behalf of the Board and all of the members of the U.S. Association of Former Members of Congress how much we appreciate your dedication and your incredible administrative skills that you have lent to this program, to take us from doing about 10 programs a year to 26 so far, and we think we may even hit 40. But you will report to us right now. Thank you so much.

Mr. SKAGGS. I thank the gentleman for yielding. He has done a good job already in describing the fundamental purposes of the Congress to Campus Program, but let me report more fully to the Members here and to the Congress about our activities during this past academic year.

As Larry mentioned, we have two principal purposes for this program. One is to educate college students and faculty about how this wonderful institution operates, maybe with a little bit more insight than the textbooks typically give. Our other principal purpose is to really inspire young people to consider public service careers.

Finally, by having a bipartisan pair of former colleagues involved in this activity, we hope that we can model behavior that may have otherwise escaped their notice, that Republicans and Democrats actually can discuss issues civilly and work out their differences more often than not.

This is the second year of a major effort to expand the program, as the gentleman from Idaho mentioned. I want to thank all of the schools, all of my colleagues and the membership of the Association who have pitched in to make this possible, as well as the Association Board of Directors, and, in particular, our friends at the Stennis Center for Public Service down in Mississippi. We have had a wonderful working relationship with them.

All told, we have been able to expand this program now in the last 2 academic years from about on the average of 7 or 8 visits per year to this year's total of 26 domestic college and university visits and our first international Congress to Campus visit. That represents more than a 200 percent increase over the average in the past.

We try to make sure that this is being handled as professionally as possible, and so actually try to evaluate the program with some rigor with reports back in from schools, from the Members that make these visits, and, probably most importantly, from the

students that we interact with on these college and university campuses. We ask them to complete a little survey with a control group of students from the same schools that did not participate.

I am pleased to report that after a rigorous statistical analysis, I can tell the Members that this actually works, that the students that are exposed to this program have a significantly higher, one, propensity to think about public service careers than the students not exposed to it, and, even more miraculously, think better of public officials than do the students who have not had the treat of being involved with one of our Congress to Campus visits. So we should be encouraged that this really does matter.

Just to give the Members here who may not have participated a more fulsome idea of what a pleasure it is and how rewarding it is to participate, I would like to yield at this time, if I may, to my friend and colleague from the State of Iowa Mr. Lightfoot to share briefly his reflections on his Congress to Campus visit.

Mr. LIGHTFOOT. Thank you, David. I would say to all of our former colleagues, how come you are all looking so much older?

Actually, if David gives you a phone call, say yes. This was one of the greatest opportunities I think I have participated in in a long, long time. It was earlier this month, I went to Colby College up in Maine. I now live in Florida. The second call was to Sandy Maisel, who heads the political science department at Colby College. I asked him about the weather. I said, well, how about the ice report? He said they still have ice on the lakes, and we actually got almost a half of foot of snow the day we got there.

Martin Lancaster from North Carolina was my colleague on this trip. Most of you know Martin, a fine guy, a great guy to travel with. He now is continuing his life in public service with some 800,000 students in North Carolina in the community college system. Professor Maisel had a lot of fun with that while we were there, reminding the folks in his neighboring State of Vermont that they only had 500,000 people, and Martin had more people in his college system than they had in the entire State.

It was 2 days of fun. We went to a number of classes. This school was a little bit smaller, so they decided to split us up so they could get more out of having two former Members of Congress there. But due to the size of the school, we discovered a lot of cross-pollination. I would be at a class and say something, and somebody would say, Mr. Lancaster said that or disagreed with that this morning.

But it was a tremendous opportunity to try to sell public service to young people. That is really what our whole goal was. Whether it is to run for elective office, or to take their law or science degree or whatever and work in government, hopefully we have shone a little light on the value of public service, that it is more than a paycheck, there are a lot of great rewards for doing it.

David, I would just like to thank you for the opportunity to have participated. I am on your list to go again whenever. I would really seriously from the bottom of my heart encourage any of you, if David gives you a call, it is only a couple days, say yes. What I came away with was probably more than the students. Most of you know, if you work around young people, I am not so worried about tomorrow as I was before I went up there. There was a great bunch of young people. They will inspire you as well.

David, I thank you.

Mr. Speaker, I yield back.

Mr. SKAGGS. One of our real troopers this year was the gentleman from Washington, Mr. Meeds. I want to call on him for some reflections on his experience, if I may, as well.

Mr. MEEDS. Thank you, David, and especially thank you for the telephone call asking me to get involved in this program. It has really been a fine experience, at least for me, and I hope for the students that were out there.

I visited with two other Members from the other side, two colleges, one in North Carolina and one in New York State, and had a wonderful experience with the young people. I think the single strongest impression I had was that it brought to them a new impression of the Congress itself, a closer analysis of the Congress than they get in the daily newspaper or in their texts.

The bipartisanship which was displayed with the group, both groups with which I spent time, was outstanding. The Members on the other side and I disagreed on issues, we disagreed and were not disagreeable in front of these students, and took on some pretty tough ones. It was a good experience for us, and, I hope, a good experience for the students.

Mr. SKAGGS. Thank you.

Mr. Speaker, I submit a full report for the RECORD.

CONGRESS TO CAMPUS PROGRAM—REPORT TO THE ANNUAL MEETING OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, APRIL 22, 2004

INTRODUCTION

The Congress to Campus Program addresses a significant shortfall in civic learning and engagement among the country's college-age young people, combining traditional educational content with a strong message about public service. The Program sends bipartisan pairs of former Members of Congress—one Democrat and one Republican—to visit college, university and community college campuses around the country. Over the course of each visit, the Members conduct classes, hold community forums, meet informally with students and faculty, visit high schools and civic organizations, and do interviews and talk show appearances with local press and media.

In the summer of 2002, the Board of Directors of the U.S. Association of Former Members of Congress (Association) engaged the Center for Democracy & Citizenship (CDC) at the Council for Excellence in Government to help manage the Congress to Campus Program (Program) in partnership with the Stennis Center for Public Service (Stennis). CDC and Stennis, with the blessing of the Association, have worked together since to increase the number of campuses hosting Program visits each year, expand the pool of former Members of Congress available for campus visits, develop new sources of funding, raise the profile of the Program and its message in the public and academic community, and devise methods of measuring the impact of the program at host institutions.

INCREASED QUANTITY AND QUALITY OF PROGRAM VISITS

This is the second year of the program expansion. In the 2003–2004 academic year, the Program sponsored visits to twenty-seven schools around the country—almost triple the number for the 2001–2002 academic year. [See Attachment 1—Roster of '03–'04 Academic Year Visits & Participants.] These visits took former Members to universities, service academies, colleges and community colleges in nineteen different states. While the total fell short of the goal of forty for the year, it should be noted that twelve additional scheduled visits had to be cancelled or rescheduled due to factors beyond the control of the program staff.

The ultimate goal is to have fifty Congress to Campus school visits per academic year. This is probably about the limit the Program can sustain with available Member participation, staff support and funding. This remains an ambitious goal, but at this early date twenty-five schools have already approached program staff to discuss hosting a 2004–2005 Congress to Campus visit. Given that a Presidential election year is likely to generate additional interest, we anticipate a significant increase in demand for Program visits.

In addition to an increase in number of visits, we continue to fine-tune the content and substance of Program visits based on feedback from Members and host professors. The Program asks visiting Members and host professors to complete an evaluation of each visit.

Those evaluations have prompted us to make several adjustments. We have trimmed the length of a campus visit to two full working days; limiting Members' time away from home and work to two working days plus travel time makes recruiting Members an easier matter. We also have reduced and restructured the use of ''open forum'' events during campus visits to insure greater student attendance and participation and eliminated campus tours in favor of activities that involve interaction between visiting Members and students. Finally, we have added to the list of suggested visit activities ''in service'' style meetings with high school civics and social studies teachers that allow Members to provide insights and encouragement to local teachers in their efforts to educate students about the U.S. government and civic responsibility.

The Program asks host schools to insure contact with at least 250 students over the course of a visit, and that number is often exceeded. For the past academic year, approximately 8000 students heard Members' unique story about representative democracy and their special call to public service.

A draft schedule of events is prepared in advance of each campus visit and reviewed by staff to assure variety as well as the substance. There is a conference call before each trip with Members and the responsible campus contact person to review the revised schedule and iron out any remaining problems. Members also receive CRS briefing materials on current issues and background information on government service opportunities prior to each visit.

RECRUITING MEMBER VOLUNTEERS FOR CAMPUS VISITS

The success of the Program obviously depends on Members' participation. With travel back and forth, Members end up devoting about three days to each campus visit. That is a priceless contribution of an extremely valuable resource.

Members of the Association were sent a survey again last summer to solicit information regarding their availability for and interest in a Program campus visit. Using responses to these surveys and direct contact with a number of former Members, CDC developed a pool of just over one hundred available former Members, and some forty-seven participated in visits this year. A ''bench'' of one hundred was deep enough to fill the openings during the current academic year, but more will be needed to meet the demands of the expanding schedule for next and future academic years. Association Members are encouraged to complete and return the survey they will receive in June and then to be ready to accept assignments to one of the fine institutions of higher education the program will serve next year.

FUNDING SOURCES

In addition to the generous contribution of money and staff time made each year by the Stennis Center for Public Service and the Association, several organizations provided funding to help with the expansion of the Congress to Campus Program for the academic years 2002–2003 and 2003–2004, including the Pew Charitable Trusts, the Carnegie Corporation of New York, and the National Cable & Telecommunications Association (NCTA). While Stennis' commitment to the Program is ongoing, funding from the other organizations ended in January 2004. In the spring semester, the American Association of Retired Persons provided a major gift and has pledged additional support. CDC and Stennis are continuing to work with the Association leadership and other organizations to find new sources of funding for Congress to Campus.

Host schools are expected to cover the cost of Members' on-site accommodations and local travel and to make a contribution to cover a portion of the cost of administering the Program. A suggested amount of contribution is determined according to a sliding-scale based on an institution's expenditures per pupil [see Attachment 2—Application Form]; a waiver is available to schools that are not able to pay the scale amount. Several schools received a full or partial waiver in 2003–2004. Still, school contributions produced several thousand dollars in support of the program.

The expansion of the Program—clearly justified by the interest expressed by schools seeking to host a first or a repeat visit and by the assessment of its positive effects (see below)—will require a significant increase in funding.

INTERNATIONAL INITIATIVE

Congress to Campus made its first international visit in October 2003 to the United Kingdom. An earlier Association study tour had laid the groundwork for the visit and established a relationship with Philip John Davies, Director, Eccles Centre for American Studies at The British Library and Dennis Spencer Wolf, Cultural Attache at the U.S. Embassy. Dr. Davies was instrumental in arrangements for the visit in London and at De Montfort University, Leicester, where he is Professor of American Studies. The Embassy assisted with travel and logistics. We undertook this first Program visit abroad as a trial run to determine whether other international visits might be worthwhile and practicable. The experience of our Members and of their British academic audiences suggests an international dimension for the Congress to Campus Program is a good idea. Preliminary discussions are now underway with potential sponsoring institutions in Europe, Asia and Latin America.

PROGRAM OUTREACH AND PUBLICITY

The increased number of institutions hosting and applying to host a Congress to Campus visit is the result of an aggressive outreach effort. Association leadership and numerous former Members, as well as staff at CDC and Stennis, have made many personal contacts on behalf of the Program. In addition, we are continuing the sustained promotional effort begun last year.

Articles about the Program have appeared in the newsletters of the Political Organizations & Parties Section of the American Political Science Association (APSA) and the Federal Relations section of the American Association of Universities. CDC Executive Director and former Member David Skaggs made a presentation in behalf of Congress to Campus to the APSA at its August 2003 convention in Philadelphia. Informational material has been emailed directly to the Chairs of all relevant APSA Sections, all members of the APSA Legislative Studies Section, as well as to many other college and university organizational contacts.

In the past, local and campus press and media have often covered Congress to Campus school visits. In addition to continuing that coverage, the Program encourages each host institution to make commercial print and broadcast media interviews a part of each Congress to Campus visit's schedule.

MEASURING THE PROGRAM'S IMPACT

Over the years, anecdotal information has tended to validate the basic premise of the Congress to Campus Program—that these visits by former Members of Congress positively affect students' views of public service and government officials. In an effort to confirm this anecdotal information, the Program asks host schools to have students complete one-page surveys. The surveys elicit students' views on public service careers and feelings about different categories of public officials; they are to be completed by a group of students who attended sessions with the former Members and by a control group of similar students who did not have contact with the former Members.

While all schools hosting a visit do not return the surveys, the data that was generated for the 2002–2003 academic year shows that the underlying goals of the Congress to Campus program are sound. Those students who have contact with former Members during their Congress to Campus visits have a measurably more favorable view of public servants and of public service as a career option than similar students who do not have the opportunity to interact with the visiting former Members.

Last year we reported preliminary findings for 2002–2003. That data has now been analyzed by the Center for Information and Research on Civic Learning and Engagement (CIRCLE) at the University of Maryland. Their report [see Attachment 3] confirms our preliminary finding and found that the Congress to Campus Program had a statistically significant positive impact on student's attitudes towards public service and public servants. We are still receiving data from the 2003–2004 academic year and will provide Members with a report as soon as that information is analyzed.

As previously discussed, the Program requests the principal contact at each host school to submit an evaluation of the visit. We receive valuable feedback on various aspects of each visit and try to incorporate lessons learned and helpful suggestions in the on-going effort to improve the Program. The best indication of satisfaction with the Program is the fact that every school visited this year has said it wants to do a Congress to Campus Program visit again.

CONCLUSION

The Program has made significant progress toward achieving its new goals. The number of campus visits has been increased nearly 200% this year over 2001–2002 levels. However, Program funding remains a matter requiring attention. Efforts to raise the public profile of the Program have met with some success, but more needs to be done. Finally, objective data supports the basic premise of the Congress to Campus Program: that campus visits by Members are effective in raising interest in public service careers and in improving attitudes about public officials among the students who participate in Program events.

Attachment 1

# Congress to Campus Program

The United States Association of Former Members of Congress

## 2003 –2004 ACADEMIC YEAR VISITS AND PARTICIPANTS

### Fall Semester

Bowling Green State University – September 16-18, 2003

Republican: *Bill Barrett (NE)*
Democrat: *Ken Hechler (WV)*

University of Texas at Austin – September 30-October 2, 2003

Republican: *Robin L. Beard, Jr. (TN)*
Democrat: *Butler Derrick (SC)*

Principia College – October 7-9, 2003

Democrat: *Martha Keys (KS)*
Republican: *George Wortley (NY)*

University of Georgia – October 14-16, 2003

Democrat: *Bob Carr (MI)*
Republican: *Orval Hansen (ID)*

Wesleyan University – October 14-16, 2003

Democrat: *Tony Beilenson (CA)*
Republican: Mickey Edwards (OK)

De Montfort University (UK) – October 20-25, 2003

Democrat: *Larry LaRocco (ID)*
Republican: *Lou Frey (FL)*

Attachment 1

University of Northern Iowa – October 27-29, 2003

Republican: *Bill Goodling (PA)*
Democrat: *Harold Volkmer (MO)*

SUNY Albany – October 28-30, 2003

Democrat: *Andy Jacobs (IN)*
Republican: *Jack Buechner (MO)*

Lake Forest College – November 3-5, 2003

Democrat: *Bruce A. Morrison (CT)*
Republican: *Ronald Sarasin (CT)*

Eastern Michigan University – November 4-6, 2003

Republican: *Peter Torkildsen (MA)*
Democrat: *Owen B. Pickett (VA)*

Baker University – November 9-11, 2003

Republican: *John J. Rhodes, III (AZ)*
Democrat: *Jim Slattery (KS)*

Dartmouth College – November 11-13, 2003

Republican: *Jan Meyers (KS)*
Democrat: *David Skaggs (CO)*

Sienna College – November 17-19, 2003

Democrat: *Lloyd Meeds (WA)*
Republican: *Steven T. Kuykendall (CA)*

Ursinus College – November 17-19, 2003

Democrat: *Michael Barnes (MD)*
Republican: *William Clinger (PA)*

Attachment 1

## Spring Semester

University of Akron - February 3-5, 2004

Republican: *Dan Miller (FL)*
Democrat: *James Bilbray (NV)*

University of South Florida - February 11-13, 2004

Democrat: *Dennis Hertel (MI)*
Republican: *Edward Derwinski (IL)*

Western Carolina University - February 18-20, 2004

Republican: *Bill Zeliff, Jr. (NH)*
Democrat: *Lloyd Meeds (WA)*

Denison University - February 23-25, 2004

Democrat: *Robert Underwood (GU)*
Republican: *Arlen Erdahl (MN)*

Baker University – February 24th (additional activities)

Republican: *Jan Meyers (KS)*
Democrat: *William Roy (KS)*

U.S. Naval Academy - March 1-3, 2004

Republican: *Robin Beard (TN)*
Democrat: *Dick Swett (NH)*

Dickinson College – March 22-24, 2004

Democrat: *Matthew McHugh (NY)*
Republican: *Robin Beard (TN)*

Goucher College - March 29-31, 2004

Democrat: *Robert Kastenmeier (WI)*
Republican: *Jan Meyers (KS)*

Attachment 1

Fitchburg State University – April 5-7, 2004

Democrat: *George Hochbrueckner (NY)*
Republican: *Greg Laughlin (R-TX)*

West Virginia University - April 4-6, 2004

Republican: *Lou Frey (FL)*
Democrat: *Jim Lloyd (CA)*

Colby College - April 5-7, 2004

Democrat: *Martin Lancaster (NC)*
Republican: *Jim Lightfoot (IA)*

Western Kentucky University – April 5-6, 2004

Democrat: *David Skaggs (CO)*
Republican: *Ronald Sarasin (CT)*

Washington State University – April 21 & 22, 2004

Republican: *Barbara Vucanovich (NV)*
Democrat: *Sam Coppersmith (AZ)*

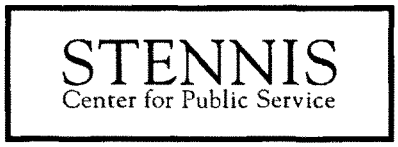
Attachment 2

# Congress to Campus Program

The United States Association of Former Members of Congress

in partnership with

and




## APPLICATION FOR CONGRESS TO CAMPUS VISIT

Please complete this form (you may include attachments as needed) and email, fax or mail copies to:

Congressman David Skaggs
Center for Democracy & Citizenship
1301 K Street NW, Suite 450 West
Washington DC 20005
Fax: 202-728-0422
Email: dskaggs@excelgov.org

Name of Institution _____

Address _____

Sponsoring Department _____

Responsible Contact Person _____
*[This individual must have authority to act for the host school regarding all arrangements and aspects of the visit.]*

Address _____

Email _____ Phone _____ Fax _____

Submitted by _____ Date: _____
*[signature]*



Revised 1.5.04

Attachment 2

Background on Institution [founding; governance; accreditations; degrees offered; student body size and characteristics; faculty size and characteristics; geographic area served; religious affiliation; endowment; if this information is readily available on your website, just provide the address for the website.] (Attach additional sheet, if needed.)

_____

_____

Please check those activities from the following list you expect tentatively to be able to include in the Members' schedules if your application for a visit is approved. Experience suggests that allocating most of the visit to a variety of classes works best.

- ❑ Introductory classes in political science or U. S. government [Please try to avoid multiple appearances in different sections of the same course.]
- ❑ Advanced classes in political science or U. S. government, including courses in the Congress, political theory or foreign affairs
- ❑ Classes in political philosophy or history*
- ❑ Classes in other disciplines [e.g., health, science, engineering, environment] for students who may be interested in public service careers or who simply need a better grounding in American government*
- ❑ ROTC classes
- ❑ One-on-one or "office hours" style meetings with individual students interested in public service or political careers [To work well, this option needs to be well publicized, preferably with advance sign-up.]
- ❑ Campus political clubs, e.g., Campus Democrats and Young Republicans
- ❑ Campus extracurricular activities or clubs with some public policy dimension, e.g., an environmental or international relations club
- ❑ Campus speaker series or open campus forum [Please be prepared to do some work to publicize such a session, or give class credit, or risk low attendance.]
- ❑ Meeting with student government organization or leadership
- ❑ Meetings with school president, chancellor, dean or other senior administrator [This option is offered if it meets a real need for your school; there is no need for a meeting just for protocol reasons; if included, should be *brief*.]
- ❑ Meeting with career counseling staff regarding public service
- ❑ Faculty departmental colloquium
- ❑ Interview with campus newspaper(s) and radio station
- ❑ Interview with local newspaper(s) and editorial board(s)
- ❑ Interview or talk show appearance with local radio station(s)
- ❑ Interview or talk show appearance with local TV station(s)
- ❑ Meeting with community service organization(s), e.g., Rotary, Lions, League of Women Voters
- ❑ Community talk or forum, e.g., "town hall" type meeting at a public library
- ❑ Class visits or assembly at local high school

* At least one class should be in a discipline other than political science or government studies.

Attachment 2

- ❑ "In-service" teacher training on Congress, federal government for middle and high school social studies teachers arranged through local school district(s)
- ❑ Major federal government installation or major private sector employer near campus able to host a session with a significant number of employees
- ❑ Meeting with local government officials, e.g., appearance at City Council or County Board session or meet with state legislators
- ❑ Other (specify) _____

While it is not possible to include all the activities suggested above, the schedule for each visit should include a good variety of activities and not be limited only to classes. Please include at least one class from outside the political science (or government studies) department. Visits typically cover 2 full days following Members' arrival, with no more than two nights on site. If Members arrive the evening before the schedule begins, they will expect to depart in time to get home the evening of the second day of scheduled events; if they arrive on a morning, they will expect to leave after noon on the third day. Activities may be scheduled from 8 or 9 AM until (as late as) 9 PM, including (some) meal times; for each 4 or 5 hours of scheduled time, an hour of "down" time should be set aside (this may be lunch hour), with facilities for Members to check emails and use a phone. Please attach a proposed schedule for your school visit, comprised of two full days, incorporating the elements tentatively checked above. Please indicate the number of students expected at each proposed activity. (The Program hopes for both quality and quantity, with substantive contact with at least 250 students during a visit as a goal.)

If your application is approved, you will need to submit a complete schedule for the visit at least one month prior to the visit; this is a critical deadline. For class presentations, the instructor for the course should provide brief written guidance to the Members in advance of the visit about what they should discuss during the class period and how it fits into the course (a copy of the course syllabus is helpful. Program staff may request revisions to the schedule if necessary to meet Program standards. Formal campus tours and other area touring are secondary to the Program's educational objectives and generally should be avoided.

Preferred dates for a visit that fit your academic calendar. _____

Transportation: nearest airport; distance from campus; means of transportation to

campus. _____

_____

Other considerations that make your school a good site for the Program. _____

_____

_____

Attachment 2

The host school is expected to cover the on-site expenses for Member accommodations, meals and local transportation. Please understand that the average Congress to Campus visit also entails about $5000 in administrative, overhead and transportation expenses. In order to make the Program as widely available as possible, we would also like to recover a portion of those costs, based on the host school's ability to pay. Please indicate the financial category applicable to your institution from the following schedule. _____

*Host School Suggested Contribution*

| Category | Current expenditures per "full-time" student* | Suggested contribution |
|---|---|---|
| A | $30,000 or more | $3000 |
| B | $20,000 to $29,999 | $2000 |
| C | $10,000 to $19,999 | $1000 |
| D | $9999 or less | $500 |

We do not want this cost-sharing goal to prevent any school that wishes to host a visit from doing so. With that in mind, do you need a waiver of all or part of the applicable contribution, and, if so, do you also need assistance with on-site costs? ____ (If 'yes,' please attach an explanation and statement of need signed by an appropriate financial officer of the school.)

Where or how did you learn about the Congress to Campus Program? _____

_____

*Note:* The host school contact person will be responsible for identifying faculty members who will assist in administering a brief survey instrument to be completed after the Congress to Campus visit by a sample of students in classes visited by Members and by an otherwise comparable sample of students in classes *not* visited. The purpose of this survey is to determine any difference (change) in attitude about politics, government and public service in one group compared to the other, and so to indicate the impact of the visit on student attitudes. In addition, the host school contact person will be expected to complete an evaluation of the visit and to report on print and electronic media coverage of the visit, the expenses paid by the school in connection with the program visit, and the student attendance at each event on the schedule.

* The expenditures figures used to calculate the contribution level should be for the most recent academic year and should be readily available from your school's business or finance office. They are standard data used by the Department of Education's Integrated Postsecondary Education Data System (IPEDS). For public institutions that follow the GASB 34/35 reporting model, use your school's total expenses – the sum of Operating Expenses and Non-Operating Expenses. Public institutions using the College and University Audit Guide should use the total of current funds expenditures and mandatory transfers. Independent institutions following the Not-for-Profit Audit Guide should use the expenses category. The enrollment figures should come from the IPEDS data for the current academic year, converted to a full-time equivalent enrollment based on one full-time student per three part-time students.

Attachment 3

# *Memorandum*

Date: September 5, 2003
To: David Skaggs, Executive Director,
Center for Democracy and Citizenship, CEG
From: Mark Hugo Lopez, Ph.D.,
Research Director, CIRCLE
Subject: The Congress to Campus Presentation Experiment

I have taken a close look at the data from the Congress to Campus program, and generally I think it tells us some interesting things. It appears that students in the treatment group were more likely to have positive views of public service careers and public institutions than students in the comparison group with most differences of interest statistically significant, though there are some concerns about the validity of the experiment and causality.

I have divided the memo into several sections, the first of which examines the quality of the experiment, the next two assess the outcomes of interest. Finally, the memo concludes with comments, recommendations, and caveats.

**Assessing the Quality of the Experiment**

As a first step to evaluating the impact of the Congress to Campus program experiment, I examined both the treatment and comparison sample on a range of background characteristics. If this were a randomized experiment, the treatment and comparison groups would look similar statistically on a range of observed background characteristics, and this is what I am looking for as I assess the quality of the experiment.

All demographics are contained in Table 1, and a cursory look at the data suggests that the treatment and comparison samples are very similar in their distributions of gender and race/ethnicity. For each of these variables, there are no statistical differences in their distribution across the treatment and comparison groups, suggesting that assignment to the treatment or the comparison group was not a function of either of these observed characteristics, which is good.

However, there are some difficulties with the distribution across the treatment and comparison groups of the background characteristics age, school, class, and whether or not the student had discussed a career in public service with a counselor. In each of these cases, the treatment and comparison groups are not similar in their characteristics, with the treatment group more likely to have older students and fourth year students than the comparison group, and less likely to have first year students than the comparison group. Furthermore, the treatment group was more likely to have students who had talked with a

guidance counselor about a career in public service, and students in the treatment group were more likely to be from the US Naval Academy or Nebraska-Omaha than comparison group students.

Taken together, these statistics suggest that the assignment to the treatment and comparison group samples is good, but not excellent. More than likely the greatest difficulty with the assignment is the dissimilarity between the treatment and comparison group samples on the measures of class standing and age (which are essentially measuring the same thing). However, the even distribution across gender and race/ethnicity between the treatment and control groups lends plenty of support to the overall validity of the experiment, though one should be cautious about causality.

Furthermore, some caution should be taken when making statements about the possible treatment effects of the Congress to Campus program on college students generally since the comparison and treatment groups do not look like the general college student population, at least as of 2000. The treatment and comparison samples are more likely to be male, white and younger than the general college student population.

**Measuring Differences in Self-Reported Career Option Viewpoints**

One of two outcomes examined with these data is the viewpoint of college students towards potential career choices. Table 2 and Graph 1 display the average response across all occupational groupings for the treatment and comparison groups. Generally speaking, treatment and comparison group students express "neutral/ok" opinions of every career option except Agriculture/Farming and Manufacturing/Industrial, which is expected given that this is a group of college students.

In only two cases are there statistical differences between the responses of treatment and comparison group students. In the area of "State or Local Government Service" and "Federal Government Service" treatment group students express a higher level of positive opinion about these careers for themselves than do comparison group students. For both career options, treatment group students express an average opinion that is 0.3 points higher than the opinions of comparison group students. While it is difficult to claim that there is a casual relationship between participation in the Congress to Campus program and opinions of careers in public service, it is suggestive that there is a modest improvement in expressed opinions of public service as a career option.

I have explored these differences further with a multivariate analysis, and in both cases, the estimated differences in opinion (for careers in federal or state and local service) between comparison and treatment groups are statistically significant once gender, race/ethnicity, school, counseling experience, age and class are controlled for. I would be happy to share these results with you if you would like to see them at a later date. Given that observed differences hold up in a multivariate environment for federal and state and local career viewpoints, these estimated program effects may indeed be robust, and a reflection of true program effects.

**Measuring Differences in Views of Public Officials**

Table 3 and Graph 2 show average responses to the question about student views of public officials in various public institutions. In all cases, treatment group students express greater positive views of public institutions than comparison group students, with all differences statistically significant. On average, the improvement in views after participation in the Congress to Campus program is on the order of 0.25 points.

In this case, I have also estimated multivariate models, and have found that all statistical differences are robust once controls for gender, race/ethnicity, class, age, school and counselor guidance have been controlled for.

**Conclusions**

Students who participated in the Congress to Campus speaker program generally express more positive views of public service career choices and of public institutions than students who were not exposed to the program treatment. Furthermore, the experiment appears relatively good since on many background characteristics there are no differences between the comparison and treatment groups of students. While I believe one should be cautious when interpreting these results (many more controls are needed to assess the validity of the experiment), they are suggestive that there are modest gains in views of public service associated with participation in the Congress to Campus Program.

**Recommendations**

Analysis of this data entailed several data cleaning efforts, and a superior data collection would alleviate the need for large scale cleaning efforts. If a future evaluation is planned, several changes to the survey instrument should be considered. These include:

1. Reverse the scoring scale from 1 "very favorable" to 5 "very favorable."
2. Ask for more background information such as parental income, parental education, how often the student reads the newspaper or watches the news, grade point average, and whether or not the student has ever worked for the public sector in an internship. We have very little information on background characteristics, and in order to more properly assess the validity of the experiment, more background characteristics would be useful.
3. It might be worthwhile, in any future evaluation, to perform a "Solomon Four" style assessment. This would entail the administration of the survey instrument before and after participation in the program for the treatment and comparison groups. This way, one could perform an analysis that looks at gains in views rather than a cross-sectional comparison between the treatment and comparison groups.

**Cautions and Caveats**

In the process of performing this analysis, I turned around the coding on all the variables so that a "5" would represent "very favorable" and "1" would represent "very unfavorable." Note that by doing this, my averages are 1 point higher than those reported in the graphs you had initially shared with me (the method used to calculate the means in those graphs presented an average that was a full point too low). This suggests that the students in both the treatment and comparison samples actually have a more favorable view of public sector career options and institutions than was shown before.

I also urge caution in the interpretation of these results since

1. Estimated program effects are rather small, and do not necessarily translate into large swings in student opinion of careers in the public sector or their views of public sector institutions as a result of program participation.
2. The measurement of views was taken immediately after the treatment. We would need to know what happens one month later, six months later, or one year later.
3. The sample of colleges is limited to Midwestern and east coast schools.
4. This was not a randomized experiment, and we can only discuss "associations", not causation.
5. The treatment may not have been similar across schools.

**Table 1 – Demographic Characteristics**

| | Treatment Group | Comparison Group | All U.S. Undergraduates, 2000 |
|---|---|---|---|
| | | | |
| ***Background Characteristics*** | | | |
| | | | |
| Female | 0.462 | 0.473 | 0.551 |
| | | | |
| White | 0.830 | 0.831 | 0.688 |
| African American | 0.067 | 0.073 | 0.113 |
| Latino | 0.024 | 0.027 | 0.095 |
| Asian | 0.038 | 0.027 | 0.064 |
| Mixed Race | 0.033 | 0.039 | |
| Native American | 0.008 | 0.002 | 0.001 |
| | | | |
| *Class Year* | | | |
| First | 0.476 | 0.584 | *** |
| Second | 0.237 | 0.217 | *** |
| Third | 0.152 | 0.110 | *** |
| Fourth | 0.126 | 0.064 | *** |
| Grad | 0.007 | 0.025 | *** |
| | | | |
| *Age* | | | |
| 18 and younger | 0.231 | 0.307 | 0.231 |
| 19 | 0.320 | 0.330 | |
| 20 | 0.180 | 0.174 | 0.370 |
| 21-24 | 0.225 | 0.165 | |
| 25 or older | 0.043 | 0.025 | 0.390 |
| | | | |
| Talked with a Guidance Counselor about a Career in Public Service | 0.387 | 0.284 | *** |
| | | | |
| *School* | | | |
| Abilene Christian University | 0.032 | 0.079 | *** |
| Ball State University | 0.150 | 0.144 | *** |
| Central Michigan University | 0.243 | 0.265 | *** |
| Mississippi State University | 0.120 | 0.199 | *** |
| Nebraska-Omaha | 0.137 | 0.071 | *** |
| US Naval Academy | 0.250 | 0.208 | *** |
| Wellesley | 0.069 | 0.034 | *** |
| | | | |
| Sample Size | 540 | 437 | 15,312,000 |

Note: Column 3 shows statistics from 2000 for the population of enrolled college students. See the Digest of Education Statistics from the Department of Education for more information.

**Table 2 – Career Options**

| | Treatment Group | Comparison Group |
|---|---|---|
| | | |
| ***Feelings of Career Options for Self in:*** | | |
| | | |
| Private Enterprise - Corporate | 3.396<br>(1.143)<br>[538] | 3.246<br>(1.138)<br>[435] |
| Private Enterprise – Small Business | 3.564<br>(1.070)<br>[537] | 3.463<br>(1.024)<br>[434] |
| Professional (law, medicine, journalism, accounting, etc.) | 3.699<br>(1.229)<br>[538] | 3.618<br>(1.152)<br>[434] |
| | | |
| State or Local Government Service | 3.300***<br>(1.168)<br>[535] | 3.000<br>(1.131)<br>[431] |
| Federal Government Service | 3.368***<br>(1.249)<br>[538] | 3.087<br>(1.230)<br>[435] |
| Military Service | 2.835<br>(1.593)<br>[537] | 2.768<br>(1.531)<br>[436] |
| Public Safety: Fire, police | 2.935<br>(1.231)<br>[535] | 2.843<br>(1.264)<br>[434] |
| Teaching | 3.637<br>(1.289)<br>[537] | 3.563<br>(1.305)<br>[435] |
| | | |
| Non-Profit, community service | 3.204<br>(1.180)<br>[534] | 3.069<br>(1.246)<br>[435] |
| Agriculture/Farming | 2.265<br>(1.268)<br>[536] | 2.323<br>(1.248)<br>[434] |
| Manufacturing/Industrial | 2.268<br>(1.173)<br>[535] | 2.305<br>(1.164)<br>[430] |
| | | |

Note: Students were asked to rate career options for themselves on a scale of 1 to 5, where 1 is "very unfavorable," 2 is "unfavorable," 3 is "ok/neutral," 4 is "favorable," and 5 is "very favorable." All reported figures above are means, with standard errors in parentheses and sample sizes in brackets. *** indicates statistical significance between the treatment and comparison groups at the 5 percent level of statistical significance.

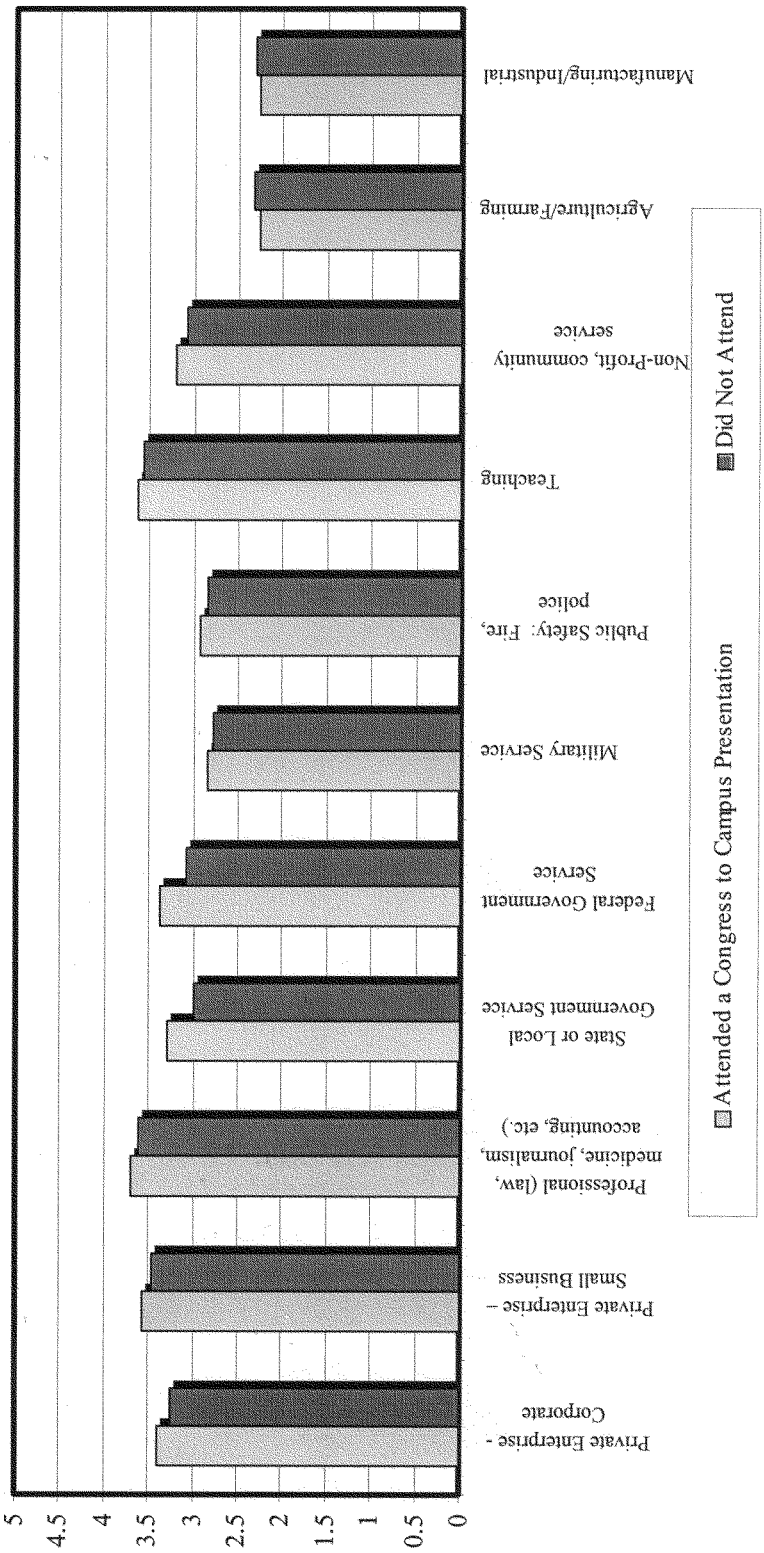
**Table 3 – Student Views of Public Institutions**

| | Treatment Group | Comparison Group |
|---|---|---|
| | | |
| ***Views of:*** | | |
| | | |
| Federal Government | 3.822***<br>(0.895)<br>[539] | 3.579<br>(0.984)<br>[437] |
| State and Local Government | 3.731***<br>(0.840)<br>[539] | 3.474<br>(0.897)<br>[437] |
| U.S. Congress | 3.656***<br>(0.904)<br>[538] | 3.395<br>(0.918)<br>435] |
| | | |
| Politicians | 3.126***<br>(0.956)<br>[539] | 2.787<br>(0.945)<br>[437] |
| Candidates for Elected Office | 3.278***<br>(0.873)<br>[539] | 3.011<br>(0.822)<br>[434] |
| | | |
| City or Town Council | 3.384***<br>(0.886)<br>[537] | 3.227<br>(0.901)<br>[435] |
| | | |
| State Legislature | 3.432***<br>(0.830)<br>[539] | 3.198<br>(0.811)<br>[434] |
| | | |
| Government and Civil Service Employees | 3.549***<br>(0.907)<br>[537] | 3.369<br>(0.864)<br>[434] |
| Firefighters and Police | 4.180***<br>(0.955)<br>[538] | 4.022<br>(1.013)<br>[437] |
| | | |

Note: Students were asked to provide views of public sector groups/institutions on a scale of 1 to 5, where 1 is "very unfavorable," 2 is "unfavorable," 3 is "ok/neutral," 4 is "favorable," and 5 is "very favorable." All reported figures above are means, with standard errors in parentheses and sample sizes in brackets. *** indicates statistical significance between the treatment and comparison groups at the 5 percent level of statistical significance.

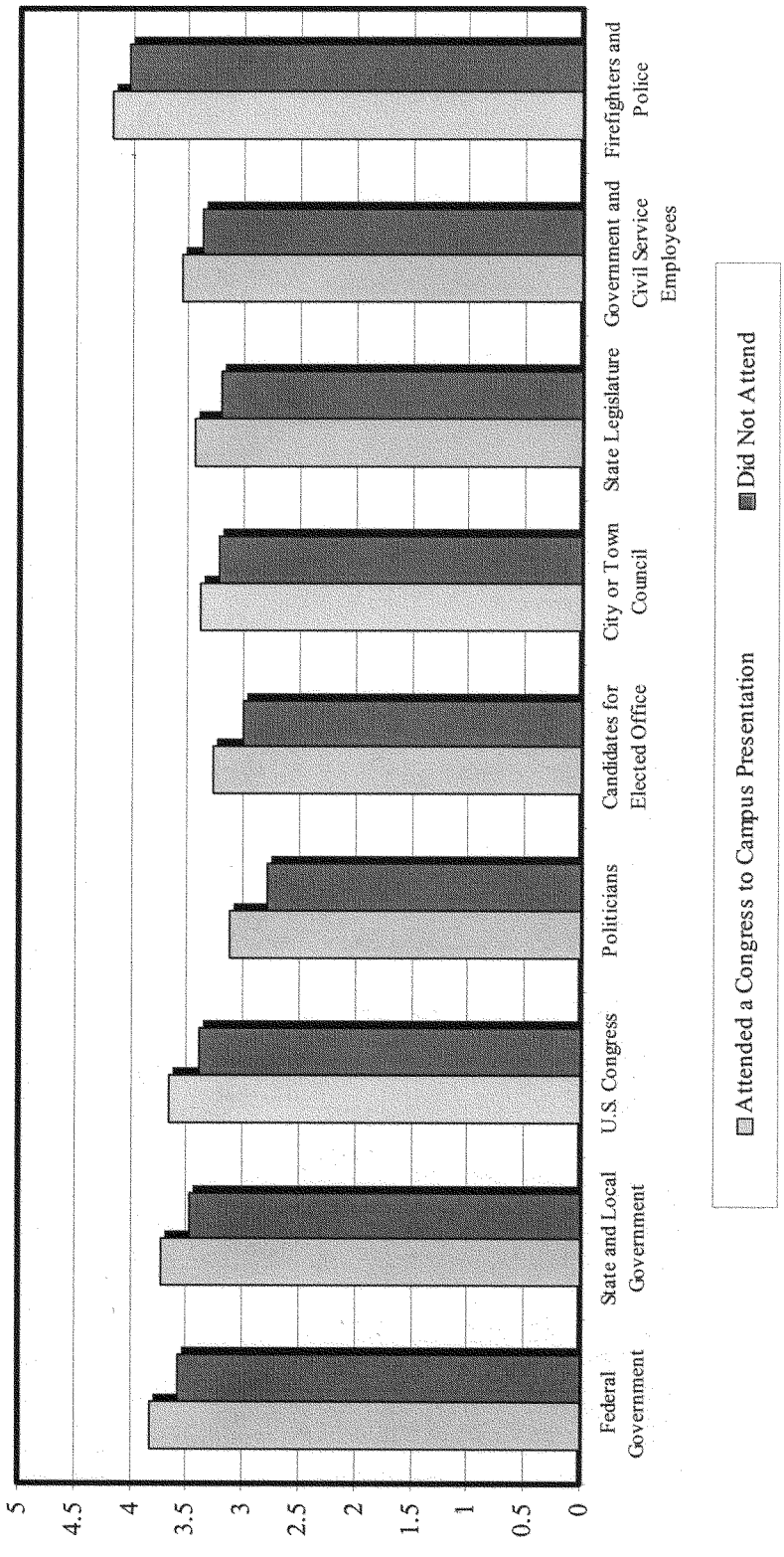
**Graph 1: CAREER OPTIONS**

*Please rate how you feel personally about each of the following career categories as an option for yourself, from 1 (very unfavorable), 2 (unfavorable), 3 (OK/neutral), 4 (favorable), to 5 (very favorable).*



**Graph 2: FEELINGS ABOUT GOVERNMENT OFFICIALS**

*Please indicate your feelings, from 1 (very unfavorable), 2 (unfavorable), 3 (OK/neutral), 4 (favorable), to 5 (very favorable), about each of the following.*



Mr. SKAGGS. Mr. Speaker, I yield back to the gentleman from Idaho.

Mr. LAROCCO. Thank you, David and Jim and Lloyd, for your report, and for giving us a feel for exactly how those visits are put together and how you related to the students. I encourage everybody in the membership to contact David to see if you could also make a Congress to Campus visit.

One outgrowth of the Congress to Campus Program was an interest in producing a book that would take an inside look at Congress from different viewpoints. There are many fine books written by individual Members of Congress, as we all know, but, to our knowledge, there was no compendium that goes beyond the scenes in a very personal way. Therefore, one of our past presidents, Lou Fry of Florida, together with the head of the political science department at Colgate University, Lou's alma mater, coedited the book Inside the House: Former Members Reveal How Congress Really Works.

□ 0930

This book has been very well received and currently is in its third printing. The book is being used by the political science departments of several universities, and it is a case study of the Congress from many different points of view. My opinion may be biased, but I think it is an extremely instructive look behind the scenes of Congress. It can be purchased via the Web site of the association as well as through the Capitol Historical Society.

Mr. Speaker, I am pleased to now report on a new and very exciting domestic program the U.S. Association of Former Members of Congress is undertaking. Through a generous grant of the AARP, the association is partnering with the Library of Congress in support of its Veterans History Project. This program honors our Nation's war veterans and those who served in support of them. It creates a lasting legacy of recorded interviews and other documents chronicling veterans' and other citizens' wartime experiences and how those experiences affected their lives and America itself. There is a great urgency in collecting wartime memories which become more precious as the number of veterans dwindles by 1,500 every day.

The Veterans History Project encompasses veterans of World War I, World War II, the Korean and Vietnam and Persian Gulf wars. I would like to take this opportunity to call on all sitting and former Members of Congress to become involved in this important creation of a lasting record of America's war veterans. The association is working on several ideas to ensure that all former Members of Congress who are veterans will have the opportunity to fully participate in this important program.

You can receive more information about the Veterans History Project by contacting the association's office and association members over the next several months. And all of you will be receiving numerous updates and materials to assist in creating your own veterans history. So we have got this button here on the Veterans History Project that I will put on now to express my support for this great program. We need the oral histories of all of us that have served in the military.

Mr. Speaker, beyond the programs we administer dealing with domestic issues, the association is very active in overseeing international programs. We have become an important liaison involving the leaders of other nations and the United States. We have arranged almost 470 special events at the U.S. Capitol for international delegations from over 80 countries and the European Parliament. These are programmed short-term visits for individual members of Parliament and long-term visits for parliamentary staff. And we have hosted 51 foreign policy seminars in 11 countries involving more than 1,500 former and current parliamentarians and conducted 21 study tours abroad for former Members of Congress. Since our last report to Congress alone, we have hosted 27 events, meetings, and conferences involving foreign government officials and members and staff of the U.S. Congress including two sitting-members CODELs to Germany, a former-members CODEL to Mexico, a senior staff trip to Mexico, and, most recently, a senior staff visit to Germany.

We are very proud of our efforts to establish a dialogue between the United States and countries around the globe. The association supervises the work of the Congressional Study Group on Germany, the largest and most active exchange program involving the U.S. Congress and the parliament of another country. It is a bipartisan group involving more than 170 Representatives and Senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation. Ongoing study group activities include conducting a distinguished visitors program at the U.S. Capitol for government officials from Germany; sponsoring annual conferences involving Members of Congress and their German colleagues; and conducting an exchange program involving senior congressional staff.

I understand, Mr. Speaker, that you would like to update the Congress on the activities of the Congressional Study Group on Germany. So with that, I would like to turn the floor over to our vice president, Jack Buechner.

Mr. BUECHNER (presiding). I thank the President for yielding to the Chair.

Mr. President, in its many years of existence, the Congressional Study Group on Germany has established itself as one of the premier tools for the United States Congress to develop an impact upon foreign policy. I believe, though, its greatest success has come from giving Members from both the House and the Senate the opportunity to establish a personal network with elected officials from Germany's legislative as well as executive branches. Past study group guests on Capitol Hill have included subcommittee chairs, opposition leaders, heads of parties, cabinet members, and business leaders. For example, Germany's Foreign Minister Fischer has been a guest of the congressional study group five times in the past 4 years. This type of interaction enables former and sitting Members to engage in a foreign policy discussion that otherwise would not be available to them.

In addition to bringing high-level German government representatives to Capitol Hill, the study group organizes and hosts an annual conference for sitting Members and Bundestag members. This year's conference will take place in the district of the study group's Republican House chairman GIL GUTKNECHT of Minnesota. Also, this year for the first time, the study group has replicated our members conference on the congressional staff level. Just a few weeks ago, our international programs manager led a delegation of 10 chiefs of staff to Berlin and Heidelberg for meetings with the German Bundestag, the Chancellor's office, the foreign ministry, U.S. and German military headquarters, and corporate representatives.

Mr. President, the Congressional Study Group on Germany is a unique program of vital importance to the Congress's international relations activities. The program would not be possible were it not for the bipartisan record and credence lent to it by the Former Members Association. In addition, without our group of financial supporters, we could not offer this important dialog to Members of Congress.

Let me single out Craig Kennedy of the German Marshall Fund for its continuous support. For over 20 years we have been able to rely upon the German Marshall Fund of the United States. Also, the staff of the association has assembled an extraordinary group of corporate supporters, and I wish to take a minute to thank them publicly: Peter Lefkin of Allianz/Fireman's Fund; former Member of Congress Tom Coleman, who now works for BASF; Rob Liberatore of DaimlerChrysler; Wolfgang Pordzik of Deutsche Post; Wolfgang Jakubek of Deutsche Telekom; Bill Sweeney of EDS; Bill Inglee of Lockheed Martin; Bob Bergmann of RGIT; Tom Medaglia of RWE; Uli Werner of SAP; Gregg Ward of Siemens; and David Geanacopoulos of Volkswagen.

In addition, we should thank our House leadership, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Texas (Mr. LAMPSON), as well as our Senate leaders CHUCK HAGEL of Nebraska and TIM JOHNSON of South Dakota.

The Congressional Study Group on Germany is an excellent example of how the Former Members Association

does provide a service to current Members that is unequaled in Washington and is of the utmost importance to the foreign relations of this country. I thank the former Members, and I would remind them that they can be very proud of the work they do to make this group possible. I look forward to being an active participant in the activities of this study group on Germany for many years to come.

Thank you, Mr. President.

Mr. LAROCCO. Thank you, Jack. Thank you for that report.

I would like to now turn to other international programs, particularly Mexico. While our German group is our most active, we are also very proud of our work with Mexico, Japan, and China. The Mexican program in particular has seen an unprecedented surge of activity. Members of the Mexican Chamber of Deputies as well as President Fox's administration have been guests of the study group on Capitol Hill. We have sent a delegation of senior congressional staff to Mexico in 2003, and we are planning on doing so again in the fall of this year.

In addition, a delegation of former Members of Congress traveled to Mexico City and met with vice president of the Chamber of Deputies, the legislative adviser to President Fox, the head of Mexico's OMB, and the Foreign Ministry's USA desk. Currently, we are cosponsoring a program with the Woodrow Wilson International Scholar Center to telecast live to Mexican universities presentations by former Members of Congress on the U.S.-Mexico relationship. These broadcasts also will include live Q and A sessions involving the former Members and the Mexican university students. I am very pleased that former Member Jim Jones, who also served as U.S. Ambassador to Mexico, has become actively involved in our program with Mexico and will be one of the featured speakers during the Woodrow Wilson Center telecast. The other speaker is our vice president, Jack Buechner.

In addition, the association is working with the Council on Foreign Relations to create a town hall meeting specifically aimed at Chicago's Hispanic community. During this event former Members of Congress will conduct a mock debate on the issues which will be discussed during the 2004 Presidential election. Funding for this program in the past has come from numerous sources, including the Tinker Foundation and corporate sponsors such as Cemex. I wish to thank the gentleman from Arizona (Mr. KOLBE) and Senator CHRIS DODD for being our outstanding House and Senate chairmen.

Turning to Japan and China, in 1993 the association founded the Congressional Study Group on Japan with the East-West Center in Hawaii. It is a bipartisan group of about 120 Members of the House and Senate providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet as well as an opportunity to educate themselves on U.S.-Japanese relations. The study group brings experts in academics to Capitol Hill in addition to Japanese government officials to discuss security issues as well as trade and investment.

Last month we had the great honor to host one of our own, former Speaker Tom Foley, who served as U.S. Ambassador to Japan, as part of our congressional study group on Japan. Ambassador Foley provided many of his former colleagues with the opportunity to ask very pointed and important questions about our relationship with Japan and about the domestic issues that currently affect one of our most important trading partners. The afternoon we spent with him was truly enlightening, and I am pleased to report that Ambassador Foley has agreed to play a very active role in shaping the Congressional Study Group on Japan even further.

Our program activities would not be possible without the invaluable support of Dr. Eric Gangloff, who heads up the Japan-U.S. Friendship Commission. This partnership has lasted for almost 10 years, and we are very appreciative of the commission's continued support.

We have exceptional congressional leadership for this group both in the House and the Senate. Our House chairmen are the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from New York (Mr. HOUGHTON), and our Senate chairs are GORDON SMITH and MARIA CANTWELL. We thank them for their tireless efforts on our behalf.

In August of 1999 the U.S.-China Inter-Parliamentarian exchange group was created by Speaker HASTERT. He asked our association because of its excellent track record of acting as a liaison between the U.S. Congress and foreign legislative branches to lend a hand in getting this program off the ground. Thus, the Congressional Study Group on China was born. Since its inception, the study group has hosted several delegations of members of the National People's Congress of China to Washington and has even sent a sizable delegation of sitting and former Members to China. It should be noted that the CODEL the association assembled was the first visit to China by a congressional delegation since 9/11 and that the resulting discussions with representatives of the Chinese Government were truly historic and extraordinary.

In addition, the association has brought numerous experts on China to Capitol Hill in an effort to educate Members about U.S.-China relations and address specific questions Members may have about China. The association is very proud of having facilitated this important discussion and wishes to thank the U.S. Department of State for funding this undertaking. I also thank the gentleman from Illinois (Mr. MANZULLO) for being the group's House chairman.

Our experience with these congressional study groups has been incredibly positive. As the Former Members Association, we are in the unique position that we can establish a link between the U.S. Congress and parliaments in other countries that is credible, responsible, bipartisan, and non-advocacy. Numerous countries, organizations, and embassies have approached the association about creating additional study groups, and we are examining several possibilities at the moment keeping in mind, of course, our own limitations due to staff and budget, as well as the needs for the dialogue that we wish to establish to be of current interest and importance to the foreign policy goals of the United States Congress.

Mr. Speaker, the association also has worked in other parts of the world to promote the operations of a democratic system of government. In the past, we have organized legislative strengthening programs in the Czech Republic, Slovakia, Hungary, Poland, Ukraine, and Macedonia. The association also assisted with U.S.-Cuban relations via three former Members delegations to Cuba from 1996 through 2000.

We are currently applying for a grant from the U.S. Agency For International Development to conduct election-related projects in the Ukraine along with a legislative strengthening program following that country's election. Also through USAID we are exploring the possibility of conducting legislative strengthening seminars for visiting Iraqi representatives here in Washington. In addition, we are working with the U.S. Department of State to involve former Members of Congress in their international information programs. The U.S. Association of Former Members of Congress is uniquely qualified to provide the resources for the education of the legislators in emerging democracies. Former Members of Congress have experiences in State legislatures as well as on the Federal level. We cannot expect other countries to adopt our ways, but we can help them identify the basic elements of a free representative government sensitive to the traditions of their country.

□ 0945

In addition, Mr. Speaker, as I move on to other programs, I would like to mention that the Association, after each congressional election, conducts its ''Life After Congress'' seminar. The purpose of this conference is to ease the transition away from Capitol Hill for those sitting Members who will not return for the next Congress. We will conduct this seminar again in December of this year.

During the 2002 seminar, former Members Jack Buechner, Marc Lincoln Marks, Bob Carr, Jim Coyne, Martin Lancaster, Ed Pease and David Skaggs shared their experiences about the adjustments they had to make when they left Congress and how they managed to

seek and pursue careers in a variety of fields.

Congressional spouse June Hansen also described how members of families cope with leaving Congress and beginning a new life. In addition, congressional support staff outlined the services available to former Members of Congress. As in the past, the 2002 seminar was followed by a reception hosted by our outstanding Association's Auxiliary.

The Association organizes study tours for its members and their spouses, who, at their own expense, have participated in educational and cultural visits to places such as Australia, Canada, China, New Zealand, the former Soviet Union, Vietnam, Western and Eastern Europe, Turkey, the Middle East, Mexico and South America. Last year a delegation of Former Members travelled to Mexico for a week of meetings, presentations, discussions, and sightseeing.

For the fall of this year, we are planning a trip to France. The Association recognizes a need for dialogue involving France and the United States following the divisive debate over Iraq and the U.N. Security Council. We therefore believe that a Former Members of Congress study group to France could not come at a better time. Through the French Embassy here in Washington, we will create a program for our delegation that will include high-level meetings and discussions. In addition, to honor those who served their country in uniform during World War II, our study tour to France will include a visit to Normandy. 2004 marks the 60th Anniversary of the D-Day invasion, and the Association looks forward to commemorating our fallen heroes at the D-Day memorial sites. I hope many of the Association members will be able to participate in this trip.

The Association also organizes events that serve more of a social function. We know how important that is. In other words, we try to create ways in which our members can each keep in touch with old friends and colleagues just as we are doing today. One such undertaking is our annual golf tournament here in Washington. Another is a brand new event which we are hoping to make an annual tradition: an informal family picnic for former Members, which last October was hosted at the home of June and Orval Hansen. The picnic was a joint undertaking involving the Association and its auxiliary, and we are already looking forward to replicating the get-together later this year.

I would like to turn now to our annual fund-raising event, the Statesmanship Award Dinner. Mr. Speaker, as you can see, the Association conducts a wide variety of programs and is continuing to expand them. All of this requires financial support. As I mentioned earlier, at present our funding comes from three primary sources, membership dues, program grants and an annual fund-raising dinner and auction. On March 2 of this year, we held our seventh annual Statesmanship Award dinner at which five of our friends and colleagues were honored for their service to country in uniform during World War II before serving their country on Capitol Hill. The five honorees were Bob Dole, Sam Gibbons, John Glenn, George McGovern and Bob Michel.

They represent a group of truly great Americans, and I would like to place in the RECORD the names of those former members of Congress who are veterans of World War II and who unequivocally deserve our recognition and gratitude.

Mr. BUECHNER (presiding). Without objection, so ordered.

There was no objection.

34TH ANNUAL SPRING MEETING, U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, LIVING FORMER MEMBERS WHO SERVED IN UNIFORM DURING THE SECOND WORLD WAR, APRIL 22, 2004

Jim Abdnor, Army, (Repub.–SD, House 1973–81; Senate 1981–87)

Brock Adams, Navy, (Dem.–WA, House 1965–77; Senate 1987–93)

John B. Anderson, Army, (Repub.–IL, House 1961–81)

William R. Anderson, Navy, (Dem.–TN, House 1965–73)

Mark Andrews, Army, (Repub.–ND, House 1963–81; Senate 1981–87)

Thomas Ludlow Ashley, Army, (Dem.–OH, House 1955–81)

Eugene V. Atkinson, Navy, (Dem.–PA, House 1979–83)

Howard H. Baker, Jr., Navy, (Repub.–TN, House 1967–85)

Perkins Bass, Army Air Corps., (Repub.–NH, House 1955–63)

J. Glenn Beall, Jr., Navy, (Repub.–MD, House 1969–71; Senate 1971–77)

Berkely Bedell, Army, (Dem.–IA, House 1974–87)

Alphonzo E. Bell, Jr., Army, (Repub.–CA, House 1961–77)

Henry L. Bellmon, Marines, (Repub.–OK, Senate 1969–81)

Charles E. Bennett, Army, (Dem.–FL, House 1949–93)

Lloyd Bentsen, Army, (Dem.–TX, House 1949–54; Senate 1971–94)

Tom Bevill, Army, (Dem.–AL, House 1967–97)

Benjamin B. Blackburn, Navy, (Repub.–GA, House 1967–75)

John Brademas, Navy, (Dem.–IN, House 1959–81)

Daniel B. Brewster, Marines, (Dem.–MD, House 1959–63; Senate 1963–69)

Edward W. Brooke, Army, (Repub.–MA, Senate 1967–79)

Jack Brooks, Marines, (Dem.–TX, House 1953–95)

William Broomfield, Army Air Corps, (Repub.–MI, House 1957–93)

Donald Brotzman, Army, (Repub.–CO, House 1963–65)

Joel T. Broyhill, Army, (Repub.–VA, House 1953–75)

James Lane Buckley, Navy, (Cons.–Repub.–NY, Senate 1971–77)

Dale Bumpers, Marines, (Dem.–AR, Senate 1975–99)

Clair W. Burgener, Army Air Corps, (Repub.–CA, House 1973–83)

Laurence J. Burton, Navy, (Repub.–UT, House 1963–71)

George Bush, Navy, (Repub.–TX, House 1967–71)

M. Caldwell Butler, Navy, (Repub.–VA, House 1972–83)

Harry F. Byrd, Jr., Navy, (Dem.–VA, Senate 1965–83)

Catherine Callahan, Navy, (Dem.–Nebraska, House 1965–67)

Howard H. Callaway, Army, (Repub.–GA, House 1963–67)

Ronald Brooks Cameron, Marines, (Dem.–CA, House 1963–67)

Elford A. Cederberg, Army, (Repub.–MI, House 1953–79)

Frank M. Clark, Army Air Corps, (Dem.–PA, House 1955–75)

Donald H. Clausen, Navy, (Repub.–CA, House 1963–83)

Raymond F. Clevenger, Army Med. Corps, (Dem.–MI, House 1965–67)

Frank Coffin, Navy, (Dem.–ME, House 1957–61)

Marlow W. Cook, Navy, (Repub.–KY, Senate 1968–74)

Emilio Quincy Daddario, Navy, (Dem.–CT, House 1951–70)

E. ''Kika'' de la Garza, Navy, (Dem.–TX, House 1965–97)

Steven B. Derounian, Army, (Repub.–NY, House 1953–65)

Edward J. Derwinski, Army, (Repub.–IL, House 1959–83)

William L. Dickinson, Navy, (Repub.–AL, House 1965–93)

William Jennings Bryan Dorn, Army, (Dem.–SC, House 1947–49, 1951–75)

Don Edwards, Navy, (Dem.–CA, House 1963–95)

Robert F. Ellsworth, Navy, (Repub.–KS, House 1961–67)

John N. Erlenborn, Navy, (Repub.–IL, House 1965–85)

Frank E. Evans, Navy, (Dem.–CO, House 1965–78)

J. James Exon, Navy, (Dem.–NE, Senate 1979–97)

Paul Findley, Navy, (Repub.–IL, House 1961–83)

John J. Flynt, Jr., Army, (Dem.–GA, House 1954–79)

Hiram L. Fong, Army Air Corps, (Repub.–HI, Senate 1959–77)

Gerald R. Ford, Navy, (Repub.–MI, House 1949–73)

Donald M. Fraser, Navy, (Dem.–MN, House 1963–79)

Peter H.B. Frelinghuysen, Navy, (Repub.–NJ, House 1953–75)

Richard H. Fulton, Navy, (Dem.–TN, House 1963–75)

Robert N. Giaimo, Army, (Dem.–CT, House 1959–81)

John J. Gilligan, Navy, (Dem.–OH, House 1965–67)

Kenneth Gray, Army Air Corps, (Dem.–IL, House 1955–75 1985–89)

Robert P. Griffin, Army, (Repub.–MI, House 1957–64; Senate 1965–78)

Wayne R. Grisham, Army, (Repub.–CA, House 1979–83)

James R. Grover, Army, (Repub.–NY, House 1963–75)

Frank Guarini, Navy, (Dem.–NJ, House 1979–93)

Gilbert Gude, Army Med. Corps, (Repub.–MD, House 1967–77)

John Paul Hammerschmidt, Army, (Repub.–AR, House 1967–93)

Orval Hansen, Navy, (Repub.–ID, House 1969–75)

William H. Harsha, Marines, (Repub.–OH, House 1961–81)

James Harvey, Army, (Repub.–MI, House 1961–75)

Harry G. Haskell, Jr., Coast Guard, (Repub.–DE, House 1957–59)

James F. Hastings, Navy, (Repub.–NY, House 1969–75)

William D. Hathaway, Army Air Corps, (Dem.–ME, House 1965–73; Senate 1973–78)

Ken Hechler, Army, (Dem.–WV, House 1959–77)

Howell Heflin, Marines, (Dem.–AL, Senate 1979–97)
Cecil ''Cec'' Heftel, Army, (Dem.–HI, House 1977–86)
Jack Hightower, Navy, (Dem.–TX, House 1975–85)
Elwood Hillis, Army, (Repub.–IN, House 1971–87)
Earl Hogan, Army Air Corps, (Dem.–IN, House 1959–61)
Frank Horton, Army, (Repub.–NY, House 1963–93)
William L. Hungate, Army, (Dem.–MO, House 1964–77)
Earl Hutto, Navy, (Dem.–FL, House 1979–95)
Robert W. Kastenmeier, Army, (Dem.–WI, House 1959–91)
William J. Keating, Navy, (Repub.–OH, House 1971–75)
Hastings Keith, Army, (Repub.–MA, House 1959–73)
Thomas S. Kleppe, Army, (Repub.–ND, House 1967–71)
Horace R. Kornegay, Army, (Dem.–NC, House 1961–69)
Peter Kyros, Navy, (Dem.–ME, House 1967–75)
Robert J. Lagomarsino, Navy, (Repub.–CA, House 1974–93)
Melvin R. Laird, Navy, (Repub.–WI, House 1953–69)
Cathy Long, Navy, (Dem.–LA, House March 1985–1987)
Thomas A. Luken, Marines, (Dem.–OH, House 1974–75, 1977–91)
John C. Mackie, Army Air Corps, (Dem.–MI, House 1965–67)
James R. Mann, Army, (Dem.–SC, House 1969–79)
John O. Marsh, Jr., Army, (Dem.–VA, House 1963–71)
Charles McC. Mathias, Navy, (Repub.–MD, House 1961–69; Senate 1969–87)
Wiley Mayne, Navy, (Repub.–IA, House 1967–75)
John Y. McCollister, Navy, (Repub.–NE, House 1971–77)
Mike McCormack, Army, (Dem.–WA, House 1971–81)
Donald F. ''Don''McGinley, Army, (Dem.–NE, House 1959–61)
Robert J. McIntosh, Army Air corps, (Repub.–MI, House 1957–59)
Abner J. Mikva, Army Air Corps, (Dem.–IL, House 1969–73, 1975–79)
Joe Minish, Army, (Dem.–NY, House 1963–85)
G.V. ''Sonny'' Montgomery, Army, (Dem.–MS, House 1967–97)
Arch A. Moore, Jr., Army, (Repub.–WV, House 1957–69)
Thomas G. Morris, Navy, (Dem.–NM, House 1959–69)
Austin J. Murphy, Marines, (Dem.–PA, House 1977–95)
John T. Myers, Army, (Repub.–IN, House 1967–97)
Lucien N. Nedzi, Army Air Corps, (Dem.–MI, House 1961–81)
Gaylord A. Nelson, Army, (Dem.–WI, Senate 1963–81)
Richard Dale ''Dick'' Nichols, Navy, (Repub.–KS, House 1991–93)
Willilam N. ''Bill'' Patman, Marines, (Dem.–TX, House 1981–85)
James B. Pearson, Navy, (Repub.–KS, Senate 1961–79)
Claiborne Pell, Coast Guard, (Dem.–RI, Senate 1961–96)
Charles H. Percy, Navy, (Repub.–IL, Senate 1967–84)
Peter A. Peyser, Army, (Both.–NY, House R 1971–77; D 1979–83)
J.J. ''Jake'' Pickle, Navy, (Dem.–TX, House 1963–95)
Otis G. Pike, Marines, (Dem–NY, House 1961–79)
Bertram L. Podell, Navy, (Dem.–NY, House 1968–75)
Richard H. Poff, Army Air Corps, (Repub.–VA, House 1953–73)
Howard W. Pollock, Navy, (Repub.–AK, House 1967–71)
Graham Purcell, Army, (Dem.–TX, House 1962–73)
Albert H. Quie, Navy, (Repub.–MN, House 1958–79)
James M. Quigley, Navy, (Dem.–PA, House 1955–57, 1959–61)
Ed Reinecke, Navy, (Repub.–CA, House 1965–69)
Peter W. Rodino, Jr., Army, (Dem.–NJ, House 1949–89)
Robert A. Roe, Army, (Dem.–NJ, House 1969–93)
Angelo D. Roncallo, Army, (Repub.–NY, House 1973–75)
Fred B. Rooney, Army, (Dem.–PA, House 1963–79)
J. Edward Roush, Army, (Dem.–IN, House 1959–68 1971–77)
J. Roy Rowland, Army, (Dem.–GA, House 1983–95)
Bill Royer, Army Air Corps, (Repub.–CA, House 1979–81)
J.T. Rutherford, Marines, (Dem.–TX, House 1955–63)
Pierre Salinger, Navy, (Dem.–CA, Senate Aug.–Dec. 1964)
Gus Savage, Army, (Dem–IL, House 1981–93)
William B. Saxbe, Army, (Repub.–OH, Senate 1969–Jan. 1974)
Richard S. Schweiker, Navy, (Repub.–PA, House 1961–69; Senate 1969–81)
William W. Scranton, Army Air Corps, (Repub.–PA, House 1961–63)
John F. Seiberling, Army, (Dem.–OH, House 1971–87)
Hugo S. Sims, Jr., Army, (Dem.–SC, House 1949–51)
George A. Smathers, Marines, (Dem.–FL, House 1947–51; Senate 1951–69)
Robert T. Stafford, Navy, (Repub.–VT, House 1961–71; Senate 1971–89)
Louis Stokes, Army, (Dem.–OH, House 1969–99)
Robert E. Sweeney, Army, (Dem.–OH, House 1965–67)
James W. Symington, Marines, (Dem.–MO, House 1969–77)
Burt L. Talcott, Army Air Corps, (Repub.–CA, House 1963–77)
Lionel Van Deerlin, Army, (Dem.–CA, House 1963–81)
Charles A. Vanik, Navy, (Dem.–OH, House 1955–81)
Weston E. Vivian, Navy, (Dem.–MI, House 1965–67)
Charles W. Whalen, Jr., Army, (Repub.–OH, House 1967–79)
G. William Whitehurst, Navy, (Repub.–VA, House 1969–87)
John S. Wold, Navy, (Repub.–WY, House 1969–71)
James C. Wright, Army Air Corps, (Dem.–TX, House 1955–89)
Wendell Wyatt, Marines, (Repub.–OR, House 1964–75)
Leo C. Zeferetti, Navy, (Dem.–NY, House 1975–83)
Roger H. Zion, Navy, (Repub.–IN, House 1967–75)

Mr. LAROCCO. Mr. Speaker, we presented the five honorees with our Statesmanship Award at a dinner that was truly magnificent and lived up to the great occasion it was. I would like to thank the gentleman from Florida, Lou Frey, who yet again provided the leadership and was the spark plug that helped make the previous six dinners so successful. This year's event was no exception.

I yield to the gentleman from Florida for his remarks.

Mr. FREY. Mr. Speaker, it was truly a great event, and, Bob, you graced us all with being there, and your remarks were incredibly touching.

And for those of you who missed it, you really missed a wonderful, wonderful evening. This was the seventh dinner. We have honored in the past Secretary of Agriculture Dan Glickman, Lee Hamilton, Lynn Martin, Norm Mineta, DICK CHENEY, and Don Rumsfeld, and this is the seventh in a row. We have been successful. We have grossed probably well over a million dollars now. I think it has become an annual event in Washington. It is a fun dinner. Jimmy Hayes spends a year collecting memorabilia which we can get, which is a lot of fun, and some valuable things are there.

We had over 450 people at this dinner. It was sold out. You could not get a ticket. So get your tickets early for next March when we will have the next dinner.

It takes a lot of work. We have a number of people that really do so much. It is a team effort. It takes about 9 months to put together. We have not decided the honorees next year, but I am sure it will be not as maybe a great event, I do not think we will be ever able to duplicate that and the event itself, but we hope it will come close.

Our president is a great auctioneer. He did a great job of auctioning off at the live auction, and the gentleman from Minnesota (Mr. GUTKNECHT) auctioned off two flags that will be flown over the Capitol on the 60th anniversary of D-Day, and a certificate will go with that signed by the five honorees.

The Executive Committee is the driving force for it. It is Larry LaRocco, Jack Buechner, Jim Slattery, and Jay Rhodes, Matt McHugh, Jimmy Hayes, Jim Symington and Bob Carr. Barbara Boggs Associates has worked for 7 years with us to run the dinner. Verizon has been a chief sponsor of the dinner for 6 years. This year, thanks to Larry, the AARP for the first time participated in the dinner, and we used that occasion to announce it.

Let me say, Larry really worked hard on that day after day. It was sort of a cliff-hanger, but as usual Larry came through.

This is really the only outreach we have to the community. We need everybody's help on this. It really allows us to do all these programs. We hope next year you will join us in making the eighth annual dinner a success.

Thank you, Mr. President. I appreciate the chance to address the group.

Mr. LAROCCO. Thank you, Lou. Again, on behalf of the Executive Committee, the officers, the Board and all of the membership, we just want to thank you for your leadership in the past and what you do to get us all together to make this dinner such a huge success.

Mr. Speaker, in addition to financial support, the Association benefits enormously from the efforts and leadership

of many people. I want to thank the officers of the Association, Jack Buechner, Jim Slattery, Jay Rhodes and John Erlenborn; the members of our Board of Directors and our Counselors for providing the excellent guidance and support necessary to oversee these activities. In addition, we are assisted by the Auxiliary of the Association, this year led so wonderfully by Dana Martin, a truly wonderful person. We are particularly grateful to them in their Life After Congress seminars, our annual dinners, and the new undertaking, our annual picnic.

Needless to say, our programs could not be so effectively run without the exceptional support provided by our staff. Last year our Executive Director Linda Reed retired, and we wish her all the best with this new stage of her life. She was an incredibly able and energetic executive. We thank her for her many years of hard and dedicated service to our Association.

She is succeeded as Executive Director by our former Program Director for Germany, Pete Weichlein. Our international programs are managed by Miss Sudha David-Wilp. Our member relations team includes Tom McGettrick and Rebecca Zylberman. Our staff sees as its main responsibility to communicate to our members and to the general public all the good work of the Association, and we have become much better in using new technology for this communication. And many of you have commented on what a great benefit it is to receive continuous program updates and other news via e-mail. In addition, we are making much more use of our Website, www.USAFMC.org, and will continue to do so. In the very near future we hope to be able to offer video and audio reports on our activities via the Website.

These are truly very exciting times for the Association, and the Executive Committee is always asking Peter, do you have the technology you need to communicate? How can we be more productive in getting the word out to our membership? The video conference that we will be doing with Mexico is one example of how we will utilize the technology to expand the reach of our Association.

The SPEAKER pro tempore. Would the gentleman yield for a special guest?

Mr. LAROCCO. Mr. Speaker, I would be delighted to yield to a special guest.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Mr. Speaker. That has a nice ring to it. Thank you very much, Larry, for yielding your time.

I am pleased to join our very distinguished Speaker in welcoming you to the floor of the House of Representatives. You are an inspiration to us. You built a strong foundation.

Mr. Michel, it is always an honor to be in the same room with you. As minority leader I understand part of your role. I have a certain level of impatience with it myself. But I am pleased to see that bipartisanship is alive and well, at least among the former Members in the Congress of the United States.

Good for you for honoring Sam Nunn. Sam Nunn is a great American recognized throughout our country even though he has not been in office for a few years now. He has always been an inspiration to us in and out of public office. He is always in public service, and his initiative and leadership on Nunn-Lugar is as valid and as important an initiative now as it was then, perhaps even more needed today. You were a leader. You saw early what the need would be, and it is an answer for us. So thank you, Sam Nunn, for your great leadership, and thank you to all of you for honoring Sam Nunn.

I had to go to a discussion about continuation of government, so forgive me for being in and out. As I look around, I see so many friends on both sides of the aisle, and it should not be a partisan issue, but I am afraid it has come down to that again today. But any thoughts that you have about, one thought was that the Members of Congress could suggest their successor in time if an act of terrorism hits Congress. I said that would be good, you would not have to change the boards. We would just have the same names up there. We could be well represented by our very able family members, our constituents would. But you come at a time when you have a great deal, should we say, of lively debate on the issues.

Seeing you reminds us of another time when we were able to work out these issues more easily and more amicably. Hopefully that day will return soon. And when it does, it will be because of the influence you all have on all of us.

Congratulations on your good work on Congress to Campus. I am not surprised that it is such a success with David Skaggs and Mr. Lightfoot, I do not know where he is now, and all the others working on it, going from 6 to 40 campuses in a short period of time. Thank you for making public service more appealing to young people. Hopefully those of us still in office will be able to follow your lead on that as well.

Welcome. Good luck in your deliberations. You are a source of strength and inspiration to us. And I want to extend the greetings of all of the Members of the House and Democratic Caucus to every single one of you.

Again, Mr. Michel, a special welcome to you always.

The SPEAKER pro tempore. The Chair wants to thank the gentlewoman and remind her that in 1990, the St. Louis Cardinals beat the San Francisco Giants, and she still owes me two quarts of chowder. It was based against Anheuser-Busch's product. I thank the gentlewoman.

The Chair recognizes the time yielded back to the gentleman from Idaho (Mr. LaRocco).

Mr. LAROCCO. Mr. Speaker, I was mentioning when I yielded to the gentlewoman from California (Ms. PELOSI) that we were expanding our technology capability, and we are certainly doing that.

I want to mention some special guests that we have with us today. We are very pleased to have with us today Douglas Rowland and Douglas Frith of the Canadian Association of Former Parliamentarians. They are here in the Chamber with us, and we are delighted to have them with us. It has been a tradition to have the Former Parliamentarians from Canada join us for our meeting and that we go to Canada for theirs. We have exchanged very valuable information about our programs and how we can help each other and expand our reach within our own constituencies and across the border.

Doug and Doug, we are very, very honored that you have come to Washington to participate in our annual meeting, and we would like to thank you.

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Many association members over the past several years have had the good fortune, as I have had, to meet their Canadian colleague, Barry Turner, who has joined us for quite a few of our annual spring meetings. Unfortunately, he could not join us this year, but he sends his regards; and I know I speak for all of us when I send our best wishes to Barry. I spoke to him this week on the phone, and he certainly extends his greetings to all of you from north of the border.

Mr. Speaker, it is now my sad duty to inform the House and all of our colleagues of those persons who served in Congress and have passed away since our report last year. The deceased Members of Congress are: Lamar Baker, Tennessee; Harold Budge, Idaho; Barber Conable, New York; Glenn Cunningham, Nebraska; Joshua Eilberg, Pennsylvania; Thomas S. Gettys, South Carolina; David Henderson, North Carolina; Louise Day Hicks, Massachusetts; Jeffrey P. Hillelson, Missouri; Richard Lankford, Maryland; Thomas Lewis, Florida; John Lyle, Texas; Nicholas Mavroules, Massachusetts; Francis Xavier McCloskey, Indiana; Don Mitchell, New York; Patsy T. Mink, Hawaii; Frank E. ''Ted'' Moss, Utah; James Henry Quillen, Tennessee; John J. Rhodes, Arizona; J. Edward Roush, Indiana; William J. Scherle, Iowa; Carlton Sickles, Maryland; Paul Simon, Illinois; Joseph R. Skeen, New Mexico; Bob Stump, Arizona; Strom Thurmond, South Carolina; David G. Towell, Nevada; James D. Weaver, Pennsylvania;

I respectfully ask all of you to rise for a moment of silence in their memory. Thank you. I can tell as I looked around that there were certain memories invoked as I read the names of the

people that have served in this House and our colleagues, and we miss them and are grateful for their service.

Mr. Speaker, as you know, each year the association presents a Distinguished Service Award to an outstanding public servant. The award normally rotates between parties, as do our officers. Last year, we presented the award to an extraordinary Republican, Bill Archer. This year, we are pleased to be honoring a remarkable Democrat, Senator Sam Nunn.

Sam Nunn served in the United States Senate from 1972 to 1996. For 24 years, he represented the fine State of Georgia, attended Georgia Tech, Emory University and Emory Law School, and served in the United States Coast Guard. Like many of us, his political career began on the State level, when he entered the Georgia House of Representatives in 1968.

During his tenure in the United States Senate, Senator Nunn served as chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. He also served on the Intelligence and Small Business Committees.

His legislative achievements include the landmark Department of Defense Reorganization Act, drafted with the late Senator, Barry Goldwater, and the Nunn-Lugar Cooperative Threat Reduction Program, which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological, and chemical weapons.

Sam Nunn is co-chairman and chief executive officer of the Nuclear Threat Initiative, a charitable organization working to reduce the global threats from nuclear, biological, and chemical weapons. It is no understatement that Sam Nunn, both during his years in the Senate and after leaving the U.S. Congress, has made the world a safer place. We are deeply indebted to him for his energy, determination, and commitment in the area of nuclear threat containment. On behalf of the association, I am delighted to present our Distinguished Service Award to the honorable Sam Nunn.

The plaque that I am going to present to the Senator on behalf of the whole association, and I will call the Senator up here to receive it, says: ''Presented by the U.S. Association of Former Members of Congress to the Honorable Sam Nunn for his over 40 years of exemplary public service to his beloved State of Georgia and the Nation. Sam Nunn served 24 years as a United States Senator, chairing for Congress the Committee on Armed Services. His legislative accomplishments are too many to list. He truly has made the world a safer place, both as a Senator through the Nunn-Lugar Cooperative Threat Reduction Program, and as former Member by co-chairing and guiding the work of the Nuclear Threat Initiative.''

Senator, I am so pleased to present you with a scrapbook of letters from colleagues offering their congratulations for this well-deserved symbol of our respect, appreciation and admiration; and I would like to present this to you, Senator, and we would be honored to receive some comments.

Mr. NUNN. Thank you very much, particularly for this wonderful day and this wonderful honor.

Mr. Speaker, Minority Leader PELOSI, Members of the House and Senate, my former colleagues, my Canadian colleagues, my friends and fellow pensioners, as Bill Archer said so well last year when he received this award, being honored by your colleagues and your peers, those who work with you and who know the opportunities, as well as the perils, of public service, is an honor that transcends all others. I am indeed grateful to the Association of Former Members for this award and for your continued dedication to serving our Nation and to continuing to help in every way possible those who remain on the frontline, as well as your extraordinary work on college campuses. In my view, basically inspiring our young people probably is our most important responsibility both as Members of Congress and former Members.

My first job out of law school in 1962 was working here in the House of Representatives as a staffer for the House Armed Services Committee. Over the years, some of my friends have posed the question, Sam, how did you get that great job right out of law school? Did you have a great law school record, academic record? Did the committee recognize your great potential for leadership? Perhaps, but the more honest and straightforward answer is that my great uncle, Carl Vinson, was chairman of the House Armed Services Committee, having served from 1915 through 1965, as a Member of this House; and in 1962 when I came to Washington and spent such a meaningful year, he was the chairman of the committee.

Here, as a House staffer and later in the United States Senate, I developed my passion for public policy and the political process. It all started here. This is where really I became enamored of the political process and where I knew that one of these days I was going to make a run. Here, I learned from Uncle Carl and others that Congress has no higher responsibility under the Constitution of our Nation than to provide for the common defense.

Here, in the fall of 1962, I was exposed to a close-up view of the Cuban missile crisis, which left me with an indelible awareness of our duty to avoid nuclear use and to avoid nuclear conflict, a lesson that basically occupied a tremendous amount of my time when I became a United States Senator and that even today continues to dominate my post-Senate focus.

Here, during my one brief, but impactful, year as a member of the House staff, I met Colleen O'Brien, my bride of now nearly 39 years; and I made a solemn commitment to myself to run for the House and Senate if I ever even had half a chance, which I did fortunately in 1972.

Here today, like every day as a staffer in 1962 and 1963, and as a Senator for 24 years, I get tingles of excitement and awe when I walk into this Capitol and I think of the tremendous power, the tremendous responsibility, and the tremendous influence of those who serve in the Congress of the United States. In the long run, and I think I have realized this more since I left the Congress than I did when I was in the Congress, but in the long run, the most important influence we have, I believe, is our influence over young people by word, but mostly by example. This may be the single most important responsibility of public service. Every day, we must demonstrate that we can be in the political arena and yet retain intellectual honesty and ethical behavior and civility. That is of enormous importance to the continuing of our form of government.

Here, today, I again acknowledge my profound admiration to the men and women, and I must add staffers and congressional employees, like those who are sitting behind us today, including my old friend Charlie Johnson, Parliamentarian of the House, who remain in this arena and in the service of America. Here, today, I express my gratitude to the Members of the House and Senate, past and present, of both political parties who have been my friends, who have been my mentors, who have been my teachers, and who have been my legislative partners in many different initiatives.

Let me leave you with one brief observation that may have some relevance today, particularly to newer Members of the House and Senate, in this era of significant challenges abroad but increasingly bitter political warfare here at home. Every major improvement in national security and defense during my time in the United States Senate was a result of a few Senate and House Members of both parties putting our Nation's security ahead of partisan politics. I have never succeeded in any major national security initiative without a Republican partner. No matter who wins the elections this fall, the most serious problems facing America today cannot be met successfully by one party alone.

I thank all the Members who are here today. I thank the Speaker and the minority leader. You have been most generous in sharing your time this morning with our former Members. The time has come for me to invoke cloture before the Rules Committee sends out the hook. So let me thank you again for this high honor, and let me thank each of you for your splendid service and continued service to our Nation.

Mr. Speaker, I yield the floor.

Mr. BUECHNER (presiding). The Chair thanks the gentleman from Georgia.

At this time, the Chair would like to recognize two other special guests that

we have had join us. We have got the gentleman from Maryland, part of the Democratic House leadership, STENY HOYER. Would the gentleman like to make a few remarks?

Mr. HOYER. Certainly. I will, as John Brademas did, I will use the traditionally opposite podium. I understand NANCY had spoken to you a little earlier and welcomed you here. I have spoken at many of these, perhaps not all, in the last few years.

I might say that I heard how long Senator Nunn served in the Senate. There are some of us who believe he did not serve long enough in the Senate; and, Sam, congratulations to you for this honor and appropriate recognition of the extraordinary work that you have done for our country and, happily for our country, continue to do. We appreciate that.

For those of us from the University of Maryland, we recognize Bill Archer's claim to fame is that he is the father-in-law of Fred Funk, the former coach. For those of you who are golf fans, Fred Funk is one of the great golfers in America on the pro circuit and always does a great job; and I always tell Bill Archer that is why he is famous, not for being in the House.

I am pleased to be here with all of you and add my word of welcome to you. I have said it in the past. Sam just mentioned it. At a time of great challenge for our country abroad, we find ourselves unfortunately divided at home, not only in the Congress but our country divided, as all of us know, and that is reflected in the very close divisions that we find when the public goes to the poll; and when they are polled, we find out how closely divided they are.

It is important, I think, for those of you who had the opportunity to serve, and John Brademas, this morning, my predecessor, I hung the pictures of all the former whips in the hallway leading to my office now, an extraordinary group of people.

□ 1015

And, John, thank you for all that you have done for our country as well.

But I would urge all of us, not you and me, but all of us, together, to try to increase the dialogue and understanding, lower the confrontation and increase the cooperation that we so desperately need when challenged so heavily, I think, abroad.

I noticed the Speaker, my Speaker, has his arm around a wonderful staffer as well, Billy Pitts, who left the Congress, went out and made vast sums of money in the private sector, I hope, and is now back with us trying to straighten out DAVID DREIER. A very difficult job, but Billy is so talented, he may be able to do that.

So welcome to all of you. We are glad you are here, but much more importantly, we are glad that you continue to be active, involved, and leaders in our country. Thank you very much. Good to see you.

Oh, I might just say, and I was going to start with this, that, tragically, sadly, and, Larry, I came in as you were reading the list of Members who have passed away, but two of the Members who were my predecessors in the Fifth Congressional District of Maryland passed away this past year.

Dick Lankford, I know some of you knew Dick, he was here for 10 years, served on the Committee on Armed Services. I was a sophomore at the University of Maryland. I think he was the first Member of Congress that I really met. Dante Fascell was the first one I knew about when I was going to high school in Florida.

And then Carlton Sickles. You mentioned Carlton Sickles, who called up Danny Brewster, for whom I was working in 1962 and 1963 and 1964, when I was graduating from law school, and they asked me to run for the State senate. I turned them down twice. Tom, you may remember this. I turned them down twice because I did not think I could win the State senate seat. And Carlton Sickles, who was then the Congressman-at-large over here and was running for Governor, called up Brewster and said, no, urge him to run, he can win. I will help him. We will give him a lot of money, et cetera, et cetera.

You have all been there and done that. I did run. He did give me a lot of support; no money, but a lot of support, and I was successful. But he passed away, and I had the honor of speaking at his memorial service just a few weeks ago.

So we have been diminished by their losses, but we are advantaged by your continuing participation. God bless you. Thank you very much.

Mr. BUECHNER (presiding). In order to provide some sort of balance with the comments by sitting Members, the Chair would like to invite the chairman of the Committee on Rules, the Congressman from California, DAVID DREIER, to say a few remarks.

Mr. DREIER. Thank you very much, Mr. Speaker. Let me just join in the bipartisan welcome and to say that STENY HOYER has just recognized Billy Pitts, and I think it is important to note that Billy Pitts' father worked for 41 years for the longest-serving whip in the history of this institution, Les Arends. Billy, as you all know, worked for Bob Michel and ran this place when we actually were in the majority, even though many on the other side of the aisle did not realize that, during the 1980s, leading up to 1994. Billy made sure that we were in the majority, and I feel very fortunate that he has come back to work with me on the House Committee on Rules. He is sitting next to the guy who appointed me to the Committee on Rules.

And it is interesting as I sit here and listen to the great remarks, and I listened upstairs, I had the television on and listened to Larry's comments about the international involvement that so many of you all are having. I have just come back from a 12-nation and 12-day trip. Billy and I went all over Southern Europe, Central and South Asia. And because I come from California, I have talked to a number of people from Mexico who have referred to the fact that the work of the study group has had a great impact on this very important relationship. So I want to encourage you there.

I also want to join in recognizing my friend Sam Nunn, and you all are absolutely right on target, and STENY is right in saying that we wish he were still here because of the stellar leadership he has provided us. But he is doing it in so many other areas, and I have been thrilled to work with him at CSIS and in a number of other fora.

In just a few minutes, we are going to be beginning a very interesting debate that all of you will be fascinated with, and that is the question of the continuity of Congress. After September 11, we looked at the prospect of this fact. I was the last person to leave the Capitol on September 11. I left about 11 a.m. that morning, and I did so when one of the guards down here said there was a plane they had lost contact with that was headed right for this building. We all know it was the plane that ended up going into the ground in Pennsylvania because of those courageous people who were on board that flight.

After that time we looked at the thought that really had not been contemplated by many, except it was discussed in the 1950s, of a huge loss of life. So we are going to today be considering legislation which would call for expediting the special elections that would be held following that loss of life. And just to give you my view on it, I am struggling because there are some who want to have Governors appoint Members of the House of Representatives or have us actually appoint our successors, which to me is completely counter to the Madisonian view of this being the people's House.

I see two former Members of the Senate here, and you can serve in the Senate by appointment. We know from the former minority leader of this place, Jerry Ford, that you can become President of the United States by appointment, yet we all know this is the only federally elected office where you have to be elected to serve. So we are going to begin in just a few minutes that debate, and I hope that all of you will follow it because it is going to be a fascinating one as we look at this challenge to the institution.

Anyway, I hope it is a long time before I join your ranks, but I just wanted to let you know it is nice to be here with you all. Thanks.

Mr. LAROCCO. Mr. Speaker, I have noticed some former Members have joined us during the course of our report, and I would like to invite them to come up to the desk and make sure their attendance here is noted for the RECORD.

This, essentially, concludes our 34th Annual Report to the Congress. I just

want to say personally that my term is ending shortly as president of the Association. I want to thank the Board and the Executive Committee for their great support, and all of you for your support of the Association and just for giving me the honor and the privilege to serve as your president for the last 2 years. It has truly been a wonderful 2 years to work on the programs here.

And I want to thank Sam Nunn, too, for honoring us here to receive the award and for his great remarks. Thank you so much, Sam. And to our bipartisan leaders of the current Members who have come to greet us.

We have a wonderful program today, starting in just a few minutes, with a press panel over in the Cannon House Office Building, but with that, Mr. Speaker, I yield back my time and conclude my report.

The SPEAKER pro tempore. The gentleman has concluded his report, but before terminating these proceedings, the Chair would like to recognize the gentleman from Florida, Lou Frey, for a special presentation.

Mr. FREY. Mr. Speaker, this will just take a couple of minutes, but I think this is really important. It is a great privilege for me to recognize the outgoing president, Larry LaRocco, for his many years of outstanding service to the organization. As he just said, his term as president comes to an end this year, and all of us, members of the Executive Committee, the Board of Directors, Association members and our staff, wish to thank Larry for his exceptional leadership. He has amazing drive and energy, and he has brought a vision to the presidency like few others before him.

Ever since he joined our Association, he has been such a great asset, and we are glad he will remain on our Board and on the Executive Committee even now that his term as president is ending. In my opinion, and I know many of my colleagues share in this assessment, this Association has taken quantum leaps since Larry became president.

He has talked about the Congress to Campus program that has almost quadrupled in size, the international component that we have, and the tours to Taiwan, France and Germany. In addition, Larry has brought us into the 22nd century, I think, with his space-age technology, and he continues to drag us in that direction.

I personally believe that because of Larry LaRocco's leadership, the U.S. Association of Former Members of Congress is perceived as a vibrant and engaged NGO that allows its unique membership to continue their service to the country. He took existing programs and made them better. He brought ideas to the table that upon implementation have resulted in new and exciting ventures for our Association.

Larry, you just did an incredible job. We thank you so much. And on behalf of the Association, I would like to present this plaque to you, which is just a small token of the thanks for so many years of effort and such a great job, and we truly are blessed with your service. Thank you so much, Larry.

The SPEAKER pro tempore. The gentleman yields back his time.

The Chair again wishes to thank the former Members of the House for their presence here today. And to reiterate the remarks of the gentleman from Idaho, for all those Members present who did not record their presence, please come to the reading clerk and be so designated.

Good luck to you all.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 25 minutes a.m.), the House continued in recess.

□ 1045

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 10 o'clock and 45 minutes a.m.

## PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KLINE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

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

There was no objection.

## JOHN KERRY DOES NOT BELONG IN THE WHITE HOUSE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, on this day in 1971, JOHN KERRY showed his true colors; and they are not red, white, and blue.

Before the Senate, before America, and before the world, he blasted our Nation, chastised our troops, and hurt our morale. He famously declared that soldiers tortured innocent Vietnamese and that America was the worse violator of the Geneva Conventions, not Vietnam.

In 1971 when JOHN KERRY had the freedom to stand up to defy duty, honor, and country, I just emerged from 4 years of solitary confinement, where the Vietnamese did not adhere to the Geneva Conventions.

What he did was nothing short of aiding and abetting the enemy. A person like JOHN KERRY does not belong in the White House.

Is it any wonder my comrades from Vietnam and I have a nickname for him similar to ''Hanoi Jane''? He is called ''Hanoi John.''

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to refer in a personal way to Senators who are candidates for President.

## RISING COSTS OF COLLEGE EDUCATION

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

Mr. EMANUEL. Mr. Speaker, today's New York Times states that middle-class families are being edged out of the prestigious universities by rising costs of college education. Access to college for middle-class families has worsened over the last few years, another example of the middle-class squeeze in America.

The greatest disservice that we have done to middle-class families in America is to convince them of the necessity of college education for their children and then priced it out of reach for their children.

College tuition at public universities has increased by 14 percent last year and in certain States by 20 or 30 percent. In my home State of Illinois today, when a college graduate gets a diploma, on the backside is their first Visa bill. Every kid graduates with an average of $15,000 of debt.

College tuition is running three times the rate of inflation; but Congress has not made the investment in higher education, and costs have soared. While college costs have skyrocketed, Pell grants have been frozen for 3 years. And in the year in which we are to reauthorize the Higher Education Act which deals with Pell grants and Perkins loans, what has Congress done?

## RECOGNIZING MEMBERS OF 432ND CIVIL AFFAIRS BATTALION

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

Mr. GREEN of Wisconsin. Mr. Speaker, it is my great honor to recognize before this House the brave members of the 432nd Civil Affairs Battalion who are returning home today from their overseas deployment.

Northeastern Wisconsin is often called the ''land of legends'' for our fabled football team, the Green Bay Packers. The gridiron leadership of men like Lombardi and Lambeau and Nitschke made Green Bay synonymous with strength and courage and triumph.

But it is not our sports heroes who make our area truly legendary. It is our servicemen and -women who have put their lives on the line to defend freedom. Under the most difficult conditions, brave troops of the 432nd have

strived to rebuild a nation ravaged by tyranny and war and strife. Obviously, our work there is not yet done. But we can take comfort in the fact that some of our finest countrymen carry the torch of liberty in Iraq.

Mr. Speaker, the members of the 432nd, along with all of our servicemen and -women, deserve our praise, our support, our gratitude. They are genuine heroes.

## MEDICARE MODERNIZATION

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, since Medicare was founded, medicine has changed and seniors have changed. We all know how medicine has changed, MRIs, open heart surgery, all the dramatic procedures, all the new diagnostic tests; and Medicare has a cumbersome though slow way of accommodating its system to be able to deliver modern medicine.

More importantly, seniors have changed. They are living longer. They are living with chronic diseases. And Medicare has not accommodated at all to that dramatic change in our seniors' lives.

So I was delighted this week to announce with Secretary Tommy Thompson the implementation of those provisions of the Medicare Modernization Act which will for the first time enable Medicare to deliver to our seniors modern medical care to better support those with chronic illnesses.

Twenty percent of our seniors have five or more chronic illnesses. They use two thirds of the Medicare dollars, and we have not been able to deliver what modern medical science knows about how to prevent the progress of chronic illness. We started today through the Medicare Modernization Act which we voted through in this House, to do just that.

## EMBEDDED COSTS OF MEDICAL LIABILITY

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

Mr. BURGESS. Mr. Speaker, we have heard several times about how the embedded costs of the medical justice system, medical liability, negatively impact the medical system in this country. In fact, I think on Fox News over the weekend they had a rather dramatic piece on how the cost of soaring premiums has driven some doctors out of practice.

But make no mistake about it. While it may affect the doctors' livelihood, it ultimately affects access for patients. In my district, that has meant perinatologists, specialists who deal in high-risk obstetrics, who have closed their shops; neurosurgeons who have left town; trauma centers that have been put at risk.

Traveling to Nome, Alaska last summer, I was told by a group of doctors there that they could not afford the liability premiums for an anesthesiologist in the town of Nome, Alaska. When their obstetricians have a complicated pregnancy, they have to put that woman on a plane and send her to Anchorage. I fail to see how that furthers patient safety.

A director of a residency program told me that currently they are now accepting people they would not have interviewed for their obstetrics and gynecology program 5 years ago because young men and women do not want to go into obstetrics and gynecology.

Mr. Speaker, we have a President who will sign a medical liability bill. We have a candidate who has either voted ''no'' or been absent when that bill has come to the Senate.

## PRESCRIPTION DRUG COVERAGE

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

Mr. REHBERG. Mr. Speaker, for the first time in history, seniors across the country are about to have an option of choosing Medicare prescription drug coverage if they so desire. Beginning May 3, thanks to the improvements we made to Medicare, each beneficiary will be entitled to select a prescription drug discount card of their choice that will provide immediate savings, including a $600 credit for qualifying low-income individuals.

Those who voted against these changes do not seem to want seniors to know that the new prescription drug coverage will help 14 million low-income Medicare recipients who need it most, those who are having to choose between food and medicines they need.

For the past 4 months, those who have voted against the drug coverage have not been sharing with seniors information about the new opportunity to sign up for prescription drug coverage.

Why should seniors not be allowed to learn that they will soon have choice and control over their prescription drug plans? Do seniors not have the right to know that their new coverage will give them better access to more prescription drugs at lower prices? Do they not have the right to know that if they already have prescription drug coverage that they can stay with their plan if they like it?

Ten days from now seniors will be free to choose for themselves.

## DISPARAGING REMARKS BY JOHN KERRY

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

Mr. KLINE. Mr. Speaker, I rise today with many of my fellow veterans in this body to bring attention to a serious decision facing our Nation. Very soon the American people will be asked to make an important choice. We will be asked to decide who will best lead our Nation for the next 4 years. One candidate, JOHN KERRY, would claim to have the best interests of America at heart. However, Mr. KERRY's history tells a different story.

Thirty-three years ago today, he stood before the Senate Foreign Relations Committee disparaging, disparaging our brave servicemen and -women as murderers. Yet today in pursuit of the Presidency of what he called a ''hypocritical'' Nation, he boasts of his service alongside them.

Every man and woman who has stood in defense of our Nation deserves our thanks. But JOHN KERRY's service does not excuse him from joining ranks with Jane Fonda and others in speaking ill of our troops or their service then or now.

On the anniversary of these outrageous claims by JOHN KERRY, I believe we must remind the veterans of our United States Armed Forces, past, present, and future of our appreciation, of our thanks for their service to our military and our Nation.

## JOHN KERRY SHOULD APOLOGIZE TO AMERICAN VETERANS

(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, 33 years ago today, John Kerry appeared before the Senate to talk about Vietnam. Many veterans, including myself as a veteran, view JOHN KERRY's testimony that day as one of the worst public slanders ever against the valor and character of the American military.

In a sad act of political theater, JOHN KERRY accused American soldiers of rape, torture, murder, and even offered up comparisons of Genghis Khan. What he said that day has been discredited. Some of the men used as sources for war crimes later were found to have never been to Vietnam.

Yet just last Sunday on ''Meet the Press,'' JOHN KERRY failed to apologize for his extremist accusations. His words in 1971 are important because he used false information to turn public opinion against the men who were serving their country honorably, such as the gentleman from Texas (Mr. SAM JOHNSON), who survived 7 years as a POW in Vietnam.

These troops returned to face unfair persecution, and John Kerry owes them an apology.

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

## EARTH DAY

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

Mr. MICHAUD. Mr. Speaker, today is Earth Day, and the President is coming to my home State of Maine to speak about the environment.

Unfortunately, the administration has taken us backward in protecting the environment, and Maine is worse off because of it. In August, the EPA rolled back pollution controls for coal-burning plants in the Midwest and just recently announced plans to allow more mercury to be emitted into the air, just as we find that many parts of Maine do not meet quality air standards.

This is not just bad for air. It is bad for jobs. When the EPA rolled back mercury regulations in August, hundreds of pipe fitters were laid off because the pollution-control equipment they installed was no longer needed.

Protecting our air is not a partisan issue. Clean air improves public health, saves money, and can create jobs for Americans. The administration cannot just ''outsource'' the responsibility for protecting our environment to another country.

## JOHN KERRY AS COMMANDER IN CHIEF?

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

Mr. CUNNINGHAM. Mr. Speaker, Colonel Bud Day, former Vietnam prisoner of war for over 6 years, recalls in his book on how Jane Fonda, Ramsey Clark, and JOHN KERRY energized the enemy through their accusations and hurt them as prisoners of war.

Mr. Speaker, I was shot down over North Vietnam at that time. I can remember the anger and the disparaging remarks that JOHN KERRY made about our service. I remember the rage in all of us from his slander.

I am proud of the men and women that I served with in Vietnam and those that are serving us at great risk today in Iraq and Afghanistan and all over the world.

Even today, JOHN KERRY votes against defense, the military, veterans, and intelligence bills that would enforce the safe return of our men and women. We do not need someone that would vote like a Jane Fonda as commander in chief.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that personal attacks on Members of the Senate do not comport with the rules of the House.

## JOHN KERRY'S ACCUSATIONS AGAINST AMERICAN SOLDIERS IN VIETNAM

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

Mr. HUNTER. Mr. Speaker, when Americans watched U.S. troops take Baghdad through embedded media, they saw the American GI in his true character. They saw a GI who was compassionate, who was honorable, and who had great courage. In a way they saw also the GIs of Vietnam because in many cases those were the sons and grandsons and granddaughters of people who had fought in Vietnam, people who had the same character, the same honor, the same courage.

□ 1100

Yet we have had a person who is running for President, Senator JOHN KERRY, describe those people as having murdered 200,000 people in Vietnam, being stoned on pot 24 hours a day, that is he said 60 to 80 percent of them, and ravaging the country in a Genghis Khan-like fashion.

I think Americans have a choice. If you feel that your son or daughter did those acts in Vietnam, if that was a true characteristic of American GI's in Vietnam if you served in Vietnam, if you think your husband conducted himself in that fashion, perhaps you want to vote for JOHN KERRY. If you think that is a wild-eyed, nutty statement that is not an appropriate statement for somebody running for President of the United States, vote against JOHN KERRY.

## TROUBLING REMARKS BY JOHN KERRY

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

Mr. GIBBONS. Mr. Speaker, I rise today also to highlight some very troubling remarks by JOHN KERRY, who is now seeking the Presidency of the United States, our Commander-in-Chief.

In 1971, KERRY testified before a Senate committee that communism was not a real threat to the United States. He went so far as to say that the U.S. was ''reacting under Cold War precepts which are no longer applicable.''

Mr. Speaker, that was 1971. I think we can all agree the Cold War was very much applicable and continued to be for the next two decades.

Now JOHN KERRY has the gall to compare our efforts in Iraq to Vietnam.

Mr. Speaker, as a veteran of Vietnam War, I take great offense to Mr. KERRY's statements, then and now. Our efforts in Iraq have liberated millions of civilians from a brutal dictator that has used weapons of mass destruction against his own people.

The world is a safer place without Saddam Hussein in power, and the United States is a safer place with President Bush as Commander-in-Chief.

## KERRY PLANS TO ELIMINATE SMALL BUSINESS FEDERAL CONTRACTS

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

Mrs. BLACKBURN. Mr. Speaker, the Nashville Business Journal recently ran an article entitled ''Kerry Plan Would Cut 100,000 Government Contracting Jobs.'' This was reporting on JOHN KERRY's plan to eliminate 100,000 private sector contractor jobs. Apparently, he does not feel that the private sector provides much bang for the taxpayer buck. His solution is bigger government, less competition.

According to the Professional Services Council, small businesses would bear the brunt of KERRY's return to big government. Last year, small businesses competed for and won $63 billion in government contracts, equaling more than 25 percent of the Federal Government's contracting budget.

Study after study has shown that contracting with our Nation's small business sector reduces the cost to taxpayers, conserving taxpayer dollars. That should trump favors to special interests and big business any day.

Mr. Speaker, those of us in touch with folks outside the Beltway know small businesses make this country run.

## DISPARAGING THE HONORABLE SERVICE OF VIETNAM VETERANS

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

Mr. STEARNS. Mr. Speaker, 30 years ago a Vietnam veteran went to the Senate Committee on Foreign Relations and he delivered a stinging indictment of our American troops, all of the American troops serving in Vietnam. He stated that murders and other crimes were ''not isolated instances, but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command.''

That individual who alleged that our military openly and systematically violated the Geneva Conventions more than any other body is now running for President, and that is Senator KERRY.

Many of these charges rose from the Winter Soldier Investigation, where activists gathered to describe these war crimes. It was later learned that many of those who confessed these war crimes never served near a battlefield. It was a fraud.

Senator KERRY disparaged the honorable service of all the countless veterans who served in Vietnam with these charges, and he should apologize for what he said against his fellow veterans.

## IN DEFENSE OF JOHN KERRY

(Mr. LARSON of Connecticut asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, especially with so many in the gallery today, I rise to defend JOHN KERRY from the onslaught on the floor today, a decorated veteran in Vietnam, a person who received three Purple Hearts and the Silver Star for serving with distinction. And now, because he is a candidate for President of the United States, he receives the unbridled attack from the opposition.

We ought to rise above this here on the floor of the House and across the Nation in this debate. What we need to do is focus on the issues that this country desperately needs to address, seniors that need prescription drugs, people that are out of work and unemployed.

What we need is leadership, the kind of leadership that JOHN KERRY provided in the fields of Vietnam, that he has provided with distinction in the United States Senate, and that he will provide as President of the United States.

## THE BENEFITS OF MEDICARE'S NEW DRUG PROVISIONS

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

Mr. BLUNT. Mr. Speaker, for too long seniors have been paying extraordinary high prescription drug costs with no relief measures in sight. But thanks to the recently signed Medicare and Prescription Drug Improvement and Modernization Act, Medicare will now provide drug cards to all seniors who need them at a cost ranging from a $30 maximum each year to free.

These cards, even for those who would get them for free, are completely voluntary. They will be made available to seniors beginning June 1 of this year. Low-income seniors will have a $600 annual credit on their card. Seniors can sign up for a Medicare-endorsed discount card as early as May 3.

Seniors are encouraged to find out what card is best for them by calling 1–800–MEDICARE and asking about drug savings. Seniors and their families can visit www.medicare.gov to find out more about which card is best for them where they live.

Mr. Speaker, I encourage all seniors and people who care about them to inquire about enrollment, to see if this is a better plan for them, and to begin immediately saving on their drug costs.

## CREDENTIALS NEEDED FOR THOSE ATTACKING JOHN KERRY

(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, I came to the floor to talk about Earth Day, but listening to what is going on out here makes me think I will change my subject.

I spent 2 years, 1968 to 1970, as a psychiatrist in the United States Navy taking care of people who lived through what JOHN KERRY went to war about, and for anybody to come out here and attack his war record, you have to have pretty good credentials.

Now, if you served and showed up for drills at your local National Guard, I think those would be acceptable credentials. But if you were in the National Guard and you did not show up, you were AWOL for a whole year, you have got real nerve to start an attack on JOHN KERRY's character.

During that war many people on both sides of the issue, whether we should go to war or were against the war, acted bravely. But some people were simply not available. They never showed up for their flight physical. They were not there.

## ATTACKS ON JOHN KERRY SHOULD NOT BE COUNTENANCED

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

Mr. INSLEE. Mr. Speaker, one of the things America abhors is a sneak attack. President Roosevelt in this Chamber described December 7 as a day that would live in infamy.

What I saw a few minutes ago is a sneak attack on a Member of the U.S. Senate by a bunch of my colleagues who came down here and disparaged him, contrary to the rules of the House. The Speaker repeatedly admonished them for violating the best traditions of this House, and my colleagues continually came to the Chamber to continually violate those traditions of this House.

Mr. Speaker, I want to give notice that we have a long time in this election period coming up, and we have problems deciding what we are going to do about Iraq, and it is not going to help us if we turn this into a Chamber of personal assassination.

Let me just say, there is a lot of nerve in this Chamber attacking a guy who has a Bronze Star, a Silver Star and Purple Hearts in the tradition of his Nation, and it should not be countenanced by the Speaker ever under any circumstances, whether Democrats are in the Chamber to object or not.

## PARLIAMENTARY INQUIRY

Mr. LEWIS of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. LEWIS of Georgia. Mr. Speaker, I just want to raise a question. Is it proper, is it appropriate, is it a violation of House rules for Members of this body to attack Members of the other body by name?

The SPEAKER pro tempore. When a Member of the Senate is a presumptive nominee for President, it is proper and fair to speak about the Senator's record, but not to make personal attacks.

Mr. LEWIS of Georgia. Mr. Speaker, it is my understanding this person is not even the nominee of his party yet.

The SPEAKER pro tempore. The Chair has not purported to identify an actual nominee.

## PARLIAMENTARY INQUIRY

Mr. INSLEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. INSLEE. Mr. Speaker, is it appropriate for the Speaker, who presides over this Chamber, when there is a clear and direct personal attack using personally disparaging comments about a Member of the United States Senate on a repeated basis, is it appropriate or allowable for the Speaker to interject and prohibit that activity, even without a Member of the Chamber expressing a concern?

In other words, does the Speaker have the ability to exercise preemptory power to enforce the rules of this House when there is a sneak attack disparaging the personal integrity of a U.S. Senator?

The SPEAKER pro tempore. That is the Speaker's role, and the Member should have seen the Chair admonish those not following the rules.

## HONORING THE GARDEN GROVE ELKS CLUB

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the Garden Grove Elks Lodge 1952 for their contributions to my community of Garden Grove, California.

The Garden Grove Elks Club is just one of thousands of Elks chapters across this Nation. They operate on the ideals of charity and patriotism, contributing to schools, police and fire departments, and also working with their youth in their community.

The Elks Club consists only of volunteers, those citizens who strive to make a difference based solely on the goodness of their heart.

I would also like to recognize Elks Lodge 1952's newly installed officers: Dave Offhaus, Dave Skelton, Gary Mueller, Randy Barrows, Lynn Johnson and Jim Faulkner. I wish these new officers much luck in the coming year, and I would also like to extend my appreciation for all that they do for our community.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will clarify what he had said to the gentleman from Washington.

In the event that a Member does need to be interrupted for improper references to presidential and nominated

candidates, the Chair will interrupt the Member and admonish the Member if he is not in comportment with the rules.

## MAKING IN ORDER AMENDMENT IN LIEU OF AMENDMENT 3 PRINTED IN HOUSE REPORT 108–466 DURING CONSIDERATION OF H.R. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker I ask unanimous consent that during consideration of H.R. 2844, pursuant to House Resolution 602, the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary be considered as the original bill for the purpose of amendment, and the amendment I have placed at the desk be in order in lieu of the amendment printed in part B of House Report 108–466 and numbered 3.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

An amendment offered in lieu of amendment No. 3 printed in House Report No. 108–466 offered by Mr. SKELTON of Missouri: 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) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.''.

Mr. HASTINGS of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

## CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed 60 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 602 is a structured rule providing for the consideration of H.R. 2844, the Continuity in Representation Act of 2004. The rule provides 60 minutes of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII requiring the inclusion of general performance goals and objectives in a committee report.

The unanimous consent request just agreed to provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment which shall be considered as read.

The original text for purpose of the amendment will not include the text of part A of the Committee on Rules report. The unanimous consent agreement also makes in order the bipartisan amendment of the gentleman from Missouri (Mr. SKELTON), the gentleman from Missouri (Mr. BLUNT), and the gentlewoman from New York (Mrs. MALONEY) in lieu of the Skelton-Maloney amendment printed in part B of the Committee on Rules report.

The rule provides that the amendments made in order shall be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the whole House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, the tragic events of September 11, 2001, made clear that, as much as we might wish otherwise, at some point in the future it may be necessary to replace a large number of Members of this body killed in some type of a terrorist attack.

As my colleagues know, the Constitution has always required that the vacancies in the House, no matter how many or what their cause, be filled only by popular election of the people. The timing of such special elections is set on a state-by-state basis. Some States require that congressional vacancies be filled relatively quickly

while others it takes quite a few months before a special election is held.

Such disparities are little cause for concern when vacancies are few and far between, as has thankfully been the case throughout the long history of this body. In those cases, only the citizens of a district temporarily left without representation are adversely affected until that vacancy is filled.

However, Mr. Speaker, we face a grim new reality today. The reality is that so many vacancies might suddenly occur in the House that our ability to function and to be confident that the decisions made in this Chamber reflect the broad desires of the American people, as expressed by their ballots, could be severely impaired.

That harsh new reality must be faced squarely. This, after all, is a national government and we are the Nation's legislature exercising national responsibilities. We must be able to act in the best interest of the Nation, and never more so than following a major catastrophe. No longer, Mr. Speaker, do we have the luxury of leaving it to the 50 States to decide when it would be possible to fully reconstitute the people's House in the wake of a deadly tragedy.

My colleagues will recall that after the attacks of September 11 the House passed H. Res. 559 expressing the sense of the House that each State should examine its existing statutes, practices, and procedures governing special elections so that in the event of catastrophic vacancies in the House, those vacancies might be filled in a timely fashion. Regrettably, Mr. Speaker, only one State, the State of California, has responded to that request and changed its election laws to provide for expedited special elections in the wake of a catastrophe.

I should note also, Mr. Speaker, that the impetus for that resolution was in part work done by a bipartisan task force chaired by the House Republican Policy Committee chairman, the gentleman from California (Mr. COX), and my colleague across the aisle, the gentleman from Texas (Mr. FROST), who then served as the chairman of the Democratic Policy Committee. The Cox-Frost task force met regularly during the 107th Congress to consider a wide range of issues following under the umbrella of the ''continuity of Congress.'' Since then I am pleased that a number of Members on both sides of the aisle have continued this important dialogue, seeking neither personal gain nor partisan advantage. After all, surely no Member's election will be won or lost over this issue, nor should it.

The bill we will consider today represents but one part of a comprehensive strategy for preparing for the unthinkable. For that is what we are doing, preparing for the unthinkable. And prepare we must. H.R. 2844 is a key element of that strategy. We simply must make it possible for the people to reconstitute the people's House as quickly as possible if a large portion of this body is suddenly deceased.

To be sure, there are other equally important continuity issues still to be addressed. We must, for example, consider appropriate responses in the event that a large number of Members are incapacitated rather than killed. Certainly in a time of chemical, biological, and radiological weapons, that is a potential scenario that cannot be ignored.

In order to act, the Constitution requires the House to achieve a quorum of Members, a quorum of a majority of all Members living and sworn. When a Member dies or resigns, the Speaker under the rules adjusts the quorum. However, the Framers never contemplated and made no provision for the need to adjust the required quorum when a large number of Members are still living but unable to carry out, temporarily or otherwise, the duties of the office. Simply put, under current law, if more than half the House were to become incapacitated, yet not deceased, the House would be unable to act at a time when the need to do so could hardly be greater.

Therefore, I am pleased, Mr. Speaker, to advise my colleagues that this complex issue of incapacitation will be the subject of a hearing to be held next week by the House Committee on Rules under the chairman, the gentleman from California (Mr. DREIER), whose personal involvement and leadership on these issues, frankly, has gone largely unreported, but has contributed immeasurably to this important continuity in Congress effort.

Indeed, the gentleman from California (Mr. DREIER) and the Committee on the Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), are the principal authors of the bill which will shortly be before us, the Continuity Representation Act of 2004.

Mr. Speaker, H.R. 2844, which was reported favorably by both the Committee on House Administration and the Committee on the Judiciary, provides for the expedited special election of new members to fill seats left vacant due to extraordinary circumstances. Such circumstances would be deemed to exist when the Speaker announces that vacancies in the House exceed 100 Members, in other words, more than 100 Members of this body have been killed. When such extraordinary circumstances occur, a special election must be held within 45 days unless a regularly scheduled election is to occur within 75 days.

The bill provides political parties with a 10-day window in which to nominate candidates and sets forth judicial review procedures for announcements by the Speaker regarding those vacancies.

The Congressional Budget Office estimates that H.R. 2844 would have no significant impact on the Federal budget. Although the bill does contain an unfunded mandate, this mandate does not exceed the threshold amount established in the Unfunded Mandates Reform Act.

Mr. Speaker, in closing, let me acknowledge that there are some Members in this Chamber who believe that we should amend the Constitution to permit the immediate appointment of replacements in the event that a tragedy as I described should occur. That is not my position, Mr. Speaker, for I share the framers' love for their ideal of a House of Representatives of the people, for the people, and elected by the people.

But I do sincerely believe that our colleagues who support the constitutional amendment deserve an opportunity for consideration of the merits of that approach. Many Members will be pleased to learn that we have been assured that such an opportunity will take place in the very near future.

At the same time, I think equally important would be to provide supporters of expedited special elections an opportunity to consider their legislation. Those who disagree should bear in mind that enacting this bill that we are going to take up today will do little or nothing to affect the odds of a constitutional amendment of continuity being adopted and eventually ratified.

And, for at least several years, neither approach precludes the other. Because let us be completely honest about this: even if successful, under the best circumstances, it takes several years to amend the Constitution. So in the meantime does it not make sense to do the work that we can within our existing constitutional framework to prepare for the worst?

Mr. Speaker, that is the question that can only be answered by the entire House. Accordingly, I urge my colleagues to support the rule for the consideration of H.R. 2844 so that the important debate may begin.

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

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

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

Mr. FROST. Mr. Speaker, it has been over 2½ years since terrorists commandeered four airplanes and killed 3,000 people in New York, Washington, and Pennsylvania. The events of September 11, 2001, made it abundantly clear that the United States is not immune from attack. But I am deeply concerned that for most Members of the House that day did not make a deep enough impression about what might happen if this institution or its Members were successfully targeted by terrorists or other enemies of our democracy. United Flight 93 was headed here. Had it not been for the brave souls on that plane who fought the terrorists who took over their flight, this very building could have been destroyed. Had Flight 93 not been taken down in the field in Pennsylvania, a

large number of Members might have been killed.

On September 11, 2001, we did not have a procedure in place to reconstitute this body. And on April 22, 2004, we still lack such a plan. I am sad to say, Mr. Speaker, that the bill before us today does not give us a viable plan. And the manner in which this bill is being brought to the floor does a disservice to the very serious issue of continuity of government.

The very fact that the chairman of the Committee on the Judiciary has chosen to push this remedy to the exclusion of any other idea shows that the leadership of this House has chosen to make this a partisan issue. And the stability of our government and its institutions should not now, or ever, become a partisan issue.

In the spring of 2001, the gentleman from California (Mr. COX) and I co-chaired a bipartisan working group that sought to examine the issues in play. No Member in the history of this body has ever taken the oath of office without first having been elected by the people.

Mr. DREIER. Mr. Speaker, would the gentleman yield? I wanted to clarify one point that my friend was making.

Mr. FROST. Mr. Speaker, the gentleman from California (Mr. DREIER) will have time. I need to finish my statement, but then I will be glad to yield.

□ 1130

Mr. FROST. Given that no Member in the history of this body has ever taken the oath of office without first having been elected by the people, the group focused on what might have been done within the law or with statutory amendments to replenish the House in the event of a catastrophe.

We had on a bipartisan basis serious and thoughtful discussions. We made modest but important changes to the rules of House that aid the Speaker in the event of a catastrophe. We passed a resolution that called on the States to put into place procedures by which expedited elections might be conducted in the event that a large number of Members are killed.

But the members of the working group grappled with much larger issues, that of incapacitation, if it would be possible to skirt the constitutional requirements for election through statutory changes, the judicial review of decisions made by a House composed of only a few Members.

We soon realized that those Members as well as many others needed to be addressed by the committees of jurisdiction. We had high hopes of a thoughtful, serious, nonpartisan debate and serious issues. What we got instead was a poorly thought out and wholly inadequate response to the questions we raised 2 years ago.

I know the Chair of the committee will want to seek recognition in a moment, and I will acknowledge that the Chair said yesterday that the Committee on the Judiciary will mark up a constitutional amendment in the immediate future, and for that we are very grateful. Unfortunately, that amendment is not here on the floor, and we do not know when that amendment will actually have the opportunity to be voted on upon the floor.

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

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

Mr. DREIER. Mr. Speaker, let me clarify again the statement that I made when this question came forward.

The chairman of the Committee on the Judiciary is here on the floor, and, as you know, in the past couple of weeks he and I have been discussing and I have shared those conversations, and the chairman has indicated his willingness to at the next markup the Committee on the Judiciary holds, they will mark up the constitutional amendments that you all put forward.

And I think it is also very important for us to note that we have been seeking, having worked with the task force that the gentleman and my colleague, the gentleman from California (Mr. COX), shared to work in a bipartisan way on this, and I know from having had discussions with friends on the gentleman's side of the aisle that there is, in fact, bipartisan support for the effort that we are proceeding with here. And that is one of reasons that as we look at the structure of this rule, we did make in order amendments offered by Democrats.

I see my friend, the gentleman from Connecticut (Mr. LARSON), here who has a thoughtful one. I know the gentleman from Washington (Mr. BAIRD) has been working on this issue as well. I will say to my friends, bipartisanship is something that we have been seeking on this, and I hope at the end of the day we will be able to find that.

Mr. FROST. Reclaiming my time, Mr. Speaker, the issue is of serious magnitude. While the chairman of the Committee on the Judiciary has indicated he will mark up a constitutional amendment, we have no assurance that that amendment will be considered on the floor by this body in a timely manner this year.

Let me, if I may, address comments not just to the chairman of the committee and the chairman of the Committee on the Judiciary, but to all the Members of this House. The reason that some of us and many of us feel that this legislative approach is inadequate, and that a constitutional approach is the only one that can serve this country, is that if a number of Members were killed in a common disaster, the period of time that would pass before this House could be reconstituted under the bill that is being voted on today is unacceptable. We would find ourselves without a functioning Congress perhaps for months under this bill.

Now, there is an historical anomaly in our Constitution that provides that Members of the Senate when they die can be replaced by an appointment of a Governor, and there is no such procedure in the Constitution for Members of the House. The reason for, the gentleman will have plenty of time, the reason for this historical anomaly is that when the Constitution was originally drafted, Members of the Senate were chosen by appointment. They were appointed by their State legislatures, and when we went from an appointed Senate to direct election of the Senate, the power of Governors to replace Senators was continued.

There was no such provision for Members of the House. That does not mean that in this 21st century today that there should not be such a procedure. The fear is that if a large number of Members were to be killed in a common disaster, that the Congress could not function in a timely manner when the country would most need a Congress.

Now, there is a second unfortunate aspect of current law. Under current law, a quorum of the House of Representatives is a majority of those Members living and sworn into office, sworn and living, so that if, of the 435 Members of the House, if, for sake of argument, 400 were to be killed in a common disaster, and 5 survived because they were not present in the Chamber at the time of the disaster or for whatever reason, 3 Members of those remaining 5 would constitute a quorum. And you could say, well, then the Congress could continue to function with those 5 Members.

The question that I would pose is would decisions made by three individuals be respected by the country at a time of crisis? We have to provide for continuity in our government, and for us to pretend that a terrible disaster like this could never happen, and we all hope that it never happens and trust that it never happens, but for us to pretend that it could not happen, and that if it did happen, oh, we would have a leisurely pace of months to replace Congress during that time does a disservice to our form of government and to the people that we represent.

Now, there are disputes and concerns on the type of constitutional amendments, on how you provide for the prompt, orderly replacements of Members. People have different views on that. Some people feel that the Governor should be able to appoint their replacements just as the Governor can appoint a Senator. Others feel that the Members in advance should be able to put a list, put together a list and designate who their successor would be, or perhaps have a list and the Governor chooses from that list. There are a lot of provisions that could be considered.

What we are saying is that this House now, not a couple of months from now or a couple of years from now, should face up to this hard decision, should consider a constitutional amendment on this issue, submit it to the people so that if, God forbid, there

were a disaster in which all or substantially all the Members of the House were killed in a terrorist attack, that our government would go on. If we do not do this, then we will cede total power and authority to the executive branch, if there is an executive branch at the end of a common disaster, and presumably there would be in some form, and there would be no functioning legislative branch for a period of months.

That is why many of us, and I will complete my statement, the other side has plenty of time to make their points, that is why many of us feel this legislation is inadequate and is a poorly thought out response to a situation that, while we hope never happens, could put this country and our form of government in serious jeopardy.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, a gentleman who has worked extremely hard on this continuity issue.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me time. I appreciate his very, very thoughtful opening statement.

I want to thank my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary with whom I have been privileged to work with on this; the whip; I mentioned my friends, the gentleman from Texas (Mr. FROST) and my colleague, the gentleman from California (Mr. COX) who in the last Congress chaired a task force on this. I know the gentleman from Washington (Mr. BAIRD) and the gentleman from Connecticut (Mr. LARSON) are very thoughtful Members who have spent a great deal of time contemplating this issue.

Mr. Speaker, September 11 of 2001, as we all know, was a devastating day for our Nation. It really launched the global war on terrorism. It changed all of our lives. And many of us had not pondered the thought of this Capitol being under attack. I was, in fact, the last person to leave this building on September 11 of 2001, and I did so when one of the guards said that there was a plane they had lost contact with, and it was headed right towards this building, and it ended up being the plane that was very courageously taken down by those passengers into the ground in Pennsylvania.

Since that time, Mr. Speaker, a great deal has been done focusing on this issue of what would happen if we were to see a tremendous loss of life of Members of the House of Representatives.

We know that almost immediately the Speaker of the House took some steps. He established the ability to adjourn to an alternative place and to declare an emergency recess, the ability to effect a joint leadership recall from a period of adjournment through designees, and requires the Speaker to submit to the Clerk a list of designees to act in the case of a vacancy in the office of the Speaker.

These are actions that the Speaker has taken codifying a number of important things, including the quorum provision, which does allow us to continue our work.

As I listen to the remarks by my friend from Dallas (Mr. FROST), the ranking minority member of the Committee on Rules, I do think it is important to note that we do have a bicameral Legislature, and the United States House of Representatives does not operate unilaterally. So there would, even if we went through a period of time, and I would say it would not be months. Our legislation that the gentleman from Wisconsin (Mr. SENSENBRENNER) and I have calls for special elections to be held within 45 days following that disaster.

Let me say that the legislation that we do have addresses a number of very important issues, but I want to get to this issue of service here, representation, and what our framers went through on this question.

When I was an undergraduate, I had a professor, with whom I spoke last night, who pounded the Federalist Papers into me. It was after that great Constitutional Convention, and I remember when we marked the bicentennial of the Connecticut Compromise, and the House of Representatives convened in Philadelphia on July 16 of 1987 to mark that. It was the Connecticut Compromise that established this bicameral Legislature, which is a very, very important thing for us to note.

And what I did last night is I went through and I started rereading the Federalist, and I went to some of the items that were mentioned, Federalists 52 through 57, where James Madison talked at length about this institution. And some of the things that I believe are important for us to note on this as we look at the work of James Madison is that he talked about as he was justifying the Constitution this importance of the institution being elected, and a couple of items that he raised.

He said in Federalist number 53, ''Where elections end tyranny begins.''

As my friend, the gentleman from Washington (Mr. HASTINGS), pointed out, it was very clear that this House is the only Federal office where no one has ever served without having first been elected. And they talked about the fact that this is the body of the people. The other body is the body of the States. Madison in Federalist 52 wrote, ''It is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.''

He went on in Federalist 57 to write, ''Who are to be the electors of the Federal representatives? Not the rich more than the poor, not the learned more than the ignorant, not the haughty airs of distinguished names more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States.''

And Madison rejected the idea that appointment of Members is acceptable to the American public. He said, ''The right of suffrage is certainly one of the fundamental articles of democratic government and ought not be regulated by the Legislature. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruin of popular reforms.''

I think it is very important for us to understand that there have been times in our Nation's history where we have faced even greater difficulty than we do today, and that was the Civil War. If we think back to the time of the Civil War, this Capital was surrounded by troops who were threatening our very being. And yet President Abraham Lincoln proceeded with elections, understanding how critically important that is for our Republic's survival.

□ 1145

That is why when we look at some of these options, the stand-in provision, whereby Members of the House would actually select their successors if they were to lose their life, we ask about the challenges that would be before us. Will stand-ins be responsible for passing laws, declaring war, or suspending habeas corpus or perhaps both? Will stand-ins be running for office in special elections? Would those follow soon after their appointments? What incentive does someone who has gotten into this House by appointment have to, in fact, be responsible to the people? Is it possible that we could, through intrigue or cabal, see some make an attempt to prevent the prospect of elections in the future?

I just believe that when we take this very, very unique institution, the people's House, where no one has served without having been elected and move in that direction away from elections, we threaten the very basis on which this institution is founded. So that is why, as we look at this tough challenge, this legislation is the most responsible way to deal with it.

If we look at the loss of more than 100 Members, the idea of having the States hold special elections in that 45-day period is something that is doable. My State of California went through last year an unprecedented time. We had the recall of a Governor; and with the election that took place, it was 55 days after we saw certification, and it was not a single congressional district where 644,000 people reside and there are two to three candidates. We had 125 candidates on the ballot, and we have a State of 35 million people; and I am happy to say that that election came

off without a hitch. Many people had predicted doom and the fact that it could not work; and that is why I believe that for us to deal with this situation, if we do see tremendous loss of Members of Congress, this country will have suffered greatly.

I am convinced as we look at the struggles taking place in Iraq today that the building of a democratic institution is something that is very important; and I am convinced, too, that following a tragedy, after people are feeding their families and getting a roof over their head, choosing their leader is a very important key to success and proceeding and survival; and that is why I believe that this legislation would, in fact, provide us an opportunity to do that.

We are going to have a great chance for rigorous debate today, and I will say that it is because I believe that Members of the minority who are proponents of the amendment to the Constitution, that I did get in contact with the chairman of the Committee on the Judiciary and asked him to do this, and he agreed very readily to at his next markup, as I just said, report out the constitutional amendment.

While I am not in a position to guarantee, I would say to my friend from Dallas, to say exactly when this would be scheduled, we are trying to have a full debate on the constitutional amendment on the floor, but as the gentleman from Washington (Mr. HASTINGS) said in his opening remarks, it seems to me to be very important for us to use the structure that exists for us today, and that is, the legislative structure, to deal with this.

This legislation may not be the panacea, but I think that it is so important to realize again, Madison said, ''When elections end, tyranny begins,'' we should do everything we possibly can to make sure that we keep the very precious election process.

I thank my friend for yielding me the time.

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

Mr. DREIER. I know the gentleman from Texas (Mr. FROST) has time, but I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Speaker, I appreciate the gentleman's reference to Madison. I have spent a fair bit of time studying Mr. Madison as well.

My question would be, where in the Federalist Papers or in the entire body of information from the Constitutional Convention do we see provisions for how this body should deal with the complete elimination of its Members or for how the executive branch should function in the absence of a constitutional quorum within the Congress?

Mr. DREIER. If I could reclaim my time, what I would say is that the Civil War was a time when this Republic faced its greatest threat, greater than the threat that we face today, and the answer that was provided at that point by President Lincoln was to proceed with elections, and so, of course, there was tremendous uncertainty at the founding. We saw all kinds of challenges, but Madison continued to go back time and time again.

He argued at first for annual elections and then they ended up with this issue of biennial elections, and so we have had the Speaker establish this quorum requirement.

My friend says it is true that it is possible that very few Members could be serving here in the House; but within 45 days, those special elections would be held under the structure that we have, and there would be a chance for us to deal with those issues.

I would say that I somewhat rhetorically ask what issues would we be dealing with here in the House of Representatives? Health care? a tax issue? No, we would be dealing with the crisis that would be before us at that time, and that is why I am convinced that the best way to do that is to have the people's representatives make that decision, and I am convinced that that could happen within a short period of time.

I thank my friend for his contribution, and let me again compliment him for all the time and energy he has put in the effort.

I thank my friend for yielding this time, and I look forward to our debate.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is as serious a matter as we could have before the House. We run the risk of becoming a herd of ostriches in putting our heads in the sand.

This is not the 18th century. This is not the 19th century. It is not even the 20th century anymore. It is the 21st century. No one in the 18th century or the 19th century could have contemplated the type of terrorist act that could potentially eliminate at one time all or virtually all the elected Members of this House. We hope that never occurs, but for us to ignore the possibility that it could occur in the 21st century does a great disservice to the American people.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, I want to compliment the gentleman from Texas and associate myself with his remarks.

I rise to reject, without prejudice or malice, the previous question, the rule, and the underlying bill. As has been mentioned, this is not partisan disagreement because the issue does not advantage or disadvantage either party. This is a disagreement on the wisdom of the proposed policy. I am against the bill because it fails to correct the most egregious problems caused by forcing all States to conduct elections within 45 days of the Speaker's announcement of mass Member fatalities.

Regardless of how one feels about a constitutional amendment to address congressional continuity, we should defeat this bill because it will not work in practice and does not address the need to ''stand up'' the Congress immediately following a disaster. It does not support the immediate restoration of representative democracy, a key element in the Connecticut Compromise, noting that as important as it is that the people elect representatives, it is equally important to note that the people they send here represent the States.

I want the Members in this body, because this is a difficult and complex issue, to understand its complexity; and the best way that I have seen to relate this to Members is to evoke two images in their mind.

The first image is that of Members of this body, huddled in the Capitol Police office, waiting to hear word of what happened from our leaders who were somewhere, and who later that afternoon conveyed to us over the phone what had transpired and what happened and asked that this body not return here to the Capitol, out of concerns for safety. The Members there rejected that overwhelmingly, and came en masse—and in one of the most remarkable and memorable moments in our history—stood on the steps of the House—united. It is a moment I will always cherish and remember, and I want my colleagues to reflect on that, it was an important symbol that we sent out to our people. Immediately standing there, Democrat and Republican, Senate and House, all united.

The other image is this: not too long after that event, we convened in this House, a joint caucus called by the gentleman from Illinois (Speaker HASTERT) and the gentleman from Missouri (Minority Leader GEPHARDT). The issue was different. It dealt with anthrax. There were concerns, purportedly a deal had been agreed to, signed off by the President and the Senate, that because of concerns as they related to safety, that we would close down this Chamber, and people would go home.

It was not met agreeably amongst the caucus. But our leaders appealed to our better angels, and we agreed to go home. The Senate did not. Recall, if you will, how you and your colleagues felt viscerally when the papers reported that the Senate was here, and the House had gone home.

I asked the Committee on Rules to make four amendments in order. The Committee on Rules only made two in order. My two proposed amendments, which were taken prisoner by the committee, would have allowed States to use their regular means of selecting candidates, and would have avoided trampling on 40 years of voting rights laws.

Under this bill, political parties must select candidates within 10 days of the Speaker's declaration, or give up their place on the ballot. So much for the

participatory process of candidate selection.

In my heart, and I thought it was great discussion in front of the Committee on Rules, I agree with what the gentleman from Massachusetts (Mr. MCGOVERN) had to say. He suggested in the Committee on Rules that this issue is of such gravity, and such importance, that it actually transcends the normal committee processes, and that, in a joint committee, much like the one that the gentleman from Illinois (Mr. HASTERT) and the gentleman from Missouri (Mr. GEPHARDT) called, we should discuss this issue amongst ourselves.

These are complex issues that require us to examine them throughly, but I do not believe the underlying bill provides that. Some of the things eloquently addressed by the gentlemen who are proposing the underlying bill, do protect, do promote, and do give great glory to this body and its grand tradition.

Others have spoken equally eloquently on that issue as well, in talking about the need for representative democracy to be promptly installed, while making sure that in fulfilling the mission of having people duly elected, we do not trample on the democratic rights and the processes by not allowing enough time.

I urge a ''no'' vote.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 6 minutes remaining. The gentleman from Texas (Mr. FROST) has 14 minutes remaining.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there may be differences on this bill, but the issue I want to raise is one I am pleased to say there are no differences on.

I appreciate this debate and the country appreciates it. I have already raised the matter with the gentleman from Wisconsin (Mr. SENSENBRENNER). I appreciate the way in which he received the fact that the District of Columbia and the four territories are technically not included in this bill because it authorizes the States to hold a special election.

I come to the floor only before the local press and the national press raise it with me. The District of Columbia, of course, is likely to be a preeminent target. The other territories might well be. It might be easier to get to them than to us. I can understand how such an oversight would occur because we do not have the vote on the floor. We all have the vote in committee.

In any case, I know the House would want everybody to be represented in case there was a catastrophe of any kind, and I want to give my thanks once again to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for receiving this issue which he has assured me will be corrected.

I thank the gentleman for yielding me the time.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentleman from Washington (Mr. BAIRD).

□ 1200

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) not only for yielding me this time, but for his leadership on this issue. I also want to acknowledge the gentleman from California (Mr. COX) for his work, the gentleman from Connecticut (Mr. LARSON), the gentleman from Rhode Island (Mr. LANGEVIN), the gentlewoman from California (Ms. LOFGREN), the gentleman from California (Mr. SHERMAN), and the gentleman from California (Mr. ROHRABACHER), all of whom, I think, have proposed innovative and real solutions to this problem.

It is the night of the State of the Union Address. The President of the United States is here addressing the assembled body of the House and Senate. Behind him sits the Vice President of the United States in his capacity as President of the Senate. The Speaker of the House sits next to him. The Joint Chiefs of Staff are here, the diplomatic corps, and the judges of the Supreme Court.

In midspeech, the television screens and radios across this country go blank. No one knows what has happened. A few moments later, one station reemerges on the air and says, ''Ladies and gentlemen, we have received word that a nuclear weapon has been detonated in our Nation's Capital. It apparently was set off very near the Capitol itself. We have no preliminary word, but it is quite possible that all Members of the House and the Senate and the President and his Cabinet, save one Member, have perished.''

At that moment someone must tell our Nation and must tell the world what happens next. The bill before us answers that question with the words chaos and uncertainty. There are provisions put forward that would give a constitutionally valid mechanism of rapidly reconstituting this body, of assuring the Article I checks and balances that were so important to Mr. Madison, to that individual, Mr. Washington, and to the Constitutional Convention. But, Mr. Speaker, 2½ years after September 11, we have not been allowed to debate those measures that are true solutions before this body.

We have argued here, and we have heard eloquent arguments that elections are important, and let me be clear about something: Not one proposal that requires or provides for a temporary amendment, not one, would eliminate elections. We all share that conviction, all of us do, and it is duplicitous to suggest otherwise.

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

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And, Mr. Speaker, I in no way said that people are trying to avoid elections. What I am arguing is, if we do move in the direction of appointments, we create the opportunity for Members of this institution who would serve here by appointment to potentially move in that direction.

Mr. BAIRD. Reclaiming my time, Mr. Speaker, it is my understanding the gentleman from California and the Chair of the Committee on the Judiciary have sent a letter to our colleagues suggesting that people have attempted to ban elections. If the gentleman would wish to retract that, I would welcome that opportunity, because it is false, and the gentleman knows it. I believe it was circulated under the gentleman's signature.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, I would just say that I have not seen the letter, and I do not believe that we are seeking to ban elections, so I want to make that clear.

Mr. BAIRD. Mr. Speaker, I thank the gentleman for that clarification.

It is absolutely true. Not one proposal seeks to ban elections. What do we seek? Checks and balances. We seek to ensure that the Article I responsibilities of declarations of war, appropriating funds, impeaching a President, and all the other things that this body is tasked for in Article I, not the executive branch, are preserved, and the bill before us today does none of that. Does none of that.

It leaves this country and the world with an unelected person serving in the executive branch and claiming extraordinary unconstitutional powers, and that is perilous for a republic, not simply a democratic republic, but a republic where representatives carry the voice of the people to this Capitol.

Let me tell you what I think is wrong with the bill beyond that. In providing for a 45-day election, let me, first of all, say that many experts in this country have said a 45-day period is insufficient time for a genuine election, and that includes the head of the Elections Board of the State of Wisconsin, who said a minimum of 62 days would be necessary. It includes our own Member of this House, the gentleman from Rhode Island (Mr. LANGEVIN), a former secretary of state, who has conducted elections. It is not enough time.

Furthermore, what happens if a State cannot conduct its election in 45 days? What happens? A nuclear weapon is not only detonated here, but, in a quite plausible scenario, it is detonated also in New York City and in San Francisco, California. Are they to conduct elections in 45 days in those circumstances? Will the Members subsequently elected not be seated? What happens to the structure of this body if a few Members survive, and then more Members come as one election is held? Who is the Speaker of the House?

And by the way, let me clarify something. The Constitution is absolutely

clear that a quorum is not a majority of those chosen, sworn and living, it is a majority of the membership. This notion that three or four people would be enough to have a House of Representatives flies so in the face of what the Framers intended.

The first official act of the first Congress was to adjourn for lack of a quorum. They did not believe for a moment that a handful of people should be present and maybe make decisions to take this country into war, or impeach a President, or levy taxes, or appropriate funds. A majority must be present. What happens until that majority comes back under this rule? Again, chaos and uncertainty.

We have an opportunity to discuss real solutions. A bipartisan, nonpartisan commission made up of scholars and distinguished statesmen, people like Alan Simpson from Wyoming, hardly, hardly a liberal Democrat, hardly a partisan, a true statesman, joined together and said let us look at this issue. To a person, that commission to a person began and said, we do not want to solve this by amending the Constitution. And yet after a year of study and review, to a person they agreed that that is the solution, with great regret, that we must resort to.

And, no, it does not take away your right to elect a Representative, but it preserves your right to have a Representative here when we decide how to respond to that attack. And it says you shall have the opportunity to have an election to replace that person as promptly as possible, through a real election, not a sham, expedited election that disenfranchises independent voters, as the bill does today. To a person these statesmen started with saying we do not want an amendment, and they reached the conclusion that we have to.

Let me close with this. On September 11, on flight 83, those passengers gave their lives to give us a second chance. That fourth plane was heading here with the full intent to kill everybody in this building if it possibly could. We know that our adversaries would seek nuclear weapons. We know nuclear materials are available. We know if they get one, they will set it off, and they will do so in this Capitol. We have been given a second chance.

The September 11 Commission has shown what happened to this country and to the world when advanced warnings were not heeded and action was not taken. Shame on us, eternal shame on us, if we do not take action to protect the Article I responsibilities of this body. Protect the right to elect Representatives, but protect the right to have a Representative and protect the checks and balances and separation of powers that have preserved this great Republic.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, at 9:50 in the morning on September 11, 2001, I was standing in this Chamber waiting to bring up three bills that had come out of the Committee on the Judiciary. At that time the Sergeant at Arms told Speaker HASTERT that another plane had been unaccounted for; that it was heading in the direction of Washington, D.C., and the Speaker promptly ordered the evacuation of the Capitol and told me to run for my life.

Had that plane not left the gate at the Newark, New Jersey, airport, I would not be standing here today, nor would this building be standing here today. I think that gave me pause to think of what would happen to preserve this unique representative government should there be a disaster that wiped out the entire Congress. And the debate today goes basically to the issue of whether the reconstituted House should preserve the tradition that the House of Representatives has always consisted of Members that were first elected by the people, or whether we should have appointed Representatives, appointed by the Governor, appointed by the legislature, or appointed by ourselves before we passed away.

Now, if Armageddon should take place and a disaster should happen, we can have an executive branch that is headed by an appointed Cabinet Secretary under the Presidential succession law. We could have a Senate of 100 Members appointed by the Governor of the respective States. And if we should amend the Constitution to allow the appointment of Members of the House of Representatives, then we would have an appointed House. Is that what the Framers of the Constitution had in mind, an appointed President, an appointed Senate, and an appointed House of Representatives? No way. And the comments of James Madison in the Federalist Papers are right on target.

So the issue today is whether we should amend the Constitution to allow for the appointment of interim Representatives or figure out a way to elect replacement Representatives who would come to Washington, D.C., or wherever the Congress would be meeting, with a mandate from the people at the time of the most severe crisis in the history of this country. And this bill attempts to set up a mechanism so that we can have prompt special elections.

Now, no election is perfectly run. We have sure found that out 4 years ago in the Presidential election. But I am here to tell you that elections, no matter how imperfect they are, are much better than having an appointed House of Representatives where the loyalty would be nowhere but to whomever made the appointment.

Now, I have heard a lot of complaints from my friends on the other side of the aisle that I am stonewalling consideration of a constitutional amendment. That is not true. We had a hearing last year on the constitutional amendment proposed by the gentleman from Washington (Mr. BAIRD). It did not get very much support. But at the first markup of the Committee on the Judiciary that we will have, we will take up his constitutional amendment and send it to the floor. I will vigorously oppose it on the principle that I am opposed to having appointed Members sit in this House of Representatives. But we ought to have a debate on this, and we ought to see who wants to have our replacements be elected or our replacements be appointed should we be wiped out.

Then I hear the complaints that 45 days is too quick to be able to organize a fair election. That is not true. In Virginia, when there is a vacancy in the Virginia General Assembly due to a death or a resignation, there have been special elections that have been held within 12 days after that vacancy occurred, and nobody has complained that the successor Representative was unfairly elected.

During World War II, the British House of Commons, which, like the House of Representatives, has entirely consisted of people who have been elected by the people since 1215 A.D., they were able to have special elections within 42 days after a vacancy occurred. Notwithstanding the point that the Nazis were bombing Britain every night incessantly, they still were able to stand up and preserve the notion that people should come to the House of Commons with a mandate from the people and not be appointed by anybody else.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

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

The chairman of the Committee on the Judiciary has properly framed the debate that we should be having to date as a choice between this bill and the options of having constitutional amendments. What he failed to indicate was that the rule does not make in order that debate, and it is for that reason that I rise in opposition to the rule itself, because this is not an issue about which there is a right or wrong answer. There are a number of different alternative solutions to the problem that present themselves if a number of people are wiped out in this body.

What we ought to be doing is having a serious debate about each one of those options so that each Member of this Congress can make a reasoned evaluation of what way to go. So I think we should defeat the rule, go back to the drawing board, and let us bring all the options to the body for debate.

□ 1215

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

Mr. BAIRD. Mr. Speaker, I want to express my appreciation to the chairman of the Committee on the Judiciary for indicating he would bring my proposed amendment up; but I would also

like to underscore that my belief is we should not simply bring my amendment up. The gentleman from California (Mr. ROHRABACHER) has a proposed amendment, the gentlewoman from California (Ms. LOFGREN) has a proposed amendment, as do several other Members.

I proposed a rule that would allow for multiple possible amendments to be considered, plus ample time for debate and amendment of those amendments until we move toward two-thirds vote for final passage.

Last night on this floor I met with many Members of this body, and I asked them if they knew enough about this bill today to vote on it in an informed way. The collective answer was, no. Because of that, we should defeat the rule before us today, give this issue adequate time, as the gentleman from North Carolina (Mr. WATT) said, and make sure that all opportunities are discussed.

I am pleased that the chairman of the Committee on the Judiciary wants to address amendments, but I would respectfully ask the gentleman to not just simply consider mine; consider others so various approaches may be debated and this body has a chance to choose the true and best solution.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule, but in opposition to the underlying bill, H.R. 2844. This is a very serious issue, and we have heard two sides of the debate. One emphasizes making appointments, and the other emphasizes having expedited elections.

I have a constitutional amendment proposed, H.J. Res. 92, which satisfies both of these objectives and would permit Members when they are being elected by the public to designate a successor in case they are incapacitated or killed during the time they are in office. This would permit the public to vote on someone's successor as well as the person running for office. It seems to me this is the best approach.

The current approach that we are being offered today in H.R. 2844, I do not believe is the best way to go because it would leave the party leaders to nominate who the choices are for the public. In essence, the party hacks are going to control who the public can vote on. Let us give the public a chance to really vote in an ordinary election and oppose H.R. 2844.

Mr. Speaker, I rise in support of this rule, but in opposition to the underlying bill, H.R. 2844.

Continuity of representation in Congress is a very serious matter. On one side of this debate we will hear that we must have temporary replacements as quickly as possible in a national emergency. On the other side, we will hear that to be legitimate, any replacement House Members need to be chosen through the electoral process.

I happen to think both sides are right in their stated principles, and that's why I've introduced a congressional succession constitutional amendment, H.J. Res. 92, which I believe satisfies the core objectives of each side.

Under my proposal, each general election candidate for the House and Senate would be authorized to appoint, in ranked order, 3 to 5 potential temporary successors. For these appointments to be valid, the successful candidate would have to have submitted them in publicly available form at least 60 days prior to the election. In the case of the elected legislator's death or incapacity, the highest ranked person on the list of successors would become the Acting Senator or Representative. Determination of incapacity in my proposal generally follows the precedent of the 25th Amendment, under which the President either declares his own incapacity, or people he has appointed do so.

The legitimacy of a successor designated under H.J. Res. 92 temporarily succeeding a deceased or incapacitated Representative or Senator is similar to that of a Vice President succeeding a deceased or incapacitated President—not separately elected, but chosen by the principal and known well in advance of the election. Primarily to provide the incentive for incumbent and non-incumbent candidates to submit successor lists, state governors would be empowered to appoint temporary replacements only if no such list is submitted, or if no one listed is able to serve.

Continuity of representation, I think we would all agree, means that the death or incapacity of Senators and Representatives should cause as little change in the composition of Congress as possible, which means that replacements should be politically as much like the deceased or incapacitated Member as possible. Who better to determine who fits that bill than the elected official him- or herself?

There is no reason to limit a satisfactory solution to the ''continuity of representation'' problem to a situation horrible enough to kill or incapacitate a quarter or more of the House. Even 50 or 20 Representatives being killed or incapacitated could make a profound change in the direction and control of the House. And the death or incapacity of even one Representative deprives 600,000 U.S. citizens of representation for the several months it typically takes for the vacancy to be filled. Also, the legitimacy of a congressional succession plan is more likely to be accepted in a national emergency if it has previously worked in smaller tragedies.

When State governors use their current power under the 17th Amendment to appoint temporary Senators, they naturally appoint someone who is politically like themselves, even if that appointee is the complete political opposite of the deceased Senator.

We saw this played out most recently in the aftermath of the tragic death of Senator Paul Wellstone (D–MN) when control of the Senate was in the hands of the third-party governor of Minnesota.

Also, during the last Congress there was a constant theme of speculation about the fact that the death in office of the aged and ailing Senator Strom Thurmond (R–SC) would allow the Democratic governor of South Carolina to change party control of the senate for up to 2 years.

There is also clearly a democratic problem with the status quo in the House in which we allow death or incapacity to leave the seat vacant and the district unrepresented for months.

But H.R. 2844 in some ways would actually make the democratic problem worse. Although replacement would be sooner than the status quo, the replacement would be someone whose nomination was decided by party bosses, not by a vote of the people. For all the talk about ensuring that this House of Representatives stays ''the people's house,'' that is just not a democratic way of filling vacancies.

By contrast, H.J. Res. 92 gets an immediate replacement already vetted by the voters, and then allows States to get a regularly elected replacement who is both nominated and elected by the voters. It is obvious to me that H.J. Res. 92 is better for both the continuity of Congress and for democracy than H.R. 2844.

I ask my colleagues to defeat H.R. 2844, and support my congressional succession constitutional amendment, H.J. Res. 92.

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

Mr. Speaker, the matter we are about to consider today, how to keep the House of Representatives functioning in the event of catastrophe, is one of the most serious and important issues we will ever consider.

When I cochaired the Continuity of Congress Working Group in 2002, Members from both parties took a nonpartisan approach to the issue and kept an open mind as to how we could achieve a solution.

How times have changed. The open-minded, nonpartisan spirit we had when we began discussing this issue has completely disappeared. The restrictive rule that the Committee on Rules reported out last night has completely convinced me that this House is now putting partisanship ahead of its institutional duties.

Mr. Speaker, a number of very intelligent people have devoted a lot of time and effort considering this question. I think it is a tragedy that their ideas will not be debated today. That is why I am urging a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes H.R. 2844, it will take up the bill of the gentleman from Washington (Mr. BAIRD), H.J. Res. 83, under a comprehensive and thorough debate process that this issue deserves. The Baird bill would amend the Constitution to provide for an emergency procedure to keep the House of Representatives working should a significant majority of this House be killed or incapacitated. I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

Mr. Speaker, as evidenced by the remarks, this is a very important issue. I want to remind Members, in my opening remarks I mentioned that there are several things that need to be taken up. One, obviously, is a quick way to try to get the elected representatives back here. The other is the issue of incapacitation, which will be taken up next week in the Committee on Rules, and also the issue of a constitutional amendment of the various types that are floating around. That was confirmed by the chairman. There will be more debate on the issue. This is the first step, however. We ought to pass this rule, pass this bill, and continue our discussion on the other issues.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 602.

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

Mr. FROST. Mr. Speaker, reserving the right to object, and I will not object, but I would like to point out that in the Committee on Rules, and I understand Members want to revise and extend their remarks on the rule and submit all kinds of material, but I would point out when this rule was being considered by the committee, we asked for an additional hour of debate on the bill itself and we were denied that by a rollcall vote. That vote was Committee on Rules record vote No. 247, three ''yeses'' and six ''noes.''

I will not object to Members being able to revise and extend their remarks, but I wish we had provided for additional debate time on this very important piece of legislation. That was a reasonable proposal that was made in the Committee on Rules and was rejected by the other side.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. Speaker, we are going to have more debate on this important issue of continuity in Congress. We will have several more opportunities, and I suspect we will have plenty of time to have that debate. I certainly hope we will.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and I thank my friend and colleague from the Rules Committee, DOC HASTINGS, for yielding me this time.

H. Res. 602 is a fair, structured rule, which House members on both sides of the aisle should strongly support. It makes in order a total of four amendments, all of them offered by members of the Minority Party. Debating these amendments will allow the House to work its will on some of the key issues raised by H.R. 2844.

I also rise in support of the underlying legislation, H.R. 2844. In his Second Treatise on Government, John Locke wrote ''the first and fundamental positive law of all commonwealths is the establishing of legislative power. Itself is the preservation of the society and of every person in it.''

Today, we examine whether the current mechanisms by which our government is created and maintained sufficiently provides for the continuation of representation in the event of a horrific disaster. Our efforts should answer the question of whether we are, in modern times, prepared to provide a rapid governmental response if and when disaster strikes that very government.

The executive branch has made contingency plans so that in a dire emergency it would be able to continue functioning on behalf of the American people. This is a prudent thing to do. The House in its opening day rules package included significant positive rules changes stemming from the recommendations made by the bipartisan Continuity of Congress Task Force.

Today, with the consideration of H.R. 2844, the U.S. House of Representatives begins to put in place a new system for ensuring the continuity of the Congress in the aftermath of a catastrophic event.

H.R. 2844 provides that, if more than 100 House Members are killed, the Speaker of the House can declare that ''extraordinary circumstances'' exist. Such a declaration would trigger expedited special elections in those districts whose Members have been killed within 45 days. The political parties are given 10 days within which to nominate candidates for these elections.

The important constitutional principle that this bill upholds is the unique nature of the People's House. The government should neither exist nor change but with the express will of the people by whom and for whom it was created. Without an elected House, legislation could be passed by a Federal Government composed entirely of the unelected. We must continue the tradition of the People's House, and H.R. 2844 does so.

With that, Mr. Speaker, I urge support of this important rule.

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

At the end of the resolution add the following new section:

SEC. 2. On the next legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (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. The first reading of the joint resolution shall be dispensed with. All points of order against consideration of the joint resolution are waived. General debate shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Baird of Washington and the chairman of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule in accordance with sections 3 and 4. The joint resolution shall be considered as read. No amendment to the joint resolution, or to the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, shall be in order except as specified in this resolution. Clause 6(g) of rule XVIII shall not apply with respect to a request for a recorded vote on any amendment.

SEC. 3. (a) Before consideration of any other amendment, it shall be in order to consider the amendments in the nature of a substitute specified in subsection (b). Each such amendment may be offered only if the Member has caused the amendment to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, may be offered only in the order specified, may be offered only by the Member designated or a designee of such Member, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment except as specified in section 4. All points of order against such amendments are waived (except those arising under clause 7 of rule XVI). If more than one amendment in the nature of a substitute specified in subsection (b) is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole.

(b) The amendments in the nature of a substitute referred to in subsection (a) are as follows:

(1) Any amendment offered by any member (other than any amendment described in paragraph (2), (3), or (4)).

(2) An amendment offered by the ranking minority member of the Committee on the Judiciary.

(3) An amendment offered by the chairman of the Committee on the Judiciary.

(4) An amendment offered by Representative Baird of Washington.

SEC. 4. (a) After disposition of the amendments in the nature of a substitute specified in section 3(b), the Committee of the Whole shall rise. On the fourth legislative day which follows the legislative day on which the Committee rises under this section, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the joint resolution. After an additional period of general debate, which shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Baird of Washington and the chairman of the Committee on the Judiciary, the provisions of the joint resolution, or the provisions of the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, shall be considered as an original joint resolution for the purpose of further amendment under the five-minute rule, subject to subsection (b). Each such further amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent (except as provided in subsection (c)), shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(b) No further amendment may be offered pursuant to this section except for the following, each of which (other than the amendment described in paragraph (7)) may be offered only if the Member has caused the amendment to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII:

(1) If an amendment in the nature of a substitute to the joint resolution is finally adopted (in accordance with section 3), two amendments offered by the sponsor thereof.

(2) One amendment offered by the chairman of the Committee on the Judiciary.

(3) One amendment offered by the ranking minority member of the Committee on the Judiciary.

(4) Two amendments offered by the majority leader.

(5) Two amendments offered by the minority leader.

(6) Two amendments offered by Representative Baird of Washington.

(7) The amendment referred to in subsection (c).

(c) After disposition of the amendments described in paragraphs (1) through (6) of subsection (b), it shall be in order to consider an amendment offered by the sponsor of the amendment in the nature of a substitute to the joint resolution finally adopted (in accordance with section 3) or his designee, or if no such amendment in the nature of a substitute is so adopted, an amendment offered by Representative Baird of Washington or his designee. All points of order against such amendment are waived (except those arising under clause 7 of rule XVI). The amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 5. If at any time during the consideration of the joint resolution the Committee of the Whole rises and reports that it has come to no resolution on the joint resolution, then on the next legislative day (except as provided in section 4), immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the joint resolution.

SEC. 6. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution, or the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, to the House with such further amendments as may have been adopted. Any Member may demand a separate vote in the House on any further amendment adopted in the Committee of the Whole to the joint resolution as perfected by an amendment in the nature of a substitute finally adopted. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 7. It shall be in order to take from the Speaker's table H.J. Res. 83, with any Senate amendment thereto, and to consider in the House, without intervention of any point of order (except those arising under clause 7 of rule XVI), a motion offered by the sponsor of the amendment in the nature of a substitute to the joint resolution finally adopted (in accordance with section 3) or his designee, or if no such amendment in the nature of a substitute is so adopted, offered by Representative Baird of Washington or his designee, to dispose of any such Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 210, nays 198, not voting 25, as follows:

[Roll No. 126]

YEAS—210

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

NAYS—198

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

NOT VOTING—25

Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Fossella
Gallegly
Gephardt
Greenwood
Hall
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Miller (FL)
Mollohan
Peterson (PA)
Pombo
Shuster
Tauzin
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1245

Messrs. ROTHMAN, JOHN, CARSON of Oklahoma, DEUTSCH, CASE, CONYERS, MCNULTY, MARSHALL, and LIPINSKI changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 212, noes 197, not voting 24, as follows:

[Roll No. 127]

AYES—212

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

NOES—197

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

NOT VOTING—24

Cannon
Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Gallegly
Gephardt
Greenwood
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Strickland
Tauzin
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1254

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 602 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2844.

□ 1254

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Chairman, I rise today in strong support of H.R. 2844, the Continuity in Representation Act of 2003. This important legislation furthers the important objective of ensuring that the House of Representatives, the people's House, continues to function effectively during times of national emergency.

Mr. Chairman, it has now been over 2 years since the horrific events of September 11, 2001, a day in which terrorist enemies of the United States murdered thousands of innocent American citizens in cold blood and struck devastating blows against symbols of our country's economic and military power. These lethal attacks served as a very painful reminder of the destructive intent of our terrorist enemies, as well as the increasingly sophisticated and devastating methods by which they carry out their deadly work.

Since that grim day, we have been forced to contemplate the dreadful possibility of a terrorist attack aimed at the heart of our Nation's government here in Washington, D.C., possibly carried out with nuclear, chemical or biological weapons of mass destruction. Such an attack could potentially annihilate substantial portions of our Federal Government and kill or maim hundreds of Members of Congress. This is not a comfortable scenario for any of us to confront, as it forces us to contemplate the possibility of our own demise at the hands of our terrorist enemies.

Nevertheless, if such an attack were ever to occur, the presence of strong

national leadership would be more important than ever. The American people would be desperately seeking reassurance that their government remained intact and capable of acting vigorously in the Nation's defense.

In the aftermath of a catastrophic attack, it would be imperative that a functioning Congress be in place with the ability to operate with legitimacy as soon as possible. How best to ensure the continuity of the House of Representatives in the wake of a terrorist attack is a complex and difficult question that defies a simple solution.

When drafting the Federal Constitution, our Founding Fathers designed the House to be the branch of government closest to the people. They believed the only way this objective could be accomplished was through frequent elections. Consequently, the Constitution, Article I, Section 2, Clause 4, provides that vacancies in the House may be filled only through special elections. As a result, no Member has ever served in this House who was not first elected by the people he or she represents.

Last September, the Committee on House Administration, which I chair, along with our ranking member, the gentleman from Connecticut (Mr. LARSON), and Members from both sides of the aisle, conducted a hearing on H.R. 2844 to allow leading thinkers on the issue of congressional continuity to provide insight on the many different aspects of this important issue. That hearing revealed that the debate on this subject essentially divides into two camps: Those who view a quick reconstitution of the House as the most important consideration, and, thus, support a constitutional amendment allowing for the appointment of temporary replacements to fill vacant House seats; or, the second camp, those who believe retaining the House's elected character is paramount and, therefore, support expedited special elections as the exclusive means for reconstituting the House of Representatives. The second camp I described is what this bill of the gentleman from Wisconsin (Chairman SENSENBRENNER) does.

Though the two sides in this debate disagree on many fundamental issues, both agree that expedited elections should be part of the solution to this complex and difficult question. For this reason the Committee on House Administration marked up and passed out of committee H.R. 2844, which establishes a framework for conducting expedited special elections to fill House vacancies resulting from a catastrophic terrorist attack. The goal of this legislation is to ensure the continuing operation of the House during times of national crisis, while at the same time protecting the character of the House as truly an elected body.

The Continuity in Representation Act requires that expedited special elections be held within 45 days of the Speaker of the House announcing that more than 100 vacancies exist in the House. The political parties authorized by State law to make nominations would then have up to 10 days after the Speaker's announcement to nominate a candidate. However, a State would have to hold an expedited special election if a regularly scheduled general election were to be held within 75 days after the Speaker's announcement, thus basically providing a 30-day extension for such States.

We are under no illusion that holding expedited special elections would be challenge-free for the States. We know that. When we have regular course of order, it is a challenge, as we all know. Even under the best circumstances, conducting an election presents many logistical hurdles. Nevertheless, a number of States already require House vacancies to be filled via the special election within 45 days or less.

In addition, the majority opinion of the Nation's chief election officials, one of whom testified, appears to be that 45 days would provide sufficient time to plan and prepare for an expedited special election. Again, they did not say it would be easy, but they thought it would provide enough time.

□ 1300

Therefore, I believe H.R. 2844 strikes the proper balance between the demand to fill House vacancies through special elections in as short a time frame as possible and the need for election officials and the voting public to have the time necessary to get ready for the elections to make informed choices.

In conclusion, as Members of Congress we owe a duty to the people whom we represent to contemplate and devise response to worst case scenarios, which we all hope never happens; but we have to again be ready and be able to respond to those scenarios to ensure that no terrorist attack will ever cripple the ability of the people's House to function effectively.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill through the process. I also want to thank our ranking member, the gentleman from Connecticut (Mr. LARSON). I thought we had a very good look at the different issues in the Committee on House Administration and a very healthy debate on those issues. And I urge the support of the bill.

Mr. Chairman, also I want to thank our whip, the gentleman from Missouri (Mr. BLUNT), for his work on this issue also.

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

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin also by thanking my distinguished colleague from Ohio. Throughout this debate and discussion, clearly when there was an opportunity where issues were non-germane because of the importance and gravity of this issue, the chairman saw fit to make sure that this discussion was able to flow in our committee.

I further want to thank the Speaker of the House and the gentleman from Missouri (Mr. BLUNT), as well, for their intercessions and understanding of the importance and significance of this issue. And as was mentioned by the gentleman from California (Mr. DREIER), and the gentleman from Wisconsin (Mr. SENSENBRENNER) earlier as well, their willingness to bring a constitutional proposal before their committees, which I think is an important step in this process.

The continuity of Congress, as was pointed out by the distinguished chairman, apparently means different things to different people. But in reality, it comes down to one question: Can the legislative branch be fully functional in the immediate aftermath of a disaster which affects some or all of its Members? Can it ''stand up'' immediately in the wake of a catastrophe? For that kind of thing to take place, I turn to ''Justice,'' or more appropriately Judge Learned Hand, whose name I think is among the great names in history. But more importantly, what Judge Learned Hand said is ''The spirit of liberty is the spirit which is not too sure that it is right.''

As we approach this debate today, and understanding the complexity of the issues involved, as the gentleman from North Carolina (Mr. WATT) said earlier, neither side should be claiming that it is ''right,'' but both sides should be citing the principles that they are adhering to in trying to put them forward in the current context.

In my remarks before the Committee on Rules, I cited a couple of images that are seared in my memory, and I think the minds of most people here—the image of us all united on the steps of the Capitol immediately following the attacks on September 11, together and unified. And then also, not too long afterward, another situation that arose with respect to anthrax that moved the Speaker and then-Minority Leader GEPHARDT to convene a joint caucus. In that joint caucus we also discussed very important issues.

And at that time, because of the safety concerns around this building, our leaders argued that we had to shut down the legislative process, shut down the building for safety reasons, in what was thought to be an agreement with both the President and the other body. Appealing to our better angels, even though the Membership itself did not want to go home, we did, only to read in the papers that while the House was at home, the Senate was doing its duty. We know what the reality of that situation is.

I raise these symbolic images because of the message it sends out to the American people. And as was pointed out by the distinguished gentleman from Ohio, I think it directly points to the differences that we have with regard to this bill. And they are important distinctions.

Earlier debate on the rule highlights the fact that there are really two convergent remedies before us today. Under immediate consideration is a statutory scheme to quickly fill House vacancies in the wake of mass casualties. Like it or not, even these expedited elections, which maintain the elective character of the House, cannot satisfactorily fill the potential power vacuum created in the wake of a catastrophic event, and do not address the issue at all with respect to incapacity.

It is important because, if either the House or the Senate cannot operate, or their actions are subject to questions of legitimacy, our systems of checks and balances fails, and our democracy is in jeopardy. These questions of legitimacy were raised most notably in my research by Estes Kefauver, when he said, having nobly served in this House, that no one enters into this Chamber who has not—as the gentleman from Wisconsin (Mr. SENSENBRENNER) eloquently said—been duly elected by the people. That is a powerful and unique statement to make. But Kefauver went on to say that there is an important concern about the representative nature of this democracy—that while we are, in fact, elected by people, we are sent here by the States. And a catastrophe that could prevent whole States from not being represented for 45 days goes to the heart of my concern about the underlying bill.

So I have some questions that I pose to the House today, for our consideration as we debate this bill.

First, in the wake of a disaster, is the House able to reconstitute itself so that its actions are viewed by the American people as legitimate and representative under the Constitution? And legitimacy here is very important. Unless representatives from nearly all the 50 States are present to debate and deliberate, then the answer is ''No.'' Although, arguably, the House could function under parliamentary rules with as few as three Members, would the action of three Members have the legitimacy that it needs?

We all know and have heard from earlier debate that the Senate could immediately reconstitute itself. And there is a process for succession for the President. The smaller the number of Members, and the fewer the number of States represented, the greater the question of legitimacy.

Unless fully constituted with all 50 States participating, through some form of representation, there is no ''representative'' body for the people of various States, and House actions would lack the legitimacy of national ''majority rule'' under the Constitution.

Second, if immediate legislative authority is necessary to validate and support executive branch functions, and I believe it would be, or to hold them in check, will that legislative authority be there? If not, will the executive branch feel constrained to wait for a reconstituted legislative branch to work its legislative will? In a crisis, will we be governed by the rule of law, or by the will of men?

No one I have ever talked to about this scenario believes that the executive branch will put its functions on ''hold'' while the House is being reconstituted. If there is a national threat, or a natural disaster, the executive branch will respond however it chooses, perhaps extralegally, because of the absence of checks and balances from a functioning legislative branch. In other countries, this type of executive branch action would be called ''martial law.''

Third, is it necessary to squeeze the lifeblood out of our democracy's electoral process in the name of expedited elections? Clearly, that is not the intent of the proponents of this bill—I understand that. But unintended consequences happen in these situations.

Presumably state-chosen representatives, could save temporarily, while awaiting permanent replacements which are the result of legitimate popular elections conducted in the 50 States under their own election processes. This bill Federalizes State election procedures in these circumstances, and its timetable, unfortunately, tramples all over essential elements of our democracy, squeezing out most States' candidate eligibility and the selection procedures, voter registration opportunities and voter choice. It also tramples on 40 years of civil rights and voting rights laws. Is this really necessary?

Mr. Chairman, I will include for the RECORD the following letters and documents.

SECRETARY OF THE STATE,
CONNECTICUT,
*Hartford, CT, December 11, 2003*

Hon. JOHN B. LARSON,
*Longworth HOB,*
*Washington, DC.*

DEAR CONGRESSMAN LARSON: As the Chief Elections Official for the State of Connecticut, I am writing to express my concern over H.R. 2844 currently being debated in Congress that would require states to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

While Connecticut General Statutes under Section 9–215 already allows for a special election for state representatives and state senator in 45 days, a special election for a member of Congress would represent a much larger geographic and electoral population. In Connecticut, for example, a congressional seat can be 50 times the size of a state representative or a state senate district.

A 45 day special election in a Connecticut congressional district would not only be unworkable but runs counter to a fair and democratic process. Specifically, such a short time frame would not give voters the opportunity to make an informed decision about any of the candidates running for office or about the issues being discussed. In addition, a 45 day special election for Congress would not allow the opportunity for a primary. This would essentially force Connecticut back to a closed election process after the General Assembly recently opened up our democratic primary system this past legislative session.

In addition, pursuant to State and Federal law, the State of Connecticut has 45 days to issue overseas ballots. These ballots contain the names of candidates for federal office only and are available 45 days before any election where the names of candidates for federal office appear. Holding a special election for Representative in Congress 45 days after the vacancy would create a timeline too short to comply with the State and Federal laws requiring the availability of the 45 day overseas ballots.

Thank you for your consideration of my comments and I commend you on all of your hard work as you co0ntinue to debate this very important issue in Congress. Please do not hesitate to contact me or my Deputy Secretary of the State, Maria Greenslade, if you have any questions or if I can be of assistance.

Sincerely,

SUSAN BYSIEWICZ.

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STATE OF WISCONSIN,
ELECTIONS BOARD,
*Madison, WI, September 5, 2003.*

Hon. JOHN CORNYN,
*U.S. Senator, Chairman, Senate Subcommittee on the Constitution, Civil Rights and Property Rights, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR CORNYN: Thank you for the opportunity to comment regarding the proposals pending before the Subcommittee which would require special elections to be held to fill multiple congressional vacancies resulting from the a catastrophic event. I am the chief state election official for Wisconsin. I will endeavor to respond to your inquiries.

Twenty-one days would not be enough time to conduct an expedited special election in a crisis situation. Election preparation requires securing polling places, retaining poll workers, qualifying candidates, preparing ballots, delivering absentee ballots, setting up voting equipment and conducting the election. Candidate qualification requires a notice and filing process that will take at least 6 days, the current minimum under Wisconsin law. Ballot preparation, voting equipment programming and set up would take at least 1 week.

This leaves a week for absentee voting. This would effectively eviscerate the absentee voting privilege. The primary effect would be felt by military and overseas electors.

Twenty-one days would not be enough time to time to ensure the integrity of the democratic process. Candidate qualification would be so abbreviated that candidates would not have the time to meet qualification requirements, even if these requirements were loosened to expedite the process. In a crisis situation the focus of candidates and voters will likely be on the crisis and its daily impact. There would be no time for effectively winnowing the field through a primary, so the winner will likely have a small plurality of the vote.

Twenty-one days would effectively disenfranchise many voters. Overseas and military electors generally need 45 days of ballot transit time. Voters would have very little opportunity to learn about the qualifications of the candidates, the time of voting and location of the polling place. Voters with disability would likely have a more difficult time participating in the proposed timeframe.

Sixty-two days is the minimum time necessary to ensure proper mechanical operation of an expedited special election, consistent with democratic integrity and offering all voters the opportunity a meaningful opportunity to vote.

An expedited special election would likely cost the state of Wisconsin and local government at least $2 million dollars in out of pocket costs for notices, ballots, postage, poll worker salary, voting equipment vendor support and supplies. The cost of state and local election officials salaries and fringe benefits would be increased for overtime and other work would be set aside for the conduct of the expedited special election.

A 21 day schedule for special elections has the potential to undermine public confidence in the election process just when this confidence would be needed most. Na expedited election process needs to be put in place, but it should not be so abbreviated that individuals elected under the process lose credibility.

If you need additional information please contact me.

KEVIN J. KENNEDY,
*Executive Director.*

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AUGUST 22, 1961.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on House Joint Resolution 91, a resolution to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

The Constitution, as amended by article XVII, provides that the Senate of the United States ''shall be composed of two Senators from each State, elected by the people thereof . . . When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.''

However, with respect to Representatives, the Constitution provides in article I, section 2: ''The House of Representatives shall be composed of members chosen every second Year by the People of the several States . . .'' Section 2 also provides that ''When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.''

The proposed amendment to the Constitution would provide that whenever the total vacancies in the House of Representatives exceed one-half of the authorized membership, for a period of 60 days thereafter the executive authority of each State shall have the power to make temporary appointments to fill any vacancies in the representation from his State in the House of Representatives. The amendment also provides that such appointee shall serve temporarily until the vacancy has been filled by an election as provided for by article I, section 2, of the Constitution.

While the Constitution has provision for dealing with vacancies in the Senate, other than through the time-consuming election process, there is no such provision with respect to vacancies in the House. The Supreme Court in *United States* v. *Classic* (313 U.S. 299), made it clear that elections are required for Members of the House of Representatives. The need for this amendment, especially during a period of national emergency or disaster, is pointed up by the critical world conditions today, and the ability of some nations, through the use of atomic and hydrogen devices, to wreak mass destruction in target areas.

The committee may wish to consider whether the power to fill vacancies should be operative only when more than one-half of the membership is vacant. It is noteworthy that similar proposals have been considered by past Congresses which provided for vacancies to be filled when the total number exceeded 145, or approximately one-third of the authorized membership.

The Department of Justice does not object to the enactment of this resolution, although it might be desirable to include a provision which would establish a procedure for officially notifying the Governors of the States, perhaps through Presidential proclamation, as to when they are authorized to make such temporary appointments.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
*Deputy Attorney General.*

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STATEMENT OF SENATOR ESTES KEFAUVER

Mr. Chairman, as a former member of this distinguished body where I was also a member of this particular committee, it is a real pleasure and privilege for me to have this opportunity to express to it my opinions on a subject of vital importance of the House of Representatives and the entire Nation.

I know from personal experience that the House of Representatives is properly proud of its historical role as representing the will of the people of the United States. No Member has ever entered this body except by the mandate and popular vote of his constituents. The Founding Fathers were determined that Members of the House should be responsible directly to the people. For this reason, they established a 2-year term of office and provided that vacancies should be filled in all events by special election. However, the framers of the Constitution could not foresee the stark realities of the mid-20th century when weapons of war which can wreak mass destruction almost instantaneously would come into the hands of hostile world powers.

Of course, the Senate, too, has since become a body elected by direct popular vote and although Members of the Senate are not required to submit themselves to the elective process so often, I believe that its Members are also keenly conscious of the fact that they are elected by, and are responsible to, the people.

In order that constitutional representative government may be continued in all events. I believe it is of vital importance to take precautionary steps so that some disaster could not prevent the legislative branch of our Federal Government from continuing to function in a fully representative capacity. As you know, presidential succession is assured by law. Vacancies in the judicial branch can be filled by Executive appointments. When the Constitution was amended to provide for direct election of Senators, provision was also made for temporary appointments by State governors to fill vacancies. Thus, if some nuclear disaster fell upon the Capitol, the executive and judicial branches and the Senate could be speedily reconstituted, but special elections would be required to fill vacancies in the House of Representatives. The delay in such a time could paralyze the functioning of the Federal government.

I do not say that it would necessarily be constitutionally impossible for the House of Representatives to function with but a fraction of its Members. I am informed that present parliamentary precedents indicate that the House can operate with a quorum of its living Members. But any disaster which killed one-half of one-third of the Representatives might well disable or isolate so many others that quorum of the survivors could not be mustered. Also, if this occurred before a new Congress had organized and adopted its rules, a point of order might well be sustained that a quorum consists of a majority of all Members chosen. In any event, it would be important at such a time that the representative character of the House be preserved, and that the delegations of the people of all the States be substantially intact for the urgent legislative action which would be taken. The President should have that degree of support and national unity which only a fully constituted Congress could give him.

For this reason, I have favored for a number of years an amendment to the Constitution which would authorize the Governors of the various States to make temporary appointments to the House of Representatives whenever some disaster substantially reduced its membership. I believe such appointments should be as temporary as conditions will permit and that the appointees should serve only until successors can be elected. However, in normal times, special elections require from 60 to 90 days, and in times of national emergency and disaster it could well be much longer before elections could properly be held.

Former Senator William Knowland of California was one of the earliest to become concerned about the continuity of constitutional representative government in the event of nuclear attack. In September of 1949, it was learned that the Soviet Union had exploded an atomic bomb. In the 81st Congress, Senator Knowland then introduced Senate Joint Resolution 145 on January 18, 1950. It set the number of vacancies which would authorize temporary appointments at one-half of the authorized membership of the House and set forth a detailed provision for a proclamation to inform the State Governors that their appointive power had arisen. In the 82d Congress, Senator Knowland introduced Senate Joint Resolution 59, which reduced the operative number of vacancies to 145 and also contained notification provisions. The Senate hearings held in the 81st and 82d Congresses indicate that it was thought that a majority of the authorized membership of the House was necessary for a quorum, and this may partially explain why Senator Knowland changed the operative number of vacancies from one-half to one-third in his proposal. It was developed in the course of hearings in the 84th Congress that parliamentary precedents required for a quorum only a majority of the Members of the House who are duly chosen, sworn, and living. Neither figure, therefore, has any particular constitutional or parliamentary significance. In my opinion, the operative number of vacancies should be determined by the point at which the representative character and legislative efficiency of the House might become so impaired as to require temporary appointments.

In the 83d Congress, Senator Knowland introduced Senate Joint Resolution 39, which again specified one-third and contained proclamation provisions. This resolution was approved by the Senate by a vote of 70 to 1 on June 4, 1954.

In the 84th Congress, as chairman of the Senate Subcommittee on Constitutional Amendments, I became interested in this subject and introduced Senate Joint Resolution 8, which set the number of vacancies at one-half and did not contain a proclamation provision. I felt then and feel now that the operation of the authority granted by such an amendment should not depend upon the following of some detailed notification procedure. There are many pitfalls in attempting to deal constitutionally with all the unforseeable difficulties which might prevent a specified mode of notification from

being carried out. This resolution was approved by the Senate by a vote of 76 to 3 on May 19, 1955. In the 85th Congress, I introduced Senate Joint Resolution 157 along the same lines. In the 86th Congress, I introduced Senate Joint Resolution 39 and it was approved by the Senate by a vote of 70 to 18 despite the fact that two additional and separate articles of amendment were added to it on the Senate floor.

From this background, I believe it is safe to say that if the House of Representatives approves a constitutional amendment on this subject, the chances are very good that the Senate will also approve it.

Early in this Congress, I introduced Senate Joint Resolution 18, which set the operative number of vacancies at one-half. From discussion in the Subcommittee on Constitutional Amendments, I have concluded that one-third is a more suitable basis than one-half, although any choice is necessarily somewhat arbitrary. In considering the possible effects of the type of disaster which we should guard against, I think it is most likely that any disaster which killed one-third of the membership of the House would incapacitate so many of the survivors that the House would probably be left with substantially less than one-half of its membership available for the transaction of business. A strong argument can be made that the operative number of vacancies should be even less. Indeed, I doubt if the average citizen is conscious of any valid reason why individual vacancies in the House and Senate are treated differently by the Constitution with respect to temporary appointments.

Senator Kenneth B. Keating, also a former Member of the House of Representatives, and I have, therefore, introduced Senate Joint Resolution 123, which specifies one-third. It also authorizes Congress to enforce the article by legislation, leaving the way open to provide statutory procedures for determining when the requisite number of vacancies exist and notifying the State Chief Executives of this fact. Of course, the House will continue to be the constitutional judge of the qualifications of its own Members, in case unforeseen difficulties arise in the exercise of this grant of authority.

I know that the Department of Justice and the Office of Civil and Defense Mobilization are very much in favor of some amendments along these lines, and I understand that representatives of these agencies will appear personally at these hearings. At a time when we are preparing ourselves militarily for the possibility of World War III and we are calling upon our citizens for personal sacrifice to the point of urging construction of personal fallout shelters, I feel very strongly that it is the height of folly to leave a constitutional gap which might prevent the continuation of orderly representative government. The time is now singularly appropriate for approval of an amendment of this sort. It would demonstrate to Mr. Khrushchev that we are preparing governmentally, as well as militarily, if the enemies of freedom chose to precipitate World War III.

Mr. Chairman, I commend you and your committee for going into this subject at this time. I am not wedded to any particular form which the amendment should take, but I believe strongly that some amendment along these lines should be approved promptly by the Congress. I know that you will give this problem full and careful consideration and I am confident that the result will be a solution which serves the interests of all the American people, protects the integrity of this great legislative body, and insures the continuation of democratic government. Thank you for your courtesy and consideration.

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(The statement referred to is as follows:)

STATEMENT BY REPRESENTATIVE CHARLES E. CHAMBERLAIN

Mr. Chairman, I wish to thank the committee for this opportunity to appear in support of House Joint Resolution 508. Although I think that the purpose of and the very real need of this constitutional amendment are self-evident and require no elaborate dissertation to prove their validity, I am pleased to present to the committee the reasons which have influenced my thinking and convinced me of its merit. I make no claims with respect to the authorship of this proposal to provide for the effective operation of Congress in the event of a national emergency or disaster, but I wholeheartedly favor it because I have been concerned, for several years, about the future of representative government during a period of hostilities of the devastating proportions that can be expected should the cold war become a hot war.

Mr. Chairman, I think we have all heard talk of the extensive plans to ensure the uninterrupted functioning of the essential agencies of the executive branch in the event of a nuclear attack on Washington . . . and this is, certainly, as it should be. But the question remains as to what would happen to the legislative branch under the same situation. As things now stand, should there be such an attack in which a large segment of the membership of the House of Representatives was lost, Congress would be unable to exercise all its constitutional powers and prerogatives until elections could be held. In the meantime we would have, for all intents and purposes, government by the executive branch. In addition, should Congress not be able to function, the morale of the Nation would be dealt a serious psychological shock which would only accentuate the chaos and confusion that would follow such an attack. Clearly, while we are acting to beef up our defenses, both at home and abroad, and while we are finally beginning to pay more attention to civil defense, this is a most opportune time to focus attention on this problem of how our system of government would function in such an eventually. Clearly, it is a time to anticipate every contingency and to act accordingly.

House Joint Resolution 508 provides for an amendment to article 1, section 2, clause 4, of the Constitution, which reads, ''When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to file such Vacancies.'' The purpose of the amendment is to make it possible for the Governor of each State to fill immediately by appointment any vacancies resulting from an emergency or disaster. This would be effected when the Speaker, or in his stead some other duly empowered officer of the House, had certified to the President that over 145 vacancies existed in the membership, and when the President had then issued a proclamation permitting the Governor of each State affected to appoint new Members within 90 days. All other vacancies after this 90-day period would be filled in accordance with the customary procedures under clause 4 as it now reads.

I believe that is essential that we safeguard our form of government as well as our populations from the disorder and devastation that such an attack would precipitate. Consider if you will the possible effect if the legislative system of the leading Nation of the free world were suddenly paralyzed? In such a circumstance the very essence of representative government . . . so often unjustly attacked as being inefficient and incapable of functioning effectively in times of crisis . . . is challenged. In past years the failure of such institutions to meet the demands of the times has had a marked impact. The inability of representative government in Germany in the 1920's and 1930's to prevent the rise of nazism should indicate to us the need for sustaining strong representative institutions. Our system of government successfully met the Nazi challenge, but today it is threatened the world over by communism . . . which attempts to justify itself under the misleadingly innocent name of democratic centralism, which makes a mockery of true representative principles. Certainly we cannot permit to exist any foreseeable situation where our response to this threat might falter.

In addition, many of the newer nations, whose peoples are not sufficiently prepared to maintain representative institutions, have resorted to various types of authoritarian government for the espoused purpose of preparing the people for democracy. The example we set in this country might well influence, that is, to encourage or discourage, the final adoption of representative government in these new nations. As the leading legislative body of the free world, we cannot afford to overlook any contingency that might possibly reflect upon our constitutional system that has served us so well and brought us to our position of leadership in the free world.

I trust that the committee will not see any partisan feelings motivating my concern in this area out of fear of powers that the present administration would assume in the event of such a national catastrophe. My feelings with respect to this problem have no relationship to the party affiliation of the President of the United States. As I have just said, my concern is more with the reputation and preservation of representative government. But we should also keep in mind that the period in American history since the Second World War has been characterized by the dramatic ascendency of the supremacy of the executive branch in our system of separated powers. And there are many students of politics and history who view this tendency with considerable apprehension. Whatever the validity of this viewpoint, it is irrefutable that we must keep our representative institutions in constant repair, and never fail, tacitly or otherwise to defend them against all dangers, imminent and potential.

Mr. Chairman, those of us whose job it is to make the representative system work, too infrequently take time to consider the longer view and to speculate upon the probable future of our political institutions. Whatever the nature of future developments and the possible impact that such an attack might have on them. I do no believe that there can be any doubt as to the practical wisdom or this proposal. It is my understanding that the Judiciary Committee of the other Chamber is prepared to consider a similar proposal. This is encouraging. However, it seems to me that too much time has already been gambled and that we should act on this proposal immediately. . . particularly in view of the usually time consuming ratification process required. May I suggest to the committee that we never know how late the hour is . . . how close we may be to another Pearl Harbor. Naturally we hope that it will be prevented, but we should always be prepared.

Certainly as we meet our responsibilities of national security we must not overlook the Congress itself and our responsibility to insure the continuance of representative government.

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

Mr. NEY. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), our whip.

Mr. BLUNT. Mr. Chairman, I thank the chairman of the committee, the

gentleman from Ohio (Mr. NEY), for recognizing me and for the hard work that he has done on this bill.

I also want to say sitting here and listening to the gentleman from Ohio (Chairman NEY) and my friend, the gentleman from Connecticut (Mr. LARSON), talk about this bill shows the heartfelt thought that has gone into this.

This is a circumstance that we would all hope and pray that we would never have to exercise, whatever we do today or may do in the future. It is a moment that deserves some time and consideration. As we talk about lofty constitutional principles, I am reminded, though I would have to paraphrase Benjamin Franklin, who, after the Constitutional Convention said that he had had other ideas when he came to Philadelphia. And while he was not totally satisfied with the product yet, he was not sure that he would not sometime come to believe that it was not the best possible thing that could be done and should be done. That is the spirit of the debate we need to have here today.

I certainly appreciate the work the gentleman from Wisconsin (Chairman SENSENBRENNER) has done, the willingness he has to go beyond this and look at constitutional solutions as they are presented. I appreciate our friend, the gentleman from Washington (Mr. BAIRD), and his immediate approach to me back shortly after September 11 on the floor and his immediate concern for this issue.

I am more than happy to see a constitutional debate occur on an amendment at a later time. I do not know that there is an amendment out there that satisfies my concerns. In fact, I personally have become persuaded as I thought about this by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. NEY) and others who have taken a scholarly look at this that the elected character of the House is the unique and vibrant thing about the House. And if it is at all possible to come up with a solution that maintains that character of this as the only body that the only way you can get here is to be elected, we should try to do that. But we can continue to have that discussion.

I would suggest to my good friends on the other side of this debate that even if that happened, the proposal before us today could be seen as an appropriate interim step. Even if we were to find an amendment to the Constitution that would satisfy the broad concerns and the character of the institution, to have that on the floor, to have two-thirds of the Members of both Houses supportive of it, to then go to the States and have the States ratify would take a considerable amount of time.

I hope we have a considerable amount of time before this ever matters. I, in fact, hope that the work we do here today is never tested one way or another. But if we do not have a considerable amount of time to come up with an approach that solves the immediate problem with a solution that is clearly workable and brought to this floor in good faith that would reconstitute the body that would allow us to continue to have that greater discussion, in the interim we have at least taken a step to do what we could to see that the House was reconstituted as soon as possible.

I also hope that our friends will work with us, and the gentleman from Maryland (Mr. HOYER) and I have talked about that, this is the gentleman from Connecticut (Mr. LARSON), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Ohio (Mr. NEY); and I have to look at the rules and see if another interim thing in the rules themselves can be done on the issue of capacity.

It is certainly possible that we would have Members who did not vacate their seats because of death, but were not able to serve for some period of time in the kind of circumstance we are anticipating today. Is there some way, again, either as a short or a final solution, we can deal with that at some point between now and the beginning of the next Congress in terms of the rules?

□ 1315

Mr. Chairman, I am for this bill. I think it is a great step in the right direction. It may be the final step, it may be an interim step, but it is a step that this body needs to take; and I encourage our colleagues to vote for this bill.

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

Mr. NEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today as a proud cosponsor of this legislation, and I urge my colleagues to support this very, very important bill.

This bill really reflects our willingness, I think, to think about what to do in regards to the United States House of Representatives if the unthinkable were to happen. We need to have a mechanism in place to ensure that our government remains strong, remains stable in the events of a catastrophic attack.

Article I, Section 2 of our Constitution states that when vacancies happen in the representation of any State, the executive authority thereof shall issue writs of election to fill such vacancies. Here the operative phrase is clearly ''elections.'' And so we know that our Founding Fathers intended for any Member of the United States House to only serve after being elected. And this House, the people's House, has fulfilled that intention, and I think this legislation will continue that tradition.

Before coming to Congress, I was very honored to serve as Michigan's secretary of state with the principal responsibility of serving as the chief elections officer. So let me direct a few of my remarks to the actual mechanics of holding an election within the framework of this legislation.

When we first proposed this bill, many of my former colleagues in the elections community expressed reservations over our original mandate for election to be held within 21 days. The bill we consider today has extended that deadline to 45 days. And the individuals who I rely on as expert within this field say that they could conduct an election certainly within that time frame.

In regards to election administration functions such as programming, testing, hiring election workers and preparing polling places, most polling places are relatively stable, so much so that in most States they are actually listed on the voter identification cards.

If tragedy required this legislation to be acted upon, we need to remember that the ballot would only contain names for a single office, which would dramatically ease printing, programming and testing. It should also be noted that since Congress has passed the Help America Vote Act, most States are embracing the election reform such as following the model in Michigan of a statewide computerized voter registration file which is constantly updated by local election clerks, motor vehicle departments as well, thereby allowing an up-to-date, clean file to be printed at any time and provide it to all the polling places.

Also, all of the States are rapidly moving toward a uniform system of voting equipment. Michigan, for example, will soon have all of our 5,300 precincts using optical scan voting equipment, which would allow for the vendor to always have a camera-ready ballot, and then all you have to do is fill in the names of the candidates for Congress and go to print.

These elections obviously would not take place in optimal conditions, but it has been my observation that elections officials will always rise to the occasion to complete the required work, especially in time of a national emergency. This legislation will ensure the integrity of the elections process. And while I recognize that there are various ideas about how we should approach the situation of mass vacancies, it is my personal belief that under no circumstances should we deviate from the direct election of Members of the people's House. Clearly it is incumbent upon us to find a solution to this issue which honors the wishes and the wisdom of our Founding Fathers that no individual will serve in this Chamber without being first elected by the people.

This legislation, under the guidance of the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from California (Mr. DREIER), and the gentleman from Ohio (Mr. NEY) is a remarkable achievement and certainly deserves bipartisan support.

It has often been said that the price of freedom is being ever vigilant. The enemies of freedom will find that America is.

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

Mr. NEY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time and for his wonderful leadership on this profoundly important legislation.

I would also commend the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for his work on this bill, and to no lesser extent the gentleman from Washington (Mr. BAIRD), who has, I think, singularly brought this issue to the attention of our colleagues in the days immediately following September 11.

I want to rise in strong support of the Continuity in Representation Act. Thinking of that ancient text that says, Teach us to number our days aright, that we might gain a heart of wisdom. I think it is about that, as the majority whip said, it is about that in that spirit that we gather here today.

I must tell you, Mr. Chairman, this topic is not theoretical to me or my family or to anyone who was here on September 11. I stood on the Capitol lawn that morning and saw the smoke rising from the Pentagon, and scarcely 1 month later I was informed by security officials that the anthrax bacillus was on my desk, exposed to my staff and my family.

While I pray that our Nation and this Congress will never experience any similar events with greater catastrophic effect on this institution, we must prepare for the eventuality. This legislation does that. By ensuring the continuity of this Congress, we will ensure that the people's House will be available to meet the people's needs in their most troubled hour.

The House of Representatives is truly a unique facet of the American Government. It has been called the people's House. In fact, in the Federalist Papers' James Madison said that elections, as this legislation dictates, elections would be ''unquestionably the only policy'' by which the House can have ''intimate sympathy with the people.''

Madison also wrote that ''the definition of the right of suffrage is very justly regarded as a fundamental article of republican government . . . to have it left open for the occasional regulation of the Congress would have been improper.''

Our Founders knew it. This legislation contemplates it. We must preserve the right and the obligation to be elected to serve in the House while we prepare necessarily for that dark day that we hope and pray shall never come.

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

Mr. Chairman, the Committee on the Judiciary favorably reported H.R. 2844, but we actually had a rather narrow jurisdiction on this bill. In fact, our review was limited to the review by the three-judge panel of the announcement by the Speaker that a sufficient number of vacancies existed to trigger the special election requirements of the bill. I think that actually skirts the more fundamental question that faces us as an institution.

As we know, the Constitution, through its 17th Amendment, permits State Governors to appoint Senators to vacant seats, but there is no comparable provision for the prompt replacement of the Members of the House of Representatives. In fact, Article I, Section 2, Clause 4 of the Constitution requires the executive authority of the State in which a vacancy occurs in the House to order a special election to fill the vacancy. And the bill before us accelerates the time in which an election would be held.

The bill itself, I think, does raise some questions. We have concerns about whether the fine history of voter protection would be, in terms of the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizen Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act, and the Rehabilitation Act of 1973, could be fully adhered to in the time frame outlined in the bill. Further, we worry whether the preclearance requirements outlined in section 5 of the Voting Rights Act could be met in the time frame outlined in the bill before us.

However, there is a more fundamental issue, which is what happens, should this bill become law, in the 45 days between a disaster that eliminates the House of Representatives and the holding of an election. Now, I have heard and I agree with Members who have quoted our Founding Fathers with some affection about the need to have this body be the people's House. It is this body where every one of us who serves walks through this door knowing that we have been elected, selected by the voters of our respective districts. That is unique and important in our system of government. But there is another fundamental and important aspect to our system of government, and that is the necessity of checks and balances.

When we think back to 9/11 and that great tragedy that befell our country, we are well aware that action was required by the Congress in the 45 days that followed that attack on the United States. We needed to implement the War Powers Act. Only Congress can appropriate funds. And if we do not have a House of Representatives, we do not have a Congress; and if we do not have a Congress, whoever is the chief executive, when a disaster of the magnitude that eliminates the House occurs, must of necessity assume dictatorial powers in contradiction of the Constitution. And I think that specter of dictatorial powers contradicting the checks and balances needs to be weighed when we consider replacing the election on a temporary, short-term basis, perhaps even just a few weeks, 45 days, so that we would have a functioning Congress in the event of a disaster.

To do that we need to have a constitutional amendment, and I am hopeful that we will be about soon, the consideration of the constitutional amendments that have been so far introduced. And, frankly, I have authored one of them. I think it is a starting point. There are others. This is a complex issue, and none of the amendments, I think, are quite ready for our approval, but they do command our attention.

I would note that the Continuity of Government Commission, which was a joint project of the American Enterprise Institute and the Brookings Institute, sort of the odd fellows of political institutes, came up with the conclusion that it was a constitutional amendment that was required to address mass vacancies in the Congress. When Jimmy Carter and Gerald Ford, Lloyd Cutler and Alan Simpson, Newt Gingrich and Tom Foley can agree on that, I am hopeful that in the end all of us will reach that same conclusion.

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

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. LOFGREN) will control the time of the gentleman from Michigan (Mr. CONYERS).

There was no objection.

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

The CHAIRMAN. The gentleman from Ohio (Mr. NEY) has 3 minutes remaining. The gentleman from Connecticut (Mr. LARSON) has 11 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 5 minutes remaining.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, as a cosponsor I am very pleased to support H.R. 2844, the Continuity in Representation Act.

H.R. 2844 provides a practical and constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 Members are killed. H.R. 2844 thus protects the people's right to choose their Representative at a time when such a right may be most important, while ensuring continuity of the legislative branch.

The version of H.R. 2844 before Congress today was drafted with input

from the State election commissioners to make sure it sets realistic goals and will not unduly burden State governments.

Mr. Chairman, there are those who say the power of appointment is necessary in order to preserve checks and balances and prevent an abuse of executive power during a time of crisis. Of course, I agree that is a very important point to carefully guard against and protect our constitutional liberties, and that an overcentralization of power in the executive branch is one of the most serious dangers to our liberties. However, during a time of crisis, it is all the more important to have Representatives accountable to the people.

Otherwise, the citizenry has no check on the inevitable tendency of government to infringe on the people's liberties at such a time.

Supporters of amending the constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, the laws passed by these ''temporary'' representatives will be permanent.

The Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the ''time, place, and manner'' clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution. In conclusion, I urge my colleagues to support H.R. 2844, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency.

Mr. Chairman, I am pleased to support H.R. 2844, the Continuity in Representation Act, introduced by my distinguished colleague, House Judiciary Committee Chairman JAMES SENSENBRENNER. H.R. 2844 provides a practical and Constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 members are killed, H.R. 2844 thus protects the people's right to choose their representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

Article I Section 2 of the United States Constitution grants state governors the authority to hold special elections to fill vacancies in the House of Representatives. Article I, Section 4 of the Constitution gives Congress the authority to designate the time, place, and manner of such special elections if states should fail to act expeditiously following a national emergency. Alexander Hamilton, who played a major role in the drafting and ratification of the United States Constitution, characterized authority over federal elections as shared between the states and Congress, with neither being able to control the process entirely. H.R. 2844 exercises Congress's power to regulate the time, place, and manner of elections by requiring the holding of special elections within 45 days after the Speaker or acting Speaker declares 100 members of the House have been killed.

I have no doubt that the people of the states are quite competent to hold elections in a timely fashion. After all, it is in each state's interest to ensure it has adequate elected representation in Washington. The version of H.R. 2844 before Congress today was drafted with input from state elections commissioners to make sure it sets realistic goals and will not unduly burden state governments.

I am disappointed that some of my colleagues reject the sensible approach of H.R. 2844 and instead support amending the Constitution to allow appointed members to serve in this body. Allowing appointed members to serve in ''the people's house'' will fundamentally alter the nature of this institution and sever the people's most direct connection with their government.

Even with the direct election of Senators, the fact that members of the House are elected every 2 years while Senators run for statewide office every 6 years means that members of the House of Representatives are still more accountable to the people than members of any other part of the federal government. Appointed members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalist 52: ''As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.''

Mr. Chairman, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power during a time of crisis. Of course, I agree that it is very important to carefully guard our constitutional liberties in times of crisis, and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Chairman, during a time of crisis it is all the more important to have representatives accountable to the people. Otherwise, the citizenry has no check on the inevitable tendency of Government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are considering reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of amending the constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, the laws passed by these ''temporary'' representatives will be permanent.

Mr. Chairman, this country has faced the possibility of threats to the continuity of this body several times in our history. Yet no one suggested removing the people's right to vote for members of Congress. For example, the British in the War of 1812 attacked the city of Washington, yet nobody suggested the States could not address the lack of a quorum in the House of Representatives through elections. During the Civil War, the neighboring State of Virginia, where today many Capitol Hill staffers reside and many members stay while Congress is in session, was actively involved in hostilities against the United States Government. Yet, Abraham Lincoln never suggested that non-elected persons serve in the House. Adopting any of the proposals to deny the people the ability to choose their own representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering rejecting H.R. 2844 in favor of a Constitutional amendment will question the wisdom of handing terrorists a preemptive victory over republican government.

As noted above, the Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the ''time, place, and manner'' clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution. In conclusion, I urge my colleagues to support H.R. 2844, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency. This is what the Drafters of the Constitution intended. Furthermore, passage of H.R. 2844 sends a strong message to terrorists that they cannot alter our republican government.

Mr. LARSON of Connecticut. Mr. Chairman, may I inquire, we have reserved our time, but who will close and in what order?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) will be first, then the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Connecticut (Mr. LARSON), and then the gentleman from Ohio (Mr. NEY).

Mr. LARSON of Connecticut. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), who as has been pointed out by several others, has done extraordinary work on behalf of this institution and this body to bring this very important issue before us.

□ 1330

Mr. BAIRD. Mr. Chairman, I thank the gentleman from Connecticut for the time, and I thank my friends on the other side.

Let us start with where we agree. Everyone who has spoken has said that the ideal way to replace Members permanently is through elections. People have suggested that this is somehow a covert way or a slippery slope to do away with elections for Members of the House. It is not true. There will not be a single voice in the record of this discussion that argues that it is true. We all agree on that. Let us ask if we agree on some other things.

Do we agree that article I functions of the Congress should not be usurped by the executive branch? I think we should because we have sworn an oath to that Constitution; but if we do not act to ensure that there is a legislative

branch, what alternative is left but for the executive to usurp those responsibilities, and if they so choose, what vehicle and what body is left to rein them in from that usurpation?

I submitted an amendment to this very bill which was not ruled in order that would have at least had the Congress of the United States on record affirming that the executive, in time of crisis, should not usurp our authority; but it was ruled out of order. I find it frankly astonishing that my friend, the gentleman from Texas (Mr. PAUL), who is such an adamant defender of the Constitution, is apparently willing to abrogate all of our article I until we can have special elections and an unelected executive could run the entire country.

Ask yourselves, would the Framers really have let two or three people constitute a House of Representatives when they themselves adjourned? Would they really have believed that two or three survivors or no survivors should allow an executive to take this Nation into war? Ask your constituents. Go back home. Ask your constituents: If your representatives in Congress are all killed, and a Cabinet member who you never chose and do not know who they are, have no information about their background, emerges one day and says I am now the President of the United States of America, should they have 45 days carte blanche to take this country into war, take away your civil rights and you will have no one here to express your concerns?

This notion that we are going to somehow appoint people who are totally unresponsive to the American people boggles my mind. We have been entrusted with our constituents, with impeachment of Presidents, with taking our country into war, with levying taxes and all the other article I duties; and yet somehow we are not capable of choosing people, former statesmen, former stateswomen who would serve this Nation well in time of crisis. Somehow that escapes our capacity. To create straw men as convenient vehicles for rhetorical argument, that would leave our country without a functioning Congress, is not a service to the people who wrote this Constitution.

There are two portraits of this gentleman in this hall that I revere. First of all, Washington's presence right here because he looks over us and reminds us to take our job seriously; but in the rotunda of this building there is a portrait in which Washington is giving back his commission as Commander in Chief of the Army to a republican form of representative government. He is not saying, I won the war, now I as chief executive want to run the country. He is saying there must be a Congress that runs this country; representatives of the people must run this country.

We agree that you must have special elections, but my friends have not made provisions for what else to do in the interim; and in the time in which there would be elections, they have created a vehicle which is laden with problems.

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

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I simply would like to ask my friend, as we have been discussing this issue of a constitutional amendment, the one question that I have is that it is my sense that in this House there is not a two-thirds vote that would, in fact, allow for the process of the constitutional amendment to begin.

Mr. BAIRD. Reclaiming my time, the gentleman cannot filibuster me.

We have waited 2½ years since we watched 3,000 of our fellow citizens die, and this body has not acted. They now give us 2 hours. We have not given this body time to debate. Ask my colleagues, as I did yesterday, have they had sufficient time to study this matter of this magnitude before we vote on it. They will tell you, no, sir, I have not. They will vote party line, as we far too often do here; but they will not vote conscience because their conscience has not grappled with this. I will not yield because this matters, and we have not been given sufficient time.

Give us time for real debate, not in a committee chaired by someone who is antithetically opposed to it. Give us time in this great body because it is our entire future that is at stake, not the future of the Committee on the Judiciary or the Committee on House Administration. It is the future of this body. Give us time; give the people time for real debate.

How can my colleagues say that elected representatives are sacrosanct and then not give those elected representatives time to debate a matter that concerns the very existence of this body? That, if for no other reason, is reason enough to vote ''no'' on this legislation.

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

''The right of suffrage is certainly one of the'' most ''fundamental articles of republican government, and ought not to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms.'' That was said by James Madison on August 7, 1787, to the Constitutional Convention; and the very proposal that is offered by opponents of this bill, a constitutional amendment to allow Congress to require that vacant House seats be filled by appointment, even temporarily, was explicitly rejected by the founders as antithetical to republican government.

My committee had a hearing in 2002 on the amendment offered by the gentleman from Washington (Mr. BAIRD). There was not very much support for it; and I imagine that when this House debates the Baird amendment, it will be voted down. It will go far short of the two-thirds necessary to propose a constitutional amendment because there are enough Members of this House that believe that the principle of having an elected House of Representatives is paramount.

I will get my colleague his vote and his debate for him with the cooperation of my friend from California, the chairman of the Committee on Rules, who is the cosponsor of my bill; but what I would like to know is those of my colleagues who criticize the Sensenbrenner-Dreier bill, what is their alternative if the constitutional amendment gets voted down? They have not stated what alternative they have, and that is why this bill is important.

On September 11, 2001, the fourth hijacked plane was headed for this building. If it had not been for the heroic actions of the passengers of United Flight 93 who forced the plane down over Pennsylvania, Congress' ability to function may have been severely disrupted. While the 17th amendment allows Governors immediately to appoint replacement Senators, currently there are no mechanisms to quickly replace House Members. However, we can act today to enact such a mechanism through the legislative process, just as the founders intended. The Continuity of Representation Act of 2004 will, unlike other proposals, preserve the people's constitutional right to elect directly their representatives.

The bill provides for the expedited special election of new Members to fill seats left vacant in extraordinary circumstances, which the bill defines as occurring when the Speaker announces that there are more than 100 vacancies in the representation from the States. Within 10 days after such an announcement, the political parties of the States with House vacancies, as provided by State law, may nominate candidates to run in a special election to be held within 45 days.

While some may argue for the adoption of a constitutional amendment allowing the appointment of replacement House Members if a terrorist attack leaves large numbers of vacancies, such an amendment would destroy the uninterrupted tradition that only Members duly and directly elected by their local constituents should serve in the House, while ignoring the current mechanism for preserving continuity in government, the founders, in their wisdom, included in the Constitution and which is the basis for this bill.

Madison used the strongest terms when stating the House must be composed of only those elected by the people. Madison wrote in the Federalist Papers that direct elections are ''unquestionably the only policy'' by which the House can have ''an intimate sympathy with the people.''

The House, uniquely among all branches and bodies of the entire Federal Government, is rooted in democratic principles, and those principles

must be preserved at all costs. Current Federal law allows the Presidency and the Senate to consist entirely of the unelected. Without an elected House, the entire Federal Government would be run without a single branch reflecting the popular will. Think about it. If we have an appointed House and an appointed Senate and an appointed President, our democracy will end up being run by appointed people. That is not what James Madison and the others who were in that convention envisioned ever happening.

Congress has the clear constitutional authority to enact H.R. 2844 under article I, section 4, of the Constitution, which states that ''the Congress may at any time by law make or alter'' State election laws. Consistent with the right to chosen representation, the founders explicitly considered Congress' power to require expedited special elections the solution to potential discontinuity in government in extraordinary situations. As Alexander Hamilton wrote in the Federalist Papers, the Constitution gives the Congress ''a right to interpose'' its special election rules on the States ''whenever extraordinary circumstances might render that interposition necessary to its safety.'' The Supreme Court has unanimously approved such clear-cut constitutional authority.

While some take a pessimistic view of the resiliency of the electoral process following an attack on the Nation's Capitol, I have a different view.

In England during the Second World War, many members of the House of Commons were killed in battle. Our friends across the Atlantic never devolved to appointed rule, and special elections were held within 42 days after the date of death to fill the vast majority of seats left vacant, even when the Nazis were bombing England during the Blitz. I have no doubt that here today in the United States the boundless spirit of the American people will ensure that democracy prevails in the most pressing conditions. Just as the recovery of the Pentagon and the World Trade Center sites were accomplished far quicker than imagined, I have the greatest confidence in the people of this great country that State and local election authorities would expeditiously work to restore the people's House in time of emergency.

R. Doug Lewis, executive director of the Elections Center, a nonpartisan organization representing the Nation's election officials, has testified that elections administrators from combined responses nationwide feel that they can conduct an election in as few as 45 days. While others assert that it would be too burdensome for special elections to be required within 45 days of a catastrophic attack, 10 States, as the Congressional Budget Office has pointed out, already require special elections within 45 days in normal, nonemergency situations. Vacancies in the Virginia General Assembly during the session have been filled in as few as 12 days after the vacancy has occurred, and no one has complained that those elections were unfair or unrepresentative.

One does not have to look far for examples of the resiliency of the voting process and our State and local election officials' dedication to the cause of democracy. Take, for example, last year's gubernatorial recall election in California that involved 135 candidates and an election that was certified 54 days after the certificate was issued. Voters were also asked to consider two constitutional amendment propositions. The election proceeded smoothly amidst unprecedentedly high voter turnout and 10,000 fewer polling places in the State of California than normal.

While some imagine horrific scenarios regarding catastrophic attacks on the Capitol, more inspiring scenarios can be imagined that resonate more closely with the American spirit. Should such a terrible situation occur, millions of people around the country might fill schools and gymnasiums, churches and meeting halls and freely exercise, in the wake of a vigorous attack by haters of freedom and democracy, their right to directly chosen representation, a right that has served uninterrupted in the history of our country.

□ 1345

Indeed, while some argue that adopting an amendment to the Constitution authorizing appointed Members is necessary in the light of a potential terrorist attack, the very adoption of such an amendment itself would accomplish what no terrorist could ever do, namely striking a fatal blow to what otherwise has been called the people's House. H.R. 2844, on the other hand, is founded on clear, existing constitutional authority that preserves the vital, time-tested constitutional value of directly elected representation that has made this country the most successful experiment in representative government the world has ever known.

The issue here in this debate has been if there is a catastrophe whether this House should stay elected or whether we should amend the Constitution to allow successors to be appointed in some manner or another. It is vitally important that in a time of crisis, whomever enters the doors to the Chambers where the House of Representatives meet enters the door with a mandate from the people, because if an appointed representative enters this door, the mandate would come from whomever appointed them.

Pass the bill. Do the right thing.

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

I think there is broad agreement in this House, more than one might know from listening to the debate, that we all value an elected House of Representatives, but we are talking about a worst-case scenario here.

The chairman mentioned what if we had appointed Senators and appointed House Members and an appointed President. That would surely be a catastrophic event that would yield that situation where no one who was elected was left living to run the American Government. In that case I would argue it would be better to have appointed people rather than a single appointed person to run the government, because the issue really is between dictatorship and a tripartite form of government between the judiciary, the executive, and the legislative branches.

The chairman asks what is our alternative to his bill for expedited elections? And I would ask what is the alternative for the 45 days that leaves a vacancy, a void that the adoption of this bill would provide? I worry that we have not begun the work on this constitutional amendment.

I introduced a constitutional amendment in December of 2001 contemplating a worst case. It may be that that amendment needs additional work. Frankly, I think it does. But that work needs to be in a bipartisan effort in the Committee on the Judiciary and later here on the floor. I would urge we begin that as soon as possible.

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

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

Mr. LARSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who has also been in the forefront of this issue, and I thank him for his comments.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time and for his fine work on this important legislation.

Mr. Chairman, I rise in opposition to this legislation and am disappointed that we are not able to discuss the matter of continuity in the thoughtful, thorough, and nonpartisan manner it deserves. Many of my colleagues, including the gentleman from Washington (Mr. BAIRD), the gentleman from California (Mr. COX), the gentleman from Texas (Mr. FROST), the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. LARSON), have tried to encourage dialogue on this matter, but this bill does not address many of the concerns raised by Members of this House and outside experts during the last 2½ years.

Under H.R. 2844, if the House experienced the deaths of more than 100 Members, the Speaker could direct States to conduct special elections within 45 days. Well, as a former secretary of state, I know how to run elections, and the 45-day time frame in this bill would severely limit election officials' ability to prepare ballots, train poll workers, select polling locations, and inform the voting public about the process. The short time frame would also disenfranchise our military and citizens living abroad, as well as certain elderly and disabled citizens who would not be able to apply for, receive,

and return their absentee ballots by mail. All of these things and many more would clearly undermine the process and the outcome of such a special election.

Now, while 45 days is not enough time to conduct special elections, it is certainly too long for Congress to remain inactive. In the 6 weeks after the attacks of September 11, Congress passed legislation authorizing the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriation bills, the farm bill, and legislation pertaining to bioterrorism, victims assistance, and going after terrorism financing. H.R. 2844 would leave important decisions to a greatly diminished and possibly an unrepresentative House. In the case of widespread incapacitation, the House would be unable to achieve a quorum and become inoperative during a time of crisis.

I am disappointed that H.R. 2844 does not address these important issues and ignores a priority of mine, deciding how Congress could communicate and function if terrorist acts prevented it from meeting in one location. These matters warrant greater discussion than the limited bill before us, and the gentleman from Washington (Mr. BAIRD) has introduced a discharge petition for a full and fair debate on continuity, which I have signed.

Mr. Chairman, I urge my colleagues to vote against H.R. 2844 and to sign the Baird discharge petition.

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

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

There has been a lot of serious discussion here on the floor today, and I think some wonderful things have been said, but a few things that have come to my mind in listening to them. Certainly Madison's wonderful discussion about the elected nature of this body is important to all of us, but also we must recall those words were said at a time when the United States Senate was totally appointed.

Now, of course, the Senate is elected, but not a one of us would argue, I think, that Senator MURKOWSKI is not a real Senator. She is. And just as would the temporary House Members be, if the worst-case disaster came and all the House Members were killed, if we had temporaries until an accelerated election system allowed for replacement by elected people.

I worried on September 11 that if the terrorists really understood our system of government, they would know that the easiest way to turn the American democracy into a dictatorship would be to kill the Members of the House, because that is our weak link in terms of our American democracy. I think if we can provide for the continuity of the legislative branch of government, we will do a wonderful thing for our country, because we will preserve the American democracy, and we will do something else: We will make the legislative branch safer from attack. If terrorists cannot destroy the American democracy by killing the Members of the House, it is a lot more less attractive to kill the Members of the House.

I would like to say something else. We have talked about the dictatorship that would be necessary if Congress could not function. There is another aspect, which is the element of the confidence of the people in the legislative branch. For example, and I mentioned this at the Committee on Rules hearing last night, how would the American people feel if the terrorists went out to the Republican Conference retreat and they killed all the Republican Members, and only the House Democrats were left? Would that feel comfortable for the country as a whole, for a country that is almost evenly divided in terms of party representation? I think not.

What if all the Members on the east coast were killed, and only the west coast Members survived to run the country? Would that really lead to confidence on the part of the American people?

We need to make sure that this branch of government survives on a temporary basis while these accelerated elections can be held. I personally think that the 45 days may be a bit too aggressive. I know my own State of California has suggested a slightly longer time frame to actually hold an election that will work. And I know that there will be an amendment offered to extend the amount of time by a small amount that hopefully might gain some favor from Members on both sides of the aisle. But I do think whatever we do with the accelerated election bill before us today, we will have let down our country if we do not address the constitutional issues required to really save the American democracy from the worst case that the terrorists might throw out.

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

Mr. NEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. CHABOT).

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

Following the horrific attacks on September 11, it became evident that Congress had to act in case there was a catastrophic event that literally jeopardized the ongoing government. We handled this in many different ways. There was a working group. We held a hearing in my subcommittee, the Subcommittee on the Constitution, should we go the constitutional amendment route or statute. I became convinced the statute was the best way to go to ensure directly elected representatives in this body.

I would urge my colleagues to continue to make this the people's House, where we are all elected by the people, and nobody is appointed by Governors or anybody else.

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

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I appreciate the chairman's yielding me this time.

I support the Continuity In Representation Act of 2004. This legislation preserves the right of the people of the United States to elect their own representatives, even after a deadly attack. One of the cornerstones of our Constitution is the right of the people to govern themselves through elected representation. This right should be upheld and, in fact, continued.

H.R. 2844 provides for the expedited special election of new Members of Congress if more than 100 seats are vacant. This is designed to address a situation in which our country is attacked and significant numbers of Members of Congress are killed.

Mr. Chairman, in the wake of such an attack on our country, Americans need to be assured that their government is legitimate, and citizens need to feel that actions undertaken by Congress at a time of disaster or war are also legitimate. By allowing for the election of Representatives rather than for their appointment, Americans can be reassured that our government is continuing to function in a truly representative fashion.

Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for moving legislation that guarantees our government would survive. It has been over 2 years since September 11. This issue must be addressed today in a democratic fashion.

Mr. LARSON of Connecticut. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Chairman, Congressional succession is one of the most timely—yet challenging—issues facing this body. In order to successfully resolve this issue, we must craft a solution that will ensure that the legislative branch of government remains fully functional; while also guaranteeing that the will of the people is constantly reflected. Along the way, of course, we must also guarantee that all of the civil rights laws—currently on the books—remain unaffected.

I initially agreed to serve as an original cosponsor of the legislation before us because I generally believe that we should avoid amending the Constitution, when a statutory response is available. Such an approach is quicker, more likely to be passed into law, and avoids amending our most sacred national charter. While recognizing that this bill is far from perfect, I considered it to be a good first step—something we could build upon in a bipartisan way.

Unfortunately, several serious concerns remain unaddressed. For example, it has been suggested that the 45 day time-frame may be

insufficient to conduct expedited elections, and lead to the disenfranchisement of many of our men and women in the armed services. It also has been brought to my attention that the bill contains several unfunded mandates and is completely silent on the issue of Member disability or incapacity.

However, the aspect of the bill that I am most deeply troubled by relates to its possible impact on our civil rights laws—laws that I have fought long and hard to protect throughout the tenure of my career. Namely, the impact that the legislation would have on the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the American with Disabilities Act of 1990, and the Rehabilitation Act of 1973—just to name a few.

The expedited timeframe that some seek to establish in this bill could substantially undermine the pre-clearance requirements outlined in Section 5 of the Voting Rights Act. Needless to say, this is an extreme provision of the Act. It remains a bedrock principle of the law.

The current bill before us could also lead to the disenfranchisement of countless handicapped and elderly voters—if due to the expedited timeframe—election authorities are forced to use polling places that are not wheelchair accessible. Or, if individuals with disabilities failed to receive the required 30 day notice with respect to polling place information—as required under the ADA.

To address these obvious deficiencies, Ranking Member LARSON of the House Administration committee submitted an amendment to the Rules committee that would have made clear that nothing within this bill would be construed to affect the application of the numerous civil rights and voting laws I just mentioned. It is worth pointing out that similar language was included in the Help America Vote Act, recently passed by this body. Unfortunately, it was the wisdom of some to object to making that amendment in order.

It was my sincere hope that we could have worked together today on a bipartisan basis to reach agreement on these difficult issues. This should not have been an issue that necessitated a partisan debate.

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

Let me say, Mr. Chairman, how much I have appreciated the debate this afternoon on this important issue. I want to go back, because of the focus of this debate, to comments made by Estes Kefauver. This is not an issue that is new to this Chamber. It has been raised in the past, and I think Kefauver cuts to the core of this issue.

He said, ''I do not say that it would be necessarily impossible for the House of Representatives to function with but a fraction of its Members. I am informed that present parliamentary precedents indicate that the House can operate with a quorum of its living Members. But any disaster which killed one-half or one-third of the Representatives might well disable or isolate so many others that a quorum of survivors could not be mustered.

''Also, if this occurred before a new Congress had organized and adopted its rules, a point of order might well be sustained that a quorum consists of a majority of all Members chosen. In any event, it would be important at such time that the representative character of the House be preserved. And that the delegations of the people of all States be substantially intact for the urgent legislative action which could be taken.''

□ 1400

The representative character of the House is equally as constitutionally compelling as is being duly elected here, because as so often quoted today, the Connecticut Compromise focused on the representation of States, and if a disaster did occur, I cannot imagine a body or this democracy would be able to proceed in a legitimate fashion with the potential of States, many States, not even being represented.

Kefauver went on to say the President should have the degree of support and national unity which only a fully constituted Congress can give him. Think back to those images I talked about earlier and how important it was as a symbol for this country. I think that cuts to the heart of how strongly people feel about this issue.

Mr. Chamberlain of Michigan shared a similar concern. His concern was that this body, its representative nature, without being legitimate, could force us into a situation that would not be reflective of this great institution and this great body.

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

I thank the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for the commission they headed up. But most of all, I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who cares about the institution and helped with this piece of legislation.

This legislation falls in line with what we have always done in the entire history of our country, which is to elect Members. It is a good bill. Also, let us have some faith in the American people. If a crisis happens, which we hope it does not, the American people are resilient. The American people will continue with their democracy and will exercise the purest form of democracy, which is to vote. I support the bill.

Mr. COLLINS. Mr. Chairman, today, this House passed important legislation that will help ensure elected representation in the House of Representatives in the event that there is a tragic and catastrophic loss of life amongst the membership of this body. It is important that, should such a tragedy occur, that the people's House remain a body of elected officials, and H.R. 2844 would protect this character of the House of Representatives. H.R. 2844 would ensure that, in the event of a national tragedy and an extraordinary loss of life in this House, our government would continue to operate in a timely and effective manner that upholds the rights and ideals afforded to every American in our Constitution.

Had I not had a previous commitment in my home State of Georgia, I would have voted ''no'' on rollcall Vote No. 129, a vote on amendment No. 2 offered by Mr. LARSON of Connecticut to H.R. 2844; and I would have voted ''yea'' on rollcall Vote No. 130, a vote on passage for H.R. 2844, the Continuity in Representation Act of 2004.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the committee on the Judiciary took this bill up in a markup in January of this year, and I expressed my reservations with its provisions as drafted on the Committee record. This bill has major flaws that require the attention of Members of both sides of the aisle. Since one of the pillars of our government is the principle of due process as set forth in the 5th and 14th Amendments to the U.S. Constitution, it is critical that a piece of legislation such as this that deals with the mechanics of electing leaders in emergency situations be crafted with full respect for those principles. The 45-day deadline for State special elections set forth in this bill, as drafted, will not alleviate the fact that States won't have sufficient time to hold primary elections. Furthermore, such a short amount of preparation time could arguably favor candidates who are wealthy or well-backed because only these candidates would have the resources and ability to prepare such a quick election campaign.

Therefore, I have proposed amendments that are geared toward the maintenance of our due process guarantees with respect to the emergency special election process that would be triggered under this Act.

The first potion of this amendment, JACKSO.173, reads as follows:

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''2 days'' and insert ''7 days.''

This change would amend the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives in excess of 100. This change would amend paragraph (4), subparagraph (B)(i) and expand the ability of an aggrieved party to file suit for either declaratory or injunctive relief from just two (2) days to seven (7) days.

Because not every State has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every State in the country. The principle of procedural due process dictates that every citizen be given a realistic opportunity to obtain legal relief through our Judicial Branch.

The second portion of this proposal speaks even more to the issue of due process for all citizens. Its test reads as follows:

In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''the action'' the following: ''(taking into account an opportunity for an expedited appeal of the initial decision).''

Because the 45-day deadline for special State elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens. Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided

so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Thirdly, the amendment reads as follows:

In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''vacant'' the following: ''any citizen of the district and any political party of the State.''

This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics. As the bill is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House solely to the ''executive authority,'' in Houston's case, the Governor. Such very limited language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election under this Act, this provision must be amended to allow citizens and political party representatives to sue for relief.

As legislators charged with the duty to uphold the U.S. Constitution, the principles of democracy call for an expansion of the rights of citizens rather than a diminution. H.R. 2844, as drafted, totally leaves the citizens and constituents out of the democratic process. Our colleagues on the other side of the aisle have fervently argued that this bill gives the people their constitutional right to participate in the electoral process. However, the truth of the matter is that our colleagues' arguments are misguided and serve to avert the ''meat and potatoes'' of the bill. Key to the operant provisions of H.R. 2844 is the ability to file suit with respect to the announcement of a vacancy or vacancies in the House to the extent that no quorum exists in addition to the provision of time in which to file such an action. As drafted, the bill not only provides an unrealistic period in which to file an action and it gives standing to do so exclusively to the Governor of a State. This is not democratic. This is not truly representative. Because this legislation fails to do what it purports to do, I cannot support it.

I urge my colleagues to join me in opposing H.R. 2844.

Mr. UDALL of Colorado. Mr. Chairman, I have concerns and reservations about this bill—but I will vote for it.

I will vote for it because I think we need to recognize and respond to the risk that a terrorist attack or some similar event might kill or disable enough of our colleagues that it would be impossible for the House of Representatives to play its vital role in our constitutional government. And this bill does take a first step in addressing this problem.

However, I think it would have been better for the House to have had more time to fully debate the measure, and that it should have been taken up under a less-restrictive procedure that would have allowed consideration of more amendments.

Elections are central to our political system. They are essential to assure that our government is based on the will and the preferences of the American people. But the conduct of elections can be as difficult as it is important—ask any State official with responsibility in this area. So, we need to proceed carefully and thoughtfully when we legislate on this subject—more carefully and with more opportunity for considering revisions than was permitted under the procedures established by the Republican leadership for today's debate.

As that debate made clear, some of our colleagues—including some for whom I have the highest respect—think it would be better to go further than this bill, or any simple statutory change, can go. They would prefer to address the problem through a constitutional amendment.

While I am very reluctant to consider changing the Constitution, I do think that on this subject, the possibility of a constitutional amendment should not be ruled out. However, in the meantime I think we need to do what can be done short of such a fundamental change. That is what this bill does, and that is why I will vote for it.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the legislation before us today. The loss of a large number of Members of the House of Representatives is an important institutional issue to which we should devote a substantial amount of consideration. This issue deserves an open rule to allow every Member time to express his or her opinion and offer their ideas. It is outrageous that we are only being offered one choice to decide how the entire House of Representatives will be governed in a time of national crisis. Should tragedy strike the House, this legislation could give unprecedented power to the executive branch or a few Members of Congress who were elected by just a small sliver of the country. We have not had adequate time to review this legislation, nor have we been allowed to bring sufficient amendments to the floor for debate. Once again, we are considering legislation without ample debate time and without alternatives. I oppose this bill and encourage my colleagues to do the same.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill shall be considered as an original bill for the purpose of amendment and, pursuant to the rule, shall be considered read.

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

H.R. 2844

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Continuity in Representation Act of 2004''.

**SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN HOUSE IN EXTRAORDINARY CIRCUMSTANCES.**

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking ''The time'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the time''; and

(2) by adding at the end the following new subsection:

''(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

''(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

''(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless a regularly scheduled general election for the office involved is to be held at any time during the 75-day period which begins on the date of the announcement of the vacancy.

''(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, not later than 10 days after the Speaker announces that the vacancy exists, the political parties of the State that are authorized to nominate candidates by State law may each nominate one candidate to run in the election.

''(4) EXTRAORDINARY CIRCUMSTANCES.—

''(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

''(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

''(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

''(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

''(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

''(5) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS FOR ABSENT MILITARY AND OVERSEAS VOTERS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.''.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in part B of the report and the amendment designated in the previous order of the House. Each amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and opponent of the amendment, shall not be subject to amendment and shall not be

subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 108–466.

AMENDMENT NO. 1 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LARSON of Connecticut:

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''.

The CHAIRMAN. Pursuant to House Resolution 602, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Ohio (Mr. NEY) each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the two amendments I have been restricted to offering today during this truncated debate will attempt to restore to the bill some of the elements which the American people associate with true democracy and legitimate elections, elections which allow the public to make a reasoned choice from among candidates who have had a fair chance to present themselves and to conduct campaigns, and elections which allow the American people to feel secure that their officials are representative of the diversity of their views.

That is, after all, the essence of our democracy. That is what this arbitrarily crafted legislation would strip away from all of us at a time when the stability of our political system will be under more stress than at any point since the Civil War.

One basic element of elections is the time required by our political system to conduct them. Supporters of expedited special elections, or in the case of this bill would be better called ''rushed'' special elections, would no doubt say that time is of the essence in replacing deceased Members of the House, and I agree. But the essence of democracy is choice, and the practices to facilitate that choice.

Meaningful democratic elections provide time for candidates to choose to run, time for political parties to choose among them through primaries and other methods, time for minor parties and independent candidates to qualify for the ballot, time for voters to register to vote, time to secure polling places, time to train poll workers, print ballots and mail out and receive back absentee ballots.

My first amendment today addresses the bill's short overall time frame. It would increase the maximum time allowed to conduct special elections to 75 days, up from 45 days. There is nothing in this amendment which prevents any State from holding expedited special elections in a shorter time should they wish to do so and should they be capable of doing so. H.R. 2844, as introduced, contained a 21-day deadline for the conduct of special elections, which could not possibly have worked, but which demonstrated, in my view, the urgency to ''stand up'' a democracy that has been debated previously on the bill.

The amended version approved by the Committee on House Administration at the behest of the gentleman from Wisconsin (Mr. SENSENBRENNER) specified 45 days. This number is, I believe, too low, although a number of State laws provide for special elections within such a time frame. But most States, including my own State of Connecticut, as well as the State of Wisconsin, do not.

Conducting elections is difficult. It is time-consuming work, and it must be done correctly or the rights of the people will be violated, and the legitimacy of election winners will be questioned.

This amendment would alleviate a number of serious problems in the bill, better maintain the stability of our political process, and enhance the role of States in making decisions about the process they value most in conducting truncated special elections.

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

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), our distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman and both chairmen for bringing this important piece of legislation to the floor. I rise in opposition to the amendment. It seems 75 days may be necessary to run a special election, but our experience in Texas is we can run a special election in less than 30 days. Ours is 36 days. I guarantee Members, when people get fired up to do an election, they can do it quite quickly, particularly with everybody interested in winning that election. I think 75 days is way too long to allow this body to sit and wait for something to happen.

I want to talk now about something even more fundamental. I carry the Constitution around with me in my pocket in order to constantly remind myself when I get dressed in the morning there still is a Constitution in this country. I know some, particularly those on the other side of the aisle, call this a living document, it does not mean a whole lot, and they are willing to change it and not even consider the unintended consequences or consider why the genius of our Founding Fathers understood what it took to build a democracy and what it took to maintain a democracy.

That is why we have checks and balances. That is why we do not place all of the power into one person or even one branch. It is vitally important for this body to be elected, and there is a reason for that. The reason is this is the people's House. We have to be elected in order to reflect the will of the people at the moment.

The other body is set up in our Constitution to slow us down, but we are set up to reflect the will of the people at the moment. We cannot do that if we put all of the power, particularly after a catastrophe, in the hands of one or two people to make the appointments. The appointees, the people who would come here to serve, would have no allegiance to the American people. They would not care about what the American people did because they were not elected by the American people. They were appointed by some big power broker back in their State or in their district, or even in their local counties. That is not the way to continue this democracy.

We cannot have a democracy if we have a body sitting here in judgment of what is good for this country by appointed people. I heard a Member from the other side of the aisle earlier say, well, we changed the Constitution in 1913, and we now elect Senators. I am willing to have a debate that electing Senators by popular vote has had a very real negative impact on this country.

I am prepared to say why in the world would anybody want to take away the will of the people to have their own House, the United States House of Representatives, by election and not by some power-broker-type appointment.

I am opposed to those who have suggested that we ought to appoint our successors. That is the worst thing we could do is for us to announce, once we get elected, who is going to succeed us. That would create all kinds of havoc. Who is the leader in the congressional district, the elected Member of Congress or the heir-apparent appointed by that Member of Congress?

It is important in order for the continuity of this government and the continuity of freedom in this country to understand the genius of our Founding Fathers and the genius that put it together and not change it and not change the way this country works. We have to pass this bill. We have to elect this House. This is the people's House.

Mr. LARSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would like to ask the distinguished gentleman from Texas (Mr. DELAY), as the majority leader of this body, if the other party were in power and this body were eliminated, would the gentleman be perfectly comfortable, under his constitutional fealty, in letting the executive branch rule this country, take this country into war, and do all of the other things reserved under that Constitution with no checks and balances?

Again, it is a false straw man to say that anybody here wants to do away with elections. The issue is do we do

away with the entire Congress temporarily until we can hold elections? We need those checks and balances. And they are not the only ones standing up for this Constitution who are opposing the alternatives of temporary appointments. We, too, are standing up for it. We are standing up for checks and balances, separation of powers, and all of the Article I provisions that are ensured in the Constitution.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, the amendment that is offered by the gentleman from Connecticut (Mr. LARSON) cuts directly against every argument he has made up to now.

What the gentleman's amendment does is delay for another 30 days the right of the people to elect their own replacement Representatives. We either can reconstitute the House quickly or reconstitute the House slowly, and this amendment makes it happen slower.

The gentleman also brings up the issue that in Wisconsin we need 62 days. We have primary elections and special elections in Wisconsin. This bill says there should be no primary elections, and that cuts it down to 34 days. So Wisconsin runs a primary election 34 days after the vacancy occurs. We would have no problem replacing me or any of my colleagues from Wisconsin within the 45-day period of time.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Throughout history States have often been the engines of political diversity and experimentation. The reason I chose the 75-day time frame was to allow more of those elements to be sustained. The 45-day time frame is far shorter than the special election time frames in a majority of States. The Commission on the Continuity of Government, the Brookings Institution and the American Enterprise Institute, estimate that the average length of vacancies over the last nine Congresses has been more than 120 days. A 75-day time frame thus provides a process significantly faster than the norm in many instances, while avoiding some of the more jarring effects of the bill's far more drastic limitation.

□ 1415

That was the rationale in crafting this legislation. That was the rationale where others have suggested 60, or even 90, days. I felt 75 days guaranteed the cherished rights that we all seek to protect under any proposal. The 75-day proposal, I will admit, is arbitrary, like the 21-day, or the 45-day period selected previously by the sponsors, but the entire bill is constructed around arbitrary numbers which we are only permitted to amend in a limited way.

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

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Let me state that there is absolutely nothing whatsoever that is arbitrary about the 45-day period. The State of New York has a maximum of 40 days, and we know that it has worked very well in the State of New York. And I think it is also important to note that there are three former Secretaries of State, I know at least on our side of the aisle, who serve here; and we fashioned this legislation in consultation with Secretaries of State in seeking the amount of time that would, in fact, address the concern that the gentleman from Washington (Mr. BAIRD) has raised that we as quickly as possible make sure that this institution is reconstituted. So I think it is important just to note that we have not been arbitrary in the selection of this 45 days. A lot of research went into this.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, there is no doubt in my mind of the great effort and the intellect and the able people that they have put behind this. The CBO reports that more than 40 States are going to have a problem with this mandate, and will be forced to go well beyond their means. In hearing from my own State of Connecticut—from my Secretary of State—about all the underlying concerns that are raised, especially as it relates to voting rights acts, she said she would not feel comfortable unless there was a 60-day period.

Can it be accomplished in 45 days? Perhaps. But as I indicated earlier, as Judge Learned Hand said, this is a question that leaves us ''not too sure that we are right,'' and with all due respect, I would rather err on the side of making sure that people were guaranteed those rights.

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

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I briefly mentioned during the debate on the rule what happened out in California. We know that each congressional district has about 650,000, fewer than 650,000 people. We might have two or three candidates in those races. In California, we had 125 candidates and we had a total of 55 days; and the prediction of doom, I was frankly suspicious about the prospect of seeing us put together in a 55-day period with 35 million Californians this special election when in fact we found that we were able to do it in that period of time for a State of 35 million people. I think in the congressional districts that are a fraction of that size, 45 days is a reasonable period.

I thank my friend for yielding.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, I just wanted to close by saying that this has been an extraordinary afternoon, and I deeply appreciate the hard work and effort that has gone into this proposal on all sides. I simply disagree in principle with terms of the bill itself, notwithstanding my own position on the need for a constitutional amendment; but I do not think the bill before us gets the job done, and I think it imperils the very democratic processes that we all cherish so much, that allows a person to walk in here as a duly elected representative of his constituents.

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

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

I just want to weigh in with a couple of comments. I think probably enough has been said about this issue, but I wanted to dovetail on some of the comments made by the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, who put a lot of time and effort and testified at the Committee on House Administration on this issue.

An election conducted within the 45-day time frame, I would be the first to admit, and I said it earlier, would undoubtedly present challenges and would present some difficulties for State and local election officials more so than would an election conducted under certain normal circumstances; and in a perfect world we would like to provide as much time as necessary for election officials to prepare for an election and the electorate to make informed choices about candidates. Election officials all over this country on both side of the aisle work very hard. I think all of us have viewed on election day the activities of these officials. They are hard workers, and I believe that under a crisis situation they will step up, they will perform, but again, I state, in a crisis situation.

In the unique situation where large numbers of House Members have been killed in a terrorist attack, the desire for extensive election preparation time has to be weighed, has to be weighed against the urgent need to fill House vacancies with elected Members as quickly as is reasonable under the circumstances.

Doug Lewis, executive director of the Election Center, a national nonprofit organization serving the elections and voter registration profession, testified before the Committee on House Administration last year that the majority of our country's chief election officials believe that 45 days would provide sufficient time to plan and prepare for an expedited special election. And I believe that Doug Lewis had done a polling throughout his organization, and I should tell the Members that Doug Lewis and his organization have credibility. They are on the forefront of the Help America Vote Act, and they work and represent the people who are right in the trenches that deal with this every single election period. At present there are 10 States, including Minnesota, Texas, New York, and Georgia that require the filling of House vacancies within 45 days. Thus I believe if they can do it, we can do it nationally; and I believe 45 days is a reasonable

time frame for conducting a fair, open, and meaningful election.

So for these reasons, Mr. Chairman, I would oppose this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON of Connecticut. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider amendment No. 2 printed in part B of House Report 108–466.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LARSON of Connecticut:

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.''.

The CHAIRMAN. Pursuant to House Resolution 602, the gentleman from Connecticut (Mr. LARSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would restore democratic protections to candidates who wish to run in expedited special elections under H.R. 2844, and would enhance the voters' electoral choices, which the bill, I believe, needlessly seeks to limit. It would also give to the States, who are our first responders in elections, greater flexibility to respond to problems raised by a potential catastrophe or terrorist attack.

The amendment accomplishes several major improvements in the bill. First, it would eliminate the bill's perhaps most outrageous defect, the ban on primary elections in the great number of States which use them in special elections. The bill does this indirectly by requiring political parties in the States to select their nominees within 10 days of the Speaker's announcement of vacancies. The amendment strikes out that provision while adding entirely different language enhancing candidate eligibility, voters' electoral choices, and State flexibility in election administration.

The use of primaries was one of the great reforms in American politics which distinguishes us from many forms of parliamentary government. There is no way States could conduct primaries under the 10-day restriction. Indeed, this deadline provides barely enough time for prospective candidates to assess whether they even want to run.

In place of primaries, the bill would require political party committees of some sort to select a nominee, which is a legitimate mechanism already in use in some States for special elections; but even in those States, 10 days is a very short time. And of course many States do not allow selection of candidates by party committees because they consider it undemocratic, and require the selection of candidates by popular vote.

The gentleman from Wisconsin (Mr. SENSENBRENNER), in answering a question that I posed at the Committee on House Administration markup of this bill, when I was seeking clarity about some of the provisions his bill—what the bill would actually do—was crystal clear on one issue in this bill. He would penalize political parties in those States which could not meet the 10-day deadline by requiring that their party lines to be left blank on the ballot. He writes to the committee that H.R. 2844 clearly provides that political parties may, not must, nominate candidates within the 10-days allowed in any manner they see fit. If they do not, or cannot nominate a candidate within the time allowed, such parties will not appear on the ballot.

Selection of nominees, of course, is the ultimate political process, but it is more often known for controversy, deal-making, and intrigue, rather than speed and efficiency. That is why we have the expression ''the smoke-filled room.''

Imagine the nightmare if this bill became law, and the political parties in your district were unable to field any candidate because they could not convene under potentially adverse circumstances due to a national crisis, or if a party committee did not meet, but could not reach agreement on a nominee because there was strong competition among well-qualified candidates. How could there then be an election? Whom would the voters choose from the blank page?

I remind the Members that this bill's stated purpose is to expedite special elections, and to reconstitute the House of Representatives. Having elections without candidates would certainly accomplish the first goal, but would obviously fail miserably in the second. Not only could the bill leave the voters without any candidates to choose from, but it could have other irrational effects as well.

For example, even in a State like Minnesota, which in 1977 held both a special primary and a special election for a House seat in only 29 days, H.R. 2844 would require the abandonment of the primary system even though such a State might, under normal conditions, be able to comply with the overall 45-day deadline of the bill. The State managed to hold its primary in this case in 15 days, but could it do it in 10 days—the time limit for candidate selection in H.R. 2844? Why should the bill penalize those States, which could achieve their electoral results following regular order, by forcing them to change their basic political practices, and suddenly start choosing candidates through party committees?

Mr. Chairman, the 10-day provision of this bill, and its potentially disastrous side effects, constitutes reason enough for the adoption of my amendment.

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

Mr. NEY. Mr. Chairman, I claim time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I share the gentleman from Connecticut's (Mr. LARSON) concern that an expedited special election should be open to as many eligible candidates as possible. However, this amendment, although I do not believe intended, would indirectly undermine the very core of H.R. 2844, which is the establishment of a time frame for conducting expedited special elections that promptly fill House vacancies while still providing the necessary time for election preparation.

This amendment would permit each State to determine how much or how little time it needs to conduct a special election, thereby rendering meaningless H.R. 2844's 45-day time frame for conducting those elections. The framework for expedited special elections that is set forth in H.R. 2844 represents a balanced approach, taking into consideration both the need for an accelerated reconstitution of the House and also the need for adequate election preparation time. This amendment would knock that framework out of balance and would in all likelihood unnecessarily prolong the period that many American people would be without representation in the House of Representatives in the aftermath of a catastrophic attack.

I do say I appreciate the commitment to the States rights that my friends are showing on the other side of the aisle, demonstrated by their support of this amendment. I hope that commitment will continue to be reflected in future votes on other election-related matters, on all issues, for that matter.

However, I think we could agree that if there was ever a time when Federal preemption of State laws was appropriate, it would be in the aftermath of

an attack that has killed over 100 of us as Members of the House. We have an obligation to take action to make sure that in those circumstances this House is reconstituted with elected Members as quickly as possible. That is a Federal responsibility, not one that should be left to the States to decide. I cannot think of a more appropriate or more necessary time to exercise our article I, section 4 powers to regulate the time, place, and manner of elections.

□ 1430

Therefore, I would oppose this amendment.

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

Mr. LARSON of Connecticut. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, earlier I asked this body to consider two questions: How would the Framers feel about the House of Representatives constituted by a few Members or no House of Representatives at all, and how would their constituents react if they had no voice as the country were taken into war by an unelected Cabinet member?

Let me ask this question: The distinguished majority leader proudly held the Constitution of the United States up and presented to us that he was defending the Constitution with this legislation. Where, my good friends, in that sacred Constitution does it say that the political parties will be authorized to select the candidates who can be elected for the House of Representatives? If we are defending the Constitution, how in the name of the Framers can we say that political parties will select the candidates for office? And if we are saying that we are protecting the rights of our voters, how can we do so when we disenfranchise all independent voters from selecting their candidate of choice, and instead put that decision into the political elites, the very people who you assert you are protecting the voters from with your base bill?

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Chairman SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, this is another amendment to gut the bill. All you need to do is look at the last three lines of the amendment that says ''or otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.''

A State could decide to postpone the election indefinitely because they decided that all the candidates needed to have 30 face-to-face debates, and that would fall into the catch-all clause. We need to have a specified time frame to reconstitute the House with elected Members, and that is why we have the time frame put down here.

I am very interested in listening to the argument of the gentleman from Washington that completely misses the point. His side won a special election in Kentucky. I congratulate the gentleman from Kentucky (Mr. CHANDLER) for his victory. He did not win a primary election. He was not nominated by a Democratic Party convention and his opponent in the election was nominated by a Republican Party convention.

The election of the gentleman from Kentucky (Mr. CHANDLER) to the House to promptly fill the vacancy caused by the election of Ernie Fletcher, his predecessor, as Governor of Kentucky is no less democratic than the election of those of us that went through primaries.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is easy to conceive of the circumstances in which companies that print ballots or manufacture voting machines or paper or computer equipment could be disrupted by the same catastrophic events which are triggering the special elections. The Nation's communications and commerce could be disrupted. My amendment gives the States the flexibility to respond.

Mr. Chairman, this is a very important amendment. It removes a number of major problems in the bill. I find it hard to imagine how Members could not support a proposal which could restore primaries, enhance the ability of candidates to get on the ballot, and give the States greater flexibility to administer special elections in a time of crisis.

Mr. Chairman, I urge an ''aye'' vote.

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

Mr. NEY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, I would like to begin by yielding to my friend from Washington (Mr. BAIRD), to see if he would like to pose a question to me.

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

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

Mr. BAIRD. Mr. Chairman, if the gentleman would please show me where in the United States Constitution political parties are authorized to select candidates for the House of Representatives, I would be happy to engage in this colloquy.

Mr. DREIER. Mr. Chairman, reclaiming my time, I thank the gentleman for his question. I wanted to respond to it earlier.

Article I, Section 4 of the Constitution makes it very clear that times, places and manner of election are within the purview of this institution.

I would go on to say that the United States Supreme Court has correctly, in my opinion, held that the times, places and manner clause of Article I, Section 4, grants Congress broad power, broad power, over elections, including, and I quote from the Smiley v. Holm decision of the Supreme Court, where they say ''authority to provide a complete code for Congressional elections, not as only to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting votes, making and publication of election returns.''

Mr. Chairman, let me say that is the provision that was upheld by the Supreme Court, and to me that makes it very, very clear that we have that authority.

The issue of uniformity is something we were very, very careful in crafting in this legislation. Why? Because as we look at this 45-day period, we want to make sure that all across the country we have an opportunity for people in a time of crisis to at the same time cast their ballots.

Now, when my friend the gentleman from Connecticut (Mr. LARSON) used the issue of the State, I think it was Minnesota, that had that 15-day provision, I am convinced that just as we in California were able to take on that very unique and unprecedented recall election that we held last year, similarly States like Minnesota, which have had that nominating process take place, they have held those primaries in 15 days, similarly that nominating process could take place within the 10-day period.

We all know, Mr. Chairman, that this would be an extraordinary circumstance. And one of the reasons, I would say to my friend from Washington who raised the concern about the immediacy of trying to ensure that we have a full complement of Members of the House working, that is the reason that we have the 45-day period put into place, and that is the reason that we spent a great deal of time over the last year and a half talking with secretaries of state across this country, including, as I said, the three members of this institution who did serve as secretaries of state, to come up with a time which would best allow us to ensure those rights, realizing that this is in an extraordinary, potentially very difficult time for our Nation.

Mr. BAIRD. Mr. Chairman, if the gentleman will yield further, my question is, where in the Constitution of the United States? I understand the Supreme Court has ruled that, but the point is if the gentleman is asserting that the purpose of this bill before us today is to protect the rights of all voters to elect their Representatives, effectively it is my position that you are disenfranchising those from independent parties or minority parties from selecting their candidates.

The second thing I would ask, since we are quoting the Constitution, is where in the Constitution or in subsequent Supreme Court decisions has it authorized the executive branch to function without checks and balances

from a House of Representatives or from a House of Representatives comprised of less than a quorum?

Mr. DREIER. Mr. Chairman, reclaiming my time, let me say there is no attempt whatsoever to give the executive branch the opportunity to run without the oversight that is, in fact, ensured in the Constitution. I believe that we would have a complement of Members. I do not know exactly what that would consist of, but the goal of this legislation is to make sure that we can get back to the full 435 membership, ensuring that we are the body of the people.

I would say that one of the interesting things about our Constitution, juxtaposed to other constitutions in the world and State constitutions, mine in California being an example, is the fact that any of us, just like the majority leader, are able to put it in our pocket. So that is why that very small item that I mentioned in Article I, Section 4 of the Constitution, makes it clear, and that interpretation, upheld by the United States Supreme Court, makes it clear that we do have the ability to do that. That is how we are legislatively able to proceed with this.

I will once again say to my friend from Washington and others on this issue, as we look at what appears to me to be growing opposition to amending the U.S. Constitution, and I will say to my friend, I have had Democrats as well as nearly every Republican with whom I have spoken on this say they are opposed to it, I think that there should be a realization that for us to take this first step with this very responsible, very balanced, very thoughtful approach, which has been considered over a long period of time, is the route for us to take.

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

Mr. Chairman, again I would add sincerely how much I have appreciated the debate and the depth of the debate that has taken place on the floor today.

I harken back to something I said during the debate on the rule, a notion that was brought up by the gentleman from Massachusetts (Mr. MCGOVERN), that the only time, to my knowledge, that we have met in joint caucus has been when we were discussing the anthrax issue, and by the nature of this debate and the richness of this debate and the feelings on all sides, it rises above in so many respects the Committee on Rules, the Committee on House Administration and the Committee on the Judiciary and belongs in front of Members to discuss because of so many of these issues that are before us.

I quoted Judge Learned Hand before, and I will continue to quote him, because while you may be sure that all of these things can be accomplished in 45 days, I remain skeptical that that could happen, and my skepticism comes from wanting to provide the very constituents that would send someone through these doorways, duly elected, to have fully participated and therefore legitimized that election as well.

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

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would say that there is no way that you are going to get me to argue with Learned Hand. I share that skepticism, and I believe that is a very healthy thing, and it is an important thing.

We have pondered almost every possibility. As I listened to the opening statement that was made during the debate on the rule from my friend from Washington describing what conceivably could happen if we were in the midst of a State of the Union Address, and we had every single Member of the House and Senate and everyone, save the one member of the Cabinet who does not come to these addresses, obliterated, what would happen. Frankly, if it was as described, a nuclear bomb were to go off in this area, who knows how far that would reach, and that individual could be killed. So we have pondered everything.

What we have done, I believe, is we have worked very hard talking to many, many different people about the most balanced way that we can approach an imponderable, difficult situation, and I think we have come up with something reasonable. That is why in light of the fact it is going to be very difficult, I am happy to say, for a constitutional amendment to pass this body, I think that we need to ask the question, what is the backup position? What is it that is proposed, short of a constitutional amendment, other than this legislative approach, which we have tried to take in a bipartisan way?

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, I would suggest that my amendments, I think, improve that.

Mr. DREIER. Mr. Chairman, if the gentleman would further yield, the amendment extending from 45 to 75 days in fact lengthens the amount of time when we could possibly get this body back together.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, this deals with the 10-day provision underneath, which again prohibits primaries.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON of Connecticut. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider Amendment No. 3 made in order by the order of the House of earlier today.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentlewoman from New York (Mrs. MALONEY) the designee of the gentleman from Missouri (Mr. SKELTON)?

Mrs. MALONEY. Yes, Mr. Chairman, I am.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order by a previous order of the House in lieu of Amendment No. 3 printed in House Report No. 108–466 offered by Mrs. MALONEY:

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) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.''.

The CHAIRMAN. Pursuant to House Resolution 602, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York. (Mrs. MALONEY).

□ 1445

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

Mr. Chairman, I rise in support of the Skelton amendment, and I am pleased to join my colleague and friend, the gentleman from Missouri (Mr. SKELTON), in offering this amendment. He has always been a strong advocate for the men and women in the military. And the purpose of this amendment is to ensure that overseas voters, including the men and women who are risking their lives to protect our country, their dependents, and private citizens, will have an opportunity to vote in a continuity-of-government election.

I join my colleague in thanking the gentleman from California (Chairman DREIER) and the gentleman from Missouri (Mr. BLUNT) for working with us

to bring this amendment to the floor. While this is not the amendment that we originally offered before the Committee on Rules, we appreciate their good-faith efforts to reach this compromise.

The terrorist attacks of September 11 made us all aware of how vulnerable our government could be in the event of a catastrophe. The underlying bill provides for special elections if more than 100 Members of the House are incapacitated or killed. While there are many objections to the bill, it protects the tradition that Members of the House may only serve if they have been elected by the people.

Our amendment simply requires States to provide overseas voters 45 days to return their ballots from the date on which the ballot is mailed. If we are going to have elections to deal with disasters as envisioned by this legislation and which we hope will never happen, our amendment will ensure that overseas voters have the same opportunity that our voters at home have to cast their ballots.

For several years I have been working on making sure that overseas voters can participate in elections. In the Help America Vote Act, my colleague from the other side of the aisle, the gentleman from New York (Mr. REYNOLDS), and I were able to include provisions that will ensure that overseas voters have a better opportunity to vote in Federal general elections.

The Skelton-Maloney amendment is a continuation of this effort by helping overseas American voters participate in a continuity-of-government election if one should be necessary.

We owe a tremendous debt of gratitude to the men and women who are serving our country. At the very least we must make the efforts to make sure that they are included in the basic right of participating in elections. This extends the number of days from the date that the ballot is mailed so that they have time to mail it back and be part of this election.

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

Mr. BLUNT. Mr. Chairman, I ask unanimous consent to control the time in opposition to this amendment, though I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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

Mr. Chairman, I am pleased to be working with my colleagues, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Missouri (Mr. SKELTON), to bring this amendment to the floor. It does allow additional time for those who are serving in the military or those who are overseas to receive their ballot and be allowed to return their ballot. It does not prevent the States from certifying a winner, but only allows extra time if needed for those overseas ballots to be counted.

As a former Secretary of State and chief election official of our State, there would be many occasions when you might still have a ballot out, but it is clear to the State election official that the ballot out would make no difference in the outcome and consequently no particular reason to slow down the process of certifying in the circumstances we are talking about.

At the same time, if those ballots that had not been returned would make a difference, they would have to be counted, have to be part of the process, and would assure that all those who could have made a difference in the outcome of the election had a chance to do this.

In all likelihood, we would see State election officials doing everything they could to expedite this process. We give them in the language here certainly authority to use electronic means to transmit ballots to people overseas or in the military. Also we require that, if practical, election officials have a ballot ready to send out within 15 days of the starting of that original 45-day clock. I think in these circumstances that is certainly a time that election officials could meet. But because the way this is worded, if they cannot meet that language, there is no penalty. There is just a clear encouragement here to move this process along, get those ballots in the mail, and take time then, as necessary, for those ballots to return.

I particularly appreciate my friend, the gentleman from Missouri (Mr. SKELTON), and the great commitment he has on this and to those who serve us. It is a privilege for me to stand here in support of this amendment that he and the gentlewoman from New York (Mrs. MALONEY) and I have jointly recommended be included in this legislation.

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

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, first let me say that the amendment being offered today by my friend and colleague, the gentlewoman from New York (Mrs. MALONEY), and by my next door neighbor back home, the gentleman from Missouri (Mr. BLUNT), is very important. It would ensure that adequate time is provided to the States holding continuity-of-government elections to ensure that overseas and deployed servicemembers have sufficient time in which to register and vote.

I would like to thank the gentleman from California (Mr. DREIER) also and the ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST). Again, a special thanks to the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Missouri (Mr. BLUNT) for working with us. We had to work it out over a period of several days. And we appreciate, I think, at the end of the day, it is a very, very good amendment. So we thank them for that.

This act would require States to conduct expedited special elections in extraordinary circumstances which means that there are more than 100 vacancies in the House of Representatives. States would have 45 days in which to nominate candidates and hold elections to fill these congressional vacancies.

The deadly terrorist attacks on September 11 raised the Nation's awareness that a catastrophic assault on our country's soil was not just a historical event, but a constant threat that we truly must face. We are living in an environment where terrorists are willing to target unarmed civilians and innocent bystanders to call attention to their cause. Unlike military conflicts in the past, these extremists do not follow acceptable standards for rules of engagement under the Geneva Convention.

The threat of future terrorist attacks convinces me that we need to review the process by which we provide continuity of government in case of a catastrophic attack on Congress. However, any effort we undertake should not alienate or disenfranchise any American citizen, particularly those who volunteered or who serve at the point of the spear, American servicemembers.

This amendment would ensure that adequate time is provided to military members who are serving overseas to participate in the most basic right of this country's democracy, the right to vote.

The Department of Defense has been working with States to ensure that at least 45 days of transit time are provided during regular elections so that overseas and deployed members and other Americans stationed overseas have the opportunity to participate. To be fair to our men and women in uniform, States should provide 45 days from the time from which the ballot is mailed to the voter to the date by which the voter must return the ballot to the local election official.

The amendment that is offered today by the gentleman from Missouri (Mr. BLUNT), the gentlewoman from New York (Mrs. MALONEY), and me simply seeks to ensure that servicemembers and American citizens who are stationed or deployed overseas may fully participate in this special electoral process. The amendment seeks no more than basic fairness.

I urge my colleagues to support this amendment, to protect the voting rights of those in uniform and those who serve so well and so ably overseas.

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

Mr. Chairman, in relation to this, the general topic here of the bill, I mentioned the importance of preparing these ballots in a quick period of time. I know that my friend, the gentleman from Rhode Island (Mr. LANGEVIN), earlier, also a former Secretary of State, questioned whether 45 days was practical or not. I would just like to point

out that 10 States already have a time frame that is 45 days or less. Rhode Island is pretty small. A State very close, New York, that is very big, has a 40-day time frame now. Texas has a time frame that is within the 45 days, and eight other States do as well.

I certainly think that is a reasonable period of time, particularly in these extraordinary circumstances. I think we would see State election officials not only eager to help reconstitute the House but also encouraging the quick movement in the process of the selection of candidates and the preparation of ballots. Those ballots would then be mailed to military personnel and personnel overseas. And those individuals serving, as the gentleman from Missouri (Mr. SKELTON) said, particularly those in the military serving at the point of the spear, would have the time that they would appropriately need to have to respond to this process.

Mrs. MALONEY. Mr. Chairman, having no other speakers, I yield back the balance of my time.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 108–466.

AMENDMENT NO. 4 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, the gentlewoman from Texas (Ms. JACKSON-LEE) has an amendment at the desk made in order under the rule that I will be offering on her behalf as her designee.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCHIFF:

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''2 days'' and insert ''7 days''.

In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''the action'' the following: ''(taking into account an opportunity for an expedited appeal of the initial decision)''.

In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''vacant'' the following: ''any citizen of the district and any political party of the State''.

The CHAIRMAN. The gentleman from California (Mr. SCHIFF) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, the amendment that I offer today on behalf of the gentlewoman from Texas (Ms. JACKSON-LEE) would make a few minor changes with respect to the judicial review provisions currently within the bill. The amendment would briefly extend the amount of time for an action to be filed in court with regard to the Speaker's announcement of a vacancy. It would further provide for the appeal of that court's decision and for participation in this process by all citizens.

Mr. Chairman, the matter we are discussing today on the floor, the reconstitution of this House in response to a devastating attack, is certainly a contingency that none of us would like to imagine. It is a scenario that, frankly, seems unthinkable. However, because of the continuing threat of terrorism that we face, we must contemplate even the unthinkable.

The House of Representatives is indeed a unique body. As a purely representative body, there is only one way to get here: by direct election of the people of this great Nation. I cherish that heritage, and I know my colleagues do as well; but the love of that tradition cannot take precedence over the need to ensure continuity of our representative government in the face of unprecedented disaster, the annihilation of a large number of our Members.

The base bill contemplates that we would operate without a government for 45 days. This, my colleagues, is a dereliction of duty. It is a dereliction of our duty to ensure that the governance of our Nation goes on in the face of such a tragedy. I, therefore, oppose the base bill. During the 45 days that followed the events of September 11, Congress worked vigorously to respond to the attacks on our Nation. No doubt the devastation of our Congress and the equally accompanying trauma of such a devastation would require the most prompt response likewise. The principle that all the people should be equally represented is essential to our democratic character, and mass vacancies for 45 days will be a departure from the representative rule of that body.

Without a quorum in the House, the inability to conduct business may, in turn, force a President to act extraconstitutionally in any immediate response to an attack. By protecting one tradition, we would instead be scuttling others; and in the process we will only deny the American people the assurance that our swift and decisive response was a legitimate one.

□ 1500

Mr. Chairman, the survival of our very Nation must take precedence over our fond and philosophical adherence to the principal of direct election to the House under all circumstances. The temporary appointment of Members to fill vacancies where 100 or more of our Members are killed or incapacitated is the narrowest of exceptions. In the unlikely event we should ever face such a terrible contingency, our country's future will depend more, far more, on the swift response of a fully reconstituted Congress than on a blind adherence to the principle of direct elections for 45 excruciating days. I, therefore, oppose the base bill.

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

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

Mr. Chairman, this is another amendment that is designed to slow down having an election to replace Members who have been wiped out as a result of a terrorist attack. It has a number of features that will do that and will open up Pandora's box to allow people to game the system.

The first part of the amendment extends by 5 days, from 2 days to 7 days, the time in which legal action can be filed on the narrow issue of whether there are 100 vacancies and whether a vacancy occurs in a particular district.

The second section of the gentleman's amendment is not properly drafted. The base bill says that the decision of the district court of 3 judges must be rendered within 3 days and is not reviewable. However, the second section of the amendment says, taking into account the opportunity for an expedited appeal of the initial decision.

There is no appeal of the initial decision in the base bill, and the second section makes that section of the revised statute inconsistent in its text.

The third section of the amendment proposes to allow anybody or a political party to petition for an appeal. This is how the system can be gamed. My district is an overwhelmingly Republican district. It has never elected a Democrat to the House of Representatives in over 40 years. If I should be annihilated, I am sure that there would be the temptation that would be there for the Democrats in my district to try to stop an election and try to stop a Republican from probably being elected and seated to replace me. Similarly, in the district next door to me, currently represented by the gentleman from Wisconsin (Mr. KLECZKA), that is an overwhelmingly Democratic district, and the temptation would be there under this amendment for the Republican Party or Republican citizens to file a lawsuit to slow down the election of the replacement of the gentleman from Wisconsin (Mr. KLECZKA) should he be annihilated in a terrorist attack.

So the amendment that has been offered allows people to game the system for political ends rather than to rise above partisanship at times of a crisis and to speedily elect a replacement Member when someone has been wiped out in a terrorist attack.

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

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

Mr. Chairman, I appreciate the comments of the chairman of the Committee on the Judiciary and all the work that he has done on the committee. He expresses a concern about the timeliness of the process contemplated by this amendment, and I share the concern about the timeliness of the process contemplated in the base

bill. And, in fact, this is one of the reasons I have such concerns about the base bill. Whether it is 45 days or 47 days or 50 days, this is far too long in the wake of catastrophe to be reconstituting the Congress.

I also share the chairman's desire that we rise above considerations of partisanship and think that this bill should go back to committee and come forth with a bipartisan measure that comes forth for all of us. This is a bipartisan bill. It should have a bipartisan work product.

Mr. Chairman, I yield 60 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, in reading the base bill I have a concern, and it has nothing to do with the number of days, but it has all to do with how that is triggered.

In the legislation itself it says, ''Extraordinary circumstances occur when the Speaker of the House of Representatives announces that vacancies have occurred.''

Now, should, and God forbid on the evening that we would have the State of the Union, and we are all here, and there should be a missile, it could wipe out everyone, including everyone that is on the list at that time. Who then triggers this action? Who are the people? Who has the authority to put this process in place?

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Let me say that the imponderable, if every single one, all 537 of the Federally elected officials, the President, the Vice President and all the Members of the House, and all the Members of Senate, in fact, are killed, including all of the Cabinet members, including the Cabinet member who is not here at the State of the Union message, it would be up to the people to come together and make the determination as the rebuilding process begins.

I thank my friend for yielding.

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

Mr. Chairman, we have heard an awful lot that this is not a bipartisan bill. This is a bipartisan bill, and I would draw the attention of the Members to the reported bill does show that additional cosponsors include the two top Democrats on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN).

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 offered by the gentleman from Connecticut (Mr. LARSON);

Amendment No. 2 offered by the gentleman from Connecticut (Mr. LARSON).

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

AMENDMENT NO. 1 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 229, not voting 25, as follows:

[Roll No. 128]

AYES—179

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

NOES—229

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

NOT VOTING—25

Cardin
Carter
Clyburn
DeMint
Duncan
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Smith (MI)
Sullivan
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1531

Messrs. BURNS, PUTNAM, NORWOOD, BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Messrs. ROGERS of Alabama, FROST, OTTER, and TAYLOR of North Carolina changed their vote from ''aye'' to ''no.''

Mr. EDWARDS and Ms. SLAUGHTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 217, not voting 28, as follows:

[Roll No. 129]

AYES—188

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

NOES—217

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

NOT VOTING—28

Cardin
Carter
Clyburn
Collins
Cox
DeMint
Duncan
Emerson
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Neugebauer
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1540

Ms. PRYCE of Ohio changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEUGEBAUER. Mr. Chairman, on roll-call No. 129, I was unavoidably detained. Had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Mr. GOSS. Mr. Chairman, on roll call Nos. 128, 129, I was unavoidably detained. Had I been present, I would have voted "no."

PREFERENTIAL MOTION OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAIRD moves that the Committee of the Whole do now rise and report the bill H.R. 2844 back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes in support of his motion.

Mr. BAIRD. Mr. Chairman, this is as serious as it gets. Two and a half years ago, we were given a remarkable gift. We were given the gift of life itself, as a plane was heading this way with the intent to kill all of us. Had they succeeded, the institution that we hold so dear, that provides for representation on a proportional basis by the citizens of our areas would have at least temporarily perished.

We have no adequate provisions before us today to fill that gap should it happen, but we have no question today that we must confront that possibility. In an era of nuclear weapons, of terrorists who mean our destruction, we must accept our own mortality in order that we can preserve the immortality of this institution we all so cherish.

We have had a spirited debate today. I lament that we were not all given sufficient time to participate, that key amendments were not offered, and that we were not all here for this. I know well that we have many things to do, but this is about the very existence of the institution.

Yesterday I had the privilege of speaking with many of my colleagues on both sides of the aisle, and I asked a simple question: Have we, in all sincerity and honesty, given enough

thought to the measure before us, given the gravity of the issue before us? And many of those colleagues looked me in the eye and said, frankly, no. And yet today we are moving forward towards passage of a bill, which well-intentioned, and I do not doubt the intentions of the authors of this bill, and there is merit to expediting elections, and I appreciate the give and take, but, my colleagues, please understand, this bill carries with it a number of problems.

I believe this bill disenfranchises independent voters. I believe it does not provide for situations in which States cannot conduct their elections in 45 days. I believe it leads to a chaotic process as some States replenish their Members and others have yet to, and the leadership of the House changes. But most importantly of all, it leaves us without a Congress.

My friends on the other side have suggested some things which I need to clarify, because I think they are not fair and they are not accurate. They have suggested some of us want to take away the rights of citizens to elect their Representatives. It is not true. Not a single voice in the House of Representatives today shared that message. Instead, we all said we love, and would adhere to and would defend to the death the rights of citizens to elect their Representatives.

But we have also said that no representation at all for a period of 45 days is a more grave and egregious insult to the intent of the Framers than would be temporary appointments in some fashion followed by direct election. Do not let anyone suggest to you that we want to take away the right to election, but neither imagine that the bill today will solve the problem.

At a time of the most grave crisis in the history of our Nation, we would be left without a United States Congress. Go home and look at the Constitution and tear out Article I. That is the consequence if we do not take further action.

Let me ask this, too. Go home and ask your constituents that if you were to perish, along with hundreds of our colleagues today, and a Cabinet member became the President of the United States, someone they had never elected and do not even know, and that individual chooses to send their son or daughter to war, would they like to have a Representative from their region there to express their views, or would they prefer that that seat be vacated? That is the issue before us.

I am going to ask my colleagues to vote ''no'' on this resolution, not because it is not well intentioned, but because we have not adequately given it the attention we deserve. If you can look yourself in the eye as you put that card in that slot and say, I have given 5 hours of study to this resolution, 5 hours, then vote your conscience.

□ 1545

But if you have not, please vote ''no'' so you can have more time to study this and discuss it with scholars.

Finally, we have asked and the chairman has agreed, and I am grateful for that, that we explore and debate the issue of a constitutional amendment to solve this. But I would beseech the chairman to please not only bring up my proposal, give other Members a chance to bring up proposals so the issue gets full and fair debate.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, we have been debating this matter in the Committee of the Whole and before that when the rule was adopted for almost 5 hours. It has become crystal clear that the entire thrust of this debate is whether a reconstituted House of Representatives following a disaster will be comprised of elected Members or temporary appointments, appointed by somebody, maybe the Governor, maybe the legislature, maybe we ourselves before our demise.

The issue of maintaining the people's House I think is the paramount consideration we ought to be giving on this issue. But even if Members agree we should amend the Constitution to have temporary appointments, I think everybody ought to agree we ought to have special elections as quickly as possible so that those who come to replace us will arrive with a mandate from the people of our district.

So whether or not Members favor a temporary appointment method, which I do not, or Members favor keeping the House being solely elected, Members ought to vote for this bill because it does allow for the filling of vacancies when 100 or more seats are vacant as quickly as possible. That is the issue we have before us today, and it is an issue which I believe is of paramount importance because, should this Nation be in crisis as a result of a huge number of Members in the House of Representatives being killed in a terrorist attack, the sooner we put the people back in charge with representatives elected by the people I think should be the paramount issue.

Now, the final point I would like to make is, yes, my committee will mark up and send out to the floor the Baird constitutional amendment at our next markup, and I hope that the leadership would schedule that as quickly as possible. I for one will vigorously oppose it because I believe the principle of an elected House of Representatives is one that should prevail over everything.

The final point I would like Members to consider is if we end up having an appointed House of Representatives even temporarily and an appointed Senate and an appointed President, where do the people rule? They do not rule in any of the three branches that make laws and appropriate the public's money; that is all done by appointed positions. And that is why I believe it is important to maintain the elected nature of this House of Representatives even in the case where a catastrophe occurs. I would urge rejection of the preferential motion and urge passage of the bill.

Mr. BAIRD. Mr. Chairman, I withdraw my preferential motion.

The CHAIRMAN. Without objection, the preferential motion is withdrawn.

There was no objection.

The CHAIRMAN. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, pursuant to House Resolution 602, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WATT

Mr. WATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WATT. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WATT moves to recommit the bill H.R. 2844 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

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 Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in support of his motion to recommit.

Mr. WATT. Mr. Speaker, the artificial time frames and deadlines specified in H.R. 2844 could make it impossible to comply with many State and Federal laws. Consequently, it has the potential to cause serious violations of voting rights and civil rights. To correct that problem, I rise to offer this motion to recommit with instructions.

The motion to recommit seeks to limit the damage posed by H.R. 2844 by ensuring that nothing in the bill will undercut the requirements of the civil rights and voting rights laws that this Congress enacted and this country has painstakingly honored over the last 40 years.

I cannot support a measure that does not protect the voting rights of every American, including racial and language minorities, people with disabilities, the elderly, and our young men and women serving in the military.

H.R. 2844 jeopardizes those protections now afforded to racial and language minorities under section 5 of the Voting Rights Act of 1965 by making it impossible to provide voting materials to States or political subdivisions with more than 5 percent of the citizens of voting age who are single-language minorities and are limited-English proficient within the time frame prescribed by this legislation.

Are these citizens not entitled to participate? The Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 sought to empower individuals with disabilities to participate fully in society. H.R. 2844 will diminish both laws by not providing sufficient time to find facilities to host polling sites that are accessible to persons with disabilities. These citizens should be entitled to participate in our democracy even in crisis times.

In the last term of Congress, we passed the Help America Vote Act of 2002. The bill passed with bipartisan support in an effort to address the problems brought to light during the 2000 Presidential elections. Does H.R. 2844 allow enough time for provisional ballots to be printed and for other important provisions of that law to be complied with? The answer is, no.

H.R. 2844 will also undermine the Uniformed and Overseas Citizens Absentee Voting Act by failing to provide sufficient time for absentee ballots to be printed, distributed, and returned from Americans living abroad. This includes military and diplomatic personnel, their families, and other Americans living abroad. The Department of Defense believes that a minimum of 45 days should be allowed from the time ballots are printed, not from the date the election is called. Our military men and women are serving our Nation all around the world. They should be entitled to participate in our democracy, even in times of crisis.

I think we should be sure that every law passed by this body to ensure equal protection of voting rights to every citizen, not just certain Americans, should apply to special elections. H.R. 2844 fails to make good on that promise.

For these reasons, I offer this motion to recommit and ask my colleagues for their support based on the proposition that every citizen should be able to participate in our democracy, especially in times of crisis.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit for now, but I am prepared to accept this motion to recommit for a number of reasons.

First of all, I think the motion to recommit is redundant in that all Federal laws apply to these special elections, not just the laws that are enumerated to the motion to recommit with instructions that the gentleman from North Carolina (Mr. WATT) has offered, but I want to be much more serious in terms of dealing with this.

How the House is reconstituted following a disaster should not be an issue of partisan debate. Much of what has gone on here today has been a partisan debate; and in accepting this motion to recommit, I am reaching out to the other side to say let us make the passage of this bill bipartisan because the acceptance of the motion to recommit should make the bill bipartisan.

□ 1600

And that, coupled with my commitment to deal with the gentleman from Washington's (Mr. BAIRD) constitutional amendment, certainly should show that we are dealing with this issue in good faith. And whether one supports the gentleman from Washington's (Mr. BAIRD) amendment or not, it is important, I think, to make sure that the replacement representatives that are elected are elected and seated as soon as humanly possible, and that is what this bill attempts to do.

So I would hope that after the acceptance of this motion to recommit, we could pass this bill by an overwhelming vote; and I would reach out to my friends on the other side of the aisle and make that offer and hope that they reciprocate.

I yield to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, I would join with the chairman of the Committee on the Judiciary and say that we do truly want to work in a bipartisan way to make sure that the greatest deliberative body known to man is maintained as that, and I hope very much that our decision to accept the motion to recommit which is being offered in good faith by the gentleman from North Carolina will see us proceed with an overwhelming vote.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore. Is the gentleman from Wisconsin (Mr. SENSENBRENNER) reporting back on behalf of the Committee on House Administration?

Mr. SENSENBRENNER. I am, Mr. Speaker, in the absence of the chairman.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 2844, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

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 Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 97, not voting 30, as follows:

[Roll No. 130]

YEAS—306

Abercrombie
Ackerman
Aderholt
Akin
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—97

Alexander
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berry
Brady (PA)
Brown (OH)
Clay
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hefley
Hill
Holt
Honda
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lucas (OK)
Lynch
Majette
Matsui
McCollum
McDermott
McGovern
McInnis
Meehan
Menendez
Michaud
Miller, George
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (MN)
Pomeroy
Rohrabacher
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Serrano
Slaughter
Solis
Stark
Strickland
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Tierney
Van Hollen
Visclosky
Waters
Watson
Waxman
Woolsey

NOT VOTING—30

Boehlert
Cardin
Carter
Clyburn
Collins
Delahunt
DeMint
Duncan
Forbes
Gallegly
Gephardt
Hastings (FL)
Hinchey
Hinojosa
Houghton
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Nunes
Payne
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Taylor (NC)
Toomey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1623

Ms. BERKLEY, Mr. GORDON and Ms. LINDA SÁNCHEZ of California changed their vote from ''yea'' to ''nay.''

Mr. SPRATT and Mr. LEWIS of Georgia changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.''.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I missed votes on Thursday, April 22, 2004, due to a representational activity. Had I been present, the record would reflect that I would have voted: roll 128, Larson No. 1 amendment; "aye"; roll 129, Larson No. 2 amendment, "aye"; roll 130, Final Passage H.R. 2844 Continuity in Representation Act, "nay."

## PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, during rollcall votes 126, 127, 128, 129, and 130 I was unavoidably detained. If I had been present, I would have voted "yea" on rollcall votes 126, 127, and 130. I would have voted "nay" on rollcall votes 128 and 129.

## GENERAL LEAVE

Mr. NEY. 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. 2844.

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

There was no objection.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the following week.

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

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

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several

measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday and Thursday, the House will convene at 10 a.m. We plan to consider H.R. 4181, which would permanently remove the marriage tax penalty from the Internal Revenue Code. In addition, we expect to consider a short-term extension of the highway bill, as the current extension expires at the end of this month.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, April 30.

Mr. HOYER. Ms. Chairman, I appreciate that information.

With respect to the transportation reauthorization bill, can the leader tell me for what length of time we will extend the existing authorization?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, it is just an extension of the authorization. As far as length of time, the bill has not been written yet, but in the discussions that I have been privy to, I am advised that it could very well be about 2 months.

Mr. HOYER. The same period as we had on this bill.

Mr. DELAY. Yes.

Mr. HOYER. I thank the gentleman.

With respect to the fiscal 2005 budget resolution, do you expect we might see a conference report on the budget next week?

Mr. DELAY. If the gentleman will yield further, based on the feedback that I have gotten from the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, I believe that we could very well see the budget resolution conference report be completed in time so that we could vote on it sometime next week.

Mr. HOYER. Is the pay-as-you-go provision still a major stumbling block in the conference, or does the gentleman know?

Mr. DELAY. If the gentleman will yield further, I am not privy to the discussions between the other body and the House in the conference committee, so I really cannot answer that question.

Mr. HOYER. With respect to the marriage penalty tax bill, will this bill be considered in the Committee on Ways and Means?

Mr. DELAY. The marriage penalty bill, yes, will be marked up by the Committee on Ways and Means, I believe.

I am being corrected, and I appreciate the correction. I think it is not going to be marked up by the Committee on Ways and Means. It is coming straight to the floor.

Mr. HOYER. Reclaiming my time, the reason I asked the question, obviously, is members of the Committee on Ways and Means had not heard about marking up that bill. Is there some reason we are not pursuing the regular order and having that bill reported back out of the committee?

Mr. DELAY. If the gentleman will yield further, this is a very simple, straightforward provision. It is the same provision we have carried and passed by this House many times. It is not very complicated. I am advised that the chairman of the committee did not feel that he needed to use the time of the committee to mark up such a very simple bill that has been discussed and debated on this floor many times, and passed by the House many times.

Mr. HOYER. I cannot help myself for making this remark, Mr. Leader, but I am not surprised that the chairman of the committee feels it would not be necessary to go to the committee to ask for approval to have something passed out of that committee. We Democrats particularly know that that is the case.

Mr. Leader, we have information that leads us to believe that on subsequent weeks we are going to be considering the child care tax credit, the 10 percent tax bracket and possibly AMT. Is that information accurate?

Mr. DELAY. If the gentleman will yield further, as the gentleman knows, when we passed the Jobs and Economic Growth Tax Act last year, we accelerated several important provisions from the 2001 tax bill. Our goal was to allow more families and more businesses to keep more of their money, thereby encouraging private sector investment and consumer spending. These investments are driving, we feel, the economy forward. They are helping create more than half a million jobs in this year alone.

Over the next few weeks, I expect the House to continue those efforts by considering legislation, as the gentleman has outlined, that will ensure that families do not face a tax increase next year by extending marriage penalty relief, continuing the new low 10 percent bracket, extending the $1,000-per-child tax credit, and I believe the Committee on Ways and Means is considering an AMT reform. That will be done over the next several weeks.

Mr. HOYER. Reclaiming my time, I take that as a yes.

The gentleman mentioned extending the $1,000 child tax credit. Do you think this time we might include those families that are making less than $26,000 on this go-around? That has been pending for many, many months now, and, seeing as how you mentioned it, I thought I might inquire as to whether or not we might finally include the poorest working Americans in the benefit that has been extended to those that are doing a little better.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I cannot prejudge what the Committee on Ways and Means might decide to do on that particular bill, but I have a feeling that if this bill became law, the gentleman's concerns would all be taken care of.

Mr. HOYER. I doubt that there is any bill that can pass that will take care of all my concerns, Mr. Leader, but I appreciate the information.

On those additional items, do you expect them as well not to go through the committee process and be considered by the committee, but come directly to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding further.

As the gentleman has already found out, I thought it was being marked up this week and was told differently. I do not know how to answer that question, other than the fact that each bill will be considered on its own merits by the Committee on Ways and Means, and they will have to make a decision whether the bill merits a markup or allow it to come straight to the floor.

Mr. HOYER. Mr. Leader, the last question I would ask you with respect to these tax bills, is it your expectation that the minority will be given the ability to offer a substitute on the bill coming up this week, the marriage penalty, but as well on the subsequent bills?

I yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding further.

Of course, I obviously would defer for a final decision to the Committee on Rules, but I imagine, as is our longstanding tradition and custom of the House procedures, particularly in regard to tax measures, I would believe that they would prefer to limit the number of amendments, if any, to limit those amendments to germane substitutes.

□ 1630

Mr. HOYER. Mr. Speaker, reclaiming my time, let us assume the substitute is germane. Will we be allowed the opportunity to offer a germane substitute?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, again, I would defer that kind of decision to the Committee on Rules; but, obviously, in most cases that I can remember a tax bill, there have been substitutes to the tax bills as long as they are germane.

Mr. HOYER. I thank the gentleman for that observation.

Lastly, I would say to the leader we understand this morning that the National Security Adviser Condoleezza Rice briefed the Republican Conference. I want to say that we have been offered the opportunity to have the National Security Adviser brief the Democratic Caucus. I think we will take advantage of that. But, Mr. Leader, clearly the present situation in Iraq is not what any of us would want.

During the course of this effort in Iraq, and immediately before it, we had briefings on this floor. Secretary Rumsfeld and from General Myers, from Deputy Secretary Wolfowitz, from Mr. Tenet, the Director of the CIA, from Mr. Mueller of the FBI, numerous others. And we came together as Republicans and Democrats and had the opportunity to be briefed. We had the

opportunity together to ask questions. Some of those, as my colleague knows, were in closed session because we discussed security information.

I want to say to my friend that we were disappointed that we did not do that this morning. Both of our caucuses are partisan; they represent parties. We were disappointed that this briefing was given on a partisan basis. We do not think that is in the best interest of the country; we do not think it is in the best interest of this Congress.

Mr. Leader, I would urge you to, on behalf of your leadership, join with us in assuring that, A, we have a number of bipartisan briefings from the principals involved as to what is going on. Our public is concerned, my colleague's people, my people, very concerned about what is happening to our troops, very concerned about our success in Iraq. I say that, as my friend knows, as one of those who supported the effort, supported the funding of this effort. But all of us have to be concerned about the situation.

So I would ask the leader if he might comment on the fact that we have historically had under Democratic leadership, Republican leadership, bipartisan briefings. I would hope that we could continue to have such. As I say, I think it is in the best interest of the country.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I can appreciate his disappointment, but I need to point out to the gentleman that this is not limited to Republicans. The gentleman has already said that Dr. Rice would gladly brief his caucus. Just as the President meets with bipartisan leadership, he has meetings with bipartisan Members of Congress, he also has meetings with Republicans. And he has on occasion had meetings with Democrats. This is not limiting or closing out anybody. It is just in this particular case we invited the NSC director to speak to the Republican Conference.

We have had and have notified your leadership that bipartisan briefings will be held by the NSC director as bipartisan meetings, as the gentleman has pointed out, have been held by the Secretary of Defense, the Chiefs of Staff, the CIA, and many, many others. It is just an added briefing that we felt we wanted to have. And certainly, the NSC director made sure that the same courtesy was paid to the Democratic Caucus, and she is more than willing to come before the Democratic Caucus.

No one is trying to be shut out, but there are times when our caucus wants to talk to this administration and we ought to be allowed to do that as long as we get briefings and open briefings in a bipartisan way as well.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that comment. I understand his observation. The gentleman will remember one of the most wrenching caucuses in which I participated was a bipartisan caucus after we tragically lost those 18 members of the service when the Black Hawk went down in Mogadisho, Somalia. And as you may recall, it was extraordinary. I think we must have had 350 of our Members in HC–5 in which Secretary Christopher and Secretary Aspin came and reported to us on the situation on the ground.

I understand what my colleague is saying, and he certainly has that right; but I think that the fact that we can meet together to get information together so that we are all getting the same information and hear one another's questions, hear one another's concerns, which reflect the concerns of the 280 million Americans, many of whom have young people overseas, and some, as he knows, because he has met with them as I have that are not so young in the National Guard and Reserve, we think it would be useful to do that in a bipartisan way together so that we could all hear the same information and therefore be able to work together to assist in solving what is a very difficult problem, ensuring to the greatest extent we can the safety of our people and the success of our mission.

But I thank the gentleman for his observations.

## ADJOURNMENT TO MONDAY, APRIL 26, 2004, AND HOUR OF MEETING ON TUESDAY, APRIL 27, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, April 26, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, for morning hour debate.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
*April 21, 2004.*

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

DEAR MR. SPEAKER: Pursuant to section 637(d)(1) of the HELP Commission Act (P.L. 108–199), I hereby appoint Mr. Lynn C. Fritz of California, Mr. C. Payne Lucas of Washington, D.C. and Mr. Jeffery D. Sachs of New York, to the Helping To Enhance The Livelihood Of People (HELP) Around The Globe Commission.

Best regards,

NANCY PELOSI.

## SENATOR KERRY HAS THE SUPPORT OF VETERANS

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

Mr. SMITH of Washington. Mr. Speaker, throughout this Presidential campaign, we have heard from the Republicans repeatedly that they will not question Senator KERRY's patriotism. We all figured that was an empty promise, but it has been proven true in the well of this House this morning.

Several Republican Members came up and directly called into question Senator KERRY's patriotism based on his objections to the Vietnam War. And beyond that, we have even heard Republicans out on the airwaves questioning his service in Vietnam.

I do feel that there are many more important issues in this campaign that are legitimate to talk about. Senator KERRY has unbelievable support from veterans in this country. All 50 States have veterans for Kerry organizations that are strong and hard-working to support the Senator and, perhaps most tellingly, are the people who served with him in Vietnam. All of those people are supporting Senator KERRY regardless of their political stripes. Many are taking large chunks of personal time to go around and be supportive of him.

His record in Vietnam and his record afterwards should not be questioned, and it is being questioned by the Republicans. I think Senator MCCAIN said it best some time ago when asked about this and asked about Senator KERRY's protest against the war. He said that Senator KERRY's service in Vietnam fighting for our country more than gave him the right to protest the war if he thought it was wrong.

Senator KERRY honorably served this country in Vietnam, volunteered to serve, volunteered for combat duty, and he honorably upheld the traditions of this country when he came home and pursued his personal convictions to oppose the war. We should recognize that service.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The gentleman will refrain

from making improper references to individual Senators.

## AMERICANS NEED JOBS

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

Mr. RYAN of Ohio. Mr. Speaker, another week has gone by in the United States Congress, and nothing has been done with unemployment benefits for unemployed workers throughout this country; 2 million to 3 million workers still do not have work. Thousands in the State of Ohio are losing their unemployment benefits every single day. And we sit here and we want to take pot shots at different Members of this body, different members of the Senate, candidates for President.

The real issues today are people do not have any place to go to find work. Those people that did have work have lost their jobs, and they are looking for unemployment benefits to feed their families. They want to send their kids to school. We have no manufacturing program in this country. We are bleeding jobs every day.

We better get our act together in the Congress. I think it is time for a change. I think we need to focus on what is most important here and what our job is here, and that is to take care of the American people.

## CALLING SENATOR KERRY ''HANOI JOHN'' IS SHAMEFUL

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

Mr. STRICKLAND. Mr. Speaker, something happened on the floor of the House this morning that in my judgment is shameful, shameful, because the record of an American hero who shed his blood, who earned three Purple Hearts, a Silver Star, and a Bronze Medal was referred to on the floor of this House as ''Hanoi John.'' Is that what we have come to in this House?

I would remind those listening that when the President of the United States found some reason not to show up for his responsibilities and when Vice President CHENEY said he had other responsibilities during the Vietnam War, it was Senator JOHN KERRY who took the bullets for this country and for us and our freedoms.

Shame on those, shame on those who would denigrate the record of a true American hero.

## REPUBLICANS ARE UNWILLING TO MEET THE COMMITMENT TO VETERANS

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

Mr. DEFAZIO. Mr. Speaker, by attacking JOHN KERRY's war record this morning, the Republicans would revive the controversy of the war in Vietnam, yet they are unwilling to meet the commitment to the veterans of that war who are still waiting for the benefits they were promised. They will attack veterans of the war, and they will not help the veterans of the war in the way we promised when they went to war.

They have not yet repealed the disabled veterans tax. They are supporting $1 billion less than we need to provide health care. The President is proposing to double the prescription drug cost for our veterans. And yet they have the temerity to attack a distinguished veteran of that war, one who has also voted to meet the commitments to the veterans of that war and the veterans who are coming home today. But they are not willing to pay that bill, they are just willing to attack.

## NO BOUNDARIES

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

Mr. BELL. Mr. Speaker, are there no boundaries?

□ 1645

Earlier today several Republicans came to the floor of this House of Representatives to attack the military record of Senator JOHN KERRY, to attack the military record of an individual whose medals alone would take almost all of my allotted time to name, to attack the military record of a man who risked his very young life for his country in Vietnam and was wounded on three different occasions, a man who risked his life to save others; and then when we he came home to the United States, decided he was not finished saving lives. Instead, he decided to stand with thousands of other Americans and question a war that had clearly lost direction.

JOHN KERRY's appearance before the Senate Committee on Foreign Relations back then was a turning point in the debate on Vietnam, and he showed the same level of patriotism by taking that stand here at home as he did with his act of bravery in Vietnam. To attack him in this manner is simply shameful. But I guess in this day and age of politics, there are no boundaries, and regretfully we should not be surprised.

## KERRY, HIGHLY DECORATED VETERAN

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

Ms. DELAURO. Mr. Speaker, December 1968, JOHN KERRY gets wounded in the arm. He is awarded the Purple Heart. February 1969, KERRY is wounded again, shrapnel in the left thigh. He is awarded a second Purple Heart. February 28, 1969, pursues a Viet Cong fighter, kills him and retrieves a rocket launcher, awarded a Silver Star. March 1969, a mine detonates the boat, wounding him in the right arm. He is awarded a third Purple Heart. He is also awarded a Bronze Star for saving a crew member.

As my colleagues have pointed out, Republicans came to this floor today to attack JOHN KERRY's military record. Shame on them. JOHN KERRY honors our men and our women in uniform. He honors the principles upon which this great Nation was founded. There are those who serve in the Republican side of this aisle who would do well to take heed and give honor to someone who served so well this great country of ours.

## KERRY, A DECORATED WAR HERO

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

Ms. SCHAKOWSKY. Mr. Speaker, I was actually baffled to hear that some of my colleagues came to the floor this morning to criticize JOHN KERRY in his capacity as an enlisted soldier and war veteran. JOHN KERRY, the highly decorated hero, recipient of the Silver Star, Bronze Star, three Purple Hearts, Combat Action Ribbon, Navy Presidential Unit Citation, Navy Unit Commendation Ribbon, National Defense Service Medal, Vietnam Service Medal and the Vietnam Campaign Medal, that JOHN KERRY was blasted and accused of being unpatriotic for being critical of the Commander-in-Chief during the Vietnam War.

I am baffled that my colleagues would even choose to go there because our current Commander-in-Chief has, what can I say, a less than heroic military career, and the majority of the Americans are more than a little concerned about a President who has sent our soldiers into battle without an exit strategy, without a post-Saddam plan and without body armor.

## DANGEROUS DUTY FOR KERRY

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

Mr. PALLONE. Mr. Speaker, JOHN KERRY volunteered for service in the Navy during the Vietnam War where he served as skipper on a swift boat that patrolled the Mekong Delta. Navy Admiral Elmo Zumwalt, who devised Operation Sea Lord, calculated in his biography that swift boat sailors had a 75 percent chance of being killed or wounded during a typical war. Under Sea Lord, swift boat duty was one of the most dangerous duties you could draw in the entire U.S. Navy. KERRY was wounded three times in Vietnam, received three Purple Hearts for those injuries. He was also awarded a Silver Star and a Bronze Star for his actions in combat.

In addition to the individual awards for bravery, KERRY's unit was awarded the Presidential Unit Citation Ribbon by President Richard Nixon.

I could go on, but I have to say I am ashamed to hear the statements that are being made by Republicans, by my colleagues on the other side, talking about Senator KERRY, who served so honorably, who was a decorated veteran. And if he decided that he wanted to question the Vietnam War after serving in it, that was his right as an American.

## PRAISE KERRY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, JOHN KERRY did serve his country honorably in Vietnam and stood up with many Americans to question a war that had lost purpose and was losing many American lives.

JOHN KERRY's speech played an important role in moving the debate from the streets to the floor of the Senate. The Nixon administration was not responding to the changes in the war in Vietnam and was deceiving the American people about the war.

KERRY's testimony saved lives. KERRY and other veterans who marched in D.C. in 1971 exercised the same patriotism that drove them to serve their country in the battle in Vietnam. They had fought for liberty and freedom of expression for the Vietnamese, and they returned to the United States to stand up and be heard. His actions should be praised, not scorned.

## MESSAGE FROM THE PRESIDENT

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

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURNS). 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.

## BUSH'S WAR ON ENVIRONMENT

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, we see the Iraq war in the newspapers every morning and on the television every evening, but we are not seeing reports on the administration's undeclared war on the environment.

It is a war. It is being fought on our own soil, and the polluters are winning. This Earth Day this administration has launched a full frontal assault on the environment. The assaults include the air we breathe, the water we drink, the land we cherish, the fish in the sea and the people themselves.

I am a doctor. My medical training and experience taught me you have to treat illness by curing the problem, not by treating the symptoms. This administration does neither. We could write a prescription, but it will not be filled while this President is in office.

Air pollution shortens the lives of thousands of Americans, and air pollution worsens the lives of millions more. Breathing polluted air is bad enough when you are in good health. It can be catastrophic when you suffer from any one of a number of respiratory illnesses.

When I was a kid, I had asthma. It is a respiratory illness which can clog or even close the bronchial tubes which carry air to the lungs. In other words, asthma can impair the ability to breathe. In severe cases, asthma can be life-threatening and require immediate medical attention. An asthma attack can be triggered by smoke and by environmental pollution. And we have seen the enemy, and it is the administration.

The environmental pollution this administration has let loose on America saves the polluters millions of dollars, but costs individual Americans dearly. Do not take my word for it. Ask anyone with asthma or any other person with a respiratory condition in this country.

Respiratory problems are just one area of medicine impacted severely and negatively by pollution. There are others, from skin disease, to chronic allergy, to a host of medical problems hurting Americans, young and old. Polluters have poisoned water supplies. They have contaminated rivers and streams. And worst of all, they are getting away with it. They are changing the rules.

This country is more in danger at 5 o'clock on Friday than at any other time environmentally during the week because that is when the administration puts out the new regulations under the radar, no press conference, no anything, just give the polluters an open door. They invite them to secret meetings to craft America's energy policy. This administration does not look the other way. Instead they hold fund raisers.

The President cannot remember making a mistake the other day on television. I cannot remember the President doing anything right about the environment. The record is that abysmal. And unless we change administrations this November, it will only get worse.

In my home State of Washington, it takes committed local organizations like the People for Puget Sound and others to monitor the regulators. In my home State of Washington, we now fear new environmental actions Republicans openly hint about that may harm or kill whales, porpoises and dolphins.

No one and nothing is safe from the undisclosed war of this President on the environment. Now, whales cannot vote, but we can. Porpoises cannot vote, but we can. Dolphins cannot vote, but we can. Children cannot vote, but we can. Lakes and streams cannot vote, but we can. The Arctic National Wildlife Refuge cannot vote, but we can. The water, the air, and the Earth cannot vote. We must vote on their behalf.

This is Earth Day. Sadly, the Earth is in grave danger, much greater than it was in 1970s when this first was put on the calendar. We know who was responsible, and we know why. It is all about money, about greed. Energy producers are saying, we cannot clean up the air.

In the President's own State, the major city is one of the most polluted in the country. When he was Governor, he did nothing. When he is President, he does nothing. Houston might as well not have a President or a Governor.

We must save the planet before it is too late, and the sand is quickly flowing out of the hour glass. Today is the day we decide to vote for the planet and vote this President out of office in November.

## CHILD ABUSE PREVENTION MONTH

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

Mr. MURPHY. Mr. Speaker, April is Child Abuse Prevention Month. It is an important time to focus on how we can deal with this painful and preventable scourge on America's children.

It is estimated that a staggering 896,000 children were neglected or abused in the United States in 2002, approximately 12 out of every 1,000 children. In 2001, there were 1,300 deaths from neglect or abuse, but some estimate that half the deaths from neglect go unrecorded. And although cases of abuse have dropped slightly since the 1990s, the number has remained alarmingly steady in recent years. Most times the abuse is from a parent, and there is abuse at all income levels.

The effects go far beyond the immediate and obvious impact. There are long-term consequences that include developmental delays, learning disorders, aggressive behavior and depression. Now, these consequences do not just affect the individual, but they effect society as a whole. Survivors are at a greater risk later in life to abuse their own children.

State, Federal, and local governments, human service agencies, schools, faith-based groups and health care facilities have a stake in helping to prevent child abuse. These groups can all work together with combined resources to improve protective factors such as parenting skills and attitudes.

At the same time by working together they can reduce risk factors such as parent depression, caregiver stress and children's behavior problems. These risk factors are critically important because they can precipitate the rage that leads to abuse.

It is well worth noting that this is not just a problem of poverty, but all walks of life. This is not the family in the other part of town. This is our neighbors next door, down the street, or around the corner. This is not someone else's problem. This is all of our problem.

Now, there have been positive accomplishments by those who work at the Federal level, notably passage of the Child Abuse Prevention and Treatment Act, but we cannot solve the problems of child abuse by laws alone. And there is an alarming lack of coordination among the Federal agencies that are already in place to prevent and treat victims of abuse. When one considers the fact that there are 33 offices, agencies and bureaus in the Federal Government that deal with child abuse, added to the fact that there are a staggering 46 separate streams of funding, it is a wonder that anything gets accomplished.

The old cliche, the left hand does not know what the right hand is doing, may well fit here.

The Federal Government cannot single-handedly stop child abuse, but it can provide valuable tools to assist those working to save our families and our children. Right now, however, the system is splintered, disjointed and sometimes ineffective.

□ 1700

Next month the Committee on Government Reform will hold important hearings on cleaning up the Federal Government's approach to preventing and treating child abuse; but with a steady 900,000 cases per year, despite the millions and millions and millions spent by the Federal, State and local government, it is clear the current approach is failing.

We must streamline these agencies and funding streams. We cannot just preach a proactive approach to stopping child abuse. We must also set the example. The most direct way to end child abuse is to stop it before it starts. Prevention and early intervention is the key.

Community-based programs have shown positive improvements by utilizing a proactive approach that includes improving parenting skills and attitudes, as well as reducing risk factors such as parental depression, caregiver drug use, caregiver stress, and children's behavior problems. President Bush's fiscal year budget proposal shows a commitment to helping our children by doubling funding for two critical funding programs, money that provides funds to States.

It is also imperative that we streamline the Federal system and ensure that money being spent is utilized effectively in programs that work.

We owe our children nothing less than the right to feel safe in their own homes with their own parents. It is a duty that is a responsibility and a moral obligation that we all share. We must do our part here in Washington.

I call upon all Americans to take an active role, to open their hearts to America's hurting children. I call upon all Members of Congress to recognize that of all the things we do, of all the things we do, stopping the pain, stopping the rage against our innocent children could indeed be the most courageous and noblest task of all.

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

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

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## EXCHANGE OF SPECIAL ORDER TIME

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to replace the gentleman from Maryland (Mr. WYNN), the next speaker.

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

There was no objection.

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## EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and celebrate the 34th annual celebration of Earth Day. I have a long-standing commitment to conservation and environmental protection, as well as to peace and justice; and I am pleased to join in today's celebration.

Earth Day festivities take place all across the country. I would like to pay special tribute to my constituents in Dallas, Texas, who are so active in their support of environmental issues.

I would like to give special recognition to TXU under the leadership of Mr. Earl Ney, who has shown a great deal of sensitivity in correcting many of the environmental damaging fumes from their electrical power plans, and to Mr. Stavely of Irving, Texas, who led the dry cleaning industry into taking a responsible position of establishing a State fund to share in cleaning up industrial waste.

The city of Dallas will recognize Earth Day on Friday with a celebration of live entertainment and educational exhibits. I would like also to pay tribute to Bonnie Bowman, a north Texan, who has championed a host of environmental causes from clean air and water to recycling and tree preservation. Those efforts have garnered her special recognition this Earth Day in the form of an environmental awareness award from the League of Women Voters, and Trammel Crow who back over the years planted many trees back along the highways.

In 1963 following President Kennedy's death, the Nation was reminded of his words he had spoken the year before: ''Never have the nations of the world had so much to lose, or so much to gain. Together we can save our planet, or together perish in its flames. Save it we can, and save it we must.'' We must ensure that diversity of life on Earth and enrich the quality of life now and for future generations.

Today, however, many of the environmental gains of the past 34 years are under attack or have been rolled back. The Clean Air Act and the Clean Water Act have been weakened. EPA enforcement funds have been cut. The ''polluter pays'' principle for cleaning up toxic waste sites has been abandoned. Mining and logging on public lands have increased, protection from wilderness areas has been removed, and attempts are being made to open up the Arctic National Wildlife Refuge for oil drilling and weaken protections for the California coast.

Mr. Speaker, Texas is already the Nation's mercury hot spot, and our children should not be suffering from the toxic exposure. Texas leads the Nation in mercury pollution from coal plants. Nineteen coal-burning plants spew out nearly 9,000 pounds of toxic mercury per year in Texas. Coal waste contains mercury that can leach into the waterways as well. Utilities, the largest source of mercury, 34 percent, are the only industry unregulated for this dangerous pollutant.

I consider environmental protection to be a national priority. I pledge to work with my colleagues to ensure the preservation of our natural resources and the protection of the public's health. Today, as we celebrate Earth Day, let us reaffirm our commitment to a cleaner and more peaceful world.

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## SCIENCE AND ENGINEERING INDICATORS 2004 REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Science:

*To the Congress of the United States:*

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, ''Science and Engineering Indicators—2004.'' This report represents the sixteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 22, 2004.*

## HONORING SPECIALIST JUSTIN JOHNSON

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

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to the life of a true American hero, Specialist Justin Johnson from Floyd County, Georgia. Specialist Johnson was killed in action on April 10, 2004, when he was hit by shrapnel from a roadside bomb in Iraq. He is the first soldier from Floyd County to fall in our effort to free the Iraqi people.

Like countless others after 9/11, Justin felt called to serve and protect his country, so he enlisted in the Army. Prior to enlisting in the Army, Justin worked construction with his father, Joe, who was himself a retired soldier. By enlisting, Justin proudly followed in the footsteps of his father and his older brother, Josh, who is currently stationed at Fort Bragg, North Carolina. Like his father, Justin was a forward artillery observer.

On April 10 Justin had only been in Baghdad 8 days when he was riding gunner on a Humvee and paid the ultimate price. His mother received word of his death when she returned home from church on Easter Sunday and just 2 weeks after undergoing major surgery. The news came to her as her husband, Justin's father, was joining a National Guard unit in Washington State that was preparing to deploy to Iraq so as to be with his son in the defense of our Nation. As they had earlier on the construction site, Justin and his father would have worked together, worked in the rebuilding of Iraq and assuring their freedom and protecting the world from terrorism.

I recently had the opportunity to visit with Mr. and Mrs. Johnson, and I was moved by their reaction to this tragic event. When I spoke to them, all they could say was that their loss had only made them more resolute in their conviction about the rightness of this war; and Mrs. Johnson was especially vocal about how America's efforts have given her, and all Americans, a freedom from fear. Mr. and Mrs. Johnson remain firm in their support of President Bush's stand in Iraq and declared that he is a ''true man of God.''

At Specialist Johnson's funeral, when a bugler began to play taps and the honor guard fired a rifle volley, Joe Johnson saluted his son for the last time as they laid him to rest. Justin was posthumously awarded a Purple Heart and a Bronze Star for his heroic service.

Mr. Chairman, this is a proud American family giving all that they have to their country and more. Mr. and Mrs. Johnson are to be commended and honored for their sacrifice, and my thoughts and prayers remain with them as they endure this difficult time.

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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.)

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

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

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

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

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## EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask to take the time of the gentleman from California (Mr. FILNER).

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

There was no objection.

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## CYPRUS

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

Mr. PALLONE. Mr. Speaker, 2 days from now the people of Cyprus will take a historical vote on the future of their country, voting on a referendum finalized several weeks ago by U.N. Secretary General Kofi Annan.

Secretary General Annan has dedicated a great deal of time over the past couple of years to finally resolving the 30-year Cyprus problem. He has been extremely patient in dealing with the intransigence of Turkish-Cypriot leader Rauf Denktash, intransigence that continues to this day.

Having met with the Secretary General last month, I have no doubt that he understands the concerns of both the Greek Cypriots and the Turkish Cypriots; but unfortunately, his final plan unfairly benefits the Turkish side and does not achieve the goal of truly reunifying the island nation.

Mr. Speaker, I have serious reservations about the final Annan plan because it forces the Cypriot people to put too much faith in the Turkish Government. When Cypriots go to the voting booth on the 24th, they are forced to take the Turkish Government at its word that the Turkish parliament will ratify the treaty. The Cypriots are forced to take the Turkish Government at its word that occupied land will be returned to its rightful owners 3 to 5 years down the line, and the Cypriots are forced to believe that Turkey will remove its troops according to the timetable in the Annan plan and are forced to deal with the fact that Turkish troops will remain in Cyprus forever with Turkey having the unilateral right to intervene at any time.

I am afraid, Mr. Speaker, the final Annan plan gives Turkey too much opportunity to either delay or not implement critical property and security issues in the years to come.

When I met with the Secretary General, I strongly recommended that the U.N. maintain a presence on the island as long as the Turkish Army remains. The Secretary General assured me that U.N. forces would remain on Cyprus for a considerable amount of time, but his final plan allows Turkish troops to stay indefinitely without an international presence; and I find this simply unacceptable. I am extremely worried about the actions Turkish troops might take with the absence of a neutral international presence to keep them in line. I am also concerned that Turkey will not abide by the final agreement and its troops will contribute to further instability and insecurity.

Over the next couple of weeks, the people of Cyprus will carefully analyze this plan and determine if it provides the best framework for the island nation to enter the European Union united. This is their decision alone, and outside forces should not attempt to scare or threaten them into voting a certain way. Whatever the outcome, it is important the international community and the United States honor that decision and work to ensure Cyprus's future remains bright.

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

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

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

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

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## ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

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

There was no objection.

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## 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, over 700 Americans have given their lives for the war in Iraq, a conflict with no end in sight. That number does not take into consideration the report the Pentagon just released stating that over 18,000, 18,000 soldiers have been evacuated from Iraq for medical reasons, nor does it take into consideration the billions of dollars the United States has spent to date on this conflict or the international goodwill we are squandering.

We were told that this war was necessary to keep us safe. We were told last November that by sending another $87 billion for military operations and reconstruction, on top of just a few months earlier $78 billion for the same purposes, that Iraq would be in better shape and that our soldiers across the world would have the support that they need.

The fact is, even after Congress approved $155 billion in supplemental spending bills, Iraq is not in better shape; and many of our troops in Iraq still lack the equipment that is essential for their survival: body armor capable of stopping bullets; armor for tanks that will help prevent the destruction of U.S. military convoys; and the necessary water equipment to keep them hydrated in the desert heat.

□ 1715

Under the Bush administration, the annual Pentagon budget has grown from $310 billion in fiscal year 2001 to $420 billion in fiscal year 2005, an increase of 35 percent in just 4 years. At the same time the United States spends outrageous amounts of money on outdated weapon systems, America's contribution to U.N. peacekeeping missions has suffered a 6.5 percent cut, despite the fact that several critical peacekeeping missions will be launched in the coming year.

There has to be a better way, and there is, one that emphasizes brains instead of brawn, and one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for sensible multilateral American response to terrorism.

We need to shift our budget priorities so that they reflect the true security needs of the American people instead of spending billions on new bunker-buster nuclear weapons and the President's beloved missile defense system, which would not provide an effective defense against a full frontal missile attack in the first place.

SMART security calls for stronger and smarter investments abroad in peacekeeping and conflict prevention programs and at home on homeland security and first responders. SMART security means creating a permanent postconflict unit that provides the first layer of reconstruction in countries that have been devastated by war and/or by oppressed dictators, like Iraq and Afghanistan. And SMART would mean funding all Army peacekeeping units devoted to studying and preparing for future peacekeeping missions. SMART would develop a real strategy for energy independence because nothing threatens our national security more than our dependence on Middle Eastern oil.

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 for multilateral leadership.

SMART security is tough, pragmatic and patriotic. SMART security is smart, and it will keep America safe.

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

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

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## HOLOCAUST MEMORIAL AND REMEMBRANCE PROGRAM

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

Ms. BERKLEY. Mr. Speaker, I am here on the floor to talk about an extraordinary event that took place in our Nation's Capital today and what it signifies to me.

I attended the Holocaust Memorial and Remembrance Program that took place in the dome of the United States Capitol. I was struck by two different feelings as I sat there and I listened to one extraordinary remembrance and speech after another. The first was, of course, that feeling that always startles me; that man's inhumanity to man knows no bounds, and that a mere 60 years ago 6 million Jews were exterminated throughout the world. Their only transgression was the fact that they were Jewish.

I was also struck by the incredible fact that 60 years after this most heinous episode in our civilized world's history, that there we were, generation after generation after generation of survivors, those that survived, their children, their grandchildren, and their great-grandchildren, all gathered under the dome of the United States Capitol, the very seat of power, the most important and strongest Nation in the world. And here we have a seat at the table where we are welcomed, where we are valued as citizens, and where we have an opportunity to participate in our government as we have never been able to participate before. Here we gather not only to remember those that lost their lives in the Holocaust, but to ensure that something that happened 60 years ago could never ever happen again.

I am second-generation American. My grandparents walked across Europe to come to this country. My mother's side of the family comes from Salonika, Greece. Prior to World War II, prior to the Nazis, there were 80,000 Jews in Salonika. By the time the Nazis finished, there were merely 1,000 left. I am not presumptuous enough to think I would have been among the 1,000 selected to live.

On my father's side, the Russia-Poland side, there were no towns, no Jews. Hundreds and hundreds of years of a rich culture and civilization obliterated, exterminated in the course of the Second World War.

When my grandparents came to this country, they could not speak the language, they had no money, they had no skills, but they had a dream, and that dream was that their children and their children's children would lead a better life here in the United States than they had where they came from. My grandparents, who could not speak English, have a granddaughter who serves in the United States House of Representatives. It does not get better than that.

Last year, I had an opportunity to go back to Greece, back to Salonika to meet with the 1,000 Jews that survived and their children and grandchildren. I was there to help rededicate the Holocaust memorial, and I remember standing there in a beautiful plaza with Greek Orthodox and Jewish Greeks knowing that if my grandparents had not gotten out when they did, that memorial would have been to them, and I would not exist.

So for those who organized this extraordinary day of remembrance, to all those that spoke, to everybody that participated, and to all our fellow countrymen, let me give you a hearty and heartfelt thank you for giving me the opportunity I have to live in this incredible country, but also tasking me with a responsibility that future generations of our world citizens will never, never have to go through what this world went through 60 years ago.

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

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

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

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

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

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

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

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

## EARTH DAY

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

Mr. BLUMENAUER. Mr. Speaker, it is an honor to be here this evening on the 34th anniversary of Earth Day. Now, the pollsters tell us that the environment may not be the very first thing that springs to people's minds when asked about the most important issues of the day, but we find that when you probe just a little bit, it is clear that that really does not give the whole picture, because the environment is more than just an issue, it is an umbrella, it is an overview, it is a prism through which Americans see the things that touch their lives most intimately.

When you get those Americans starting to talk about what matters to them most, we hear things like clean air and clean water, a secure energy future, a quality of life for their families. In dealing with the children, one in four admissions, we know in urban areas, are for children with respiratory problems to emergency rooms. When you start Americans down that path, they do not stop talking about it.

If we look at the hundreds of millions of dollars that State and local communities have voted to increase their money spent on water quality and open space, in community after community we see demonstrated concern and action at the local level.

One of the things that characterized the first Earth Day and the activities that followed it was a bipartisan spirit of commitment to improving environmental quality overall and in very specific terms in communities across the country.

I am proud to spring from an Oregon tradition that was decidedly bipartisan and environmental. My first governmental position was an appointment by then-Governor Tom McCall, a legendary Republican in our State, to the Livable Oregon Committee. I was privileged to serve in the Oregon Legislature a third of a century ago when we enacted the first comprehensive land use planning legislation of any State in the Union, and it was the product of bipartisan leadership and concern. On the Federal level, the Clean Air Act and the Clean Water Act were enacted during Republican administrations with bipartisan leadership.

Unfortunately for our success in protecting the environment, on this Earth Day we are seeing that the bipartisan tradition of environmental leadership is being abandoned for short-term political advantage catering to powerful special interests. We can take, for example, the sad saga of President Bush's efforts to weaken the Clean Air Act, documented in a fascinating article in The New York Times Magazine 3 weeks ago.

But it is something that Members of this Congress are familiar with, as we have struggled with this administration under the New Source Review Program, which was requiring old power plants to install pollution controls. Instead, this administration has radically transformed the Nation's Clean Air Act quietly, trying to do it under the radar screen by way of regulatory changes and bureaucratic detectives. And now, older polluting power plants that should have been cleaned up decades ago have been given essentially a free pass, allowed to continue to spew forth harmful pollution and global-warming gases into the air.

Mr. Speaker, it is frustrating to the extreme to see what is happening in terms of global climate change. The administration has been challenged just 2 weeks ago by the Union of Concerned Scientists, a group of 60 scientists, including 20 Nobel laureates, who are concerned about how this administration is turning science on its head, shifting, changing, and obscuring, when, in fact, the role of science should be one that is a constructive one to help us promote environmental protection.

We are seeing at this point the situation where these environmental threats are increasing on the global scale, in terms of global climate change, global warming. We have a generation of Americans today who may be the first generation where there will be no glaciers in Glacier Park, and who may witness the eradication of polar bears in their natural habitat.

But it is not an obscure activity that is going to occur in remote reaches of wilderness or in the Arctic netherland. No American is immune to the deadly consequences of the actions of the last 100 years of assaulting our environment and our government's inaction in some of the simplest common-sense steps.

□ 1730

No one in America will be immune from global warming. It is not just the disappearance of permafrost in areas of the Arctic tundra, the buckling of roads and the erosion of coastline we are seeing in our 49th State, it is the increasing temperatures, rising ocean levels, extreme weather events, and storm surges in coastal areas put all Americans at risk.

We are a rich country, and much of our territory is in temperate areas. Imagine what will happen in poor countries around the world already prone to drought, or to tens of millions of poor people in Bangladesh that will be threatened with drowning by rising sea levels and storm surges.

But there is good news for us to consider on this Earth Day, and a growing consensus of Americans across the country, contrary to the approaches of this administration. They want us to take simple, common-sense steps today to clean up the air, slow global warming and protect our public lands. One simple step is simply to keep in place the Clean Air Act and Clean Water Act and other landmark legislation. We have hundreds of Federal rules, regulations and efforts at rollback that demonstrate that we are actually having initiatives by the leadership in this Congress and by the administration for environmental activities that, rather than making the air cleaner, the water more pure, will actually put us at risk.

Today we need to stick to some of the fundamental underlying environmental legislation we have got. It will be a cleaner America, a healthier environment than if we were to follow some of the so-called reforms of this administration.

Another critical step is to reduce our dependence on fossil fuels. The reality is now that our best estimates are that U.S. production of oil is going to peak in 2008, and there will be a decline of 18 percent over 20 years. It is not happening because of environmental protections, it is because we simply do not have enough oil. However, according to the Energy Information Agency, we are going to be skyrocketing in terms of demand, over 40 percent in the next 20 years, which will increase our demand on foreign oil. Under the current situation, placing our reliance on unstable areas is simply not a good strategic undertaking.

I am pleased that the likely standard-bearer for our party, Senator JOHN KERRY, has put on the table a wide range of environmental initiatives, including fuel efficiency for automobiles, one that could be good for the American consumer, for the environment, and indeed for our auto industry.

Right now there are three alternatives for the American consumers who want hybrid vehicles, but they are, sadly, all Japanese. General Motors has announced it is bringing pickups on the market that will improve gas mileage, but that is the tip of the iceberg. There is far more we can do.

I am pleased that I have been joined by a number of colleagues here who have ideas to lend to this discussion this afternoon, but I want to just put on the table the notion that the most important thing the Federal Government can do for new initiatives is to model the behavior it expects of other Americans. If the Federal Government would simply clean up after itself, establish high standards for the hundreds of millions of square feet it has in offices, the tens of millions of acres that it manages, its vast enterprises, it could have a transformational effect. There are opportunities to discuss this further, but I want to turn to some of my colleagues that are here.

I note I have been joined by the gentlewoman from the District of Columbia (Ms. NORTON), who is charged with one of the most difficult tasks in Congress, and that is providing a representation for the people in the District of Columbia, who, although they are taxed, although they are under the control of the Federal Government more than citizens of any State in the Union, they have not been graced with the opportunity of a voting Member of Congress. I must say it is astounding the work that the gentlewoman from the District of Columbia (Ms. NORTON) does in terms of providing leadership on a wide variety of areas, and not the least of which has to do with the environment.

I have visited with the gentlewoman in areas around American University where we are still struggling 85 years after World War I with the consequence of failing to clean up after ourselves with the chemical weapons that were tested inside the District of Columbia. The gentlewoman is fighting for a wide variety of interests.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON) to discuss the impacts that she is facing in the District of Columbia and some of the noteworthy efforts she is leading.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his many interests here, in his district, and throughout the Nation. The fact is that people in the District are living with the aftermath of munitions that were buried after World War I, which is not very pleasant, particularly when they pay some of the highest taxes in the United States. I agree with the gentleman that if the Federal Government would simply set an example by cleaning up after itself, more of the rest of America would be likely to follow.

One example I have been able to get into a recent bill which has passed the House is for the Federal Government to use solar energy in its own buildings. There is $60 million for 5 years for that to occur.

I also see that the gentleman from Oregon has a bike pin in his lapel, and I must state what a wonderful steward of the environment the gentleman has been, how much his leadership is appreciated there, not only with his signature issue, livability, but the gentleman's across-the-board leadership on environmental issues. It stands to reason that the gentleman from Oregon would be leading this Special Order today.

This is Earth Day, and we come to the floor today, as many of us do on many other occasions. It may be Earth Day, but part of talking about the Earth is talking about water, so I want to talk about the Safe Drinking Act and the Clean Water Act at a time when Members may be imbibing lead as they drink the water at their workplace, the Congress of the United States. The water that we drink, and we are served water where we eat, when we go into committee, there is always water there, and we drink some of that, that water comes right out of the faucet, and we have to think about what that means. If it were only a District of Columbia matter, I would not be raising it on Earth Day, but the Safe Drinking Water Act is being violated all across the United States. I want to alert Members on this Earth Day to what it seems to me each of us should be doing to ensure that we have safe drinking water.

One of the great dividing lines between developing and advanced societies is safe drinking water. When you come to the District of Columbia, you should not have to ask: Is the water safe to drink here? I suggest anyone who comes in fact asks that question, and that is a question that needs to be asked in your own jurisdiction as well when you consider what has happened to the District of Columbia and what it has exposed about safe drinking water.

I am not sure what side our country is on when it comes to the dividing line between countries with safe drinking water and countries without, but it was surely a wake-up call when we learned that there was lead in the water of the Nation's Capital.

The reason this is a matter of national concern is because two Federal agencies control the water here. The Environmental Protection Agency does the same for the District of Columbia as it does for the Nation. If we want to talk about stewards of the environment, the Environmental Protection Agency would not be included there. Of course, it does double duty here since it acts as our State EPA as well as the watchdog Federal EPA.

It gets worse. The water here is purified by the Washington Aqueduct. That is run by the Corps of Engineers, and that is because they built it more than 100 years ago. We have learned that the Environmental Protection Agency signed off on public notice that there was lead in the water a year after it was found, and so buried so nobody knew about it or could have discovered it. Can Members imagine how many pregnant women and small children at developmental ages have been drinking that water without knowing it? That is the kind of environmental crime that the Safe Drinking Water Act was passed to avoid.

The EPA signed off on the public notice, or I should say the lack of public notice; but the problems are more fundamental. The problems are with the very basics themselves. All of the regulations that the EPA has us living under, any good on this Earth Day we should ask ourselves, and does the EPA enforce them? On the basic science, we do not know how much lead is harmful or not. Why are we this long in finding out? We know how much is harmful for young children, but public health officials tell us that lead is harmful for people as old as you and me, Mr. Speaker, but we do not know what the amount is, and nobody has funded the science to find out.

When it comes to enforcement, what the Environmental Protection Agency tells us is they should test for lead, and if they find lead, they keep testing. So what they do is they keep testing until they dilute the findings, and then they do not have to clean up the water at all. This is a public health catastrophe. Every jurisdiction is supposed to be doing this. WASA kept testing, hoping to dilute the results it found so as not to have to remove lead pipes. It backfired on WASA because it found more, not less, lead.

We are living with bad science, wrong assumptions. Even in the 19th century when the service pipes in the District of Columbia were built with lead, there was an outcry that it was unsafe to use lead service lines. That is more than 100 years ago. They knew that. That is what we have today.

So we are told when you do find that there is lead in the water, you have to do partial replacement; that is to say replacement of the lead service lines in the public part of the area. We learned in hearings if you do this partial replacement, and the line on private property is left there, it can be worse because apparently the partial replacement acts as a battery to whatever remaining lead is there, and the problem worsens.

They switched chemicals from chlorine to chloramine. We think that may have caused the corroding of lead into the water. Now, when we see problems like that, the people who purify the water may have made it worse by switching chemicals because they did not do the right tests, and the Environmental Protection Agency does not begin to know how much lead is bad or good and lets you keep testing until you do not have to, in fact, remove lead lines at all. I suggest that on this Earth Day we go back to basics when it comes to safe drinking water and start all over again and rebuild the regulatory basis of the Safe Drinking Water Act.

Finally, let me say the Clean Water Act is another great achievement of this Congress. More than 30 years ago we cleaned up the Potomac, but there is another river that lies within 2,000 yards of the Capitol dome, the Anacostia River, which is utterly polluted. Some of that pollution comes from the fact that there was a naval gun factory; but today, more of it comes from underground sewage and storm water conveyance systems that are over 100 years old. I am trying to have that fixed. It will cost $1 billion, but if we get $100 million every year, we will clean up the Anacostia River, we will do a lot for the Chesapeake Bay, and do a lot for the drinking water here in this area.

I am very pleased to name the cosponsors of this bill in this region. The gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), the gentleman from Maryland

(Mr. VAN HOLLEN), the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. TOM DAVIS), and others from this region are coming on, the gentleman from Pennsylvania (Mr. FATTAH), for example. Virtually all of the Senators from this region are on this bill. It is time we stepped up and did for the Anacostia River what we did for the Potomac River 30 years ago.

□ 1745

I appreciate the time the gentleman from Oregon (Mr. BLUMENAUER) has given me to discuss water on this Earth Day, for it reminds us that Earth Day is about the entire environment. And when we say the Earth, we mean the Earth, we mean the water, and we mean the air. I thank him very much for his leadership once again.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman for her comments and for her leadership. I hope that I will see the time here in Congress where the Anacostia becomes a model for the country in the backyard of Congress about how to do it right after, as she says, decades of abuse.

I yield to the gentleman from Arizona (Mr. GRIJALVA), who has been one of the most forceful voices in his short time in Congress for speaking out for the preservation of the environment, somebody who is deeply concerned and has focused in on what is happening with the rollbacks and somebody who comes from a State that is facing some of the most unique environmental challenges that he has been a leader in long before he came to Congress.

Mr. GRIJALVA. Mr. Speaker, I thank the gentleman very much for yielding. I appreciate the opportunity.

Mr. Speaker, I rise today on this Earth Day to comment that while our Nation is distracted by war and terrorism, the Bush administration has systematically and methodically been dismantling our most fundamental public health laws such as the Clean Air Act and the Clean Water Act; but the people of America and in my community, in addition to wanting peace and security in the world, also want a clean and healthy environment for themselves and for their children to live in.

On this Earth Day we state clearly, and I want to repeat, we state clearly that Americans want and deserve clean air to breathe, clean water to drink, and natural places to experience. We want our most special lands like our national parks to be cared for so they can be enjoyed by future generations as we do today.

But the test results are in, and it is official. The George W. Bush Presidency is the worst environmental Presidency in the history of this country. From our urban areas to our national forests, the Bush administration is sacrificing our health, our environment for the benefit of corporations. Communities of color continue to suffer disproportionately from Bush's policy to lower air and water quality standards and to gut funding for Super Fund cleanup programs, which impact communities across this country.

Our constituents are eating mercury-tainted fish, drinking lead-tainted water, living near toxic contamination sites. Our national parks are deteriorating. Our national forests and public lands are being opened up for polluting uses like oil and gas development, mining, and logging. Meanwhile, the administration disputes that global warming exists and refuses to take steps to address this growing and imminent threat.

This administration is, to say the least, industry-friendly. But we also want one that is Earth friendly. We do not have to sacrifice our economic future for a healthy environment. We can have both a healthy economy and a healthy environment.

We Democrats in Congress are fighting for our environment. My colleagues have fought to keep oil drilling out of the Arctic, to ensure that polluters clean up their messes, to prevent our forests from being clear cut for profit, to keep our air and water clean. We have called for comprehensive and sensible energy policy that does not reward the polluting industries with massive subsidies, but enhances opportunities for renewable energy sources.

As we reflect on the Earth's environment on Earth Day, let us not forget that we have only one Earth to live on. Let us keep our environment and our families healthy by fighting for the protection of our air, water, and land. America's environmental laws have succeeded in improving people's health and lives. Let us continue that legacy by protecting what we have gained and enhancing what we still need to gain.

On this Earth Day, at stake for all Americans is the very essence of what makes us unique as a country and as a people: our land, our people, and our public places. At stake is our public health. At stake is the protection of our natural resources. At stake is a legacy that we all share in, a shared legacy and responsibility about protecting our environment and protecting the health of our people.

The record of the Bush administration on rollbacks of protections and giveaways to special interests is a destruction of that very essence and that legacy. I think the people of America deserve much more. They deserve a country that values its people, protects its environment, and assures that we protect the very essence of what makes us different as a country.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Arizona (Mr. GRIJALVA) for his statement, and I appreciate his eloquence in terms of looking at the big picture and the impacts that people are facing.

The gentleman from New Mexico (Mr. UDALL), his fellow Southwestern colleague, has himself a rich family tradition dealing with these issues and continues that on the Committee on Resources today and being a vigilant spokesperson on a wide range of environmental issues.

I yield to the gentleman from New Mexico if he has some comments to share with us this evening.

Mr. UDALL of New Mexico. Mr. Speaker, I thank my good friend from Oregon for yielding, and I thank him for leading this Special Order. I would like to say that his leadership in this Congress has been exceptional when it comes not only to sustainable communities and making sure we build up the quality of life in our communities but it is also, as we see by the bicycle on his lapel, a good solid balanced approach to transportation and transportation systems and realizing that bicycles and modes of transportation other than automobile traffic are very important to our communities. I thank him for that and thank him for his leadership.

In hopes of keeping our public lands as beautiful and as productive as possible, I would like to offer a few thoughts concerning recent changes to our National Forest Management policies. National Forest Management plans were first conceived by Gifford Pinchot, the first United States chief of the Forest Service. He was a Republican like the President at the time, Teddy Roosevelt, who thought that we should organize the country's forests into a National Forest System that we now know today as our vast system of national forests.

Pinchot was initially led by the utilitarian philosophy as of ''the greatest good for the greatest number.'' In guiding the management of the national forests, he later appended to that statement ''in the long run'': ''The greatest good for the greatest number in the long run.'' Because he recognized that forest management consists of long-term decisions in protecting the resources.

By the end of 1910, at the end of Pinchot's term, there were 150 national forests covering 170 million acres of land. And he wrote about the U.S. Forest Service and what he was trying to do, and he said ''not a single acre of the government, State, or private timberland was under systematic forest management anywhere on this most richly timbered of all continents . . . When the Gay Nineties began, the common word for our forests was 'inexhaustible.' To waste timber was a virtue, not a crime. There would always be plenty of timber . . . The lumbermen . . . regarded forest devastation as normal and second growth as the delusion of fools . . . And as for sustained yield, no such idea had ever entered their heads.''

He went on to say: ''Without natural resources,'' and this was when he was really talking about his idea of conservation and good stewardship, ''life itself is impossible. From birth to death, natural resources, transformed for human use, feed, clothe, shelter, and transport us. Upon them we depend for every material necessity, comfort,

convenience, and protection in our lives. Without abundant resources prosperity is out of reach.''

Such was the philosophy that guided the management of our national forests at the beginning of the 20th century.

The beginning of the 21st century is a far different story altogether. Republicans are still in control, but they have abandoned bipartisanship, wise stewardship. Under the warm and fuzzy name ''The Healthy Forests Initiative,'' the Bush administration is proposing an agenda that includes sweeping changes to the management of our National Forests, cutting people out of the process of participating and commenting on forest plans. The first assault came only weeks after the Bush administration took office when they chose to put on hold all the proposed regulations that had been developed by the previous administration. Those regulations were the results of years of efforts by an independent committee of scientists. Those new regulations were science- and ecosystem-based. They reflected the state-of-the-art knowledge concerning the management of natural resources.

One of the first things President Bush's new Assistant Secretary for Forests, Mark Rey, did was scrap all of these science-based, commonsense regulations. And in place of the science-based regulations encouraging conservation and protections, the new administration proposed regulations that reflect a wish list of the timber industry. Instead of ''the greatest good for the greatest number in the long run,'' the philosophy of this administration appears to be ''the greatest good for the special interests in the quickest time,'' using our forests for a few wealthy individuals.

We have been expecting these new regulations for a while, but now it seems the administration might be holding back, afraid to show their cards in an election year. They know the American people will not stand for a President who time and again sells off our public lands, our public trust, to the highest bidder.

The administration has succeeded in passing a law, the Healthy Forests Restoration Act, which has begun to codify some of their plans to sell, no, let me make that give away, our National Forests to the timber industry.

Other sections of the act give timber companies the right to log big trees from the backcountry. Taxpayer dollars are going to be used to build roads that will take these timber industries into the backcountry, to take trees that pose no fire risk to people, all under the umbrella of this reckless piece of legislation.

Healthy forests under this administration means healthy bank accounts for a fortunate few and barren hillsides for Americans and for the plants and animals and human beings that depend on truly healthy forests.

On Earth Day we would do ourselves the biggest favor by looking back 100 years and remembering the guiding philosophy of our country's first forester, ''the greatest good for the greatest number in the long run.''

And I would suggest that Gifford Pinchot, our first forester, and Teddy Roosevelt would say to the Republicans, Why have you abandoned the time-tested bipartisan solutions?

And with that I say once again to the gentleman from Oregon that he has been a great leader on these environmental issues, and I hope that we can continue to carry on these discussions and let the American people know that there are very important issues at stake on this Earth Day.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his statement. We were just last night at the National Parks Conservation Association awards dinner, and we were reminded how these issues do not have partisan boundaries that are required, that it unites us as a country, that it spoke to opportunities that were different, hearkening back to the context that he offered up.

I am hopeful that we can embrace the spirit of the history that he has given us that will help guide and inform some of our decisions here, and I appreciate his leadership in trying to make that happen.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman.

Mr. BLUMENAUER. Mr. Speaker, I think it is appropriate, as we are referring to some history, we are joined by the gentleman from Wisconsin (Mr. KIND), someone I have been privileged to work with on issues dealing with water resources, the reform of some of the opportunities for the Corps of Engineers and how Congress works with the Corps of Engineers; and I note not only is he a leader in issues that deal with environment and uniting sports people of varied interests of his State but I think appropriate the legacy of that marvelous State of Wisconsin, and 34 years ago it was Senator Gaylord Nelson who helped launch us on this path.

□ 1800

Mr. Speaker, I yield to the gentleman for observations he might make that will help us focus on what we are celebrating here today.

Mr. KIND. Mr. Speaker, I thank my friend and colleague from Oregon for, first of all, taking time this evening for this Special Order to commemorate the 34th anniversary of Earth Day, and for the leadership he has shown on a variety of conservation and environmental measures that we have a chance to work on in the United States Congress.

But I want to take a moment to pay a special tribute and give special thanks to a terrific statesman, a former Governor and former United States Senator from the great State of Wisconsin, the father of Earth Day, Senator Gaylord Nelson.

It was his vision that led to the first Earth Day in our country over 34 years ago. During his maiden speech in the United States Senate, he came out with 11 specific proposals on policy changes that we needed to pursue as a Nation in order to enhance the protection and the quality of our environment and our natural resources.

He was one of the first public officials that recognized that economic growth and development could go hand in hand with the protection of our natural resources and the protection of our environment; that they did not have to be mutually exclusive.

But he also recognized that public opinion was way ahead of public officials in this area; that it was the policymakers that needed to catch up with where the American people were; and recognizing the value of doing a better job, of being the stewards of our lands and our water and our air that we breathe, the environment in which we raise our children; and it is to him we owe a debt of gratitude that can never be repaid.

This is a person who today if you talked to him, and he is still very active in the environmental field, working at the Wilderness Society here in Washington, delivering countless speeches every year, traveling extensively throughout the United States and parts of the world, who would probably be a little surprised to realize that last year, during the 33rd anniversary of Earth Day, there were hundreds of millions of people in over 180 countries all joining together to celebrate Earth Day, something that he gave birth to.

He is also someone that recognizes that there is still so much more work that needs to be done. He has been invaluable to me personally with the conversations that I have had, the privilege of going to him for advice, whether it is on work and how better to preserve and protect the Mississippi River Basin, what we can do to guard against the global warming phenomena, which generations, unfortunately, will have to wrestle with today, and the unfinished business he left when he left the United States Senate many years ago, which is our calling today.

There was a very good biography written about Senator Gaylord Nelson by a very talented former journalist and writer in Wisconsin, Bill Christopherson, entitled The Man From Clear Lake. That is the small town in which Gaylord Nelson was born and raised in. It is in northwestern Wisconsin, and it is small-town America. It is not too far from my wife's small town of Cumberland, where she was born and raised.

But Gaylord Nelson is living testimony to the idea that one person with a great idea can have a profound change in the direction of our Nation and of the world. It was that idea of what we needed to do in working together, those of us in decision-making positions, but also all of us as citizens of this planet of ours, what we can do working together to better preserve and protect the natural resources so we

leave a better legacy for our children to inherit.

I come from a State with a very proud legacy of giants, like Gaylord Nelson, like Bill Proxmire, like Fighting Bob LaFollette, that gave birth to the progressive tradition in this country. But there is no one who I have idolized with greater esteem or have greater admiration for than that man from the small town of Clear Lake, Wisconsin, Gaylord Nelson, and the idea that he gave the Nation and the world 34 years ago today in envisioning the need for Earth Day celebrations, and the constant reminder to us that there is so much that we need to do to protect our environment, especially during challenging days like today when, unfortunately, there is an administration in power that seems quick to roll back much of the progress and much of the achievement that has been made over the last few decades, rolling back provisions of the Clean Air and Clean Water Acts; releasing those 5 p.m. press releases from the Environmental Protection Agency on Friday afternoons when they think no one is paying attention or when people are starting their weekends or going to their Friday night dinners or whatever.

But it is up to us to shed light on what is taking place, and it is up to us to try to foster the bipartisan atmosphere in which we have to work in order to make great strides in this area.

So, again, I thank my colleague from Oregon for yielding me some time on this very special day and for the opportunity to pay tribute to a very special American, a great citizen, former Senator Gaylord Nelson.

Mr. BLUMENAUER. We appreciate your hard work and leadership in putting this spotlight on Senator Nelson.

We have been joined by the gentleman from Maine (Mr. ALLEN), who I note, no small note of irony, the President was celebrating Earth Day at a location that the gentleman and I have visited in the past in Wells, Maine, as we have been doing work environmentally. I did not know if the gentleman had any thoughts or observations based on that experience today in his district.

I would be pleased to yield to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding and for his leadership. It is true, the President is today visiting the Wells National Estuarine Research Reserve up at the Laudholm Farms. The gentleman and I went there 2 years ago. We also went up a mountain nearby that is part of a project that people are trying to save some land.

Though we appreciate the President coming to Maine on Earth Day, it really cannot hide the fact that his record on the environment is one of probably the worst records of any President in my lifetime.

Let me give a few examples. He went today to the Wells National Estuarine Research Reserve. It is very clear when you look at the budget that the President has proposed, in light of the need for more research funds for marine-related research, he came because his budget proposes to increase funding for this tiny $16 million National Estuarine Research System by 3 percent. That is a 3 percent increase. So, this small program gets a reasonable increase, but it is the exception.

The reserve system is an important part of NOAA's Ocean and Coastal Management Program, which President Bush proposes to cut by 20 percent. The National Ocean Service is cut a whopping 35 percent. NOAA itself receives an overall 8 percent reduction.

The President proposes to reduce the budget of the EPA, the Fish and Wildlife Service and the U.S. Forest Service. He proposes to seriously underfund the National Park Service. He proposes to slash the Land and Water Conservation Fund that purchases Federal land for facilities like the Rachel Carson National Wildlife Refuge. As a result of Land and Water Conservation Fund cuts, the Fish and Wildlife Service received only $10 million this year for lands nationwide.

Maine, on the other hand, is investing more, renewing its commitment to bond funding for what we call the Land for Maine's Future Program.

A couple of other points. Mercury contamination is now a huge issue in this country. The EPA recently announced that twice the number of infants are born with high levels of mercury in their blood than they thought before. Now, 600,000 infants are born each year. The Maine Bureau of Health has a warning, and it reads as follows: ''Pregnant and nursing women, women who may get pregnant, and children under 8 should not eat any freshwater fish from Maine's inland waters.''

We have gone about the process of restricting emissions from our waste incinerators, and yet coal-fired power plants from across the country still emit 48 tons of mercury every year. It gets up in the air, it runs with the wind west to east, it comes down in the rain, it pollutes our waterways, it gets into our fish and is consumed by human beings.

But what is the President's record on mercury? He has delayed full mercury regulation from 2008 to 2030, submitting another generation of Maine children and children around the country to fish they cannot safely consume. We believe that what he has done is illegal under the Clean Air Act.

Really, Maine has taken the opposite approach, trying to regulate everything we can with respect to the mercury emissions that are within our control. It is just another contrast.

I happen to feel he came to Maine because Maine has a record as an environmentally-conscious State. But it takes more than a visit to my State to make you an environmentalist.

I will mention two other things quickly. Ozone pollution, Wells, Maine, where the President visited today has just been found to be out of compliance with the 8-hour ozone health-based standards under the Clean Air Act. Let me tell you, Wells, Maine, is not polluting the air. There is not enough manufacturing activity going on in Wells to pollute Wells or any surrounding communities. This is pollution that comes to our State from outside.

The President's action in this regard with respect to ozone pollution has been to undermine the New Source Review court cases filed by the Clinton administration that would have led to the most significant reduction in air pollution in recent memory, and he has issued new New Source Review rules that allow the dirtiest power plants in the country to continue to pollute, even when they expand their capacity to produce electricity.

I have always said he has what he calls his Clear Skies legislation, and if I have ever heard of legislation that is a triumph of marketing over substance, it is Clear Skies, because it does not clear the skies, it clouds them. It would not be as effective as the enforcement of existing law.

Finally, climate change. Here is an issue, the President made a promise in the campaign. He walked away from it right after he was elected. In Wells, Maine, this estuarine area, this is the kind of area that is at risk from climate change and rising seas. It seems to me once again the rest of the world is concerned about this issue. The science is clear. The President denies the science and simply refuses to deal with one of the growing and potentially horrendous environmental challenges that lie in front of us.

There is a better way. We can work together based on sound science with a commitment to improving the quality of our air and water for ourselves and our children for years to come. This administration will not do that, but I know others will.

I thank the gentleman for giving me this time.

Mr. BLUMENAUER. I appreciate the gentleman's illustrations. We were on this floor earlier this week talking about the long-term budget implications which will guarantee that these unfortunate, ill-advised and unacceptable cuts are the tip of the iceberg, and we are going to be looking at that for years to come unless we change the priorities of the administration or unless we change the administration.

We are reaching a conclusion here. We have three more of my colleagues. I think we have at least 4 minutes each for them. I will not take more of my time.

But I would turn, if I could, to my friend from California (Mr. FARR), who is here not just on Earth Day, but this week as a spokesman and a champion for ocean health and environment. It is a great juxtaposition, and I am happy to yield time for him to make some comments that would be appropriate.

Mr. FARR. Thank you very much, my distinguished colleague from Portland, Oregon. I think but for your personal involvement in changing a city, we would not see the cities of America be as beautiful as Portland, Oregon, one of the most beautiful places to live now, and certainly the transportation system that the gentleman created there is the model for the country.

I am proud to be here on this 34th anniversary of Earth Day with all my colleagues. As I heard the people before me, I could not help but think that some of my colleagues will someday be future U.S. Senators, Governors and members of the Cabinet. With what they have said, it is obvious that their hearts and minds are in the right place.

I have a long statement, and I will submit it for the RECORD. I just wanted to say that today we launched, and this week, essentially a focus on how we should upgrade the oceans in America. We have ignored them. We paid attention to clean air, clean water, and we have 10 different agencies, departments in the Federal Government, hundreds of laws, and the right hand does not know what the left hand is doing.

We have had a private sector report by the Pew Commission, a public sector report that we in Congress authorized, the U.S. Oceans Commission. They made the report back to Congress on Tuesday of this week. Now it is our responsibility, the legislative branch of government, to come up with a new organization, new laws, that will essentially focus on the ocean. In essence, to put it in perspective, more than 1,500 people have successfully climbed Mount Everest; more than 300 people have journeyed into space; 12 people walked on the moon; but only 2 people have ever descended to the bottom of the ocean and returned.

□ 1815

They are about that. I mean, we just do not know about the ocean. We know more about the Moon than we know about the oceans on the planet.

So we are going to spend the next few months here developing an oceans bill that I think will set the policy for this country, which will hopefully lead the policy of the world and the mechanism for ensuring that the oceans can be managed on an ecosystem basis and they can be cleaned up and made as the lungs of this Earth for children for generations to come.

It is the responsibility of this generation. We have found it in bad shape, and we have got to leave it in better shape.

I would just conclude on this Earth Day by inviting everybody to go out this weekend to celebrate Earth Day. There are all kinds of activities in your local community. I think the best quote about Earth Day and ourselves is what Teddy Roosevelt once reminded this country. He said: ''Do what you can with what you have where you are. Just do it.''

Mr. BLUMENAUER. Mr. Speaker, the gentleman from California (Mr. FARR) must feel no small sense of satisfaction. I know that he was the driving force behind the first ocean's conference with President Clinton in his beautiful district in Monterey, bringing home how important this is to all of us. And I extend my deep appreciation for his leadership, insight, and patience.

Mr. FARR. Let us hope we can get some good legislation adopted.

Mr. Speaker, I will include my statement for the RECORD at this point.

Mr. Speaker, I am glad that we are holding this special order on the occasion of the 35th anniversary of Earth Day.

It is important that we take the time to recognize the importance of environmental conservation efforts and renew our commitment to them until we make everyday Earth Day.

We all must do our parts to be good stewards of our ocean, our land and our atmosphere. This is the only planet that we have after all.

Earth Day was born at a time of great concern over the degradation of the environment and the effects of that degradation on all species, including humans.

I like to think of Earth Day as an ecological version of New Year's Day—a time to reflect, take stock and make resolutions.

With that in mind, I want to take my time in this special order to talk about our oceans—two thirds of the earth that we need to know a lot more about.

Tuesday's release of the ''U.S. Commission on Ocean Policy's'' report marks a milestone for our oceans and for the way we view them. Their report is the result of almost 2 years of reflecting and taking stock of our current ocean management practices.

For the first time in more than 30 years, we as a nation, have re-considered our relationship with the sea. Unfortunately, the past 30 years have not been kind to our oceans.

Plain and simple our oceans are in a state of crisis—a crisis that affects each and every one of us.

Today, between one third and one half of the world's population lives within 50 miles of the coast.

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, our movies our art and music.

In spite of this we tend to act with a great deal of ignorance about how our own activities actually threaten that economic value. In fact we have limited knowledge of how oceans work as an ecosystem.

I have some interesting numbers that I want to share with you. More than 1,500 people have successfully climbed Mount Everest. More than 300 people have journeyed to space. 12 people have walked on the moon. Yet, only two people have descended and returned in a single dive to the deepest part of the ocean.

Think about it—we know more about the moon than oceans on earth.

This morning I was testifying on the other side of the Capitol at the Senate Commerce Committee.

I met with Bob Ballard who showed me the most recent edition of Oceanography. He showed me two pictures. The first was of Mars and the second was of the ocean floor. What caught my eye was, to date, our pictures of outer space are 250 times higher resolution than from the ocean's depths.

Mr. Speaker, as I mentioned Earth Day was born at a time of great concern over the deprivation of our environment and out of this grass root effort we saw dramatic changes.

We proved that if we put our minds and resources to the problem, as we did in putting a man on the moon, we could bring things right again. We made giant progress with the Clean Water Act and the Clean Air Act.

Sadly, these land mark pieces of legislation have recently come under fire, administratively there has been a failure to investigate violations and enforce the laws on the books.

Protection of our oceans will require a change of course, a commitment from Congress and the administration. This commitment must be in the form of a new ocean ethic; one that is ecosystem-based with a governance structure that protects, restores, and maintains healthy marine ecosystems.

Regrettably, 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 motivation 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, 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 and last year's Pew Report offer some guidance on how to do just this.

We now know the natural world functions as interdependent 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 pass the legislation necessary to make it a reality.

Part of making it a reality is creating a strong regional governance structure. 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 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.

The Report released earlier this week is, technically, a Preliminary Report. It is being sent to the Governors for their comments. This comment period lasts until May 21, 2004. I urge all my colleagues to contact their Governors, let them know how important this issue is.

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.

The bipartisan House Oceans Caucus leadership is drafting legislation—the BOB, or Big Oceans Bill—that sets our country on the right path—the path of protecting our oceans.

Many of the details are still being worked out; however, the broad sections of BOB include national governance, regional governance, science and technology, and education.

We will be introducing our legislation this session. We have high hopes that our comprehensive bill will receive hearings and be considered this year, thereby demonstrating the bipartisan nature of the importance of protecting the health of our oceans for future generations.

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.

And, it's my earth day resolution to work with all my colleagues to make the decisions necessary to protect our largest public trust resource.

The time for leadership is now.

I will close with a quote from Commission's report:

> 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 make the sands of beaches from Maine to Hawaii long after ours have washed away.

Don't forget to celebrate Earth Day, too. There are activities and festivities scheduled everywhere. Get out and participate, revel in the spring, and help build awareness just by being there. As Teddy Roosevelt once said: "Do what you can with what you have where you can."

Mr. BLUMENAUER. Mr. Speaker, next there is the opportunity to hear from the gentlewoman from California (Ms. SOLIS). Although she has been a more recent arrival to Congress, she has distinguished herself as a Member of the California legislature, as a tireless champion of the environment, of dealing with the problems at home on the neighborhood level, and has carried that passion back here affecting Federal policies. I am happy to yield to her.

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for providing us with the opportunity to celebrate Earth Day. We do have much to celebrate, but we also have to reflect on what is happening here in our country and what policies are having effects in our communities.

I appreciate the fact that so many of my colleagues spoke before me very eloquently about the status of the environment here in our country. I am happy to talk a little bit about a place that I represent, and I represent the 32nd Congressional District in Southern California, much viewed by people as probably the armpit of America in many ways. Smog levels are very high. I have ownership of three Super fund sites. There are 17 gravel pits, many that are abandoned.

So we have various problems that exist in our district, many challenges, long before I was even born. But that does not mean that we give up the hope to fight to improve those conditions for the people that I represent. And I was very fortunate in the California legislature to work on environmental justice legislation, one of the first pieces of legislation in the entire country to be codified in the State of California. And as a result I believe there are close to 30 States now in this Union that have done likewise and have followed suit.

It is unfortunate, however, that this administration here does not believe in the true essence of environmental justice. And what environmental justice means for many Americans and for people that I represent is equal treatment under the law when placing projects in our districts. And, unfortunately, people have had blindfolds on their eyes when they come into our district because they place projects that have negative effects on our health in my district.

We have higher rates of asthma than other parts of L.A. County. We have children that cannot go out and play on the playgrounds when the summer heat goes up and the smog levels go up. We have children that have to go to the emergency trauma units because they are suffering from asthmatic attacks, both children and our elderly. We see that our drinking water is also contaminated.

For many years there were prior Congressmen, for example, Congressman Torres, who led the way to clean up our basin almost 20 years ago. We still have not found a solution to entirely clean up our local area. Perchloric contaminates our water. That is rocket fuel that was allowed to enter into our water table through Department of Defense contractors. Many have come to the table to try to clean that up, but we have not gone far enough.

And just yesterday we had a hearing in the Committee on Energy and Commerce regarding DOD exemptions that this administration would like to see rip away at the protections that we have in our States such as California. I came out strongly opposed to those exemptions as did many attorneys general representing many States as well as many water agencies and purveyors that want to provide clean water to millions and millions of people who live in our country. We need to do the right thing. And I know that I can count on my colleagues here that have spoken this evening to help educate the public that, in fact, there are Members of this Congress who are willing to fight, willing to stay here late, to do the right thing, to make sure that we do not erode the protections that have been in place for the last 50 years.

And, as a new Member of Congress, I would like to say that I am proud to represent the district that I come from, East Los Angeles, that many people forget about. People there are experiencing high levels of unemployment. Many of them have low skills, low educational levels; and they live in the dirtiest communities in our country, and it is not fair. That is why we need strong laws. That is why we need adequate funding to protect everybody on an equal and fair basis.

And I applaud the gentleman from Oregon (Mr. BLUMENAUER) and all the Members that have come forward tonight to share with us that Earth Day, in fact, should be a celebration for the entire world.

In Spanish we say ''para todo el mundo.'' That means the entire world. The entire world is looking at us right now to see that we do the right thing, to see that we address the issues of global warming, water pollution, clean air. Those are the things that my community is advocating for, and I am going to continue to fight for that.

Mr. BLUMENAUER. Mr. Speaker, I think it is clear that there is very little likelihood that East Los Angeles will be forgotten with my colleague's eloquence, her insights, and her leadership.

Mr. Speaker, I am happy to turn to the gentleman from Washington (Mr. INSLEE), who has represented several congressional districts. He has distinguished himself with the wilderness and with energy and with thinking about how these pieces fit together for the future. I am honored to yield to him this evening.

Mr. INSLEE. Mr. Speaker, I appreciate the opportunity to join this effort on Earth Day. I have two messages, one inspirational and one that desires, frankly, a good fight. Let me start with the inspirational message. I want to tell my colleague about a friend of mine, a Dennis Hayes, who as a young man the first Earth Day stood up and said, I am going to become personally committed to the environment of the globe. And he became, actually, the manager of the organization that conducted the first Earth Day. And Dennis Hayes is still fired with the vigor of dealing with these multiple environmental challenges, and he is working

in Seattle now for the Bullet Foundation, which helps promote many great ideas and environmental agendas.

I hope other people who are of his youth become inspired on multiple environmental challenges now, politically and otherwise, and stay working as long as Dennis has, who is still working on solar cell technology and a host of other efforts to deal with our energy.

I appreciate this opportunity. We will have other opportunities next week to continue this discussion.

Mr. SCHIFF. Mr. Speaker, distinguished colleagues, the 34th annual Earth Day is a time to reflect on our stewardship of the environment: where we have been, and where we are going. We should use this opportunity to rethink our current direction. America's status-quo energy policy is untenable. Our dependence on fossil fuels is polluting our air and water, overheating our planet, and tying up our foreign policy. Yet a sustainable, energy-efficient future lies before us—if we are willing to reach for its.

The consequences of fossil fuel use are everywhere. The Environmental Protection Agency determined that almost 500 counties across the country suffer from unhealthy levels of smog that must be reduced. Gas prices have hit record highs, which bites into the cost of living for ordinary Americans and threatens economic growth. Our dependence on oil limits our foreign policy and makes us rely on other nations for survival. And behind it all looms global warming.

The biggest lost opportunity of the current Administration has been the failure to set a goal for this country of halving our dependence on fossil fuels in the next decade. I believe in the American entrepreneur and our ability to develop technologies that will dramatically reduce our dependence on fossil fuels. Many of those technologies already exist. Many are on our roads. But they must be nurtured if they are to develop further.

The first step is to encourage the use of hybrid gas-electric cars. These cars have double the gas mileage of standard cars and dramatically lower emissions. Moreover, unlike other clean car technologies, they are also available now in meaningful numbers. With a small encouragement, we can bring about the widespread adoption of this exciting new technology.

Hybrids are only the first step. We should draw on our technological prowess to solve our energy challenges with renewable sources of energy that reduce pollution, such as solar, geothermal, biomass, landfill gas, and fusion. I have great confidence in America's technological know-how in solving these challenges; our national public policy should aim to create research and development incentives for the public sector to partner with the private sector in bringing promising technologies to market. As a nation, we must reduce pollution and help leave a sustainable energy future for our children.

Together, we can turn our country away from its current unhealthy practices and toward a cleaner, more sustainable tomorrow. It will not be easy, but it must be done.

Mr. HOLT. Mr. Speaker, on this Earth Day, I think it is vital to point out the increasing need for this country and this Congress to put together a sensible, rational energy policy that lowers our dependence on fossil fuels and continues to stimulate our economy.

Developing such a policy is not simply about protecting our environment. From a national security standpoint, our dependence on oil, especially in the transportation sector, is a continuing danger. You can look under every rock and drill in every inch of wilderness and coastline we have, and we will simply never be able to meet our current level of consumption. The sobering fact is that the Middle East contains a tremendous share of the world's oil supply—and the more we remain dependent on their oil, the more we expose ourselves and the world to violence and terrorism.

From a public health standpoint, we can no longer rely so heavily on those energy sources that are poisoning us. Coal is cheap and abundant in the U.S.—but its emissions, including mercury and sulfur dioxide, cause thousands of premature deaths and diseases like emphysema and asthma every year. These are the very human costs that we must consider when we think about where we are getting our energy.

Of course, the environmental impact of our dangerous addiction to fossil fuels is well known. Even as our cars get cleaner, their combined carbon dioxide emissions, along with those from power plants and other sources, are largely to blame for global warming. The emissions from burning coal foul the air, creating smog and acid rain, while mercury falls to the ground and pollutes our waterways.

Equally troubling is the way we extract fossil fuels—to get coal, we rip off the tops of mountains and dump them into nearby streams; to get oil and natural gas, we drill extensively, often risking spillage. The oil and gas industries seem to have an insatiable appetite for opening and exploiting our most precious lands and our coastlines—yet even they must realize that we cannot drill our way to a better energy future.

Mr. Speaker, the legislation we passed in this House last year was not an energy policy. It was a grab bag of goodies for special interests. The bill reads as if every sector of the energy industry simply submitted their wish lists, translated nicely into legislative language—much like the development of the recommendations of the Vice President's Energy Task Force.

What we really need is a rational energy policy that puts us on the road to a more secure energy future. We should invest in research into renewable and sustainable sources and energy efficiency. We should set intelligent goals for the future: ten, twenty, fifty years in the future, how much energy should we be producing from each source? How much should we be consuming in each sector—transportation, residential, industrial? How can we protect our environment and our health while meeting the energy needs of a growing economy? We should also get our hands around the growing demand across the country for gas for our cars, electricity for our lights and computers, and natural gas for our heat—and find out how to be efficient as possible with all of that consumption.

I would like to lay out a challenge to all of my colleagues. Let's reject the stalled energy legislation. Let's move beyond the politics of squeezing every last bit of oil, gas, and coal out of this country and work on policies that envision a sustainable, secure energy future. A future where more of our energy needs are met by those sustainable sources like wind fusion, the sun, and biomass. A future where Americans don't have to sacrifice their own health just to keep using their air conditioners. A future where cartels like OPEC no longer hold us captive to the volatile world oil market and our energy needs no longer imperil national security. A future where protecting our environment and meeting our energy needs go hand in hand.

To do so will take patience, research, and some innovative thinking. I plan to do all of these in the coming months and years, and I hope my colleagues will join with me.

Mr. OBEY. Mr. Speaker, Earth Day is a great day to call attention to the many environmental and public health challenges that face everyone on the planet. It is also a great opportunity to reflect on the history of the Earth Day movement and to pay tribute to one of recent history's great statesmen and founding father of the movement, our former Senator from Wisconsin, Gaylord Nelson.

Today, people all around the nation are celebrating Earth Day. Local communities have organized events to, once again, bring to the public eye the importance of working together to improve our quality of life and to protect our natural heritage.

However, without the leadership of a passionate public servant from Wisconsin, we would no be breathing air as clean. We would not be swimming in lakes, rivers and streams as safe. We would not be enjoying the beauty of public lands as special as those we were able to protect under laws he championed. We would not be holding Earth Day celebrations each year on April 22nd.

Earth Day was ''born'' in September, 1969. Senator Gaylord Nelson was invited to give a speech at a conference held at the Seattle Science Center. In his speech, he suggested that, just as Americans had been involved in ''teach-ins'' to protest the Vietnam war, the country should also set aside a day to call attention to the environmental problems facing our planet and to demand that Congress address those important issues. He expressed his firm belief that the American people needed to put their leaders ''on notice,'' and he encouraged folks everywhere to explain to their elected officials that they were tired of empty promises. It was time for real action on the environment.

At that same conference, he suggested that in the spring of 1970, there should be a nation-wide grassroots demonstration on behalf of the environment, and he encouraged the listening public to participate. Wire services carried the story from coast to coast, and as history showed, the response was overwhelmingly positive.

Within hours of that Seattle speech, telegrams, letters and telephone inquiries from across the country poured into his Senate office. His phones in the Capitol were literally ringing off the hook, as people called in to say that they wanted to organize Earth Day celebrations in their own communities. It was obvious that Senator Nelson had struck a chord, and that this was an idea whose time had come. Over the next four months, the calls and letters increased in number until his Senate staff was overwhelmed by the response. At that point, he decided to hire several talented students to help organize and respond to peoples' calls to action.

Senator Nelson himself has said that no one individual or group had either the time or the resources to organize and coordinate all of the activities of the 20 million people and thousands of schools, community groups and others who made the first Earth Day such a success. Instead, he credits the many dedicated people in communities across the country, that were sparked to organize at the local level in response by his speech, and send a loud and clear wake-up call to their elected officials on the issue of environmental health. While his speech had resonated with Americans everywhere, and was clearly a catalyst for change, he insists that no single individual was responsible for organizing the first Earth Day. Rather, Earth Day 1970 literally organized itself. It is, to this day, a stellar example of how individuals can make a difference and literally change history.

In April 1970, twenty million people spoke out for the environmental health of the planet—rich people and poor people, young and old, farmers and city dwellers, Republicans and Democrats—stood together for the planet. A week-long series of Earth Day events in Philadelphia drew over 30,000 people to Independence Mall on April 21, 1970 and an estimated 75,000 people to Fairmount Park on Earth Day itself, April 22. People came in droves to listen to the keynote speaker and author of the landmark 1970 Clean Air Act, Senator Edmund Muskie.

Following that initial activism, thousands more attended events at every college in that region during that week. The organizers of those events accomplished this without having any contact with Senator Nelson, his staff, or any other national coordinating body. Like ripples in a pond, thousands of people in other communities across the country organized their own local Earth Day events in 1970 until the movement was 20 million strong. Today, local, ad hoc Earth Day groups continue to organize their own events on April 22, focusing on the local, regional, national or global issues that matter most to them. That was and continues to be the strength and power of Earth Day.

As Senator Nelson is fond of pointing out, it is the activist students and folks in communities across the country, and their actions as a group rather than those of any one individual, who ensured the environment finally took its place as a priority issue on the national political agenda. They made possible the dramatic environmental gains of the past 34 years. We are all in debt to that generation of young people—grade school, high school, and college—who supplied the energy, enthusiasm, and idealism that made Earth Day such a spectacular success. Earth Day was and is a pluralistic event in which every individual and every group that wants to be involved is able to do so, and claim ''ownership'' of the day.

Twenty years later, Earth Day has gone global and more than 200 million people from 141 countries participated in the last celebration. However, the millions who rallied on that first Earth Day are what gave Senator Nelson's simple idea its power. And in 1995, while celebrating the 25th anniversary of Earth Day, President Bill Clinton appropriately honored Senator Nelson's timely contribution to the movement by presenting him with the Medal of Freedom.

We can all be proud and grateful for the contribution of one of Wisconsin's great statesmen, the thoughtful and provocative founding father of Earth Day, Senator Gaylord Nelson.

Mr. MORAN. Mr. Speaker, with today's celebration of Earth Day marked locally by public anxiety over lead contamination in our area drinking water, I thought it fitting to commemorate the life of Clair Patterson, a scientist who worked singlehandedly to reduce our exposure to lead and, in the process, save millions of lives.

As a scientist specializing in the environment, Clair Patterson's pioneering work stretched across an unusual number of subdisciplines, including archaeology, meteorology, oceanography, chemistry and geology. Despite these many areas of expertise, he is best known for determining the age of the Earth.

The son of a postal worker, Clair Patterson began a lifelong attraction to chemistry that began at an early age and ultimately led to a thesis in molecular spectroscopy. Besides working on the Manhattan Project, he continued his dissertation in 1951 and analyzed lead samples that gave lead isotopic compositions for minerals separated from a billion-year-old sample of Precambrian granite.

Prompted by a visit to the U.S. Geological Survey in Washington DC, Mr. Clair Patterson began research that opened up a new field of dating for geologists. This led to hundreds of age determinations based on his methods and techniques and affirmed his predictions on the most accurate age of the planet.

In 1962, he and other scientists observed that the lead concentration in the deeper parts of the Pacific Ocean were 3 to 10 times less than surface water. These observations provided new evidence that human industrial activity had disturbed the natural geochemical cycle for lead and raised concentrations levels.

He could have stopped there and returned to his scientific and academic pursuits. He did not and for that we should all be grateful. He deserves recognition today for taking a different path. A path that invited controversy, derision from many of his peers and even threats from industries he challenged. When he found that the lead concentration in the blood of many Americans was over 100 times that of the natural level, and dangerously close to the accepted limit for symptoms of lead poisoning to occur, he began to track down the sources of lead contamination and take on the industries responsible for polluting the environment with lead and challenged governments, Federal, State and local to limit our exposure.

He wrote to California Governor Pat Brown emphasizing the dangerously high levels of lead in aerosols, particularly in the Los Angeles area. In it he claimed that the California Department of Public Health was not doing all it should to protect the population from the dangers of lead poisoning. By 1966, Governor Brown signed a bill directing the State Department of Public Health to hold hearings and to establish air quality standards for California by February 1, 1967. Although that deadline was not met, Patterson clearly played a role in advancing concern over California air control standards.

He testified before the Senate Subcommittee on Air and Water Pollution in 1966. Patterson believed it was wrong for public health agencies to work so closely with lead industries, whom he considered often biased in matters concerning public health.

By 1970, Patterson and his colleagues had completed studies of snow strata from Greenland and Antarctica that showed clearly the increase in atmospheric lead began with the industrial revolution. Modern Greenland snow contained over 100 times the amount of lead in pre-industrial snow, with most of the increase occurring over the last 100 years.

In 1971, he criticized a National Research Council report on the Environmental Protection Agency's policies on lead pollution as not being forceful enough in interpreting its data and being too heavily weighted toward industrial scientists. Although Patterson's work was initially ignored, by December 1973 the EPA announced a program to reduce lead in gasoline by 60–65 percent in phased steps. Thus was the beginning of the removal of lead from gasoline.

In the late 1970s Patterson turned his attention to lead in food. He wrote to the commissioner of food and drugs at the Environmental Protection Agency asserting that his headquarters laboratory could not correctly analyze for lead in tuna fish and called for more accurate analysis. Patterson made several recommendations for improvements that were taken seriously and prompted EPA to conduct better lead analyses.

In 1980, Patterson and a fellow researcher Dorothy M. Settle published a warning on the amount of lead entering the food chain due to lead solder used in sealing cans. By 1993 lead solder was removed from all food containers in the United States. Patterson's influence is again clearly evident.

Patterson was appointed in 1978 to a 12 member National Research Council panel to evaluate the state of knowledge about environmental issues related to lead poisoning. The panel report cite the need to reduce lead hazards for urban children (a finding that demands renewed attention following the Washington area's lead scare) and called for further research on the relationship between lead ingestion and intellectual ability.

In short, Patterson argued that the dangers of lead were already clear enough and that efforts should start immediately to drastically reduce or completely remove industrial lead from the everyday environment. That included gasoline, food containers, foils, paint, and glazes. He also cited water distribution systems and urged investigations into biochemical effects of lead at the cellular level.

As we reflect on Patterson's lifelong commitment to environmental health, we must listen to today's unsung heroes who are calling for more vigilant protection of public health and an end to the assault on our Nation's environmental laws that jeopardize the health of our children and grandchildren.

In a world increasingly marked by technological and scientific innovation, Clair Patterson's lifelong efforts demand renewed attention. On this Earth Day, as we see so many of our country's environmental laws being rolled back, let us honor Clair Patterson's lifelong commitment to finding that balance between modern technology and preserving the environmental and human health. We have a collective responsibility to preserve our natural surroundings for generations to come.

Mr. KIND. Mr. Speaker, I rise today in commemoration of the 34th anniversary of Earth Day. Started in 1970 by Wisconsin's own Senator Gaylord Nelson, this annual celebration

marks the birth of the modern environmental movement.

For much of the 20th century, people accepted pollution as the inevitable price of progress. That began to change in the early 1960s. In 1970, when Senator Nelson saw that few U.S. leaders were paying attention to public concern about the environment, he announced a series of teach-ins across the country to be held on April 22. That year, 20 million people participated in the first Earth Day.

Soon after, the Congress passed and President Nixon signed a series of unprecedented laws creating the Environmental Protection Agency, establishing national limits for air and water pollutants, and requiring environmental impact assessments before federally funded projects could begin.

Sadly, the current administration seems to be doing all it can to reverse decades of bipartisan progress on the environment at the behest of large special interests. Landmark legislation that has successfully protected the public health such as the Clean Air Act, Clean Water Act, and the Safe Drinking Water Act are under assault.

It would appear that Senator Nelson's visionary efforts to build a grassroots movement to demonstrate the public's insistence on a clean and healthy environment for themselves and future generations, is needed as much today as it was 34 years ago.

And, in fact, Earth Day continues to be an event that unites people concerned about their environment, and who strive to protect it for our children's future. Last year, hundreds of millions of people in more than 180 countries around the world came together to celebrate the progress that has been made over the past 33 years.

Today, the vast majority of Americans do not believe that pollution is a necessary price for our progress, and want clean air, clean water and pristine public lands for their children. People want their government to improve, rather than undermine our country's public health and environmental protections. Instead of taking steps backwards, I urge the President to engage in the bipartisan work needed to build on a positive environmental agenda that Senator Gaylord Nelson envisioned when he started Earth Day.

Mrs. KELLY. Mr. Speaker, I rise today, Earth Day, to discuss the critical importance of investing in America's clean water infrastructure. As we begin the 21st century, investment in water infrastructure stands as one of the most important economic and environmental investments our government will make.

Since 1972, our Nation has made important progress in improving the water quality of lakes, rivers and harbors across the land. However, we are at an important crossroad in the effort to make our Nation's waters fishable and swimmable. Recent studies by EPA, GAO and the Water Infrastructure Network all point to a water infrastructure funding crisis. According to EPA's Clean Water and Drinking Water Gap Analysis, America is facing a $535 billion funding shortfall for water infrastructure over the next two decades. This analysis comes at a time when the Federal Government is committing less than $2 billion dollars a year to water and wastewater infrastructure.

The most significant improvements in water quality have resulted from our investments in wastewater treatment—if we fail to replace and upgrade existing wastewater treatment facilities we could see the progress of the past 30 years reversed. As we enter the summer months, over 30 million fisherman will head to their favorite fishing holes, millions more Americans will head to beaches and lakes for a refreshing swim. These simple summer pleasures share one common element—clean water.

Investing in clean water infrastructure also makes eminent economic sense. According to the American Public Works Association, over 40,000 jobs are created for every billion dollars that is invested in wastewater infrastructure construction.

As we reflect on the importance of clean water to our quality of life, I believe it is time to consider providing water infrastructure with the same funding priority we assign to highways and airports. Congress must begin considering long-term, dedicated funding for our Nation's water infrastructure.

Mr. BOEHLERT. Mr. Speaker, as we celebrate Earth Day, it is important to reflect upon our environmental accomplishments and plan for the environmental challenges ahead. For over three decades investments in clean water infrastructure, wastewater treatment facilities, have been the linchpin of water quality improvements in lakes, rivers and bays. Today, over 30 million Americans enjoy fishing in waters that have been improved through wastewater treatment investments.

Unfortunately, the future of clean water has become increasingly murky. According to analysis conducted by the Environmental Protection Agency and confirmed in studies by the Water Infrastructure Network and the Government Accounting Office, America is facing a water and wastewater infrastructure funding gap that will exceed $500 billion over the next 20 years. This infrastructure funding crisis, if not addressed, will have devastating economic and environmental consequences for our Nation.

Historically, Congress has developed legislation providing long-term, dedicated sources of funding for massive infrastructure investment priorities. Our Nation's highway and aviation infrastructure needs are funded primarily through dedicated trust funds. I believe it is time to begin a constructive dialogue between State, local and Federal officials on how our Nation is going to ensure that needed investments in clean water infrastructure are going to be made in the future.

Ms. McCARTHY of Missouri. Mr. Speaker, as we celebrate the 34th anniversary of Earth Day, I rise to recognize the ongoing struggle to preserve and protect our environment for future generations. We have made significant progress since the first Earth Day in 1970, but recent funding cuts and policy changes are now jeopardizing vital environmental programs such as the Clean Water Act and the Clean Air Act. The Natural Resources Defense Council, a national organization that advocates environmental action, recently released a report, ''Rewriting the Rules,'' which documents more than 150 assaults on our environmental safeguards between January 2003 and March 2004. Of particular concern is the rollback of environmental regulations that keep sewage out of our waterways and drinking water, protect our public lands, and limit mercury pollution in our air. As the principal sponsor of Missouri's Clean Air and Air Emissions Standards Acts during my tenure in the state legislature and as Chairwoman of the Missouri Commission on Global Climate Change and Ozone Depletion, I am alarmed and concerned by these weakened standards. Earth Day was created in 1970 as a call to action after drastic environmental events such as the chemical emergency at Love Canal and the ''death'' of Lake Erie. This massive environmental protest drew attention to environmental problems plaguing communities across our country. Today, we must continue that commitment to preserve our planet not only on our continent, but around the world. As we honor the 34th anniversary of Earth Day, we acknowledge the achievements of some of our most conscientious global environmental leaders. On April 19, the Sierra Club awarded the 15th annual Goldman Environmental Prize to several grassroots activists who have worked to make our world a better place to live.

These seven leaders, Rudolf Amenga-Etego of Ghana, Rashida Bee and Chama Devi Shukla of India, Manana Kochladze of Georgia, Demetrio Do Amaral de Carvalho of East Timor, Margie Eugene-Richard of the U.S., and Libia Grueson of Colombia, have made significant contributions to their communities: providing safe drinking water for the people, seeking justice for world disaster survivors, blocking the construction of environmentally damaging oil pipelines, leading reforestation and watershed management programs, fighting pollution and protecting rainforests. Yet as these global activists serve their communities and work to better their environment, here in the United States we are rolling back much of the progress our own leaders have made. We must reverse this direction and restore our commitment to the environment, to breathable air and drinkable water, and to preservation of wildlife and our quality of life.

On the first Earth Day in 1970, I joined more than 20 million Americans in demonstrating for a healthy, sustainable environment. I have worked at the state and federal levels for landmark legislation such as the Clean Water Act, the Clean Air Act, the Endangered Species Act, Global Climate Change and the establishment of the Environmental Protection Agency, among other legislative initiatives.

This Saturday, I join members of my community in celebrating our local progress at the Eighth Annual Bridging the Gap Earth Day Walk. Kansas City has developed a plan to restore and maintain our natural resources for current and future generations. I worked with the city to assure biodiesel as an alternative source of energy for our buses in order to maintain our air quality for the health of our citizens.

There is much more we must do to ensure the protection of our environment. We must strengthen, not weaken, regulations that protect our natural resources. We must provide necessary funding for programs that ensure the quality of the air we breathe and the water we drink. On this 34th anniversary of Earth Day, we must pledge to continue our commitment to protecting and preserving our environment.

Mr. Speaker, please join me in recognizing this important anniversary of Earth Day and saluting organizations like the Sierra Club that act globally to honor those who work for sustaining our planet.

Ms. LEE. Mr. Speaker, I rise today, on Earth Day, to speak out in support of policies that protect our planet, promote energy security,

and preserve human health. Unfortunately, in its 3 years in office, the Bush administration has launched an all-out assault on our environment in all three of these areas.

Bush policies have weakened protections on air, water, and public lands, and these assaults pose a direct threat to public health now and in the future. The actions we take now to protect these vital resources and to reinvent our approach to energy will have enormous consequences for future generations. Global warming, perhaps the most catastrophic and far-reaching consequence of our current practices, will not wait; our efforts to tackle these problems can't wait either.

We need to begin by preserving existing protections, from maintaining the well being of the Arctic National Wildlife Refuge by continuing to ban drilling in this precious wilderness to maintaining the well being of our children by halting the disastrous Bush administration rollbacks of our clean air and water regulations.

Our next step must be enforcement of existing laws and regulations. The Republican budget cuts environmental programs by $39 billion. At those levels, we cannot enforce existing public health safeguards. To make matters worse, the administration has abandoned the ''polluter pays'' principle: taxpayers, not the polluters themselves, will now be responsible for the costs of cleaning up toxic Superfund sites. And one in every four people in this country live within 4 miles of a major toxic waste site on the Superfund list.

For people of color, these numbers are even worse and so are the consequences. Life expectancy itself is an environmental justice issue. In this country, life expectancy projections are shaped as much by race as by gender. These disparities follow a cradle to grave cycle: beginning with infant mortality, continuing with workplace hazards and increased exposure to pollution, and ending with disparate access to healthcare, diagnoses, and medical treatment.

We see these forces clearly in diseases that strike most deeply into our cities and affect children most severely. Asthma rates among the urban poor are reaching alarming proportions. Death rates from asthma, and a host of other treatable diseases, are significantly higher among African Americans than any other ethnic group. Asthma rates in Oakland, in my district, are among the highest in the country. Children in West Oakland are seven times more likely to be hospitalized for asthma than children in the rest of California.

On Earth Day, it is important that we recognize just what is at stake here: our air, our water, our lands, and our children's health. We need to stop the Bush administration's assault on existing protections, and we need to invest in new solutions, especially in the energy arena, that will increase our own security as well as protect the environment around us.

Ms. SLAUGHTER. Mr. Speaker, I rise today as the world recognizes Earth Day, to express my strong concern with a recent proposal by the administration to weaken standards on mercury emissions from power plants.

This administration seems to have forgotten that Earth Day is our special day to look at the planet and see what needs changing. We should be moving forward with environmental policy, as we have done for nearly 35 years. Unfortunately, I fear that this administration is set on reversing these decades of progress.

My constituents and other Americans are being shortchanged by attempts to weaken clean water and clean air standards, particularly the mercury proposal. As co-chair of the Congressional Caucus on Women's Issues, I am very concerned that women and children, the groups who are at most risk from mercury exposure, are hurt by this proposal. A recent analysis by the EPA indicates that 1 in 6 women of childbearing age have levels of mercury in their blood at unsafe levels; 1 in 12 women of childbearing age has enough mercury in her system to pose a potential threat to fetal health. This contamination results in more than 600,000 newborns at risk of neurological problems due to mercury exposure.

We need to take immediate action to reduce women and children's exposure to mercury. Under the Clean Air Act, toxic substances like mercury must be controlled at each and every power plant by using the maximum achievable control technologies. Two years ago, EPA estimated that under this standard, existing technologies could reduce 90 percent of mercury pollution from power plants, bringing mercury emissions down to roughly 5 tons per year by 2008.

Unfortunately, EPA's proposed mercury standards are not protective of public health. The emission limits proposed are 10–20 times higher than what some plants achieve today. In the end, EPA's proposal allows power plants to emit six to seven times more mercury into our airways for a decade longer compared what EPA has said is achievable. I call on the administration to significantly strengthen this approach so that as much mercury as possible is removed from the emissions of each and every power plant.

It is sad that this administration has absolutely no environmental accomplishments on its record. The administration has repeatedly ignored the dangers that environmental toxins like mercury pose to women and children, and instead bends over backwards to cater to their friends in polluting industries. We cannot continue to play politics with human health, the environment and our children's futures.

Mr. DINGELL. Mr. Speaker, as you know, Earth Day marks a day of reflection for the American public, an opportunity to evaluate our progress in the fight to protect our environment. This past year we have seen the Bush administration's blatant disregard for the environment. Each one of us has the responsibility to stand up for environmental protection irrespective of the wishes of special interests. However, my Republican colleagues have failed to keep our Nation's commitment to a healthy and secure environment.

I have been here for a long time. I am proud of the role I played in many of our cornerstone environmental laws. In the 1970s, we recognized that we owe it to future generations to protect the environment, the laws we passed were not revolutionary, they were common sense. These laws were passed on an overwhelmingly bipartisan basis. One could even say that these environmental laws were so important that they were, in fact, nonpartisan.

Sadly, the tide has turned.

The Bush administration has shown, over and again, that they care more about their corporate buddies than the health and well-being of the American public. This has resulted in the weakening of some of our most fundamental environmental protections, including the Clean Water Act and the National Environmental Policy Act. Producing profits for their fat cat friends has given rise to plans to open protected lands for oil and gas drilling. Commercial logging companies have been invited into our national forests and attempts to dredge and fill our wetlands. Mr. Speaker, this administration does not recognize that we can have, and we have had, both economic booms and environmental protection. The two are not mutually exclusive.

One item on this extreme, anti-environment agenda is altering our current Superfund program. My colleagues on the other side of the aisle have abandoned the ''polluter pays'' principle and have instead turned to the taxpayer to ''pay the polluter'' and shoulder the cost of toxic waste cleanups. In 1995, the Clinton administration paid for 82 percent of toxic waste clean-ups from the Superfund Trust Fund, funded by polluter-paid fees. The current administration, on the other hand, has emptied this fund and are handing the bill to the American taxpayer. Furthermore, the swiftness of cleanups has declined 45 percent from the average of 87 sites per year during President Clinton's second term to a mere 40 sites in 2003. Polluters need to be held responsible, which is why ''polluter pays'' should be restored.

Furthermore, my Republican colleagues have undermined the safeguards put in place by the Clean Water Act. President Bush's guidance to federal agencies has left 20 million acres of wetlands and countless miles of streams unprotected. What's more, the administration is proposing to slash states' Clean Water revolving loan funds by $492 million in 2005. Mr. Speaker, the Clean Water Act protects all waters of the United States, a fact this administration fails to see. Today, as a result of the Clean Water Act, our lakes, rivers, and streams are in considerably better condition than they were 30 years ago. But that progress can easily be lost. We cannot let these unprincipled rascals in the White House continue to roll back the Clean Water Act.

An additional assault on our environmental laws appears in President Bush's forest policy. I am particularly concerned that President Bush's plan calls for overriding and ignoring many environmental rules, resulting in the stifling of public input and the reliance on private industry to do work on local forests. This outlandish plan attempts to justify destroying forests in the name of saving them. The roadless rule has opened pristine forests, such as the Tongass National Forest, to logging projects, threatening one of America's few remaining temperate rain forests. As the author of the National Environmental Policy Act, I believe the Federal Government must weigh the environmental consequences of an action before it is undertaken. This is a common sense law that needs to be enforced, not rolled back.

When I first arrived in Congress, the United States had virtually no environmental protection statutes on the books. Businesses, governments and individuals could spew into the air, pump into the water, or dump onto the ground virtually anything—with impunity. Our Government has made strong environmental gains during the past generation and the current administration is a threat to that progress. Ultimately, it must be our goal as a nation to create and maintain a vibrant, thriving and healthy ecosystem.

Mr. Speaker, we borrow the Earth from future generations, and we owe it to these future

inhabitants to protect it to the best of our ability. We have serious environmental problems, but unfortunately, the Bush administration is making matters worse, not better.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to show strong support for Earth Day. It is a great opportunity to encourage citizens to be conscious and take action regarding their responsibility towards environmental protection.

The first Earth Day was held in 1970 as an annual event to honor our planet and our responsibility for it. Earth Day's purpose is to educate our citizens of the importance of conserving the environment and to encourage them to restore their local community, improving quality of life and human health for all.

The natural resources of Earth are the essential components of our environment and the development of life; therefore our dedication to its conservation is very important for sustaining future generations. Currently, Puerto Rico, as well as the rest of the world, is facing many environmental challenges due primarily to human development and environmental pollution. Essential resources such as water, air, soil and biodiversity are threatened by human activity. The existing population of Puerto Rico is almost 4 million people and this overpopulation results in limited available resources to support its residents. Water scarcity and contamination, air pollution and climate change, the destruction of natural habitats for construction, erosion causing water shortage, and the endangerment of many species are among the main problems that our environment is facing.

Pure water is essential for all life on Earth and provides habitat to many organisms. The human race is putting in serious danger this vital resource by the energy production, interruption of water flows, deforestation, and the wasting of water by those who overuse this resource. Air is an essential resource for life as well. Its pollution comes primarily from coal burning power plants, automobiles, and industrial operations. These activities affect not only human health but also the atmosphere that protects us from the sun's radiation. Human activities also destroy biodiversity through contamination, deforestation and destruction of natural habitats for construction and other developments. As humans, we are totally dependent on nature for survival and, instead of conserving, our actions negatively impact nature.

In Puerto Rico, we are faced with immediate challenges in areas like Vieques, Culebra and Roosevelt Roads, where contamination threatens the health and well being of thousands of residents, water quality, and sustainable economic development. Residents of these regions deserve full and prompt clean up and decontamination of their lands. Another challenge for the Island is the protection and recovery of endangered species population. Endemic species' population such as the golden coquí (Eleutherodactylus jasperi), the Puerto Rican boa (Epricates inornatus), and the Puerto Rican parrot (Amazona vittata) that lives primarily at the Caribbean National Forest, El Yunque, have been significantly reduced due to encroachments of their habitats. The West Indian manatee (Trichechus manatus) and the green sea turtle (Chelonia mydas) are other examples of endangered species as a result of marine contamination on coastal areas due to human development.

In order to protect some of the natural environment of Puerto Rico, I have introduced legislation designating approximately 10,000 acres of land in the Caribbean National Forest in Puerto Rico as the El Toro Wilderness and as a component of the National Wilderness Preservation System. Through this legislation, the habitats within the El Toro Wilderness will be protected, as well as the forest's magnificent biodiversity.

It is necessary to educate our citizens about the importance of environmental conservation and conservation practices to maintain the natural resources of Puerto Rico and the rest of the world for future generations. This can be better accomplished by providing information through schools, communication media, conservation programs, and volunteer or special activities. Earth Day is a perfect moment to put in practice these goals by instructing and encouraging citizens to contribute to environmental conservation. As responsible and dedicated citizens to the conservation of our environment, Earth Day should become an every day priority to ensure and increase the quality of life and human health. Earth Day is not only one day; it is every day because every day is a good time to consider our environment, and take action to protect the nature that surrounds us.

## GENERAL LEAVE

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

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

There was no objection.

## THE REAL LESSONS OF 9/11

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

Mr. PAUL. Mr. Speaker, we are constantly admonished to remember the lessons of 9/11. Of course, the real issue is not remembering, but rather knowing what the pertinent lesson of that sad day is. The 9/11 Commission will soon release its report after months of fanfare by those whose reputations are at stake.

The many hours and dollars spent on the investigation may well reveal little we do not already know, while ignoring the most important lessons that should be learned from this egregious attack on our homeland. Common sense already tells us the tens of billions of dollars spent by the agencies of government whose job it is to promote security and intelligence for our country failed.

A full-fledged investigation into the bureaucracy may help us in the future, but one should never pretend that a government bureaucracy can be made efficient. It is the very nature of a bureaucracy to be inefficient. Spending an inordinate amount of time finger-pointing will distract from the real lessons of 9/11. Which agency, which department, or which individual receives the most blame should not be the main purpose of the investigation.

Despite the seriousness of our failure to prevent the attacks, it is disturbing to see how politicized the whole investigation has become. Which political party receives the greatest blame is a high-stakes election-year event and distracts from the real lessons ignored by both sides.

Everyone I have heard speak on the issue has assumed that the 9/11 attacks resulted from the lack of government action. No one in Washington has raised the question of whether our shortcomings brought to light by 9/11 could have been a result of too much government. Possibly in the final report we will hear this discussed, but, to date, no one has questioned the assumption that we need more government and, of course, though elusive, a more efficient one. The failure to understand the nature of the enemy who attacked us on 9/11, along with a predetermined decision to initiate a preemptive war against Iraq, prompted our government to deceive the people into believing that Saddam Hussein had something to do with the attacks on New York and Washington.

The majority of the American people still contend that the war against Iraq was justified because of the events of 9/11. These misinterpretations have led to many U.S. military deaths and casualties prompting a growing number of Americans to question the wisdom of our presence and purpose in a strange, foreign land 6,000 miles from our shores.

The neocon defenders of our policy in Iraq speak of the benefits that we have brought to the Iraqi people: removal of a violent dictator, liberation, democracy and prosperity. That the world is a safer place is yet to be proven. So far it is just not so.

If all of this were true, the resistance against our occupation would not be growing. We ought to admit we have not been welcomed as liberators as was promised by the proponents of the war. Though we hear much about the so-called benefits we have delivered to the Iraqi people and the Middle East, we hear little talk of the cost to the American people: lives lost, soldiers maimed for life, uncounted thousands sent home with diseased bodies and minds, billions of dollars consumed, and a major cloud placed over U.S. markets and the economy.

Sharp political divisions reminiscent of the 1960s are rising at home. Failing to understand why 9/11 happened and looking for a bureaucratic screw-up to explain the whole thing, while using the event to start an unprovoked war unrelated to 9/11, have dramatically compounded the problems all Americans and the world face.

Evidence has shown that there was no connection between Saddam Hussein and the guerrilla attacks on New

York and Washington. And since no weapons of mass destruction were found, other reasons are given for invading Iraq.

□ 1830

The real reasons are either denied or ignored: oil, neoconservative, empire building and our support for Israel over the Palestinians.

The proponents of the Iraqi war do not hesitate to impugn the character of those who point out the shortcomings of current policy, calling them unpatriotic and appeasers of terrorism. It is said that they are responsible for the growing armed resistance and for the killing of American soldiers. It is conveniently ignored that if the opponents of the current policy had had their way, not one single American would have died, nor would tens of thousands of Iraqi civilians have suffered the same fate. Al Qaeda and many new militant groups would not be enjoying a rapid growth in their ranks.

By denying that our sanctions and bombs brought havoc to Iraq, it is easy to play the patriot card and find a scapegoat to blame. We are never at fault and never responsible for bad outcomes of what many believe is, albeit well-intentioned, interference in the affairs of others 6,000 miles from our shores. Pursuing our policy has boiled down to testing our resolve.

It is said by many who did not even want to go to war that now we have no choice but to stay the course. They argue that it is a noble gesture to be courageous and continue no matter how difficult the task. But that should not be the issue. It is not a question of resolve, but rather a question of wise policy. If the policy is flawed, and the world and our people are less safe for it, unshakable resolve is the opposite of what we need.

Staying the course only makes sense when the difficult tasks are designed to protect our country and to thwart those who pose a direct threat to us. Wilsonian idealism of self-sacrifice to make the world safe for democracy should never be an excuse to wage preemptive war, especially since it almost never produces the desired results. There are always too many unintended consequences.

In our effort to change the political structure of Iraq, we continue alliances with dictators and even develop new ones with countries that are anything but democracies. We have a close alliance with Pakistan, Saudi Arabia, and many other Arab dictatorships, and a new one with Qadhafi of Libya. This should raise questions about the credibility of our commitment to promoting democracy in Iraq, which even our own governments would not tolerate. Show me one neocon that would accept a national election that would put the radical Shiites in charge. As Secretary Rumsfeld said, it is not going to happen.

These same people are condemning the recent democratic decisions made in Spain. We should remember that since World War II, in 35 U.S. attempts to promote democracy around the world, none have succeeded. Proponents of war too often fail to contemplate the unintended consequences of an aggressive foreign policy. So far, the antiwar forces have not been surprised with the chaos that has now become Iraq's, or Iran's participation, but even they cannot know all the long-term shortcomings of such a policy.

In an eagerness to march on Baghdad, the neocons gloated, and I heard them, of the shock and awe that was about to hit the Iraqi people. It turns out that the real shock and awe is that we are further from peace in Iraq than we were a year ago. And Secretary Rumsfeld admits his own surprise.

The only policy now offered is to escalate the war and avenge the death of American soldiers. If they kill 10 of our troops, we will kill 100 of theirs. Up until now, announcing the number of Iraqi deaths has purposely been avoided, but the new policy proclaims our success by announcing the number of Iraqis killed. But the more we kill, the greater becomes the incitement of the radical Islamic militant.

The harder we try to impose our will on them, the greater the resistance becomes. Amazingly, our occupation has done what was at one time thought to be impossible. It has united the Sunnis and the Shiites against our presence. Although this is probably temporary, it is real and has deepened our problems in securing Iraq. The results are escalations of the conflict and the requirements for more troops. This acceleration of the killing is called pacification, a bit of 1984 newspeak.

The removing of Saddam Hussein has created a stark irony. The willingness and intensity of the Iraqi people to fight for their homeland has increased manyfold. Under Saddam Hussein essentially no resistance occurred. Instead of jubilation and parades for the liberators, we face much greater and unified effort to throw out all foreigners than when Saddam Hussein was in charge.

It is not whether the Commission investigation of the causes of 9/11 is unwarranted, if the Commissioners are looking in the wrong places for answers, it is whether much will be achieved.

I am sure we will hear that the bureaucracy failed, whether it was the FBI, the CIA, the National Security Council or all of them, for failure to communicate with each other. This will not answer the question of why we were attacked and why our defenses were so poor. Even though $40 billion are spent on intelligence gathering each year, the process failed us.

Now, it is likely to be said that what we need is more money and more efficiency. Yet that approach fails to recognize that depending on government agencies to be efficient is a risky assumption. We should support any effort to make the intelligence agencies more effective, but one thing is certain: More money will not help. Of the $40 billion spent annually for intelligence, too much is spent on nation building and activities unrelated to justified surveillance.

There are two other lessons that must be learned if we hope to benefit by studying and trying to explain the disaster that hit us on 9/11. If we fail to learn them, we cannot be made safer, and the opposite is more likely to occur. The first point is to understand who assumes the most responsibility for securing our homes and businesses in a free society. It is not the police. There are too few of them, and it is not their job to stand guard outside our houses and places of business. More crime occurs in the inner city where there are not only more police, but more restrictions on property owners' rights to bear and use weapons if invaded by hoodlums. In safer rural areas where every home has a gun and someone in it who is willing to use it, there is no false dependency on the police protecting them, but full reliance on the owner's responsibility to deal with any property violators. This understanding works rather well, at least better than in the inner cities where the understanding is totally different.

How does this apply to the 9/11 tragedies? The airline owners accept the rules of the inner city rather than that of rural America. They all assume that the government was in charge of airline security, and, unfortunately, by law it was. Not only were the airlines complacent about security, but the FAA dictated all the rules relating to potential hijacking. Chemical plants or armored truck companies that carry money make the opposite assumptions, and private guns do a reasonably good job in providing security. Evidently we think more of our money and chemical plants than we do our passengers on airplanes.

The complacency of the airlines is one thing, but the intrusiveness of the FAA is another. Two specific regulations proved to be disastrous for dealing with the thugs who, without even a single gun, took over four airlines and created the havoc of 9/11. Both the prohibition against guns being allowed in the cockpit and precise instructions that crews not resist hijackers contributed immensely to the horrors of 9/11. Instead of immediately legalizing a natural right of personal self-defense guaranteed by an explicit second amendment freedom, we still do not have armed pilots in the sky.

Instead of more responsibility given to the airline companies, the government has taken over the entire process. This has been encouraged by the airline owners, who seek subsidies and insurance protection. Of course, the nonsense of never resisting has been forever vetoed by passengers.

Unfortunately, the biggest failure of our government will be ignored. I am sure the Commission will not relate

our foreign policy of interventionism, practiced by both major parties for over 100 years, to being seriously flawed and the most important reason 9/11 occurred. Instead, the claims will stand that the motivation behind 9/11 was our freedoms, prosperity and our way of life. If this error persists, all the tinkering and money to improve the intelligence gathering will bear little fruit.

Over the years the entire psychology of national defense has been completely twisted. Very little attention has been directed towards protecting our national borders and providing homeland security.

Our attention all too often was and still is directed outward toward distant lands. Now a significant number of our troops are engaged in Afghanistan and Iraq. We have kept troops in Korea for over 50 years, and thousands of troops remain in Europe and in over 130 other countries. This twisted philosophy of ignoring our national borders while pursuing an empire created a situation where Seoul, Korea, was better protected than Washington, D.C., on 9/11. These priorities must change, but I am certain the 9/11 Commission will not address this issue. This misdirected policy has prompted the current protracted war in Iraq, which has gone on now for 13 years with no end in sight.

The al Qaeda attacks should not be used to justify more intervention. Instead they should be seen as a guerilla attacks against us for what the Arabs and the Muslim world see as our invasion and interference in their homeland. This cycle of escalation is rapidly spreading the confrontation worldwide between the Christian West and the Muslim East. With each escalation the world becomes more dangerous. It is especially made worse when we retaliate against Muslims and Arabs who had nothing to do with 9/11, as we have in Iraq, further confirming the suspicions of the Muslim masses that our goals are more about oil and occupation than they are about punishing those responsible for 9/11.

Those who claim that Iraq is another Vietnam are wrong. They cannot be the same. There are too many differences in time, place and circumstance. But that does not mean the Iraqi conflict cannot last longer, spread throughout the region and possibly throughout the world, making it potentially much worse than what we suffered in Vietnam.

In the first 6 years we were in Vietnam, we lost less than 500 troops. Over 700 of our troops have been killed in Iraq in just over a year. Our neglect at pursuing the al Qaeda and bin Laden in Pakistan and Afghanistan and diverting resources to Iraq have seriously compromised our ability to maintain a favorable world opinion of support and cooperation in this effort. Instead, we have chaos in Iraq while the Islamists are being financed by a booming drug business from U.S-occupied Afghanistan.

Continuing to deny that the setbacks against us are related to our overall foreign policy of foreign meddling throughout many years and many administrations makes a victory over our enemies nearly impossible. Not understanding the true nature and motivation of those who have and will commit deadly attacks against us prevents a sensible policy from being pursued.

□ 1845

Guerrilla warriors who are willing to risk and sacrifice their all as part of a war that they see as defensive are a far cry philosophically from a band of renegades who, out of unprovoked hate, seek to destroy us and kill themselves in the process. How we fight back depends on understanding these differences.

Of course, changing our foreign policy to one of no preemptive war, no nation-building, no entangling alliances, no interference in the internal affairs of other nations, and trade and friendship with all those who seek it, is no easy task. The real obstacle, though, is to understand the motives behind our current foreign policy of perpetual meddling in the affairs of others for more than 100 years. Understanding why both political parties agree on the principles of continuous foreign intervention is crucial. Those reasons are multiple and varied.

They range from the persistent Wilsonian idealism of making the world safe for democracy to the belief that we must protect our oil. Also contributing to this bipartisan foreign policy view is the notion that promoting world government is worthwhile. This involves support for the United Nations, NATO, control of the world's resources through the IMF, the World Bank, the WTO, NAFTA, FTAA and the Law of the Sea Treaty, all of which gained the support of those sympathetic to the poor and socialism, while too often the benefits accrue to the well-connected international corporations and bankers sympathetic to economic fascism.

Sadly, in the process, the people are forgotten, especially those who pay the taxes; those who lives are lost and sacrificed in no-win, undeclared wars; and the unemployed and the poor who lose out as the economic consequences of financing our foreign entanglements evolve.

Regardless of one's enthusiasm or lack thereof for the war and the general policy of maintaining American troops in more than 130 countries, one cold fact must be soon recognized by all of us here in the Congress. The American people cannot afford it; and when the market finally recognizes the overcommitment we have made, the results will not be pleasing to anyone.

A guns-and-butter policy was flawed in the 1960s and gave us interest rates of 21 percent in the 1970s with high inflation rates. The current guns-and-butter policy is even more massive, and our economic infrastructure is more fragile than it was back then. These facts will dictate our inability to continue this policy both internationally and domestically.

It is true, an unshakable resolve to stay the course in Iraq or any other hot spot can be pursued for many years; but when a country is adding to its future indebtedness by over $700 billion per year, it can only be done with great economic sacrifice to all our citizens.

Huge deficits financed by borrowing and Federal Reserve monetization are an unsustainable policy and always lead to higher price inflation, higher interest rates, a continued erosion of the dollar's value, and a faltering economy. Economic law dictates that the standard of living then must go down for all Americans, except for the privileged few who have an inside track on government largess if this policy of profligate spending continues.

Unfortunately, the American people, especially the younger generation, will have to decide whether to languish with the current policy or reject the notion that perpetual warfare and continued growth in entitlements should be pursued indefinitely. I am sure the commission will not deal with the flaw in the foreign policy endorsed by both parties for these many, many years.

I hope the commission tells us, though, why members of the bin Laden family were permitted immediately after 9/11 to leave the United States without interrogation when no other commercial or private flights were allowed. That event should have been thoroughly studied and explained to the American people. We actually had a lot more reason to invade Saudi Arabia than we did Iraq in connection with 9/11; but that country, obviously no friend of democracy, remains an unchallenged ally of the United States with few questions asked.

I am afraid the commission will answer only a few questions while raising many new ones. Overall, though, the commission has been beneficial and provides some reassurance to those who believe we operate in a much too closed-off society. Fortunately, any administration under the current system still must respond to reasonable inquiries.

## HAITI

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is a great honor to address the House of Representatives and the American people on a recent armed services trip that I took to Haiti and also talk about Haiti and the U.S. relations as we move forth from this point on.

Many Americans understand the changes that Haiti has gone through and the Haitian people, but tonight I wanted to share a few things because

many times we hear on the news and read in the newspaper about what is going on in Port-au-Prince, Haiti; what happened today in Port-au-Prince, Haiti; what happened as it relates to government, a lack of a parliament and the legislature in Haiti; an interim government in Haiti; what is happening as relates to AIDS and HIV in Haiti; also, as it pertains to hunger in Haiti and transportation. I think it is so very, very important, since Haiti had so much to do and does have so much to do with our very own independence.

Haiti took part in helping us fight for our own independence. ''Us'' is the United States of America. There are many Haitian Americans that are playing vital roles not only in our government but also in our democracy here in the United States, and I must say that this is a very pivotal time for Haiti. So I would ask the American people and Members of the Congress to just take a moment and pay attention to some of the things that I would like to share with my colleagues this evening to talk about this country, and I am going to have a map put up here beside me talking about why it is important that the United States of America plays a very strong role in not the rebuilding of Haiti but the building of Haiti, a country that is comprised of people that work every day, a country that wants to continue to move forth as a democracy, and I am going to address that. I am going to continue to address the issue of democracy because democracy is very, very important.

As my colleagues know, many thousands of miles away from the United States of America we are working hard to create and to also maintain democracies throughout the world; but I will tell my colleagues, as it relates to Haiti being in our own hemisphere, being the poorest country in our hemisphere, in the Caribbean, the very same Caribbean, I myself being from Miami, cruise ship capital of the world, many Americans and people throughout the world cruise the Caribbean for celebration, relaxation and sun; but Haiti that sits in the middle of our Caribbean, northern Caribbean, is a country that is in desperate need of assistance.

With the United States being the largest, most vibrant free society on the face of the Earth, the richest country on the face of the Earth, we are doing, in my opinion, more to Haiti than for Haiti; and that is the reason why we have to go through a paradigm shift.

First of all, I just would like to point out here, Haiti is actually only 600 miles away from the United States; and as we start talking about Haiti, we have to look at the Bahamas. That is up here. That is our friend and ally that has been really working with the United States as it relates to making sure that we not only stop the flow of illegal narcotics but also the flow of illegal immigrants to the United States of America. We have Jamaica down here that has also been very helpful to the United States in making sure that we fight the war against drugs and also illegal immigration.

I think it is very important for us to understand, 600 miles away, Cuba is actually 90 miles away, and we have many Haitians that are looking for safe harbor in the United States due to political persecution. I just want to talk for a moment, since we know exactly where Haiti is now and we know exactly where it sits as it relates to our own homeland security and where it sits as it relates to our responsibility of being able to assist Haiti as much as possible with the United Nations, I want to just share a few things with my colleagues.

Last Tuesday, I took the opportunity to travel to Haiti along with Senator BILL NELSON of Florida and also General Hill of SouthCom, who I think the commander of Southern Command is doing an outstanding job. He has a number of Marines that are there as a part of the international force to bring about peace in Haiti, and they are doing the best job that they can do under the circumstances. There are also French troops that are there in the north.

General Hill and I, we flew to northern Haiti. We actually flew to three cities in northern Haiti, and these cities are small cities but large as it relates to the population in Haiti.

The first place we traveled to was Fort Liberte, which is a city of over 5,000 people. French troops are up here securing this area of Haiti. It is close to the Dominican border, and there are a number of poor individuals there that are mainly fishermen and peasants. We walked through the streets of this city, dirt roads, and spoke to everyday Haitians; and I was stopped by a father that had two daughters that were dressed the same. They had matching umbrellas, in the heat of the day. This is Haitian time, maybe around 10:30, eleven o'clock. It was lunchtime. He was walking his daughters home, and I asked him how is life, through an interpreter, and he said, well, it is quite difficult because we have not had power in our city since December of last year.

Being from Miami and understanding hurricanes and disasters and power being knocked out, it is very difficult to survive. It is very difficult to be able to maintain some level of normalcy without having power and utilities; and that is so very, very important. It is an area that we have to make sure that we get more humanitarian assistance in the area of food, also in the area of clean drinking water; and definitely electricity should be provided up in this area.

We then moved from Fort Liberte that we see here over to Cap Haitian, which is also a border area. It is not a border area, but they have a port that is there, a deep water port that could be open for commerce, but right now the main business that they have now is humanitarian aid that actually comes in from that particular area. They have the World Food Programme that is there in that area that is providing meals every day. The population there is approximately 100,000 Haitians.

I met with representatives from the Catholic Relief Services and also the archdiocese of Cap Haitian and from the World Food Programme. I also met with local school educators, which it was a very good meeting that we had, also a representative from a local orphanage.

□ 1900

We met there at the airport, and I must say that when we met there, it was more like an airport hangar. And in that region of Haiti, it is still a very dangerous region. Rebel forces still control half of Haiti. Now, I am not saying that rebel forces are violent or not violent, but what I am saying is that danger is still present there in Cap Haitien and throughout certain parts of Haiti. Even though we have French troops in the area, there is still a level of danger that is there.

We met with the school representatives that were there, the principal of a primary elementary school and also a principal of a number of the high schools that we would call our ninth grade through twelfth grade experience. They both said that they have the issues of power. This is a major, major issue in this country, and Haiti has to have some level of commerce, some level of economic development to be able to help itself. And I think for very little investment from the United Nations and from the United States of America we can achieve that.

So we had the opportunity to meet for about an hour and 15 minutes while General Hill moved on, meeting with the French troops, making sure our coalition is strong there in order to provide the right atmosphere for another larger United Nations force to take over.

I also spoke with one of the representatives from the archdiocese of the Catholic Church, and Catholic Relief Services, and he spoke to me in Creole, and through an interpreter he said, Congressman, that is fine. It is fine that you are here. We are glad that you are here. But we have had other visitors from the United States of America, though this was the first time he said he had personally met with a Member of Congress. But people come and people go, and Haitians are used to hearing, using his words, oh, this is wonderful; and, yes, we will take our notes, and we appreciated the meeting, and we will be back. And he said many people board planes and boats, and they leave, and they never see them ever again.

But this issue of hunger, the issue of the lack of having the opportunity to build jobs, the issue of children needing to be educated are very important. This is a very fertile area for economic

development. We can put local peasants to work. And I am going to come back to that a little later on.

We moved from Cap Haitien by helicopter, a very mountainous area along this area between Cap Haitien and the city of Gonaives. Gonaives is an interesting city because this is where the rebellion started, right here in Gonaives, which many of the rebels are still there in that city. It is a very dangerous place.

The security responsibility of Gonaives is in the hands of the French troops that are there, and I commend those men and women that are there serving on behalf of the United Nations' international presence. I met with representatives of the CARE organization, which is one of the three to four providers that provide food through USAID, and he shared with me that, once again, energy, power, being able to keep the lights on in Haiti, in Gonaives, why power is so important; because, guess what, it generates clean drinking water.

They have four pumps in that city. Three of them work, but one of them needs repairs. These are very small things. These are issues that usually a city government or a county government may have an issue, and they appropriate a very small number of dollars towards repairing that, and the problem is solved. But fuel and petroleum is an issue in Haiti right now because of the lack of power. In Haiti they have to use gas generators, which is very expensive, so this means some days the pumps work, and other days they do not work.

They also provide meals for 60,000 people in this city of 200,000 people, which he said they can do a lot more. It is 70 miles northwest of Port-au-Prince, Haiti. Now, one would say, why would you have to travel by helicopter? Well, Haiti is a very mountainous area, and the roads in Haiti, if Americans have experienced a dirt road experience, magnify that by 10 times. The best built road in Haiti was built by the United States Army Corps of Engineers in 1994. So it is very, very difficult to travel from Port-au-Prince to Gonaives.

We returned back on that Tuesday, back to Port-au-Prince, and flew back to Miami, Florida. Senator NELSON flew back to South America on another mission. The reason why we could not stay overnight in Haiti, my colleagues, was due to the fact that they still have a departure order in Haiti. It is that dangerous. It is so dangerous that even myself, a Member of Congress, not only had U.S. Marine security but State Department security on top of that and Haitian national police security.

Imagine. I can walk down the streets of the United States of America, even here in Washington, D.C., without security. I might be a little security-conscious, but without physical security, and without M–5 semiautomatic machine guns, but I cannot stay overnight in Haiti. The State Department will not allow me to stay overnight in Haiti. So imagine some who may feel any credible claim of fear or persecution, imagine what they may feel without security, without having armored vehicles to ride around the streets of Port-au-Prince in.

So we flew back to Miami Wednesday, stayed there, Thursday returned back to Haiti and spent that day, all day, in Port-au-Prince, and met with the USAID mission that is there, Director David Adams, who I believe is doing an outstanding job. And I want to say not only to his staff but to the administrators here with USAID, you could not have a better, more committed staff in Haiti than what you have under the leadership of Director Adams. He is emotionally attached to the work. But they need more resources to be able to do the things they need to do to develop jobs in Haiti, and I will address that in a few seconds.

I think it is important for us to remember that we have a lot of people doing great things in Haiti, but more needs to be done. We met with nongovernmental organizations from Haiti's southern claw.

Now, let me just point out the southern claw of Haiti. This looks pretty much like a lobster claw or a crab claw, but this is the southern claw. This is Port-au-Prince, Haiti, the capital, where the Presidential palace is located. You hear a lot about events taking place here. Port-au-Prince, Haiti, is the most populated city in Haiti, and it is its nation's capital. There is the southern claw, along this area here, south of Port-au-Prince.

This southern claw is not secured yet. This southern claw is still controlled by rebel forces. This southern claw is where many Haitians are hungry. This southern claw is where there is no power at all to be able to stimulate any level of sensible adult education, any level of humanitarian assistance. Everything is run by generator in the southern claw.

We have to remember that because I am going to talk a little about migration and the reason why Haitians leave Haiti. And I think it is important that we remember and we set the stage for the environment that they have to live in and the environment that we allow them to live in, because they are the poorest country in our hemisphere. We seem to have more interest in areas thousands and thousands of miles away, while we have this democracy, as shaky as it may be, with hungry, starving people, and very little assistance from the U.S. or from the U.N.

This is an area that can be very vibrant and prosperous, much more prosperous than what it is right now. Prosperity is only in pride in Haiti. There are very few numbers of individuals that have wealth in Haiti. The average per capita income of the everyday Haitian is a little bit over $400. That is a year; $400 in U.S. money is the per capita income for the average Haitian. And we will talk about that a little later.

But there is only one road down into the southern claw, my colleagues, and that road is not a secured road. The CMOC that is located there, which is operated by Southern Command, provides the very gateway or security for humanitarian efforts to make it to the southern claw and some parts of northern Haiti. The U.S. has security responsibility for Port-au-Prince only at this particular time. There are plans to move into the southern claw to be able to provide the kind of humanitarian assistance and health assistance that is needed there.

CMOC is an acronym which stands for the Civil Military Operations Center. This center was once located in 1994 when the Army was there, the 82nd Airborne. CMOCs are set up in many areas in Iraq, which has the largest CMOC. The CMOC in Haiti is a very small operation, and it brings together nongovernmental organizations where they work hand in hand with USAID.

Once again, the staff that is down there at that CMOC, which is mainly run by a gentleman that is a reservist, a colonel, is doing an outstanding job there. I met with Major Ray, who gave us an overview of the activities of the CMOC there, and my hat is off to those individuals, those patriots that are trying to provide just common things for the Haitian people and the plans they have there of being able to try to assist Haitians restore some level of health care in Port-au-Prince, and also making sure that nongovernmental organizations have a way to be able to carry food and the necessary cooking oil, things of that nature, to the southern claw of Haiti. I commend them.

The United Nations Development Program office tells me that the residents there are really looking forward, and they are continuing to engage the citizens of Haiti as it pertains to learning more about how the United Nations can play a role in humanitarian and economic development there. I would use the philosophy of not giving fish, but teaching how to fish. But I must say to the American people and to Members of Congress, the Haitian people are very creative people, so we do not necessarily need to teach them how to fish, we just have to provide the very essentials for them to go ahead and move forward with their entrepreneurial spirit to provide jobs in Haiti.

I want to share with my colleagues a few more facts about Haiti, and then I must talk about immigration, because that is the main thrust of the interest of our country. It seems to be the main thrust of the administration, any administration, because of illegal immigration and those individuals who take to the sea, and who our Coast Guard rescue many times.

I showed this map that had Florida in it. It is 600 miles to Florida from Haiti, and 90 miles from Cuba. When I was flying over in either a plane or helicopter, 20 feet out of shore, and many of the Members of Congress who are sports enthusiasts or are into water

sports or fishing can understand what I mean when I say the deep blue water, it was deep blue water. That means that once you fall in it, you cannot touch the bottom. We have lost thousands, not hundreds but thousands, of Haitians trying to escape political persecution in Haiti.

I commend the Coast Guard for the work that they have tried to do to prevent the loss of life, but they also have a job to do, and they have been ordered to do it and they are doing it. I will also talk about that.

First, however, I want to share a little about the U.S. involvement. The reason why I am here today is to make sure that we have a paradigm shift in our policy as relates to Haiti. The U.S. involvement goes back to 1915 and 1934, when we occupied Haiti. The U.S. helped set up the Haitian Coast Guard. We built the embassy there during that period. We built the ambassador's residence during that period, and Ambassador Foley, James Foley, I believe, is trying to do the best that he can do under the circumstances.

□ 1915

He is going to need the help of this Congress to be able to carry out the effort in Haiti.

In 1994, the U.N. multinational force, led by the United States of America, military intervention eventually worked towards the return of President Aristide. We were there for a very short time. I must say a lot was done during that period, but not one U.S. soldier lost his or her life during that period because, contrary to what one may hear on television or read in the paper, the Haitian people are very peaceful. There are a few that create thuggery in Haiti and give Haiti a black eye that it does not deserve.

On February 23 of this year, the U.S. sent U.S. Marines to secure U.S. facilities, which was a fast response team. In March 2004, as a part of a U.N.-backed force, the United States, Canadians, French and Chileans restored and maintained order of Haiti. My hat is off to those individuals who served. We had a Marine injured in an ambush. Marines returned fire, and three or four individuals have been killed that have tried to attack our men and women in uniform.

Secondly, as it relates to power in Port-au-Prince alone, the capital city, the largest city, the Marines and SouthCom, and once again I cannot say enough about them and what they are trying to do there, did an assessment of the needs of electricity in Haiti because it means so much. It goes towards the security of Haiti. Just imagine if you did not have lights in your neighborhood, what kind of safety, what kind of level of safety would you have in your neighborhood, let alone a sense of community or a community that would like to thrive. This was done by SouthCom, this report here that was given to the Prime Minister, saying his number one goal should be to ask for international assistance to get their energy facilities up to date. This can be done for $1.8 million.

When we look at the size of Port-au-Prince, and for Members who are engineers, you know for $1.8 million that is a very small price tag to repair the power resources in Port-Au-Prince alone. Port-au-Prince, Haiti, is not just the capital city; it is the heartbeat of the economy of Haiti. It is also the area we have to secure.

There is a city called Cite Soleil, which is more like what one would call squatters. They are tin roofs. In the country and heartland of America, you may have a barn with a tin roof. That makes the four walls and the top of the houses in Cite Soleil. Some of the most violent gangs are in the Cite Soleil. It is important that we understand that we have to provide power or have to make sure they have power in this city because usually when the violence starts, it starts in Port-au-Prince, Haiti. That is why we hear so much about Port-au-Prince, Haiti. We should be hearing about the hard-working people in Haiti, but we will not hear that unless we target to restore and repair power there.

There are U.S. corporations in Port-au-Prince in the industrial part, which the HERO bill here in this Congress, represented by Members in this body and the other body, to provide not only trade opportunities with Haiti, but to also generate jobs within Haiti. One of the main cities that would benefit from that would be Port-au-Prince, Haiti.

I think what is also very, very important for us to discuss here is the issue of immigration. This is the very center I believe of the reason why we have to do the right thing now. There are a number of issues that are going on here on this island. We also have the drug trade, not Haitians growing poppy plants. Haitians are not growing marijuana plants or any other thing that may create some sort of illegal substance or illegal drug, but because of the lack of an economy in Haiti, drug lords have found not safe haven, but an opportunity to thrive as a point where they can take their drugs to move to the next area.

I want to bring my other chart back up because I think it is important that we understand what we are dealing with here.

We have Haiti here and within 600 miles to Miami, Florida. It is maybe even a shorter distance to Key West and what we call here the Gold Coast. As we see the Bahama islands, and there are over 700 Bahama islands, we have Cuba here. Drug dealers try to find some way to work in Haiti due to the lack of an economy. If we want to head off what we are dealing with in Colombia and some other parts of the southern hemisphere, we should do the right thing as it relates to the economy.

But also what comes along with drugs is, what, violence. What happens especially when you do not have police, when you do not have individuals that are provided jobs, then you will have a very small population of individuals that are gangs that will take control and will arm themselves and will end up giving the government the problems that they have now.

I said I was going to go back to the Coast Guard, and I think it is important. I do not want Members to feel that the Coast Guard is doing something wrong; they are doing everything right in my opinion. They are doing what they are told. Being a member of the Committee on the Armed Services, the Coast Guard carries out their orders. They report to the committee I serve on as it relates to the Select Committee on Homeland Security; but as it relates to U.S. policy towards Haitians that are interdicted at sea, it is not just, it is not fair and it is a violation of international law, period. No qualms about it.

Let me just share something with Members. This is not even what has happened over the last few years. The Coast Guard in January of 2004 intercepted and repatriated 113 Haitians. In February of 2004, they intercepted 1,076 Haitians, but only 11 out of 1,076 Haitians actually were found to have a credible claim of fear of persecution. Eleven out of 1,076. That means 1,065 went back to Haiti, and they were repatriated in Port-au-Prince. A lot of them were leaving because of political persecution. They were paraded right through Port-au-Prince. Many of them left from the northern and southern claw of Haiti, trying to escape political persecution; and they were repatriated. We do not know if those individuals made it home or did not. It is a violation of international law for us to do that.

Now, I said that to say this, what is important for us to do here in this Congress, the most important thing that we can do is to make sure that we appropriate the necessary dollars, just like we appropriate throughout the world. We have Members saying we have our own issues and we have the deficit and other things. Let me say I am overly concerned as relates to the deficit. I do not take pride as it relates to being in the 108th Congress, and history will say I was in Congress when we had the highest deficit in the history of the country, the history of the Republic. But at the same time we are giving international assistance to other countries, in the billions and in the millions. Haiti is slated to receive in the millions, a very small number as it relates to the big numbers that many of the other countries are receiving.

There will be an appropriations amendment to ask for $50 million for Haiti. The President has asked for $20 million, and some of that is in in-kind contributions, not necessarily hard dollars. It is important for the U.S. to be able to appropriate more than what the President has asked for for Haiti for two reasons. One, we cannot carry out acts of repatriating over 1,076 Haitians

and say there is no real reason, you are leaving for other reasons. The 11 that had credible claims of fear, they are not in the United States; they are in Guantanamo Bay along with the terrorists from the Middle East, the enemy combatants that are jailed and are an issue before the Supreme Court right now.

So if we do not want Haitians coming over to the United States of America, if we do not want Haitians risking their lives, and we no longer want to see on the nightly news 300 Haitians falling in the middle of the Gulf Stream, and one may see with the Gulf Stream right off the coast of Florida where they will go on and on and we will never find these individuals, if we do not want that to happen, we should have more thrust to make sure we do right in Haiti. I want to say it is very, very important that we do this.

Mr. Speaker, I will be leaving, along with a bipartisan delegation, at 7:20 a.m. from Andrews Air Force Base to fly to Haiti and meet with Haitian government officials, those who we may call stewards of democracy at this time. But it is a very, very important message that we are sending to the Haitian Government, and that is they have to rule with a level hand.

To the ministers, the Prime Minister, I have not met with the President, maybe we will do that tomorrow, but it is important if they are going to set out warrants for members of the Lavalas Party and for the Aristide government, the interior minister has already been jailed of the Aristide government, if you are going to do that, I have no qualms about you carrying out the rule of law. But if you are putting out warrants there, you have to put out warrants for the arrest of individuals who are in the rebel forces and other parties that we know and they are known criminals and are carrying out daily acts of thuggery throughout Haiti.

There are some Members in this body that will cut off dollars, assistance dollars, if the Haitian Government does not stand for equality in making sure that we have security for all Haitians. The backdrop of American people is making sure that we set forth an environment for elections. Right now in Haiti they do not have this democracy that we celebrate here this evening, this Congress that allows representatives from different parts of Haiti to come to the capital to represent their constituents.

□ 1930

They no longer have a parliament. They no longer have an elected president. They no longer are able to have mayors in their cities. Many of the cities are mayorless, without leadership; and so it is important that we set the security stage, that we help Haiti set the policy stage of making sure that we are able to have those elections so they can move forth.

So on this 200th bicentennial of Haiti's history and future, this country that was one of the first countries to get its own independence, Haitians. I share with the Prime Minister, who is a Haitian who was living in Boca Raton, Florida, in my State, that his role in this government in this time in this place will speak for the next 200 years. By the agreement of the Prime Minister's being in the office that he is in, he can no longer run for office in Haiti. He cannot run for office in Haiti. He cannot move on to the next government that hopefully will be elected. He cannot take part in that. So he has an opportunity to be an honest broker. The people around him in the ministry have an opportunity to be honest brokers of making sure that Haitians get a fair opportunity to have power, to be able to stimulate an economy in Haiti, and to be able to work with the international community to provide the kind of assistance that the Haitian people deserve.

Mr. Speaker, if anyone has traveled to Haiti, and I will tell the Members right now, it cannot help but pull on their heart to see people living under those circumstances and those conditions to do the things that they do day in and day out, to lay flat down and attend house that is clean, which may be the ground but it is swept, living under those conditions of not being able to have the clean water that they need, having electricity, but every day they try to send their children to school. Ninety-five percent of the schools in Haiti are privatized. USAID is building schools. We commend them for that. But the missions and things of that nature are providing an opportunity for them to educate themselves. But I can say, Mr. Speaker, that it is so very important.

So if we are concerned about Haitians coming to the United States illegally trying to escape political persecution because of thuggery in their local town or city, then we should have an effort here in Haiti to make sure that we provide the best environment possible for this country.

We are providing food, yes. We are providing medicine, yes. Are we helping Haiti as it relates to HIV and AIDS? Of course we are. But those are issues of providing fish, not providing the resources so that they can go and fish for themselves.

There are some countries that we have been in in Europe since World War II, Mr. Speaker. It is important that we do it right this time so that we do not have to deploy U.S. troops, so that we do not have to call in Reservists to go because our military is stretched too thin, so that we do not have to have emergency orders through the Security Council at the UN. It is very important.

The gentleman from New York (Mr. MEEKS), no relation to me, also represents a large concentration. I have the highest concentration of Haitians in my district, Haitian Americans. He has the second largest in New York.

I yield to the gentleman.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman from Florida (Mr. MEEK) for his leadership and for his courageous battle to make sure that the people of Haiti are not forgotten, and that is really what this is all about, and that is why the leadership of the gentleman from Florida's focus has been not on the politics, not on what is in the best interest of this one or that one. His focus has been on what can we do for those people, those average everyday citizens that live in Haiti who have dreams and aspirations just like we do, who all they want is for their children to be able to have a better life, to be able to get an education, to be able to go to work to provide a living so that they can have a family themselves and live a life that is a life that is free of violence and that is free of the deprivation of food and human rights violations. And that is what this is really all about. It is about people.

And I am going to travel with the gentleman because he is going, and I know there is a bipartisan CODEL that will be leaving for Haiti tomorrow morning, and I have decided to change my schedule based upon his courageous trip that he has already taken, that he already visited, and he has gone out to not just the big cities. He has gone out to the side roads. He has gone out to the rural areas. He has gone out to where the people are.

And I want to just get a chance to get a feel of that so that we can make sure when we come back here that we can implement a kind of program and a kind of attention on Haiti that does not last just for 6 months, just for 1 year or 2 years, but something where it is sustained, 10, 15, 20 years, to establish a true and strong democratic institution, not for the United States of America, quite frankly, not for Canada, not for France, not for anybody else, but for the people of Haiti, that little country that is connected to the island of Hispaniola. We need to make sure that we do something for those people, and I just appreciate the gentleman's leadership on that.

Mr. MEEK of Florida. Mr. Speaker, I just want to say to the gentleman from New York (Mr. MEEKS) quickly that I appreciate his speaking out not only here on the floor of this great House of Representatives but also speaking out in the halls of Congress. As the gentleman knows, we partner in a bipartisan effort to try to do what is best for Haiti. Regardless of the politics, regardless of who is in control, we are supporters; and I know that he joins me in that, of democracy. And the only way we are going to get to truly elect a democracy is making sure that we bring the level of safety, number one, up in Haiti; number two, set the real stage for elections, which the United Nations is going to play a role in it.

And I am glad that he points out the fact that we are not trying to impose anything on the Haitian people. We want to make sure that we are there to be the bridge for the Haitian people to

move forth and elect its government. And the interim government that is in there that, I must add, cannot continue on past the 2005 elections, that is in the agreement, that they have the necessary tools to be able to provide some of the things that I talked about here tonight. But it is good to have not only a partner like the gentleman from New York but someone who is willing to look at the big picture on behalf of the Haitian people. That is just the bottom line.

Mr. MEEKS of New York. That is it, Mr. Speaker. I think if we do not create the kind of democratic institutions and help them go along, and not just America, I think that he said it absolutely right. Not just us, but with the help of the United Nations, with them involved, so that we can create a climate of security. Because only if they have security can they have elections, and then only with elections can they have a true democratic government. And I do not like to get into these comparisons to Haiti and Iraq and things of that nature. We know that there are substantial differences. But one thing that is clear is there is a question as to what people of Iraq want and wanted. There is no question as to what the people want. Yes, they want us and they want the United Nations there to help them. They are begging for us to do this. So this is not something that is imposed, and they are just saying, if you give us the window of opportunity to create a secure environment, we know what we want to do and we just need that kind of help, not just for a day or for a week, as I said, but where it is a continuous help, and just help us get on par with the Dominican Republic, for example. Forget being another United States.

Help us so that when it is time to negotiate trade agreements when we are doing the FTAA that we as a country can take advantage of it and we can create the jobs. As the gentleman appropriately said, we can fish on our own.

So we are moving now. We have got the FTAA coming. We have got some other pieces dealing with the Caribbean Basin Initiative. We have got various other trade agreements. And if we do not help now, these people could be left out. But if we help now, they can be included in. And guess what? It will be short-term pain for us for long-term gain for everybody because then they will not be dependent upon us. Our troops will not be necessary there. They then will become a prosperous neighbor, and we do not have to worry about people coming over in a boat trying to get to our Nation, trying to flee an island that should be one of the most beautiful islands in all of the Caribbean. That is what this is all about.

Mr. MEEK of Florida. Mr. Speaker, they have some of the best beaches in the world, and the cruise ships used to go there all the time. Now there is a little small part of Haiti on the northern tip that is gated, secured, and they go there.

Does the gentleman from New York wish to share with us anything else this evening? Because I am going to close because I know we have an early morning and we have other Members who have to address the House.

Mr. MEEKS of New York. Mr. Speaker, I will close with this: I will follow his leadership. He has been a great leader, and I think that the people of Miami, but more importantly, the people of Haiti, are well served by his leadership. I think he is doing this not in a political way, but in a bipartisan manner; and I look forward to being with him in the morning.

Mr. MEEK of Florida. Mr. Speaker, I cannot tell the gentleman how much I appreciate his saying that. I hope my mother was watching, who is a past Member of this body. Hopefully, she will see how important and how my colleagues think of me. I thank the gentleman from coming down.

I just want to say this very quickly in closing, Mr. Speaker, that it is very important we do what is right on behalf of this Nation. It is very important, if we are going to have a policy and interdict Haitians at sea and we want to save lives so that the Coast Guard will not have to pick bodies out floating face down around the waters of Haiti and between the United States of America that we provide the kind of atmosphere for economic development, and I would also say to the Members that it is vitally important that we continue to pay very close attention in a bipartisan way and do what is right on behalf of this nation that helped us fight for our independence.

## TAXES AND THE IRS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address the body and an opportunity to address the American people. This period of time that we have here this evening is a way to get a message out that sometimes does not get out. I also appreciate the remarks by the gentleman from Florida with regard to Haiti and promotion of freedom not just in this hemisphere but around the world. I think it is something we all agree with.

I would like to start out tonight by talking about an issue that is fundamentally important to the United States of America from an economic standpoint, something that I think affects us not just fiscally but socially and how we develop ourselves as a Nation, and I think it is an issue that will establish our American and national destiny for a long time to come.

We sit today with a lot of years of experience with an Internal Revenue Service that is too big, it is too intrusive, it injects itself into our private lives, and it slows down our business and our commerce. So I want to start out with how I got to this point, and I want to conclude with why we ought to eliminate the entire Internal Revenue Service code and why we ought to eliminate the Internal Revenue Service entirely and why we ought to give people back their freedom and why we should cease taxing our productivity and remove the first lien that exists on everyone's wages in this country and replace it with an opportunity to decide when they pay their taxes when they go and purchase.

So for me it works in this way: in 1975 I started up a business. I went out and bought a bulldozer and began doing custom work on farms, building terraces and dams and waterways. And as I did that work, all I really wanted to do was simply run my business, provide a service and collect a fee for that and pay my bills and raise my family. That was the American dream. Maybe I was simplistic in my aspirations, and maybe I should have realized how complicated it could get. But as the years went by, I began to realize that I did not get to spend every waking moment, I did not get to spend every sunshine day out there doing something productive, working and moving earth and preserving soil and water quality. Instead, there was a day I finally had to pull in and park a machine on a sunny day and go in and start filling out more Federal forms.

On that first day that that happened that I could not any longer have energy to meet the Federal regulations at night or on rainy days or on weekends or on Sundays, that was the first day I lost real productivity in our small little business.

□ 1945

Well, it was also about the time that I was audited for the first time by the Internal Revenue Service, and I thought I had that behind me. A couple of years later, along came another audit. The second audit was for the year 1979, and I remember that clearly. The IRS did let me know that they wanted to do an audit on a certain date, and I accommodated them in every way possible.

But we did not have copy machines in those days, and I did not have staff in those days that could pull these records out of my files. I had done the records myself, I had built the bookkeeping system that I had, and it was accurate, and it was precise, and it was thorough, and I had excellent records, and I could document where every single penny went without hesitation.

What I did not have was a copy machine where I could have copied a lot of records, handed them to the IRS and said, I will come back and see you tonight when the sun goes down, and we will see if you need any more information for your audit tomorrow.

So I made a decision that I would not allow them to rummage around in my files, pull records out. They did not know my filing system. I could not be assured that they could put them back

in the filing system the way they were. Not being able to copy them in any efficient fashion without a copying machine, I insisted that I will sit here with you, and any record you want, I will pull it out of the file. I will show it to you, you can take your notes, do your documentation and due diligence. Then when you are finished with those documents, I will put them back in my file and get you the next ones.

So I did that. I did that for 4 days, 4 days of being scrutinized by the Internal Revenue Service, believing all the time that I had done everything within the law, everything exactly right, not just legally but also ethically, filed my taxes on time, paid my taxes. And at the ends of 4 days, 4 days of lost productivity, the IRS agent finally sat down with me, and we went through these numbers that she had evaluated.

There were subjective decisions that were made, and I got hit for a loss in interest, in penalty and principal for taxes that to this day I do not believe that I had a legal obligation to pay, but if I had gone to court to defend myself against this behemoth of the IRS, it would have broke me.

I could not afford any more days of not being out making money, because I had bills that I had to pay, so I made a very, very difficult decision for me, and that difficult decision, for a person who believes in standing on principle, almost no matter what the cost, I made the decision that the principle of preserving my business was more important than the principle of going to court to defend I will say the subjective and arbitrary decision by a single IRS agent.

So, I had to set up a time payment, but I paid the principal and the interest and the penalty, and it hurt financially, but it hurt a lot more as a matter of principle.

So here I was, starting a business, creating jobs, doing the things that are within the parameters of the American dream, and I was being punished and penalized by an IRS service.

So that next day, on the fifth day when the sun came up, I went out to work, climbed in the seat of a bulldozer, and I began to build terraces. Well, there it is not the most exciting and thrilling thing a person can do. I have enjoyed a lot of it and built many thousands of feet, but while you are there, you are looking at the top of the hill, the machine is loud so you cannot have a radio, and that means that there is no entertainment there except what work is in front of you and what is going on around you, which is not a lot, and what goes on, the entertainment and the things that go on in one's own mind to keep you entertained.

Well, it was not entertainment that I was after. I had smoke rolling out of my ears from the IRS audit. So I began to day by day think about how do we go about eliminating the IRS? I mean, I did not work up to that premise, I just started with here is a basic premise, I wanted to eliminate the IRS.

I came to that conclusion from the beginning and did not consider the political difficulties of that. I simply considered what the world would be like if we had our freedom back and if we did not have this intrusive agency that was entering into my life and obstructing this thing, that all I wanted to do was run the business and raise a family.

So, day by day I sat there and began to think, well, we would have to replace the revenue. If we eliminate the IRS, how do we replace the revenue? And it did not take very long. I looked at what about an excise tax? What about import-export duties? What about user fees?

And it does not take very long of considering those alternatives before one can easily conclude that you cannot raise enough revenue in that method to fund this large Federal Government that we have, and the only alternative to eliminating the IRS and eliminating the tax on our income would be to establish a national sales tax that would be established at a rate all across this country, for 100 percent of the sales and service for the last retail stop for the dollar.

So I began to work that through, and I worked it through day by day, hour by hour. And I looked forward to going to work every day so I could sit there on that dull bulldozer and think about how we could get rid of the IRS. That was in a way my therapy. I had no idea in 1980 I would end up in the United States Congress in the year 2003 and 2004 and have an opportunity to come here and advocate for something that had taken place clear back then, that 20-plus years ago.

But that was what was taking place. Many days I was establishing a philosophy for a lot of things, not just the taxes. But as I worked through the problem of resolving this and eliminating the IRS and replacing the revenue, I asked question after question, the devil's advocate question of what goes wrong when we make a decision like this? How many things will change? What do we do about people that smuggle goods over the border to avoid the tax? What do we do about tax evasion? How do we get the States to comply? How many States already have the tax policy?

Well, I worked those things through, and I worked every one of the questions that I could come up with over weeks and weeks. I worked that all through in my own and had an answer back for all those questions that I could ask. And yet I would stop in town, the first one in the coffee shop in the morning, and the next one that would show up, I would begin to talk with them, what do you think about eliminating the IRS and going to a national sales tax? Nobody had thought of it before. It seemed like a concept that there should have been a few million people thinking about, but I could not find anybody that had thought about it before.

So as I went around my circle of friends and coworkers that I had and associates, I could get them to answer me, and it would be things like, well, I do not know, but it must not be a good idea, or we would be doing it.

I had all the answers to everything I could think of, so I would go to the library and look. I could not find anything on eliminating the IRS and going to a national sales tax. I thought there must be some economic study. I did not have the Internet, so I could not simply do a Google search and come up with whatever has happened out there in the Library of Congress. It was not available.

Finally, after weeks of trying to find a conversation with someone who knew something about this, someone who had at least thought about it before, had an opinion on it after I told them what I worked on, and trying to find some research, I finally told myself, well, Steve, you know, this makes ultimately so much sense to me that it should make that much sense to everyone else. Surely the rest the world must intuitively know what is wrong with it, they know that, and it is something I simply cannot comprehend or figure out, so that is the only reason why we are not doing it.

And I put it on the side shelf of my mind. I never put it away, it was always something that was there, but I was not as active on it for a number of years. But I always wanted to get rid of the IRS, always believed it was the economic stimulus, and I always believed there was a solution to any problem that anyone could raise that might be a reason not to move forward with what today is the bill that we call Fair Tax, or H.R. 25.

Well, this took place and began in 1980, and as those years unfolded, along about 1993, I get mailings that come into my office, and I always send out a little letter, make a phone call, so publications would come in, and I would send off for a book here and there.

As I built this little private library at home and this filing cabinet at home of all the things that interested me, which, again, was the foundation for the philosophy that I think gave me this great privilege and honor of serving in the United States Congress, I saw an advertisement for a book that caught my eye right away, and the name of the book was Fire the IRS.

I ordered this book, Fire the IRS, by Dan Pilla, copyrighted 1993. As I devoured this book, word by word, page by page, read it through forwards and backwards, marked it up and highlighted it, Dan Pilla had documented all of the things I had considered and more, and he also had some words for us from some economists. Dan Pilla was an IRS officer who understood this clearly.

This book, by the way, has been in my bookcase now for almost 10 years without me touching it until just a couple of days ago, I happened to see it peeking out of the rest of the books,

reached in and grabbed it. There was a reason why it popped out and into my hand.

But this book, Fire the IRS, by Dan Pilla, documented all of these things that I believed, and it gave me confidence that I had gone down a path that really was a legitimate path from an economic standpoint, a legitimate path where the best economists in America could stand up and defend a philosophy like this.

Now, I have only raised one issue with the IRS, and that is the intrusiveness of it and the burden of it. But we have a huge burden with the Internal Revenue Service, and it is not that they are not good people working for the agency. They have their job to do, and I do not take issue with that. It is that we need to establish good public policy here. We need to take the load off of tax collection.

It adds like this: When you add up the cost of funding the IRS, paying their wages, their overhead, their buildings and all the maintenance on those buildings, and their transportation, and all the things that go on to fund the IRS, you take that number; then you add up all of the dollars that we pay our tax preparers that take the data that we give them and put it together in a report that goes to the IRS and its tax filing, you add up that number; and you add up the number for all the tax lawyers that are out there that are working with tax avoidance, and that is the legal term, working for tax avoidance, and it is legal, the costs we are paying them; and our accountants, all the people that compile and process that data that gets that April 15 date turned in; and then you add to that the loss of income for people that have decided that my tax rates are too high. I do not want to work any harder this week. This 40 or 50 hours a week I work and this offer of 10 extra hours of overtime, I am not going to take it up, I am not going to do the overtime because I do not get to keep enough of the money that I earn. The IRS takes too much of it. So they make a rational decision, and they decide I am not going to work the overtime or I am not going to make the extra sales calls, or I am not going to start up that production line on my plant I have going here, because I can make the same cash flow, and I am happier living on the income I have got, rather than taking on all of the responsibility and burden of trying to make a little more money with the IRS taking a bigger and bigger chunk out of it as you go up the ladder. So, the people make a rational decision and decide, well, I am going to pick up my golf clubs or my fishing pole and take a little time off. There is nothing wrong with that either.

But when you add up all of these costs, all of these costs, 1985, by an economist in this book called Dr. Payne, $720 billion a year, that is with a B, to fund the IRS and the revenue shortfall that is there. He also has calculated that for every $100 collected by the IRS, it costs another $65 to collect that $100.

But if it is $720 billion in 1985, and I have not extrapolated the inflation factor on this to take us to the year 2004, but $720 billion, and we would know it would be substantially more in today's dollars, but I will tell you it adds up to over $1 trillion a year because of the inflation factor on the $720 billion.

And another factor that is so huge in its implications that there is not an economic model that can evaluate that, and that is what happens to these millions of people that are out here collecting data that goes into the IRS and into the tax policy? There are millions of people out there that at least in part, and of them as a whole, make their money with taxes. Those people would go to work in the productive sector of the economy as opposed to the nonproductive regulatory sector of the economy.

So you add up all those numbers, the $720 billion from Dr. Payne by 1985, add an inflation factor to that, and then add to that the economic impact of the people that are now in the regulatory sector, the nonproductive sector, and they would be shifted over into the private sector, the productive sector of the economy, it is easily over $1 trillion a year the size of the anchor we drag along behind this ship chugging along here, which is our Nation's economy.

We are dragging that anchor across the bottom, and that anchor is at least 10 percent of our gross domestic product, and probably significantly more than that. We have about a $11.4 trillion economy, and over $1 trillion of it is the burden of the IRS. If we eliminate them, we can cut the chain on that anchor, and we can sail this economic ship free, and it will sail pure, and it will sail fast, and we will do a lot of good things.

Now, one of the things that we have is a negative balance of trade. Today our balance of trade is a minus $503 billion a year. That means when we are buying $503 billion more of goods than we sell to foreign countries. Foreign interests then own half a trillion dollars of our assets more every year. Each year that goes by, that number gets bigger, and they own more and more of the United States of America.

We cannot go on indefinitely mortgaging our assets and letting them be held as collateral by foreign interests because we have got a negative balance of trade. We need to turn that to the positive.

If we are able to pass H.R. 25, the Fair Tax, and if we are able to substitute then for that tax a national sales tax, consumption-based, that means that we untax all of these entities out here that are paying income tax today.

Now, it might come as a shock to some Americans that corporations do not pay taxes. Does it sound outrageous? Corporations do not pay taxes. They send the check in, all right. They fill out their tax forms, all right. But they do not really pay taxes. No one in this place has ever been able to figure out how to get a corporation to actually pay a tax.

They have to pass the tax through, and they pass it through to real people. People pay taxes; corporations do not. So we untax corporations. We do not ask them to go out and collect them anymore, is the essence of it. By the way, many of them are spending hundreds of millions of dollars just filling out the forms and paying their attorneys to do the tax, the legal tax avoidance.

□ 2000

And it is so effective that 61 percent of our domestic corporations in America paid no taxes at all for last year, and 71 percent of the foreign corporations doing business in the United States filled out their forms but did not pay taxes.

So we are down to 40 percent, 39 percent of the domestic corporations, and 29 percent of the foreign corporations are all that are actually paying any taxes whatsoever. But, nonetheless, they are all passing it off to their customers. They are not digging out their asset base. So the cost in the goods of everything that we see on the retail shelf, the retail sales and service, that is the tax component that they are passing along to you, to the citizens of the United States, ranges from about 20 percent on up to 35 percent depending on how intensive their labor is and what their tax burden is.

And we can, by taking the tax off of our businesses that are providing the retail products and the service products, by taking that tax component out, that averages 22 percent. So that item that will cost you $1, 78 cents of it is actual cost of the production and 22 cents is the cost of the built-in tax. That is the tax, the corporate income tax and the payroll tax that they have to pay their employees and a few other assorted taxes that accumulate along the way.

If we quit taxing everyone's productivity, of course, we quit taxing corporate and business productivity as well. That means that the retail costs of goods go down by 22 percent. When that happens, that does a lot of great things. But what it really does with our balance of trade is it discounts the price of what we are selling to foreign companies, foreign countries by 22 percent.

So, for example, if we have a sign up like everybody else, back when I did the math, gas was $1.50. So if we put our neon sign up that says gas is $1.50, our competition overseas, they are selling theirs at the same price, we are selling goods into foreign countries as far as we can compete and no further. When we cannot get the price down any lower or the label of the United States is on it, that is the static line by which we are not going to sell any more goods overseas, and that line is different for

every commodity, and it is different in every country; but it is competition that sets that line. We can get an advantage by untaxing the cost of the products made by American companies. Taking the burden of that tax out, that will bring the cost down by 22 percent.

So now both of us today have a sign up that says gas is $1.50; ours go to $1.17. That is the equivalent component now for our competition for our prices of the goods that are going overseas. And it also it says ''Made in America,'' which helps to sell it as well.

So we know what will happen. We will sell that competitive good, that product that is made in America into foreign countries until such time as they match our price and our quality, or they put up some kind of trade barrier, which is another can of worms that we need to address. That changes our balance of trade. It shifts our balance of trade from minus $503 billion a year to a plus number. That is a great number, but I do not know how great it is. I know it is solid, and I know it is substantial. That means more jobs here in the United States of America. That means more American products sold overseas. That means we bring back our balance of trade.

Now, another thing that is happening is we are losing industrial jobs overseas. And it is going to happen. If they are paying 68 cents an hour equivalent in China and they buy a punch press or a lathe or whatever kind of industrial product, they are upgrading their productivity with that technology. And as they train their people to do that, we are not going to be able to hire people at 68 cents an hour. We cannot compete with that indefinitely. But what we can do is by discounting what we are selling to those countries is we will keep those jobs here longer. We will be competitive longer by taking the 22 percent out, that cost of the tax component of everything we sell, we take that out and we are more competitive longer which means we keep those industrial jobs here longer.

The gentleman from Georgia (Mr. LINDER) believes that we will get some of those jobs back again. And I believe that we will get some, and I think we will lose some. I think it will be a slow loss, but we will dramatically slow the loss at a minimum. And it is essential that we hold industry in this country and put tax and regulatory structures in place so that we can.

One of the reasons would be national security. It is not just our economy. But we have to produce things that are competitive in the world for our economy. But from a national security standpoint think, for example, that there is a foreign country over there in Europe that produces a guidance piece of technology that guides our missiles or our bombs. Think that that foreign country disagreed with our policy in Iraq when we went in there militarily and think what happens when they stop shipment of that guidance technology and we are not able to use our missiles or our bombs in that same fashion. It puts our national security at risk. That is a fact, by the way, that that did happen.

We need to hold our technology here. We need to hold our industry here. We need to hang on to our blue collar jobs. We need to slow this loss of our industry overseas. If we can push it around and bring them back, we can do that.

For example, Ireland untaxed new corporations that would move there. A little island of 4 million people. And they now they have about 12½ percent flat tax on their corporations, far more competitive than the rest of Europe, at any rate. But when they untaxed corporations that would come and stay for 10 years, they ended up with today 560 American companies that are established on the little island of Ireland.

We should untax these companies that are here. We have lost a lot of American companies overseas. A lot of them would come back home again because of the new tax policy. We have foreign corporations that moved to the United States because of our new tax policy when we untaxed them. That means we have more jobs here in the United States, and that means our productivity goes up and it will be producing those kind of goods that will go overseas, and it improves our balance of trade.

Now, Ronald Reagan said what you tax you get less of. He also said what you subsidize you get more of. I will not go down the subsidy side tonight, but I will go down the tax side. What you tax you get less of. We are taxing everyone's productivity in this country.

The Federal Government has the first lien on everyone's labor, on everyone's productivity. That means that they reach into your check, they reach into your check at the end of the week and they take out what they want, and they let you take home the rest. That is called take-home pay. We have been so numbed by this that a lot of us do not even think about the money that we make; we think about the money we take home as the money we make. So we can let you keep all of the money that you earn and no longer have to take a withholding out of that check.

And then we are incenting the capital formation. We are not taxing either. Here are some of the taxes that we get rid of. I said corporate business tax, income tax, your personal income tax all goes away. The payroll tax on Social Security, Medicare, and Medicaid, that is the most regressive tax we have in America. Everybody pays that on the first dollar and all the way up to $87,000, and then after that you do not have to pay any more of the Social Security portion, but you do Medicare and Medicaid. That is a regressive tax. It is an extraordinarily regressive tax. And we eliminate that.

So we are going to eliminate income tax of all kinds. We eliminate inheritance tax. The death tax goes away. We eliminate tax on interest income, dividend income. We eliminate the tax on capital gains. The tax on your Social Security income, the tax on your pension all goes away. The tax on your interest in dividend income, as I said.

So who are the winners in this? Senior citizens are winners. And they are some of the people that I have to think of first because I represent the 5th district of Iowa. And they are in the western third of the State. I have 32 counties. We in Iowa have the highest percentage of our population over the age of 85 of any of the States in the Union. We are arguably the oldest State in the Union. And in this possibly the oldest State in the Union. And of the 32 counties that I represent, I have 10 of the 12 most senior counties in Iowa. I would only advocate a policy that was good for the seniors in this country because it is good for the district that I represent.

But what we are able to do with a fair tax is take away your tax on your Social Security income, tax on your pension income, tax on your interest income, your dividend income. We eliminate the tax on capital gains that will let you, if you own a house that you would like to sell, that maybe you bought it for $10,000 now it is worth $110,000, you do not have to pay the capital gains on that any longer if we pass fair tax H.R. 25. You can sell that parcel of real estate without a tax burden. It does not have to be part of the equation, part of the calculation in making a decision.

So if you want to go in and lease a duplex or apartment or independent living, if that is your decision, sell your farm too if you choose to do that. Maybe you paid $100 an acre for the farm and today it is worth $3,500. The capital gains on it would be tremendous. That is why we have people hanging on to real estate and hanging on to assets, because they cannot afford to sell them because of the capital gains burden.

Senior citizens make out very, very well on this because we untax their income stream, and we let them sell their assets without penalty and they can manage their retirement, and we eliminate the damage tax so they can pass what is left over on to the next generation, which is a part of the American dream as well. Seniors also get along, get another advantage here, that is part of what everybody gets and that is we have to remove the regressive nature of a sales tax. And that regressive nature comes with having to pay a tax rate for everything that you buy.

The less income people have, the greater percentage of their income will go to taxes. So we need to address that. That actually is the hardest problem to fix. But the solution is actually very simple once you come to that. That is this: we send into every household in America a rebate check at the first of the month to compensate each family in advance for the amount of money that they will pay in a Federal sales

tax in the necessary items on up to the poverty level.

So, for example, a family of four would get a check the first day of the month, or wired to their account is more likely going to happen, for an amount of $479 for that month. That is actually a pretty good check. That is the tax portion of what they would spend. Senior citizens get that check; so does the poorest family in America. So does Bill Gates, by the way.

Everyone gets untaxed up to the poverty level. Then from there on, you start to pay your tax at a rate that would then be calculated. The average family then would pay less in taxes when the bill is passed than it does today. Senior citizens make out very well. The poorest people in America make out very well because we untax them. And they do not have any tax burden. They get the check for the first of the month for the necessary items.

And then neither are we taxing capital formation. We are not punishing you when you save money, when you invest money. You can invest money and earn income off of that without a penalty. So we incent then, we provide for and promote, capital formation. There will be billions of dollars that flow into all kinds of investment accounts. These investment accounts, they do not get sewed into a mattress. That money goes to some good, gets put to some use. Say someone decides I make a lot of money and I only want to spend a little bit of money. So I will take this money and save it, and I will put it into maybe a time deposit at the bank, a CD, certificate of deposit. Well, the bank will take that money and roll it into another investment or loan it to a young entrepreneur in the community that is starting up a business or maybe wants to buy that real estate that has primarily been tied up because of a capital gains bind. That is released. Start that up and maybe we have got young people that go in and buy a farm where they could not do that otherwise or they start a business that they could not do otherwise, or maybe that money goes into research and development.

And that is going to produce more items out here. And we use the creativity of America to bring more things to the marketplace. Or the money gets invested by companies to put capital investment in that does improve the productivity of every American. If it is a research and development that produces more of those innovations or higher education, all of those things, where the future of America's economy is, that future up there in the high-tech side, the development side, the investment side where it takes dollars and education and technology, we will incent that and those dollars will be invested there.

Those dollars, by the way, improve the productivity of the American worker who will then make more wages. There will be more demand for the American worker. The American worker has then more money in their pockets. They spend that money in the retail counter which then drives this economy. We watch how our economy is when we go up towards Christmas. We say are sales up or down; that tells us a lot about how strong our economy is. There will be more money in the end spent at the retail level.

By the way, all those things sold at the retail level get cheaper. They get 22 percent cheaper.

If you are wondering how it works, if you are a businessman, again I am from Iowa so we always put it into farming analogies, if you are a farmer and you go out and spend $250,000 on a brand-new combine, and you are thinking I do not want to pay the tax on that, well, you do not pay the tax on that. You do not pay the tax because that is a business input. It is not a last retail stop for personal consumption.

So there would be no tax on the combine or the new tractor or the parts that go into it, or the seed or the fertilizer or all the other inputs that are there. Or if you are running a retail store, and you are purchasing inventory for that store, say, for example, you run a grocery store, you do not pay the sales tax on your wholesale cost of those goods. You collect it when you sell. Or if you are running a jewelry store and you happen to be buying jewelry that gets purchased at the inventory level, you put that inventory in the store, you are not paying tax on that inventory.

□ 2015

But when the person comes in and purchases that brand new diamond engagement ring that starts out that unique family that hopefully has a lot of children to participate in the American dream, that that new diamond ring does not get income tax on if when you purchase the diamond as a wholesaler or as a retailer, but the person that does it at the resale level from the retailer does pay the tax. But if you are selling it, you get the discounts on average of about 22 percent because the tax burden is off, and all the people, the people that you are paying to work in the grocery store or in the jewelry store or in the grain elevator, wherever it may be, you are no longer paying the payroll tax out of the wages, the 15.3 percent that you take out of the wages and send off to the Federal Government for Social Security, Medicare and Medicaid.

Many times I have sat there and made payroll out for over 28 years, 1,400 and some consecutive weeks, and I do not know how many different payroll checks I signed, but I met that payroll, and I sat there with that calculator, and I punch out .0765, multiply it times the gross wages, take it out of the employee's wages, add it. As an employer it is 15.3 percent. That does not get withheld any longer. You get to keep that in your payroll as well.

Most people think that that half of that 15.3 percent, .0765, can be added to the employee's wages because, after all, that is the cost of the employee. So wages will go up by 7½ percent.

Now, this is, every piece of this policy is a good thing. Everything rolls around to the positive. And when we are finished with this, it adds up this way.

What is the rate? You all have to be asking and wondering what is the rate? Well, the rate adds up this way. Remember we are discounting everything you purchase by 22 percent, so compare it with that. We have to put the rebate check into every household to make sure it is not regressive, to make sure we can untax the poor and untax the people on fixed incomes. We will untax Bill Gates if he wants to live at the poverty level, and I am sure he will not. But when we do all of that, that cost is 3 percent. And then when we replace the payroll tax, and that is Social Security, Medicare, Medicaid, that .0765 times 2, 15.3 percent of your payroll, that replacement costs 8 percent at the retail level.

So now we are at 11 percent as a tax rate, but the replacement portion, then that takes us up to the revenue-neutral number, that number that just generates the income that is coming from the income tax today, that takes 12 percent. So when you add the numbers up, it is 3 percent plus 8 percent, which is 11, and you add 12, so you are at 23 percent; 23 percent embedded tax. But we discounted the same items by 22 percent.

So you will ask, how can we do that? That sounds almost like something for nothing. The reason that this works out this way, and we have over $20 million of research on this that supports this, the reason that it works out so well is, first of all, we have a broad tax. It is all sales and service. We allow no exceptions or exemptions of any kind, because if we do, that opens the door up for this big machinery here in Washington, D.C., this monstrosity of a lobby that about half of it is all here because they are looking for a tax discount, the tax credit, the way to minimize the tax liabilities of these companies. And actually individuals only at 61 percent are paying taxes. Remember, as I said, domestic companies, and 61 percent, 71 percent of foreign do not, 61 percent of domestic do not.

So this whole component that we have here is the economic model that stimulates the maximum amount of economic growth. So we have incented this capital formation on the high-tech side. We have saved this loss of jobs that drain into overseas. We kept the blue-collar jobs that are here. We have fixed the balance of trade. We put money into investments. We put money into research and development, into high tech, into higher education. All of these are the good things we need to do on the top side of the economy and on the bottom side of the economy and on the balance of trade. And we have done that by changing this retail price by a little bit, because

the price goes down by 22 percent when you take the tax out, but the tax rate is embedded at 23 percent. We will tax all sales and all service at that. That is why when it is broad, we can keep the tax cheap. That is an essential component of this.

Now, another thing that I think about is today about 44 percent of Americans do not pay income tax. Now, I said corporations do not pay taxes, and they do not. People pay taxes. People producers pay taxes. If you are making an income high enough and do not have discounts or do not have deductions that make sure that you do not, but 44 percent of the Americans are not paying income tax today. That means that that number is growing. That number has grown dramatically in the last few years. If that number grows up over 50 percent, as soon as 51 percent of the people in this country figure out that they can go to the polls and elect themselves members of Congress and elect Members of Congress that will then tax the producers and send the money to the people who are not paying taxes, we have lost. We have lost this freedom. We have lost this constitutional Republic. We have lost this democracy if we let it get that far.

It only takes another 6 percent plus 1 for the nonproductive sector of the voting populace, those who are not paying income tax, to have a majority control in this country. Then the only thing that keeps them from voting themselves benefits out of the Treasury may be lack of organization, and maybe it bothers their conscience. I want everybody to have some skin in the game. I want everybody in America to pay some taxes.

We will send the rebate check into every household so we untax the poor, but when the poor goes out, when everybody goes out and purchases anything at the retail level, any sales or any service, then they are paying their taxes. That means they understand every day that they do a transaction how expensive the Federal Government is.

Every little kid when they grow up in America and they go to buy their baseball cards, let me see if I have them here, buy their baseball cards or buy their Barbie doll clothes, and they have to reach in and pull a couple of dimes out for Uncle Sam, that will hurt a little bit every time they have to do that. They will think about where that money goes. They will know intuitively from the time they are 4 or 5 years old that they have to fund this government. When they do that, I think they will understand when they get old to vote and participate in public life and old enough to hopefully serve in this United States Congress someday that there is such a thing as personal responsibility. And today we have created this dependent society where many of them look at government as the first solution instead of the last resort.

I want generations of Americans that look at government as the last resort and come up with their own first and second solutions and do everything they can to resolve their own problems at home. We need to have more independence and more freedom. This bill does that.

H.R. 25. You can find information about all of the statistics and data I have given you at fairtax.org.

We today have some 46 or so cosponsors on the bill. The gentleman from Georgia (Mr. LINDER) is the lead. The people in Georgia understand how important this is. They support a fair tax. They know this is the most dynamic thing we can get done. As I said earlier, the economists out there do agree. The only question is the political difficulty, not the economic difficulty. We are here to solve this political difficulty, and I am here speaking to this tonight.

I have done programs in Council Bluffs and in Sioux City. In Council Bluffs it was sitting room only. In Sioux City it was standing room only. I did not find anyone that could come up with a comment or question that would be a reason why we should not do this.

I believe everybody in America is a winner when we replace the IRS and the Income Tax Code with a fair tax, a retail sales and service tax, an embedded cost of 23 percent; discount those retail prices on sales and service by 22 percent because we are able to untax the businesses that produce those sales and service.

And by the way, when you look around this country, there are some people that do not pay taxes, and there are some people I would really, really like to tax, and I am looking around at the drug dealers in America. They are living in a black market, illegal economy, and they are dealing in cash. Do you think that they call up H&R Block and say, I brought in $1.5 million this year, and I had a 67 percent profit margin; therefore, I must have a tax liability on $1 million? They are not doing that. These people live in the shadows, but they take their cash out, and they go to the retail, and they buy things. That is why they are doing what they can do so they can buy things off the shelf. Clothes, cars, and entertainment and all the things the rest of us do, they are doing it tax free. Their business is in the shadows. We get to tax them not through the income tax, because we cannot catch them with that, on their cash income, but we will catch them at the retail level when they purchase things from the shelf.

So we get to tax drug dealers and prostitution. There is about a trillion dollars worth of illegal economy going on in America. We get to tax it all. So that is about $230 billion in our Treasury there that ups the ante. That allows us to take the rest of your taxes down a little bit.

Tourists come into this country. They do not mind taxing me when I go into their country. We seem to mind taxing tourists in this country. If we can tax the tourism industry that comes in here, people from foreign countries that are using our infrastructure, they drive on our roads, they flush our toilets, they use the electricity, all of these things that are part of our system in this country flowing and going so well, if we can tax them on what they spend in this country, that would be $50 billion a year added to the $230 billion that I mentioned earlier. We are up to where we have $3 billion in revenue from the illegal side of this thing and from the tourism side, the prostitution, the drugs and all of that. So it is nice to have those people carrying part of the burden. They have not carried any of their fair share. The fair tax will require them to carry their fair share.

There are other things that we need to do to bring them in line. That is the big picture on this.

Every aspect of our economy gets better and better and better as we look at this policy and program. So we tax the tourists. We tax the drug trade. We tax the prostitutes. We tax the illegal industry that is in America and generate a number approaching $300 billion a year. We untax the poor. We untax the senior citizens on fixed incomes at least, and the middle-American family that will get that rebate check in their households at about $479 a month for a family of four. That makes that number around $40,000 a year. They will find their tax rate at about 15.6 percent. So they get a cheaper tax rate, too.

It helps everybody in America, and, by the way, there is a political dynamic to this. When we started selling American products into countries that have not been competitive before, the European Union comes to mind, when that happens, they have to look at their own tax policy when they cannot be competitive any longer. That means they have to go back into their Parliament and make a decision on what their tax policy will be in order to compete with the United States of America. And that policy will be closer to a fair tax policy than the 70 percent income tax they have today that goes to, and that was Denmark, for example, where they take that income tax and provide all kind of things for people that take away their personal responsibility, create a dependency, grow a socialistic philosophy, and puts the burden on the economy that does not allow them to be competitive unless they raise the taxes so they can subsidize the things they need to, like our egg products, so it is harder for us to compete with them.

At some point our competition in this country breaks their bank, and they have to buy into our policy. When they do that, the European countries, the rest of the countries in the world will be more free than they are today. There will be a lower tax rate. People will be able to keep all the money they earn instead of having to give up 70

percent of it, and that means they will be more productive. And they will advocate for the same things we do. And the center for political gravity in Europe, for example, shifts to the right. When it does that, they are a closer friend to us, and they become more allies than they are today. And they have been good allies over the years, but we can improve that with the fair tax policy.

So H.R. 25, fairtax.org, embedded tax costs of 23 percent, reducing the cost of everything we sell by 22 percent. We repair our balance of trade; that minus $503 billion a year in balance of trade goes to a plus number. We slow the loss of unskilled jobs or lower-skilled jobs going overseas, and we promote capital formation that grows our economy on the high-tech side. And we lower the taxes on middle-income America, and untax the poor and the senior citizens on fixed income.

It does everything that a tax policy can do. Additionally, the costs of compliance gets reduced by 95 percent. Forty-five States in the Union today have a sales tax in place. They already have the collection system there. They already have the audit system in there. So only five States have to put in place a sales tax system. They will grumble and groan about it a little bit, and they will be the five States to oppose this, and yet the best thing overall for America.

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So, when they do collect those taxes, it will just be the State treasurer sends the check to the U.S. Treasury. It is that simple, and the audit systems are there now, and we can contract with them to continue to do the audits as they have, and we also want to pay ¼ of 1 percent to the States for collecting the tax and to the retailer for collecting the tax.

Have you ever had the government send you a check for collecting taxes before or did you just send it in and be glad you can keep the little bit that is left? We change that. So April 15, that day when people stay up all night long pulling their hair out to make sure they can file the forms, make sure they can meet their tax obligations, and there are millions of Americans that go to borrow money to pay their taxes on that day or the day after, April 15 is the worst day on our calendar, and it can become just another day when this Congress passes the fair tax, H.R. 25.

The time is right. The majority leader understands this. He has been a supporter of the fair tax for a long time. We know we need to bring tax reform. We know we need to bring a dynamic energy into this economy. No one, no one in their right mind, that is, would advocate that we would take the internal revenue code we have today and modify it and amend it and try to somehow get tax reform out of this monstrosity of pages and produce something that provided equity for the American people. It is not possible with that monstrosity.

If we went to the flat tax, as Steve Forbes advocated some years ago and as Dick Armey, who was the majority leader in this chamber, advocated some years ago, that postcard, if you put your taxes on, still keeps the IRS intact, still requires an audit. That postcard is your income tax the way it looked 90 years ago when this monstrosity first began. If we could cut it back to that with a flat tax, it would still grow into another monstrosity again. Over time, we can eliminate the IRS, we can eliminate the tax code, and by the way, we must amend the Constitution so that income tax is unconstitutional again and repeal the amendment that established and legalized the income tax, and the American people will be ready to do that; they will get confidence in.

We will pass the bill and introduce a constitutional amendment and watch this dynamic economy jump, but the piece that is most important is a $1 trillion anchor on our economy imposed by the IRS today. That $1 trillion anchor can be cut.

H.R. 25 cuts that anchor chain. That anchor can stay in the bottom of the ocean, and we can sail this ship of our economy free, and we can take these people that are now involved in the regulatory sector of the economy, the IRS workers and all those people who are so busy working for tax avoidance or tax compliance, I mean, we have got this whole competition going on out here. They can all go to work in the private sector producing a good or service that has value, that they can cash a check for, and they can go out, too, with the money they earn, keep all the money they earn, spend it at the retail level, decide when they pay their taxes.

It is freedom; it is fair. It is fairtax.org. It is time this Congress moves. It is time we have a conference to debate and discuss this and get off the dime on what is the best policy. This is the best policy. I believe that should be settled with the American people. We need to move forward and get past this indecision.

So with that, Mr. Speaker, I appreciate the opportunity to address the chamber tonight, and I look forward to some action on this issue and many others as this time unfolds.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARDIN (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of official business.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of April 19 on account of medical 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. WYNN, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. MURPHY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, April 27.

Mr. BURGESS, for 5 minutes, April 27 and 28.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, April 27 and 28.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAM JOHNSON of Texas and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,917.

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 22, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1274. To direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. To provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. To designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 2004, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7715. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Extra Long Staple Cotton Outside Storage and Strength Adjustment for Loan (RIN: 0560-AH03) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7716. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date [Docket No. 03-072-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7717. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7718. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Transportation of Animals on Foreign Air Carriers [Docket No. 02-012-2] (RIN: 0579-AB51) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Emergency Conservation Program (RIN: 0560-AG26) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Tree Assistance Program (RIN: 0560-AG83) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7721. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Electronic Commerce; Organization; Standards of Conduct and Refferal of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Borrower Rights (RIN: 3052-AB69) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7722. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Borrower Rights; Effective Interest Rate Disclosure (RIN: 3052-AC04) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7723. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act which occurred in the Coast Guard's annual Operating Expenses appropriation accounts, pursuant to 31 U.S.C. 1341; to the Committee on Appropriations.

7724. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7725. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1167] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7726. A letter from the Legal Counsel, CDFI Fund, Department of the Treasury, transmitting the Department's final rule — Notice of Funds Availability (NOFA) inviting applications for the FY 2004 funding round of the Financial Assistance Component of the Community Development Financial Institutions Program — received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7727. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Burma — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7728. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Myanmar Mayflower bank and Asia Wealth Bank (RIN: 1506-AA63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7729. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7634] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7730. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7731. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7732. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7829] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7733. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7734. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7735. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7770] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7736. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7827] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7737. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7738. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7739. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7444] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7741. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7742. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7743. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7553] received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7744. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier [Docket No. FR-4876-I-01] (RIN: 2501-AD01) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7745. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Changes in Maximum Mortgage Limits for Multifamily Housing [Docket No. FR-4913-F-01] (RIN: 2502-AI19) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7746. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Inspector Roster [Docket No. FR-4720-F-02] (RIN: 2502-AH76) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7747. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Adjustable Rate Mortgages [Docket No. FR-4745-F-02] (RIN: 2502-AH84) received March 30, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Financial Services.

7748. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECM's [Docket No. FR-4667-1-02] (RIN: 2502-AH63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7749. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2003, which includes an addendum containing information (as required by the Ex-Im Bank's 2002 reauthorization) on the status of the Bank's information technology and small business outreach, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

7750. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Corporate Credit Unions; Credit Union Service Organizations; Member Business Loans; Regulatory Flexibility Program — received April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7751. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance; Living Trust Accounts — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7752. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Surety and Guaranty; Maximum Borrowing Authority — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7753. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7754. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7755. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7756. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program (RIN: 1830-ZA04) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7757. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2001, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7758. A letter from the Secretary, Department of Energy, transmitting draft of proposed legislation ''To reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes''; to the Committee on Energy and Commerce.

7759. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma) [MM Docket No. 01-293; RM-10302; RM-10547] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7760. A letter from the Special Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clarksville, Texas and Haworth, Oklahoma) [MM Docket No. 01-182; RM-10202] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7761. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman and Tusayan, Arizona, Moapa Valley, Nevada, and Beaver and Cedar City, Utah) [MM Docket No. 02-12; RM-10356; RM-10551; RM-10553; RM-10554] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7762. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sheffield, Texas) [MB Docket No. 02-350; RM-10600] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7763. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Encinal, Texas) [MM Docket No. 01-152; RM-10168] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7764. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Winnsboro and Annona, Texas) [MM Docket No. 01-189; RM-10204] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7765. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Nampa, Idaho) [MM Docket No. 01-54; RM-9918] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7766. A letter from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 76.51 Of the Commission's Rules To Include Merced and Porterville, California in the Fresno-Visalia-Hanford Clovis Television Market [CS Docket No. 00-1] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7767. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Freer, Hebbronville, and Orange Grove, Texas) [MB Docket No. 02-260; RM-10502; RM-10853] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7768. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Fort Collins, Westcliffe and Wheat Ridge, Colorado) [MB Docket No. 03-57; RM-10565] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7769. A letter from the Chief Financial Officer, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 0 and 1 of the Commission's Rules; Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Deliquent Debtors [MD Docket No. 02-339] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7770. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with the provisions of Section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), Section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and Section 108 of the Inspector General Act of 1988 (31 U.S.C. 105(a)(25)), proposed legislation which authorizes appropriations for FY 2003; to the Committee on Energy and Commerce.

7771. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Aruba, Netherlands Antilles, East Timor, and Democratic Republic of the Congo, and Update of Country Names, in the Export Administration Regulations [Docket No. 040330104-4104-01] (RIN: 0694-AC83) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report describing conditions in Hong Kong that are of interest to the United States, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 104—107, section 576; to the Committee on International Relations.

7773. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7774. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7775. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7776. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7777. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7778. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant

to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7779. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2003, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7780. A letter from the Administrator, Federal Aviation Administration, transmitting Progress of the aircraft cabin air quality activities, pursuant to 49 U.S.C. 40101nt; to the Committee on Transportation and Infrastructure.

7781. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Discrimination Complaints under Section 6 of the Pipeline Safety Improvement Act of 2002 (RIN: 1218-AC12) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30407; Amdt. No. 447] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Benton, KS. [Docket No. FAA-2003-16756; Airspace Docket No. 03-ACE-94] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Manual Requirements in Part 135; Correction [Docket No. FAA-2004-17119] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Notice No. 04-05] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30405; Amdt. No. 3090] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendment [Docket No. 30406; Amdt. No. 3091] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Model DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Testron Lycoming) AEIO-540, 10-540, LTIO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. 2002-NE-31-AD; Amendment 39-13519; AD 2004-05-24] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Lancair Company Models LC40-550FG and LC42-550FG Airplanes [Docket No. 2004-CE-07-AD; Amendment 39-13535; AD 2004-06-09] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. 2004-NM-43-AD; Amendment 39-13546; AD 2004-07-02] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2002-NM-232-AD; Amendment 39-13547; AD 2004-07-03] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstram) Model 4101 Airplanes [Docket No. 2002-NM-63-AD; Amendment 39-13543; AD 2004-06-17] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-300-AD; Amendment 39-13542; AD 2004-06-16] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Construction or Alteration in the Vicinity of the Private Residence of the President of the United States [Docket No. FAA-2003-14972; Special Federal Aviation Regulation No. 98] (RIN: 2120-AH83) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7796. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmoniation with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International C ivil Aviation Organization's Technical Instructions [Docket No. RSPA-03-13658(HM-215E)] (RIN: 2137-AD41) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7797. A letter from the Chairman, Federal Maritime Commission, transmitting the 42nd Annual Report of the Federal Maritime Commission for fiscal year 2003, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

7798. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Optional Rider for Proof of Additional NVOCC Financial Responsibility [Docket No. 04-02] received April 13, 1004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Regulations Governing Fees for Service Performed in Connection with Licensing and Related Services-2002 New Fees — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Electronic Filing Option for Certain Documents — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket No.: 040318097-4097-01] (RIN: 0693-ZA57) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7802. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Small Grant Programs; Availability of Funds [Docket No.:040205042-4042-01] (RIN: 0693-ZA54) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7803. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Gavernment Property — Instructions for Preparing NASA Form 1018 (RIN: 2700-AC73) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7804. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Coorperative Agreement Handbook — Grant and Cooperative Agreement Announcement Numbering (RIN: 2700-AC98) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7805. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Performance Period Limitations (RIN: 2700-AC94) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7806. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program, FY 2005 Program Announcement [Docket No. 000616180-4095-08] (RIN: 0648-ZA91) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7807. A letter from the Secretary, Department of Labor, transmitting the first report of the President's National Hire Veterans Committee, pursuant to 38 U.S.C. 4100 Note; to the Committee on Veterans' Affairs.

7808. A letter from the Secretary, Department of State, transmitting the 2003 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; jointly to the Committees on International Relations and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 388. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–467). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 389. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–468). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 376. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 108–469). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK:

H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4194. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. HOLT, Mr. PALLONE, Mr. ANDREWS, Mr. PASCRELL, Mr. ROTHMAN, and Mr. PAYNE):

H.R. 4195. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. KIRK:

H.R. 4196. A bill to authorize the conveyance of certain environmentally sensitive land at former Fort Sheridan, Illinois, for the purpose of ensuring the permanent protection of the lands; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4197. A bill to suspend temporarily the duty on othro nitro aniline; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4198. A bill to suspend temporarily the duty on Bis (2,2,6,6,-tetramethyl-4-piperidyl) sebaceate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4199. A bill to suspend temporarily the duty on 2,5-thiophenediybis(5-tert-butyl-1,3-benzoxazole); to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4201. A bill to suspend temporarily the duty on Tetrakis ((2,4-di-tert-butylphenyl)4,4-biphenylenediphonite); to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. MORAN of Virginia, and Mr. TOM DAVIS of Virginia):

H.R. 4202. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. COBLE:

H.R. 4203. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. WATT, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Ms. BALDWIN, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mrs. BONO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Mr. SANDERS, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. WALSH, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4204. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. COX:

H.R. 4205. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the installation of hydrogen fueling stations; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. MARKEY, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 4206. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial 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 Ms. DELAURO (for herself, Mr. OBERSTAR, Mr. RANGEL, Mr. SANDERS, Mr. EMANUEL, Mr. LYNCH, Mr. LEVIN, Ms. LEE, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. FORD, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. BALDWIN, Ms. CARSON of Indiana, Mr. FROST, Ms. SOLIS, Mr. MICHAUD, Mr. SERRANO, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. HOEFFEL, Mr. BERMAN, Mr. MARSHALL, Mr. OWENS, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. CROWLEY, and Ms. SLAUGHTER):

H.R. 4207. A bill to amend the Internal Revenue Code of 1986 to increase the refundability of the child tax credit; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4208. A bill to discourage the abuse of stock options by executives of public companies by preventing unjust enrichment through the recapture of profits when shareholders suffer losses; to the Committee on Financial Services.

By Ms. GRANGER:

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. ALLEN):

H.R. 4210. A bill to amend the Farm Credit Act of 1971 to support the commercial fishing industry; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 4211. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 4212. A bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 4213. A bill to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. FERGUSON):

H.R. 4214. A bill to require a report on acts of anti-Semitism around the world; to the Committee on International Relations.

By Ms. VELAZQUEZ (for herself, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, and Ms. LEE):

H.R. 4215. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 4216. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit of $500 to public safety volunteers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. JOHN, Mr. ALEXANDER, Mr. CASE, Mr. JEFFERSON, Mr. GREEN of Wisconsin, Mr. BLUMENAUER, Mr. BAKER, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mrs. CAPITO, Mr. MCCRERY, and Mr. YOUNG of Alaska):

H.R. 4217. A bill to amend title 32, United States Code, to rename the National Guard Challenge Program as the National Guard Youth Challenge Program, to increase the maximum Federal share of the costs of State programs under the National Youth Guard Challenge Program, and for other purposes; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. WAXMAN, Mrs. MALONEY, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. WATSON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. HOEFFEL, Mr. PAYNE, Ms. BERKLEY, Mr. CONYERS, Mr. MCDERMOTT, Ms. WATERS, Ms. BALDWIN, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. HARMAN, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. CROWLEY, Ms. MCCARTHY of Missouri, Mr. CUMMINGS, Mrs. LOWEY, Ms. MCCOLLUM, Ms. KILPATRICK, Mr. VAN HOLLEN, Mr. FARR, Ms. WOOLSEY, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Mr. GONZALEZ, Mr. MEEK of Florida, Mr. STARK, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Ms. LINDA T. SANCHEZ of California, and Mr. WYNN):

H. Res. 603. A resolution commending the marchers, expressing the belief that each individual has the right to manage his or her own fertility, recognizing that the expression of sexuality is a lifelong aspect of human development, trusting individuals to make responsible choices related to having children, supporting loving families in all of their relationship forms, and celebrating the March for Women's Lives in which individuals make their voices heard through collective pro-choice power; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BOEHLERT, Mr. VAN HOLLEN, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. EVANS, Mr. CARDOZA, Ms. LEE, Mr. ENGLISH, Mr. MARKEY, Mr. DEFAZIO, Mr. SHERMAN, Mr. SMITH of Michigan, Mr. FARR, Mr. HALL, Mr. HOLT, Mrs. TAUSCHER, Mr. BOUCHER, Mr. ALLEN, Mr. CROWLEY, Mr. MCDERMOTT, Ms. LOFGREN, Mr. BOSWELL, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. KIND, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Ms. HART, Mr. MCNULTY, and Mr. SERRANO):

H. Res. 604. A resolution establishing the Congressional Science Competition for conducting academic competitions in the sciences among high school students in Congressional districts, and for other purposes; to the Committee on House Administration.

By Mr. TIERNEY (for himself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. CASE, Mr. DELAHUNT, Mr. DOGGETT, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KIND, Ms. LEE, Mrs. MALONEY, Mr. MOORE, Mrs. MCCARTHY of New York, Mr. PICKERING, Mr. SANDLIN, Mr. SCHIFF, Mr. SMITH of New Jersey, Mr. TURNER of Texas, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. LOFGREN, Mr. STARK, and Mr. TERRY):

H. Res. 605. A resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. WELLER:

H. Res. 606. A resolution commending Kankakee County, the Kankakee River Basin Partnership, the Illinois Department of Natural Resources (IDNR), The Nature Conservancy (TNC), the Illinois Clean Energy Community Foundation, and local citizens for their work in preserving the Kankakee Sands Ecosystem in Kankakee County, Illinois; to the Committee on Resources.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

297. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8050 memorializing the U.S. Congress and the Dept. of Agriculture be fully aware of the current expertise that exists as the Washington Animal Disease Diagnostic Laboratory & College of Veterinary Medicine at Washington State University and the head start this institution has to fulfill needs on projects related to TSEs including an ability to develop a BSE test for live cattle; conduct an itemized list of enhanced TSE research projects; or administer a quick surveillance BSE testing program for the state or the to the Committee on Agriculture.

298. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 memorializing the United States Congress to give strong consideration to both increasing the current mission and adding additional missions to Mountain Home Air Force Base; to the Committee on Armed Services.

299. Also, a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8039 memorializing the President of the United States, the Congress, and the Department of Defense to recognize the strategic importance of Washington State's military bases to our nation's security and not make them victims of this round of the Base Realignment and Closure process; to the Committee on Armed Services.

300. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 notifying the United States Congress that the Idaho Legislature is committed to maintaining the states as sole regulators of the business of insurance, and continue to support state efforts to streamline, simplify and modernize insurance regulation; to the Committee on Financial Services.

301. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 20 notifying the United States Congress of the Idaho Legislature's committment to maintaining the role of the states in enforcement of consumer protection laws and in dual regulation of financial institutions, and it opposes any federal rule that undermines this state authority, including the OCC's rules preempting state consumer protection laws and enforcement that apply to national banks, their operating subsidiaries and agents; to the Committee on Financial Services.

302. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 memorializing the United States Congress to support amendments to the No Child Left Behind Act that will allow determinations of ''adequate yearly progress'' to be made on the basis of individual student growth from year to year; target options for choice & supplemental services to specific subgroups that fail to make adequate yearly progress ; provide flexibility & more reasonable rules for English Language Learners; & permit states to identify those schools that fail to meet adequate yearly progress for two consecutive years in the same subject to the Committee on Education and the Workforce.

303. Also, a memorial of the House of Delegates of the State of West Virginia, relative to House Resolution No. 6 memorializing the President and Congress of the United States to amend the No Child Left Behind Act to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms; to the Committee on Education and the Workforce.

304. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 17 memorializing the United States Congress to amend Section 1917(b)(1)(C) of the Social Security Act (49 Stat. 620, 42 U.S.C. 1396p(b)(1)(C)) by deleting May 14, 1993 as the deadline for approval by states of long-term care partnership plans; to the Committee on Energy and Commerce.

305. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1442 Joint Resolution memorializing the President, Congress, and the Postal Service of the

United States to maintain current levels of service; to the Committee on Government Reform.

306. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 27 memorializing the United States Government to conduct salmon survival evaluations in the 2004 spill year, the goal of which should be to determine if it is possible to achieve the same or greater levels of survival and biological benefit to migrating fish as is currently achieved while reducing the amount of water spilled, thus decreasing the adverse impacts on the region's power supply; to the Committee on Resources.

307. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 579 memorializing the President of the United States and the Pennsylvania Congressional Delegation to do all in their power to encourage the United States Department of Justice to review its September 11, 2002, refusal to classify Christopher Kangas as a ''public safety officer'' under the Public Safety Benefits Act of 1976; to the Committee on the Judiciary.

308. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 109 commending the United States Congress for its efforts to date to increase transit funding for Idaho and to apply a higher federal match to transit projects due to the presence of significant federal lands in a state; to the Committee on Transportation and Infrastructure.

309. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 15 supporting the passage of H.R. 871, to amend the national Highway System Designation Act of 1995; to the Committee on Transportation and Infrastructure.

310. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 22 memorializing the President of the United States and the Congress to support and expand the Idaho National Laboratory; to the Committee on Science.

311. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8040 memorializing the President of the United States to insure the U.S. Department of Veterans Affairs health care system in Washington State will be adequate to serve the current and future demands of the state's veterans; to the Committee on Veterans' Affairs.

312. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 18 memorializing the United States Congress, that in negotiating any national trade agreements, to recognize the economic impact of such trade agreements on the states and consider those impacts to maintain viable economic health of agricultural industries as well as all industries, with an emphasis on fair trade, rather than free trade; as well as to renogiate the provisions of CAFTA to limit sugar exports from the Central American countries to fairly protect sugarbeet and cane growers in the United States; to the Committee on Ways and Means.

313. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4031 memorializing the President and the Congress of the United States to extend and make retroactive the federal temporary unemployment compensation program; to the Committee on Ways and Means.

314. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 21 supporting the concurrent receipt of military retirement pay and disability compensation; jointly to the Committees on Armed Services and Veterans' Affairs.

315. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 110 memorializing the congressional delegation representing the state of Idaho to work toward enactment of the Clearwater Basin Project Act; jointly to the Committees on Resources and Agriculture.

316. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the United States Congress to preserve access to, and the historic use of, backcountry airstrips by introducing into Congress legislation which will preserve backcountry landing strips on currently-owned federal lands and any future federal acquisition of lands; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. PALLONE, Mr. SANDLIN, Mr. PAYNE, and Mr. BRADLEY of New Hampshire.
H.R. 121: Mr. VAN HOLLEN.
H.R. 300: Mr. KLINE, Mr. BURNS, and Mr. KINGSTON.
H.R. 333: Mr. RANGEL.
H.R. 348: Mr. REYES and Mr. HOEFFEL.
H.R. 391: Mr. FOLEY.
H.R. 476: Mr. CASE, Mr. PASCRELL, and Mr. SCOTT of Georgia.
H.R. 548: Mr. WELDON of Pennsylvania.
H.R. 584: Mr. PAYNE.
H.R. 623: Mr. LANGEVIN.
H.R. 648: Mr. FRANKS of Arizona.
H.R. 676: Ms. BALDWIN and Mr. SANDERS.
H.R. 713: Mr. LEWIS of Kentucky, Mr. BRADLEY of New Hampshire, and Mr. PASTOR.
H.R. 716: Mr. KIRK.
H.R. 775: Mr. CARSON of Oklahoma and Mr. KLINE.
H.R. 806: Ms. SCHAKOWSKY and Mr. LIPINSKI.
H.R. 832: Mr. ALLEN.
H.R. 852: Mr. KUCINICH.
H.R. 857: Ms. DEGETTE.
H.R. 918: Mr. TERRY, Mr. FERGUSON, and Mr. MCDERMOTT.
H.R. 962: Mr. WYNN.
H.R. 1043: Mr. KIND and Mr. BOEHLERT.
H.R. 1083: Mr. STRICKLAND, Mr. JENKINS, and Mr. SPRATT.
H.R. 1084: Mr. GREEN of Wisconsin.
H.R. 1105: Mr. GEPHARDT.
H.R. 1117: Mr. HALL.
H.R. 1136: Mr. LEVIN.
H.R. 1173: Mr. WALSH.
H.R. 1225: Mr. REYES.
H.R. 1231: Mrs. JOHNSON of Connecticut.
H.R. 1306: Mr. MORAN of Virginia.
H.R. 1345: Mr. DEUTSCH and Ms. CARSON of Indiana.
H.R. 1359: Mr. MORAN of Virginia.
H.R. 1480: Mr. HONDA.
H.R. 1501: Ms. PELOSI, Mr. TOWNS, Mrs. MALONEY, Mr. BACA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mr. ORTIZ, Mr. PALLONE, Ms. DELAURO, Mr. GORDON, Ms. WATSON, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, and Mr. RODRIGUEZ.
H.R. 1552: Mr. VITTER.
H.R. 1639: Mrs. JONES of Ohio.
H.R. 1700: Mr. MICHAUD.
H.R. 1734: Ms. JACKSON-LEE of Texas, Mr. FILNER, and Mr. CASTLE.
H.R. 1735: Mr. GRIJALVA, Mr. MICHAUD, Ms. LOFGREN, and Ms. SOLIS.
H.R. 1736: Mr. PRICE of North Carolina.
H.R. 1749: Mr. BOEHLERT.
H.R. 1755: Mr. FRANKS of Arizona.
H.R. 1762: Mr. KLECZKA.
H.R. 1769: Mr. BISHOP of New York.
H.R. 1871: Mr. HOEFFEL.
H.R. 1873: Mr. MORAN of Virgina.
H.R. 1919: Mr. SAXTON and Mr. DEFAZIO.
H.R. 2011: Mr. HOYER.
H.R. 2157: Mr. HOBSON and Mr. SANDERS.
H.R. 2181: Mr. UPTON.
H.R. 2201: Mr. UDALL of New Mexico.
H.R. 2217: Mrs. DAVIS of California.
H.R. 2227: Mr. HINOJOSA.
H.R. 2265: Mr. HERGER.
H.R. 2394: Mr. HILL and Mr. CHANDLER.
H.R. 2494: Mr. LEACH.
H.R. 2525: Mr. DOOLEY of California, Mr. HINJOSA, and Ms. JACKSON-LEE of Texas.
H.R. 2527: Mr. PASCRELL.
H.R. 2536: Mr. GRIJALVA.
H.R. 2621: Mr. MCDERMOTT.
H.R. 2699: Mr. PORTMAN, Mr. EHLERS, Mr. GUTKNECHT, Mr. BOEHLERT, Mr. WYNN, Mr. ROSS, and Mr. EMANUEL.
H.R. 2711: Mr. OTTER.
H.R. 2735: Ms. SCHAKOWSKY and Mrs. NORTHUP.
H.R. 2828: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2941: Mr. BACA.
H.R. 2952: Mr. MOORE.
H.R. 2959: Mr. FRANK of Massachusetts, Mr. BOYD, and Ms. PRYCE of Ohio.
H.R. 3004: Mr. HOLT.
H.R. 3111: Mr. MARSHALL, Mr. SHAW, Mr. DAVIS of Illinois, and Mr. KING of New York.
H.R. 3127: Mr. FILNER and Mr. MORAN of Virginia.
H.R. 3194: Mr. CUNNINGHAM, Mr. RUSH, Mr. PALLONE, Mr. FROST, and Mr. SMITH of New Jersey.
H.R. 3204: Mr. PITTS.
H.R. 3220: Mr. CROWLEY and Mr. DAVIS of Alabama.
H.R. 3242: Mr. COLLINS.
H.R. 3307: Mr. OSBORNE.
H.R. 3308: Mr. SIMPSON and Mr. OTTER.
H.R. 3309: Ms. JACKSON-LEE of Texas, Mr. RANGEL, and Mr. GRIJALVA.
H.R. 3355: Mr. DEUTSCH.
H.R. 3359: Mr. MORAN of Virginia.
H.R. 3378: Mr. OWENS, Mr. WEXLER, Mr. WEINER, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. GALLEGLY, and Mr. HONDA.
H.R. 3422: Ms. WATSON.
H.R. 3446: Ms. LOFGREN, Ms. DELAURO, Mr. SHAW, Mr. MEEHAN, and Mr. NADLER.
H.R. 3450: Mr. ABERCROMBIE, Mr. GORDON, Ms. HOOLEY of Oregon, Mr. HINOJOSA, and Mr. LANGEVIN.
H.R. 3563: Mr. BURNS.
H.R. 3567: Mrs. JONES of Ohio, Mr. THOMSPON of Mississippi, Mr. PALLONE, and Mr. DEUTSCH.
H.R. 3574: Mr. LANTOS and Mr. JONES of North Carolina.
H.R. 3593: Mr. GRIJALVA and Ms. NORTON.
H.R. 3696: Mr. GEORGE MILLER of California.
H.R. 3716: Mr. GREENWOOD, Mr. CRAMER, and Mr. MARSHALL.
H.R. 3719: Mr. PAYNE and Mr. FARR.
H.R. 3729: Mr. ANDREWS, Mr. HONDA, and Mr. CASE.
H.R. 3731: Ms. SCHAKOWSKY.
H.R. 3737: Ms. NORTON.
H.R. 3751: Mr. VAN HOLLEN.
H.R. 3779: Ms. LEE and Mr. MCCOTTER.
H.R. 3800: Mr. COLLINS, Mr. BALLENGER, Ms. DUNN, and Mr. NUNES.
H.R. 3801: Mr. ROGERS of Alabama, Mr. TOM DAVIS of Virginia, and Mr. MILLER of Florida.
H.R. 3802: Mr. ETHERIDGE, Mr. MOORE, Mr. INSLEE, Mr. PASCRELL, and Mr. MORAN of Virginia.
H.R. 3858: Mr. BAKER, Mrs. WILSON of New Mexico, Mr. BRADLEY of New Hampshire, Mr. WELDON of Florida, Mr. STENHOLM, and Mr. DICKS.

H.R. 3889: Mr. WICKER and Mr. GREEN of Wisconsin.

H.R. 3903: Mr. QUINN and Mr. SNYDER.

H.R. 3916: Mr. LEACH.

H.R. 3950: Mr. ENGLISH.

H.R. 3968: Mr. DOGGETT and Mr. WAXMAN.

H.R. 3980: Mr. HALL, Ms. ROS-LEHTINEN, Mr. CARTER, Mr. PRICE of North Carolina, Mr. CULBERSON, Mrs. CAPITO, and Mr. LUCAS of Oklahoma.

H.R. 3987: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.

H.R. 3988: Mr. TOWNS, Mr. KILDEE, Mr. OWENS, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. RUSH, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. SANDERS, and Mr. FROST.

H.R. 4016: Mr. CONYERS and Mr. TERRY.

H.R. 4026: Mr. SIMMONS and Mr. WHITFIELD.

H.R. 4057: Mr. GREEN of Wisconsin.

H.R. 4061: Ms. MILLENDER-MCDONALD, Ms. HARRIS, Mr. HONDA, Mr. HASTINGS of Florida, Mr. GREENWOOD, and Mr. HOEFFEL.

H.R. 4063: Mr. CUMMINGS.

H.R. 4065: Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. GINGREY, Mr. ENGLISH, Mr. SMITH of New Jersey, Mr. MCCOTTER, and Ms. HART.

H.R. 4067: Mr. BLUMENAUER, Ms. LEE, Mr. HINCHEY, Mr. CASE, Mr. HONDA, Mr. MCDERMOTT, and Mr. CASTLE.

H.R. 4108: Mr. BEREUTER, Mr. FERGUSON, Mr. CROWLEY, Mr. ANDREWS, Mrs. MALONEY, Mr. EMANUEL, Mr. HINCHEY, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. TIBERI, Ms. PELOSI, Mr. ACKERMAN, and Mr. GERLACH.

H.R. 4126: Mr. BRADLEY of New Hampshire, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. NETHERCUTT, Mr. MCCOTTER, Mr. MANZULLO, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey.

H.R. 4131: Ms. PRYCE of Ohio.

H.R. 4142: Mr. GARRETT of New Jersey and Mrs. MUSGRAVE.

H.R. 4143: Mr. SHAYS.

H.R. 4147: Mr. FROST, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 4150: Mr. KING of New York.

H.R. 4169: Mr. BURTON of Indiana, Mr. OWENS, and Mr. MICHAUD.

H.R. 4181: Mr. WAMP, Mr. ROGERS of Michigan, Mr. WELDON of Florida, Mr. BURNS, Mr. BOEHNER, and Mr. BROWN of South Carolina.

H.R. 4182: Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. MCDERMOTT, and Mr. ACEVEDO-VILA.

H.R. 4185: Mr. SOUDER and Ms. HARRIS.

H.R. 4192: Mr. CARDOZA, Mr. FARR, Mr. LEVIN, Mr. SABO, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. RUSH, Mr. DELAHUNT, Mr. GREEN of Texas, Mr. LAMPSON, Mr. BELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 72: Mr. DAVIS of Illinois, Mr. POMEROY, Mr. FARR, Mr. DEFAZIO, and Mr. PASCRELL.

H.J. Res. 91: Mr. FILNER.

H. Con. Res. 98: Mr. CULBERSON.

H. Con. Res. 218: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 224: Mr. DUNCAN.

H. Con. Res. 242: Mr. VAN HOLLEN.

H. Con. Res. 261: Ms. LEE, Ms. DELAURO, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. REYES, Mr. OWENS, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ROSS, and Mr. ROTHMAN.

H. Con. Res. 298: Mr. BAKER and Mr. BROWN of South Carolina.

H. Con. Res. 330: Mr. SIMMONS, Mr. DEUTSCH, and Mr. HINOJOSA.

H. Con. Res. 332: Mr. CRAMER and Mr. SKELTON.

H. Con. Res. 366: Mr. RUPPERSBERGER, Mr. ISRAEL, Ms. LOFGREN, Mr. OLVER, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. SMITH of Washington, Mr. WATT, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. DAVIS of Alabama, Mr. INSLEE, and Mr. BALLANCE.

H. Con. Res. 371: Mr. CRAMER.

H. Con. Res. 375: Mr. HONDA, Mr. CUMMINGS, Mr. LAHOOD, and Mr. LANGEVIN.

H. Con. Res. 378: Mrs. NAPOLITANO, Mrs. LOWEY, Mr. MICHAUD, and Mr. DEUTSCH.

H. Con. Res. 390: Mr. RUPPERSBERGER, Mr. PALLONE, Mr. BACHUS, Mr. CRAMER, and Mr. DEUTSCH.

H. Con. Res. 391: Mr. WEXLER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 392: Ms. NORTON and Mr. FILNER.

H. Con. Res. 396: Ms. ESHOO and Ms. SLAUGHTER.

H. Con. Res. 406: Mr. BRADY of Pennsylvania.

H. Res. 313: Mr. CASE and Mr. PASCRELL.

H. Res. 516: Mr. DOYLE.

H. Res. 550: Mr. JENKINS and Mr. ALLEN.

H. Res. 575: Mr. WAMP.

H. Res. 577: Mr. BLUNT, Mr. PAYNE, Mr. BLUMENAUER, Mr. BERMAN, and Mr. GALLEGLY.

H. Res. 596: Ms. DELAURO, Mr. ENGLISH, Mr. MURTHA, Ms. HARRIS, Mr. BEREUTER, Mr. FROST, and Mr. NEY.

H. Res. 598: Mr. BOEHNER, Mr. BURR, Mr. CASE, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. EDWARDS, Mr. ETHERIDGE, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. MCKEON, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. RYUN of Kansas, Mr. SIMMONS, Mrs. TAUSCHER, and Mr. TERRY.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7. April 21, 2004, by Mr. BAIRD on House Resolution 572, was signed by the following Members: Brian Baird, Lloyd Doggett, Max Sandlin, John W. Olver, Jim McDermott, Janice D. Schakowsky, Shelley Berkley, Luis V. Gutierrez, George Miller, Peter A. DeFazio, Sherrod Brown, Joseph M. Hoeffel, Bob Filner, Marcy Kaptur, C. A. Dutch Ruppersberger, Michael M. Honda, Jim Cooper, Adam B. Schiff, Jesse L. Jackson, Jr., Stephanie Tubbs Jones, Stephen F. Lynch, Dale E. Kildee, Ciro D. Rodriguez, Solomon P. Ortiz, Grace F. Napolitano, Wm. Lacy Clay, Michael H. Michaud, Nydia M. Velazquez, Joe Baca, Hilda L. Solis, Bob Etheridge, Artur Davis, David Scott, Mike Ross, Charles A. Gonzalez, Karen McCarthy, Julia Carson, Jane Harman, Diane E. Watson, Maurice D. Hinchey, Rick Larsen, Lincoln Davis, Frank W. Ballance, Jr., Carolyn McCarthy, Nita M. Lowey, Charles B. Rangel, Betty McCollum, Dennis A. Cardoza, Sam Farr, Sanford D. Bishop, Jr., John Lewis, Brad Sherman. James R. Langevin, Susan A. Davis, Timothy H. Bishop, Lynn C. Woolsey, James L. Oberstar, Diana DeGette, Louise McIntosh Slaughter, Xavier Becerra, Chris Van Hollen, Albert Russell Wynn, Donald M. Payne, Linda T. Sanchez, Ron Kind, Danny K. Davis, Bart Stupak, Mark Udall, Martin Frost, Robert A. Brady, Eddie Bernice Johnson, Brad Miller, Tom Udall, Corrine Brown, Dennis Moore, Earl Pomeroy, Lane Evans, Bart Gordon, and Tim Ryan.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Barney Frank, Darlene Hooley, Dennis Moore, Michael R. McNulty, Norman D. Dicks, Dale E. Kildee, Peter A. DeFazio, Michael E. Capuano, and Bob Filner.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, APRIL 22, 2004 No. 53

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Phillip W. McClendon, Calvary Baptist Church, Joplin, MO.

## PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Our Father, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us calmness, Your Spirit that fills us and gives us strength and fortitude.

Guide us, Lord, so we can maximize the hours of this week. Help us to think clearly without confusion, to speak without resentment, to debate without division, and to decide courageously without strife. May our speech honor You and deal with issues and not personalities. Grant the Senators Your grace to work this week as the honorable men and women who love You and count it a high privilege to serve as leaders of our beloved Nation. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 22, 2004.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, this morning, following leader time, the Senate will be in a period of morning business for up to 60 minutes. The morning business period will be divided. The Republican side will control the first 30 minutes and the Democrat side will control the final 30 minutes.

After morning business, the Senate will begin 60 minutes of debate on the motion to proceed to the asbestos bill. When the 1 hour of debate concludes, the Senate will conduct a rollcall vote on invoking cloture on the motion to proceed to the asbestos bill. We have heard from a number of Senators on this bill in the last couple of days. As the debate has progressed, there have been a number of ongoing discussions which involved our options for moving forward on this important piece of legislation.

At this point, it is difficult to say exactly how the continued negotiations are going to be carried out, but we are going forward with the cloture vote today, and we will continue with discussions and negotiations at the leadership level. If we are unable to invoke cloture and actually begin the asbestos bill, we will have an agreement to consider the victims' rights bill that was introduced yesterday by Senators KYL, FEINSTEIN, and others. That order provides for up to 2 hours of debate prior to a vote on passage of the bill.

I thank all of the Members who have assisted in bringing that to conclusion. Both the assistant Democratic leader and I mentioned last night that they have done yeomen's work in bringing this legislation to the point it is.

It is bipartisan. I know Senator KYL has been very engaged in this debate. And only through his efforts, working together with the efforts of Senator FEINSTEIN and others, will we be able to finish that bill today.

I will be talking to the Democratic leadership about the schedule for the remaining part of this week and next week as the course of the day goes on.

I know my distinguished colleague from Missouri is here. I would be happy for him to make a statement with regard to our visiting Chaplain today.

So people know, I have about a 4- or 5-minute statement to make before going to morning business.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

## GUEST CHAPLAIN PHILLIP MCCLENDON

Mr. BOND. Mr. President, I thank the majority leader and the distinguished minority whip.

I join with my colleagues today in welcoming a good friend to the Senate as guest Chaplain, Dr. Phillip McClendon of Joplin, MO. He is the senior pastor of Calvary Baptist Church where for the past 20 years he has served as a dynamic church and spiritual leader for southwest Missouri, ministering to all with whom he comes in contact, including hospital patients here and on his extensive missions

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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abroad. While we claim him for Missouri, his pastoring and his services extend to many people beyond the borders of our State. We are extremely delighted that he has been able to bring this body together and start us, we hope, on the right track today.

Dr. McClendon was educated in Georgia, Kentucky, and Missouri, and has been pastor for lengthy periods of service in New Mexico and Texas before being elevated to the current status in Missouri.

In addition to his church responsibilities, Dr. McClendon is a widely respected civic leader. He has served as trustee for the Ozark Mental Health Center, on the board of directors for the Ronald McDonald House of the four States, and as a member of the Advisory Council for the Community Blood Center of the Ozarks.

Dr. McClendon's works can be read through his published works. He has been on numerous television broadcasts throughout the region and has developed quite a wide following.

The interesting thing about Dr. McClendon is his ability to balance his calling, his family duties, all the while contributing so much to the Greater Joplin community. It underscores his dedication and active commitment to doing God's work for the betterment of humanity and all of our spiritual lives.

Dr. McClendon and his wife Jackie have three children, Scott, Gwen, and Crystal. Today, we are very pleased to be able to welcome an enthusiastic group of friends and admirers as he opened the Senate for business. We are truly delighted to welcome him and his group.

Thanks, Dr. McClendon, to you and your family, for your service.

I appreciate the opportunity to make these remarks. I thank the Chair for giving me this opportunity.

The ACTING PRESIDENT pro tempore. The majority leader.

## EARTH DAY

Mr. FRIST. Mr. President, very briefly, I wish to comment on an event we are celebrating throughout the United States today and indeed throughout the world today. That is the fact that today is the 34th anniversary of Earth Day, an event that gives people the opportunity to celebrate the environmental accomplishments that have been made over the past three decades and, yes, to look ahead to see what progress can and should be made.

What has been so apparent to me as I travel back to Tennessee and talk to people across Tennessee is the opportunity that this day and this focus gives communities to discuss, to participate, and clean up of projects—to participate in conservation projects all across Tennessee. And, thus, it is happening all across the country.

Thousands of volunteers today, right now as we speak, are participating in an event—and the next few weeks will continue that discussion and that activity—all of which will serve to raise environmental awareness and improve the cities and towns and the environment in which we live.

This year we have much to celebrate. The quality of our environment has dramatically improved over the past 30 years. Federal, State, and local efforts have enhanced our air and enhanced our water quality by reducing pollution. Major steps have been taken to clean up contaminated sites over the last 30 years and to protect our natural resources.

Since 1970—a little over 30 years ago—aggregate emissions of harmful pollutants have decreased by 25 percent. And that has happened—this decreasing of the pollutants by 25 percent—at the same time our gross domestic product has increased 161 percent. Energy consumption has increased 42 percent.

Tennessee is home to some of our Nation's most diverse natural areas. We have the Great Smoky Mountains in east Tennessee, a wonderful environment, a wonderful region, a wonderful space that I personally enjoy. I hike through it every year with my family—my wife Karyn and my three boys.

It is our Nation's most visited National Park, the great Smoky Mountains National Park. It is home to more than 100,000 different, distinct species, hundreds of which are new to science. The park itself is one of the most biologically diverse, indeed, in the world. Tennesseans know how critically important it is to protect and to conserve our limited resource.

In recognition of Earth Day, Tennesseans are volunteering all across the State, in National Parks, community cleanup projects, in wildlife refuges. A lot of the projects I mentioned are underway as I speak. In Nashville, thousands turned out to Centennial Park to learn about the Cumberland River and the region's water resources. Tennesseans are taking part in cleanup activities in the Reelfoot National Wildlife Refuge which is in northwest Tennessee. In east Tennessee and Knoxville there is the Fifth Annual Earthfest which is themed ''What's In Your Water,'' to highlight water resources and quality issues in east Tennessee.

Federal agencies, in cooperation with national and grassroots organizations, are working together to educate Americans about how they can participate in cleaning up their environment on a daily basis, what they can do as individuals, as communities, initiatives such as the ENERGY STAR Program, statewide recycling programs, and under the Department of Agriculture, the Natural Resources Conservation Service is teaching people how to be good stewards of our planet.

Earth Day is, indeed, an opportunity to reflect our accomplishments today and think about how we can do more to improve the environment.

The administration has proposed several new initiatives that will reduce air pollution, which will support conservation and environmental stewardship programs and address our Nation's limited water resources issues. We also are working with international partners to address global climate change and assist developing countries with environmental challenges such as deforestation and illegal logging.

After more than 30 years, Earth Day has become an integral part of our Nation's environmental consciousness. No matter how you choose to celebrate Earth Day, you will be taking part in an international effort to preserve our natural resources and build a healthier tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

## ORDER OF PROCEDURE

Mr. REID. This is a unanimous consent request. I will not take time from the distinguished Senator from Colorado. Under the half hour that has been allotted to the Democrats in our morning business, we would dispense that by giving 10 minutes to Senator KOHL, 10 minutes to Senator LEAHY, and 10 minutes to Senator Lautenburg, not necessarily in that order; whoever is there, 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the time of the majority leader or his designee and the final 30 minutes under the time of the Democratic leader or his designee.

The Senator from Colorado.

## ASBESTOS

Mr. ALLARD. Mr. President, the Senate will decide shortly what path to take on the pending asbestos liability legislation, otherwise known as the Fairness In Asbestos Injury Resolution Act, more frequently referred to simply as the FAIR Act. This bill has inspired very strong sentiments from many Americans. Like my colleagues on both sides of the aisle, I am deeply sympathetic to those who have suffered severe medical consequences from exposure to asbestos.

I am somewhat less sympathetic to those who may seek compensation without demonstrating a medical impact on their lives. While the number of mesothelioma claims has remained relatively steady at about 2,000 claims

a year for the last 10 years, over 100,000 cases were filed in 2003.

According to the RAND Institute for Civil Justice, mesothelioma victims receive only 17 percent of compensation awards, compared to 65 percent for nonmalignant claimants.

On top of that, trial lawyers may charge fees as high as 40 percent plus litigation expenses. The result of less justifiable lawsuits is many real victims are denied compensation for actual injuries.

To date, 67 companies have been bankrupted and more than 60,000 Americans have lost their jobs as a direct result of asbestos liability. Clearly, we have a problem in this country.

I followed the numerous Senate hearings held on this issue and I have met with numerous Coloradans with a variety of perspectives. I met with those who lost loved ones to mesothelioma, those who have lost jobs due to asbestos litigation, and those who are curtailing their manufacturing operations in Colorado in anticipation of continued claims.

The complexities of this issue are tremendous. I compliment my colleagues, the chairman of the Judiciary Committee and the majority leader, for their work to date on this issue.

Beyond the FAIR Act, general litigation and litigation reform have been major topics of concern this session in the Senate. Last October, the Senate focused on the Class Action Fairness Act. When a plaintiff's injury is not worth enough to justify a legal suit to recover damages, individuals similarly affected can combine damages for one lawsuit against a common defendant. In recent years, driven largely by a few unscrupulous attorneys, there has been an explosion in class action litigation. Our economy bears an enormous burden due to this explosion of litigation. Unfortunately, much of that burden is carried by consumers. Specific to these suits, these abuses of the system, the consumer is often left out in the rain once there is a settlement. Attorneys can make millions, while the plaintiffs are often left with nothing more than a coupon for a service they were denied in the first place.

Like so many things designed to protect consumers and ensure fair and just restitution, the tool of class action has been manipulated. Far too often, that manipulation has yielded tremendous wealth for attorneys driving these actions and little or nothing for the consumers initially harmed.

The Center for Legal Policy recently reported from 1997 to 2000 United States firms saw a 300-percent increase in Federal class actions and a 1,000-percent spike in State class actions. The end result, as we will see, is an increase in litigation, thus an increase in the cost of doing business and higher costs passed along to the consumer. There are, in fact, a plethora of abuses that have contributed to the generation of this legislation in the Senate.

Nothing in the class action bill denied a consumer a right to make valid claims. This point cannot be stressed enough. Our legal system has functioned under this guiding principle for generations. We will do nothing in this Chamber to challenge that principle.

There are those in this body who see this bill differently. There are those in this body who can look at the class action brought against Blockbuster Video where attorneys will collect a little less than $10 million and class members will get coupons toward future video rentals and say this is justice. This case, and cases like it, are representative of the systematic denial of valid claims by class members and it is incumbent upon us to rectify this situation.

One such tool at our disposal is increased oversight of such settlements. The Founding Fathers, in their infinite wisdom, envisioned problems like this. The Constitution was drafted explicitly to provide for Federal jurisdiction over all lawsuits between the citizens of different States. These cases involving parties of diverse citizenship have evolved into what we see today as national types of litigation or big-dollar suits against large companies engaged in interstate commerce. Over time, Congress has more narrowly defined constitutional diversity and created a requirement that all plaintiffs be diverse from all defendants. The result today is venue shopping, attorneys seeking favorable State courts through which to pursue an action that is national in scope. The Founders knew such nebulous venue requirements could lead to local biases in cases of broad significance and we have, unfortunately, arrived at that point. The Constitution provides for Federal jurisdiction over citizens of different States so local bias will never become an issue. National, multimillion-dollar suits should not be barred from Federal courts. The egregious practice of venue shopping flies in the face of the Founders' intent.

Class actions are a valuable part of the legal system. Recent abuses and a shift in the benefits of an action from class members and toward attorneys should not signal the end of access to appropriate legal recourse. The system as it exists today is untenable.

Medical liability has become another increasingly important matter on a national scale. In February, the Senate debated the Patient Crisis/Access to Care Act. Skyrocketing medical liability premiums have translated directly to physicians limiting services, retiring early, or moving out of the State—one State to another—to escape escalating costs of liability insurance.

This cost is deeply felt and extends well beyond the physician-patient relationship. Emergency departments are losing staff and scaling back critical services, even trauma units. OB/GYNs and family doctors have stopped delivering babies, and all too often high-risk procedures—for example, neurosurgery—are postponed because surgeons cannot find or afford insurance.

The result is a serious threat to patient access to care. Twenty-six percent of health care institutions have cut back services or eliminated patient care units. Seventy-eight percent of Americans fear that skyrocketing medical liability costs will limit access to care even further.

If we look at the root of this problem, we see that median medical liability awards have increased 43 percent in 1 year from $700,000 in 1999 to more than $1 million in the year 2000. In 2001, malpractice insurers paid $1.53 in claims and costs for every $1 received in revenue. This system is not sustainable and will not serve those Americans in need of better health care.

We are suit happy. At some point Americans stopped bargaining and negotiating in good faith. At some point we became less concerned with justice and more focused on assigning blame. More than assigning blame, we now assign dollar amounts to virtually every major, minor, and perceived slight. We live in a country where family disputes are settled in court.

Mr. President, at the risk of sounding too folksy, people where I come from, where I was raised, simply do not see it this way. If this body does nothing else today, we should commit to an overall effort to recast our approach to the judicial system—a system that has grown obese and focused on greed rather than justice.

These are just a few examples of the cost of continued and increased litigation and the importance of reform.

The FAIR Act, which faces a cloture vote later today, marks another attempt to deal with a pressing national issue. It is clear, however, that the FAIR Act will not be permitted to come to an up-or-down vote in the Senate.

A variety of important bills have been effectively defeated before they have ever come to an up-or-down vote in this body. Parliamentary tricks and filibuster by the Democrats have jammed numerous issues.

The following examples should clearly illustrate this obstruction.

The JOBS bill would both repeal a European tariff on nearly 100 American-made products and cut taxes for manufacturers in the United States. Although the JOBS bill passed the Finance Committee 19 to 2 and enjoys broad, bipartisan support, Democrats voted to block a vote on the measure in March.

The medical liability legislation I discussed—patients across America are denied critical health care, including emergency and obstetric care, because doctors and hospitals are closing their doors from skyrocketing liability costs. Opponents blocked a comprehensive, bipartisan bill in July of 2003. In February of 2004, Senate Democrats again blocked an effort to protect women's access to obstetric and gynecological care. That was S. 2207.

The energy bill—a comprehensive energy bill would deliver nearly 1 million

American jobs, increase renewable and alternative sources of energy, and reduce America's dependence on foreign oil. This bill has been blocked in the Senate for 3 years, including a provision to open ANWR and dramatically reduce America's dependence on foreign oil and create hundreds of thousands of more American jobs.

The Workforce Investment Act is projected to help more than 940,000 dislocated workers get the training they need to get good jobs. It was passed by both the House and the Senate—I might add unanimously in the Senate. Senate Democrats now refuse to appoint conferees so that the bill can become law.

Judges—the unprecedented, unconstitutional challenge to the Senate's advise-and-consent role continues. A minority of Democrats have prevented six highly qualified Federal appeals court nominees from receiving a fair, up-or-down confirmation vote and are threatening to use partisan filibusters to prevent confirmation of additional judges. If given an up-or-down vote, all these nominees would be serving on the bench today.

The class action legislation I mentioned would create a consumer bill of rights to ensure that victims are not denied fair compensation while their trial lawyers escape with the lion's share of court awards. On October 22, 2003, Senate Republicans and nine Democrats came one vote short of overcoming the Democrat leadership's parliamentary obstruction.

Faith-based/charities legislation passed the Senate on April 9, 2003, with overwhelming bipartisan support, 95 to 5, and similar legislation resoundingly passed the House on September 17, but the Democrat leadership is blocking a conference committee to resolve House-Senate differences and even allow a final vote. The CARE Act will spur more charitable giving and assist faith-based organizations and community charities.

Welfare reform—on April 1, 2004, Senate Democrats voted to block a measure to reauthorize the landmark 1996 welfare reforms. H.R. 4 would build on the successes of the 1996 reforms to strengthen work requirements and promote healthy families, as well as provide an additional $6 billion in childcare funding.

It is time to move forward with an agenda in the Senate. I think it is time for us to put aside the partisan politics we are experiencing in the Senate today and move forward with, I think, very important legislation. I talked about some of that: liability reform, that affects both class actions as well as medical care; trying to ensure that we have voluntarism. Welfare reform has been extremely successful. Yet we find that obstructed in the Senate.

I hope, even though this is a Presidential year, and many of us are not surprised by some of the Presidential politics, that the Democrats will seek to cooperate more with the Republican majority so we can move forward with the agenda in the Senate.

There is a terrible cost being exacted for our delinquency on these matters. Every day the outlook for health care, the burden of an un-reformed tort system run amuck, and opportunities for America's small businesses grows increasingly difficult. I pledge to work with my colleagues on each of these issues, some of which I support and others which I may not, but I will work with colleagues to see that each bill receives a fair up and down vote. Our constituents deserve better than to watch while the legislative process is held hostage for the political or ideological desires of a few members of this body.

Mr. President, I thank the Chair and yield back my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## OBSTRUCTION TACTICS

Mr. SANTORUM. Mr. President, I rise to express my concern about what seems to be an all-too-apparent pattern in the Senate when we earnestly try to work together to bring up issues that are important to the future of this country, such as the jobs in manufacturing bill, the FSC bill, where we have been trying to avoid more tariffs, which now have been levied against many manufacturers by the European Union, that are increasing month by month. We are trying to get a bill passed to help our manufacturers, to help our manufacturing economy, and that is being blocked on the floor of the Senate.

Medical liability: We have had three votes just to bring the bill up to discuss it, to discuss an issue that is devastating my State. I have had numerous town meetings across the Commonwealth of Pennsylvania. Doctors, nurses, health professionals, hospital administrators, patients, and patient groups are coming and saying: We have to do something to deal with the skyrocketing cost of health insurance as a result of medical liability insurance costs.

We have lost 1,100 doctors in Pennsylvania alone. We have great medical schools, but we are almost last in the country now in physicians under the age of 35. Yet we produce—next to New York and California, maybe Texas—more young physicians than any other State in the country. It is a huge problem; yet we can't even debate it in the Senate because we are being blocked.

Energy is another one. It came very close. We worked out a bipartisan bill. It had bipartisan support. We couldn't get an energy bill passed because of a filibuster in the Senate. The same is true with workforce investment. We passed it. It is being blocked from going to conference. That is a new obstruction tactic which is a sort of bait and switch. It is the idea that, yes, we will give you this, we will pass it, and then after everybody believes we passed it and we have done our job, we are not allowed to go to conference to work out the differences between the two bodies. So we can't get a bill done.

We have talked about judges over and over and spent many late nights here talking about the obstructionism. Again, it is a new tactic, a new level of obstruction heretofore never seen in the Senate—requiring judges to get 60 votes for confirmation. So we have this new threshold for judges. We have a new threshold for passing legislation which is not allowing us to go to conference and requiring a 60-vote majority to go to conference, not to pass a bill, not to bring a bill up. It is obstruction on top of obstruction.

We had a bipartisan welfare reform bill we were working on. We were working to do more for daycare—many on the other side of the aisle wanted to do that—$7 billion more for daycare, a huge increase in daycare funding with a very small increase in work requirement and in participation standards. It was blocked on the floor of the Senate.

On class action we came close—one vote. Again, we came close; not 51, not passage, it came close to the 60 votes that are now required on every single measure that comes before the Senate. We came one vote short, and we still have no assurance of the ability to bring the bill up and to come to conclusion.

Faith-based charities is another example of a bill that passed with 90-plus votes. We can't go to conference. This was a bill that was bipartisan in nature. Senator LIEBERMAN and I were sponsors of the legislation. There was no controversy surrounding it. Anything that was controversial was excised from the bill. Still we can't get the bill to conference to be able to get something that will infuse billions of dollars into charitable organizations across the country.

Now we add to it asbestos care and jobs. We have this bill. Again, what is this about? What is this vote about? This is about discussing the bill. Is anyone in this Chamber saying there isn't a problem? There was a settlement that was just agreed to wherein the average person in Pennsylvania received $12,000, and the average claimant in Mississippi received $250,000 per person. Is this is a fair system, where people in Mississippi, because of a ridiculous court situation that goes on and the fraudulent court system in some counties in Mississippi, where lawyers have bought off the judiciary, that that is somehow or another a fair

system, that claimants in those communities should get more than someone who is similarly situated in another State?

This is a situation that is crying out for Federal intervention. If we had this kind of discrimination going on in any other area, other than the fact that trial lawyers are involved, personal injury lawyers are involved, if we had any of this discrimination going on between States, both sides of the aisle would be screaming for a Federal solution. But when you have a situation where 50 percent of the money goes to lawyers and court costs and that money seems to finds its way back, interestingly enough, in the political system, then all of a sudden we don't mind discrimination between States.

We don't mind if some States do very well under this lottery system that has evolved in these asbestos cases. We don't care if people who are sick and dying of mesothelioma get $10,000 in claims, and someone who walked through a construction site where there was asbestos, who is not sick, never will be sick, gets hundreds of thousands of dollars. We don't care, just as long as our buddies, the personal injury lawyers, get their cut. That is what is going on here.

This is outrageous, with the severe problem we have in asbestos litigation, as severe a problem and as inequitable a situation as we have, as destructive to the economy as this is. Twenty-five percent of the companies that have gone bankrupt have gone bankrupt in Pennsylvania; 25 percent of those companies are Pennsylvania based.

We have a company Senator HATCH talked about the other day, Crown Cork & Seal. Crown Cork & Seal makes bottle caps. If you opened up a Coke bottle, you used to have cork on the inside of the bottle cap. Now they have plastic. But they make plastic containers and bottle caps, all those things. They bought a bottling company in 1963, a cork company, as part of their growth. That company also had an insulation business. They owned the insulation business for 90 days—they never operated it—90 days in 1963. They spent $7 million on the acquisition. They have already paid out $400 million in claims on a business they never operated. What has that done? It has crippled that business. It is still surviving because it is a great company and it is still a world leader, but $400 million out of a bottom line of a company that never made the product, that owned it for 90 days and sold it as soon as they could find a buyer. They never operated the business and they still have tens of thousands of claims outstanding. This is wrong. If you want to talk about hurting manufacturers, I would like someone on the other side to stand up and say how this is fair to manufacturing.

By the way, most of these claims and most of the money being paid out is going to lawyers, not people who are sick. Most of the claims are going to people who are not sick, not people who are sick, because most of the claims are filed by people who are not sick. This is an outrage, and we can't even discuss it here in the Senate. We can't even bring the bill up and have an amendment. We can't let the Senate work its will. I hear so much the complaint, if you just let the Senate work its will, bring these bills up. We can have a discussion. We have our message amendments that we want to do. But let's bring the bill up.

Well, here we are. Let's bring the bill up. When it comes to our friends, the personal injury lawyers, we can't bring those bills up. We will bring up other bills but not when it comes to our buddies, the personal injury lawyers. Because it is a campaign season, we have campaigns to fund.

This is an outrage. I don't want to hear any more complaints from the other side of the aisle about how manufacturing is in the doldrums when this particular bill could do more to stimulate capital investment in manufacturing and growth in the manufacturing sector and stop those companies from moving offshore. Why? Because they don't want these claims and the litigation environment—asbestos is probably the poster child for that—that they have to live with.

We have an obligation to those who are sick to set up a fund so people who are sick, have health care expenditures, and are going through difficult times, who are disabled, get the resources they need and deserve as a result of being exposed to asbestos. We have an obligation. I can tell you the insurance companies, the manufacturers, are willing to put up over $100 billion to help people who are sick, and by the way, there is very little money for lawyers. That is the problem here. We are OK with the $100 billion or more for folks who are sick, but what about our friends, the lawyers? What are they going to do? How are they going to feed their families? Is that the real concern here?

The concern in asbestos cases should be the people who are sick, not the lawyers who are making right now the lion's share of the money on this issue. That is what we are trying to get to here.

All we are trying to do is discuss it. The bill that is before us I think puts $114 billion in the trust fund. I would be willing to continue to work on this point and see if we can get that money up higher. I am willing to look at all sorts of aspects of this bill to see if we can find a way to create a system to help people who are sick in this country as a result of exposure to asbestos and stop the bleeding of these people—the bleeding of these people—by personal injury lawyers who care more about their bottom line than helping people who are sick. If they really were concerned about people who are sick, there would not be tens of thousands of cases being filed in America today by people who are not sick because that money is being drained away from people who are sick to people who are not sick and to lawyers who are suing on their behalf.

What is happening in this system is criminal, in my opinion, and for the Senate to say we simply do not want to discuss it is an outrage.

I know the negotiations are continuing among labor, the insurance companies, and manufacturers, and I assume trial lawyers are involved, although probably objecting to everything, but we need to come to a conclusion.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. SANTORUM. Madam President, we need to help those people who are sick, and we need to help them now.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

## GAYLORD NELSON AND EARTH DAY

Mr. KOHL. Madam President, today I rise to recognize one of our most prominent Wisconsinites, Gaylord Nelson, the founder of Earth Day, the man who fundamentally changed the way American people view the environment.

Before Gaylord Nelson came along, pollution and ecology were fringe subjects, a concern of only a few academics. After Gaylord Nelson created Earth Day in 1970, environmental issues exploded into our public debate. In that first year, almost 20 million people participated in Earth Day events—an instant success. By last year, 500 million people in 167 countries took part in Earth Day, spreading the message of environmental stewardship.

Earth Day laid the foundation for landmark environmental legislation. All over the country, Americans heard about the dangers of lead in our water, pesticides in our drinking water, and chemicals in our soil. An informed public brought pressure on Congress and the President to act. The movement that started that first Earth Day led to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundations of environmental law today, and they would not have been possible without the work and the vision of Senator Gaylord Nelson.

That vision is still necessary today as we struggle to complete the work Gaylord Nelson started in 1970. Congress and the administration still must address arsenic in the water, mercury in the air, and the impact of outdated coal-burning powerplants, just to name a few outstanding environmental problems.

Gaylord Nelson's dream is not yet a reality, but it is worth fighting for, as is so much Gaylord Nelson has championed.

Senator NELSON entered public service in 1948 after serving 4 years in the

military during World War II. He served as a Wisconsin State senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he was known for conservation efforts and preserving wetlands long before those causes became popular nationally. As a Senator, he built on his environmental reputation to further issues, including the preservation of the Appalachian Trail corridor and the creation of a national trail system.

While he left the Government in 1981, Gaylord Nelson never stopped fighting for the environment. He joined the Wilderness Society where he has worked tirelessly ever since. Even today at age 87, he is an active advocate for fragile lands around the country.

This year, Earth Day is a reminder of how much progress we have made and how much further we have yet to go. In the 1970s, the symbol of environmental decay was the burning Cuyahoga River, a waterway turned into a drainage ditch for industry. While Cleveland suffered much ridicule for that ecological disaster, they were not alone. At that time, our natural resources were being squandered and scarred in community after community.

Today such obvious examples of irresponsibility are harder to find. Now we struggle with pollution that is more diffuse and harder to track, but still dangerous. In Wisconsin, our northern lakes contain so much mercury the fish caught there are often unsafe to eat. And in the southeastern part of my State, the air is contaminated with pollutants, many of which traveled hundreds of miles before impacting our environment.

Challenges such as these require everyone in the region, the country, and even the world to work together to lower emissions and limit discharge. Global connectedness was what the original Earth Day was all about, and that message still needs to be heard today. Gaylord Nelson wanted us all to realize we could not escape the consequences of pollution by burying our garbage somewhere else or sending it up ever taller smokestacks.

Earth Day also reminds us we need to work internationally. We need to engage developing economies, such as China, India, and Russia, to head off major environmental disasters. We are not on this planet alone, and we can no longer pretend environmental damage around the globe does not come back to haunt us here at home. Senator Nelson understood that lesson almost 40 years ago, and he has been teaching it to the rest of us ever since.

We have made progress in heeding Gaylord Nelson's call to action over the last 34 years. Water quality is better off than it was in 1970. Many dangerous toxins are off the market, and some large environmental disasters of the past are clean today. But we certainly are not ready to declare we do not need Earth Day anymore, and we are not ready to let Gaylord Nelson retire. We are more aware today of the global and long-term impact our actions have on our Earth, and with that greater awareness comes a greater responsibility to leave the planet cleaner and healthier.

Earth Day is an opportunity for Members of Congress to recommit ourselves to that goal, and Earth Day is a day to thank Gaylord Nelson for focusing us on how we impact the environment that sustains us and the legacy we owe to the generations that follow us.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, there is no one here from the majority. I know this is time that has been set aside for morning business, and we have assigned speakers on this side. Senator DURBIN came over early this morning and expressed a desire to speak regarding Mary McGrory, who was a friend of a number of people in this body and thousands of people around the country. Senator DORGAN also came here to speak on her behalf. We have some extra time now.

Since there is no one here—and if the majority needs additional time, we will give that to them—I ask unanimous consent that there be an additional 10 minutes in morning business so that Senators on this side may speak about Mary McGrory. We also add that time in morning business for the majority. That will be an additional 20 minutes if, in fact, the majority wants that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

## TRIBUTE TO MARY McGRORY

Mr. DURBIN. Madam President, I thank the Senator from Nevada for trying to accommodate a number of us who are anxious to come to the floor and say a few words about a great woman.

America lost one of its greatest journalists last night. Washington Post columnist Mary McGrory filed her last story at George Washington Hospital. Mary McGrory has been described by her peers as a ''luminous writer,'' ''the clearest thinker in the business,'' ''a pioneering force in today's journalism,'' ''a lyrical writer.''

She hailed from the same Boston Irish roots as Tip O'Neill. She found the love of her life in the written word. She made it to the top in a man's world of reporting and sharp-elbow politics. There are those who ply their journalistic trade with blunt instruments and short-lived prose, but there are a few who make their word march and sing. Mary McGrory was one of those few.

I first heard her name 38 years ago when I was a college intern in the Senate. I can recall Senator Paul Douglas' personal secretary telling the Senator Mary McGrory was waiting to see him. Thirty years later, elected to the Senate, my staff would tell me, Mary McGrory is waiting to see you.

One could not help but be drawn to Mary, her Irish wit, her boundless energy, even in the later years. Her blunt criticism of hypocrisy and venality were a joy to witness.

It was my good fortune to be a member of Mary McGrory's ''fruitcake club.'' It was a loose conspiracy drawn together for dinner at Mary's home at least once a year to celebrate the much honored but seldom eaten fruitcake which Senator Max Cleland sent to Mary at Christmas. We would all arrive late after votes on the House and Senate floor—Max Cleland, Congresswoman Louise Slaughter of New York, Phil and Melanne Verveer, longtime friends and a few new aspirants to the club. What followed were endless rounds of wine and a beef roast that always seemed to need a return trip to the oven.

After dinner, we would move to the living room surrounded by the mementos of Mary's storied career, reminders of her proud mention on Richard Nixon's enemy's list, rollcalls from the Watergate hearing and more. Over her desk, where she sat down to write at home, was a poem by her beloved W B. Yeats entitled ''Adam's Curse.''

I spotted it and started to read it one evening at the party, and Mary saw me. She walked over and recited from memory this part of the poem:

Better go down upon your marrow-bones
And scrub a kitchen pavement, or break stones
Like an old pauper, in all kinds of weather;
For to articulate sweet sounds together
Is to work harder than all these, and yet
Be thought an idler by the noisy set
Of bankers, schoolmasters and clergymen
The martyrs call the world.

Mary McGrory understood the burden of good writing. Yeats tells us in this poem that producing something beautiful is not easy, though it has the curse of looking easy. Mary McGrory did indeed make it look easy. Mary's poetry and beauty were shared in her word and in her life, and many of us were blessed to be a very small part of it.

Before she was cruelly silenced by a stroke last year, Mary would write and speak with the emotion of a poet's heart. I recall our last dinner when she turned and recited to me one of her favorite poems by William Butler Yeats. It is entitled ''When You Are Old.''

When you are old and grey and full of sleep,
And nodding by the fire, take down this book,
And slowly read, and dream of the soft look
Your eyes had once, and of their shadows deep;
How many loved your moments of glad grace,
And loved your beauty with love false or true,
But one man loved the pilgrim soul in you,
And loved the sorrows of your changing face;
And bending down beside the glowing bars,
Murmur, a little sadly, how Love fled
And paced upon the mountains overhead
And hid his face amid a crowd of stars.

In the clear night sky over our Nation's Capital there will always be one bright star called Mary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I personally express my appreciation to Senator DURBIN for his remarkable words on behalf of a tremendously interesting woman. I did not know Mary McGrory when she was a young woman; I only knew her when she was an older woman. She would come to my office and say: You have got more to tell me than that.

She was a wonderful person, and I was a newcomer to her fruitcake society gatherings, but I do say that one of the things that did break her heart was the defeat of Max Cleland. She talked to me about that more than she talked to me about many other things. She cared a great deal about Max, and of all of the unfairness in life that she had seen that was at the top of her list.

Mary McGrory is somebody who stood for fairness. A lot of people in the world are for fairness and level playing fields, but very few people are gifted. She was gifted. There are gifted athletes in the world. She was a gifted writer. She could write and you would say to yourself, that is how I feel, why can I not express it the way she does?

I will miss Mary very much. She was a wonderful woman, someone I will always remember as a person who not only believed in level playing fields but created many level playing fields during her lifetime.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, Mary McGrory was not always easy on me. In fact, sometimes I thought she was a little tough on me. On the other hand, I have to acknowledge she was a great writer. I enjoyed her personally. We had a number of conversations where we had very pleasant exchanges.

There is no question she was truly one of the most important journalists in this town. She was critical to the Washington Post. She believed what she did, she believed what she wrote, and she wrote well and set journalistic standards for many young journalists to follow.

I personally respected her and am grieved at her death. It was not unexpected. We know she had some difficulties over the last few years. But I, for one, will grieve at her death.

Mr. KENNEDY. Madam President, the Kennedy family, the city, and the nation lost a respected and valued friend yesterday with the passing of Mary McGrory.

My brothers, Jack and Bobby, admired her, as America does and did. Mary was Boston Irish to the core. Boston is proud of its many sons and daughters who have played a role in the country's life, and Mary McGrory was certainly in our nation's Hall of Fame as one of the all-time greats in journalism.

Here in the Nation's Capital, in this city of America's monuments, Mary McGrory belongs among them. She will always be remembered and respected for her keen intellect, her deep allegiance to the truth, her unquestioned integrity, her respect for principled leadership, as well as her impatience for empty policies and hollow politics.

Mary loved the issues, but she also loved her flowers and she loved to quote the poet Yeats. She was steeped with a keen sense of the levity of life, and she held everyone she met to the same high standards that she expected for herself. No other journalist could cut to the heart of a complicated issue as quickly or as beautifully as Mary McGrory could. Millions across the Nation eagerly looked for her writings, and the glow of her morning columns could last the entire day. I often thought she should win a Pulitzer Prize every year.

Vicky and I had the chance to visit with Mary last month. We were saddened by her long illness, but she remained the same beautiful, inquisitive, insightful, and full-of-life Mary to the very end. We'll miss her very much. We love you, Mary, and we always will.

Mr. DODD. Madam President, it is with a great deal of sadness that I rise in memory of an outstanding journalist and a good friend, Mary McGrory, who passed away last night at the age of 85.

Mary was truly one of the most accomplished journalists of our time. She was a real news reporter—one who spent enormous amounts of time and energy getting to the bottom of a story, and then spent hours more putting it into the right words. With her trademark wit and Pulitzer-Prize winning prose, Mary McGrory helped millions of Americans understand some of the most significant events of the past 50 years—from the McCarthy hearings, the Kennedy assassination, and Watergate to the attacks of September 11 and the buildup to the war in Iraq.

She began her career in journalism writing book reviews and other pieces for the Boston Herald-Traveler. In 1947, she transferred to the Washington Star, and it was there that she made her mark as a reporter. She remained at the Star until the paper shut down in 1981. From then on, she wrote for the Washington Post for over two decades. The only thing that could stop Mary from writing was the stroke she suffered a little over a year ago.

Mary's skill, integrity, and relentless effort won her tremendous esteem from her colleagues, as well as from the public figures whose lives and actions she detailed. Mary broke into a field that was very much a man's world, and she established herself as one of its giants. Her stature was clear to anyone who ever saw her during a political campaign, when fellow reporters and even the candidates themselves would literally carry her bags.

Mary came from the old school of reporting. During her later years, while many of her younger colleagues traveled with laptops, digital recorders, and cell phones, Mary made do with her pen and notebook.

Mary was never one to beat around the bush in her writing. You always knew where she stood. Her no-nonsense approach could delight those who agreed with her, and infuriate those who did not. But regardless of whether you were on her side or not, Mary McGrory earned your respect.

I was fortunate to experience not only Mary's writing, but her singular personality. She was truly someone who enjoyed life and tried to squeeze every last drop out of it.

I would like to share a few thoughts on Mary from some of her colleagues:

David Broder of the Washington Post said:

> If you traveled with Mary, you watched a consummate craftsman hard at work, an interviewer whose soft purr put citizens at ease and disarmed the most hard-shelled old pols. She talked with everyone, and everyone, great and small, wanted to talk with her.

Leonard Downie, Jr., the Executive Editor of the Washington Post:

> Mary was simply one of the best opinion columnists of her time.

Maureen Dowd of the New York Times called Mary:

> the most luminous writer and clearest thinker in the business.

Finally, Brian McGrory of the Boston Globe, who is also Mary's cousin, described Mary's life as:

> one of the most important, colorful, and enduring newspaper careers that the American public has had the pleasure to read.

I mourn Mary's passing. But I also celebrate her life. She was truly an outstanding reporter and writer, and a remarkable human being. We will all miss her very much.

Mr. REID. Madam 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time on the quorum call run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. 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. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. How much time remains in morning business on our side?

The PRESIDING OFFICER. There are 28½ minutes remaining.

Mr. DORGAN. Let me yield as much time as I may consume to myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This morning's news is very sad news for those of us who knew and loved Mary McGrory, one of the wonderful writers of our age, one of the really interesting thinkers and warm and wonderful human beings. According to the news reports, she died last evening at a hospital here in Washington, DC.

I wrote her a letter some months ago telling Mary, after she had fallen ill:

> I have been waiting and hoping that I may again see your byline in the Washington Post. I remain hopeful that we will once again be able to start the day by reading a Mary McGrory column and then shaking our fist in the air, shouting: Yes that is what I should have said.

Mary never did get back to work. Her column never again appeared. But this Capitol Building, the op-ed pages of the Washington Post, and political discourse in this country for 50 years have been affected by what Mary thought, what Mary said, and what Mary wrote.

She was quite a remarkable person. She won a Pulitzer Prize. She covered the major events for over 50 years, and she wrote columns using words that were extraordinary. She would find ways to say things that most of us are at a loss to explain.

Often in the morning I would open the newspaper to see the Mary McGrory column and think how wonderfully she wrote. More than that, she was also a very special friend to many of us, in many ways. She would stand outside this Chamber, sometimes early in the morning, sometimes late at night, and she would get the story. She would do the hard work, ask the questions, follow people until she got answers, and then she would write her column. Her cousin, Brian McGrory, wrote a piece that appeared in the Boston Globe and the Washington Post about Mary. He probably describes her best, and in many ways brings a smile to those of us who knew Mary. He said:

> While most Washington pundits closet themselves with their own profound thoughts, interrupted only by lunch at the Palm with the Secretary of Something, Mary employs old-fashioned tools: a sensible pair of shoes, a Bic, and a notebook. She haunts congressional hearings. She sits with the unwashed in the back of the White House briefing room.

He also said at the end of his article—this is an article that was written last November when Mary was ill:

> Hers is a world of soft irony. She checks into elaborate spas in Italy every year, but while there, always gains a few pounds. She was audited by the Nixon administration and got a refund. At a stiff Washington party she once whispered to me, ''Always approach the shrimp bowl like you own it.''

Mary McGrory was a wonderful human being with a great sense of humor. But she wrote like the wind. I wish I could again see her byline. David Broder in January wrote a wonderful piece about Mary Mack. He began:

> I am headed out this week for my 12th presidential campaign, but unlike the first 11, I will not have the company of my favorite traveling companion, Mary McGrory. The great liberal columnist, surely the most elegant newspaper writer Americans have read over the past half-century, has been ill since last March and recently accepted the generous buyout offer given to veteran employees by the Post. Incomprehensible as it seems, she has finished her journalistic career.

Then David Broder, in his own inimitable style, describes Mary McGrory.

I think of Mary McGrory. I think of not just seeing her here in the Capitol, or having lunch with Mary, I think of the questions she would ask politicians. I was on the receiving end of a number of those questions: Always coming from the oblique, always a bit different, from a slightly different angle, always from a slightly different perspective. Often they were the questions others didn't ask or wouldn't ask. She had a very inquiring mind and she had a wonderful ability to write.

So we will no longer be blessed with the presence of Mary McGrory here in this Capitol Building and in this Capitol of the United States, covering the major events, which she started doing 50 years ago in the McCarthy hearings. But she will be in our thoughts forever. My thoughts and prayers go out to Mary's relatives.

I attended a service once at which Senator BYRD spoke. He finished with a quote from Thomas Moore. The last two lines were:

> You can shatter, you can break the vase if you will,
> But the scent of the roses will hang round it still.

Although Mary has passed and all of us are saddened by the loss of a friend and America has lost one of the great writers in the last half century, Mary will remain with us forever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. It is my understanding we are still in morning business and we have about 5 or 6 minutes remaining on our side?

The PRESIDING OFFICER. There are 18 minutes remaining.

Mr. BURNS. I ask unanimous consent that I may proceed and use that time up.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from Montana, that is true. We extended your side an additional 10 minutes. Your time was gone, but now you have additional time. As to when it is used now—you were to get the first half; we were to get the second half. It is kind of a jump ball right now, so you have the floor for 11½ minutes.

## EARTH DAY

Mr. BURNS. Madam President, I thank my friend from Nevada and my good friend from Vermont. Today is Earth Day. Of course, most of us who are involved in agriculture, we don't set aside one specific day. Every day is Earth Day for those of us who use the Earth to produce the wealth of the country.

Anyway, every year about this time they always release the index of leading environmental indicators, which gives us an overall measuring stick on how good or how bad we are doing in dealing with the environment. This press release came out of San Francisco. It is released by a group that is a think tank in Bozeman, MT. They brought out some information that we tend to forget when we talk about the environment. Steven Hayward wrote the press release. Of course we are doing better than a lot of people think we are doing.

Environmental quality is improving steadily, in some cases dramatically, in key areas with which we try to deal. Vehicle emissions are dropping about 10 percent per year as the fleet turns over to inherently cleaner vehicles, including SUVs. We are making progress. Ninety-four percent of the population is served by water systems that have reported no violation of any health-based standards.

We are getting better in trying to provide clean water for our citizens. There has been a 55-percent decline in toxic releases since 1988 even while total output of industries covered by this measurement has increased 40 percent. We are making progress. That is dramatic progress as far as quality is concerned.

Despite most popular assumptions, U.S. air quality tends to be found at least equal, if not slightly better, than in Europe. It seems we have a lot of people who distract and criticize us for our environmental policies.

This year's index includes a list of the media's best environmental reporting on that, which includes the Boston Globe, the Washington Post, the Atlantic Monthly, the New York Times, the Los Angeles Times, the New Republic, and the Wall Street Journal.

In other words, all of these folks have earned their spurs, so to speak, in keeping the public informed on such matters.

There have also been notable improvements in our Government reporting with the EPA's first ever composite on national trends and State-based initiatives to improve water quality reporting and monitoring.

Private conservation efforts, such as Ducks Unlimited, and private water trusts have been highly successful as reported this year.

The index reports one of the few areas to show a decline in the quality is that of public lands. While funding and land allotments have increased, quality has deteriorated by the most significant measures. The root of the problem is excess of political management, and the answer can be found in innovative solutions such as land trusts and resource leases.

This year's index includes a special section comparing quality between the U.S. and Europe. We are winning that also.

The other ways:

Doomsaying and know-nothingism gets better headlines and work well for direct-mail fundraising . . . but a serious look at the data helps us to appreciate how far we've come, and helps us set priorities for the next generation of environmental activism.

Whenever we hear a lot of doomsaying that we are doing very badly, the scorecard reports to us overall a different kind of story. The only place we are not making any improvements at all is on the lands the Federal Government manages, not the land that is managed in the private sector.

I ask unanimous consent the entire text of the press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARTH DAY IS CAUSE FOR CELEBRATION: ENVIRONMENTAL TRENDS MOSTLY POSITIVE

(By Steven Hayward, with Michael De Alessi, Holly L. Fretwell, Brent Haglund, Joel Schwartz, Ryan Stowers, and Sam Thernstrom)

SAN FRANCISCO.—The ninth annual Index of Leading Environmental Indicators, released today by the Pacific Research Institute and the American Enterprise Institute, shows that the environment continues to be America's single greatest policy success. Environmental quality has improved so much, in fact, that it is nearly impossible to paint a grim, gloom-and-doom picture anymore.

Environmental quality is improving steadily and in some cases dramatically in key areas: Average vehicle emissions are dropping about 10 percent per year as the fleet turns over to inherently cleaner vehicles, including modern SUVs; ninety-four percent of the population is served by water systems that have reported no violations of any health-based standards; there has been a 55-percent decline in toxic releases since 1988, even while total output of the industries covered by this measurement has increased 40 percent; and despite most popular assumptions, U.S. air quality trends are found to be at least equal, if not slightly better, than in Europe.

This year's Index includes a list of the media's best environmental reporting. Featured outlets include Boston Globe, Washington Post, Atlantic Monthly, New York Times, Los Angeles Times, The New Republic, and Wall Street Journal.

There have also been notable improvements in government reporting, with the EPA's first-ever composite on national trends and state-based initiatives to improve water-quality monitoring.

Private conservation efforts, such as Ducks Unlimited and the Peregrine Fund, and private water trusts have been highly successful.

And recent findings in climate-change science also give reason for hope. Because the climate models have been based on flawed economic assumptions, there is even greater uncertainty now in the range of CO2 emissions projections. This means the prognosis is probably not as grim as conventional wisdom would have us believe.

The Index shows that one of the few areas to show a decline in quality is that of public lands. While funding and land allotments have increased, quality has deteriorated by most significant measures. The root of the problem is an excess of political management, and the answer can be found in innovative solutions such as land trusts and resource leases.

This year's Index also includes a special section comparing air quality in the U.S. and Europe.

''Doomsaying and know-nothingism get better headlines and work well for direct-mail fundraising,'' said lead author Steven Hayward, ''but a serious look at the data helps us appreciate how far we've come, and helps set priorities for the next generation of environmental activism.''

Mr. BURNS. Madam President, I yield the floor. I thank the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

## MARY MCGRORY

Mr. LEAHY. Madam President, as I came on the floor, I heard a discussion of several Senators about the passing of Mary McGrory.

The distinguished senior Senator from Utah, who is now on the floor, and I were talking to editors and others at a press gathering in Washington this morning. I mentioned Mary McGrory at the beginning of that.

When Marcelle and I first came to Washington, Mary was one of the first people we met. I always enjoyed my time with her. She was a great writer with searching questions, and did not suffer fools idly. She was very quick and very able in deflating those who had inflated themselves far beyond what they deserved.

She also helped so many people. I remember the girl from an orphanage she helped, referring to her as ''Mary McGlory.'' Indeed, she has gone to her own glory now, but she made it possible for some others.

She was a remarkable person, a remarkable person who will not be matched. There will be many others who will carry the banner, but none will do it with her ability.

I also liked the fact every time she would take a vacation in Italy she would come and chat with me about it. My mother's family is still in Italy. We would discuss favorite recipes, notwithstanding our Irish names.

## EARTH DAY

Mr. LEAHY. Madam President, Earth Day usually marks the beginning of the President's and his green team's migration out to our Nation's parks, forests, and wildlife refuges.

Since this is an election year, I am sure they are ramping up their efforts to greenwash their environmental record with very nice photo ops.

Greenwash, like whitewash, doesn't stick. You have only to open the daily newspaper to see the laserlike focus the Bush administration has taken to rolling back our environmental laws, and while doing so rewarding special interests and corporate polluters. The starkest example is their outright assault on the most bipartisan environmental law of the 20th century, the Clean Air Act. I say bipartisan because leading Republicans and leading Democrats across the political spectrum, in the House and in the Senate, came together to pass the Clean Air Act. My predecessor, the senior Senator from Vermont, Bob Stafford, was one of those leaders.

You would think of all acts, one that would be put together by Republicans and Democrats would be safe from assault by this Administration. That is not the case.

By stealthy executive fiat, the Administration has dismantled the Clean Air Act bit by bit to let polluting industries off the hook when it comes to cleaning up dirty coal-fired powerplants that each year belch hundreds of thousands of tons of soot and toxic pollutants—pollutants like mercury.

The administration's actions to retreat from strong mercury controls, to undermine current lawsuits against the biggest utility companies, and to allow new coal-fired powerplants to be built without the best controls amounts to a triple whammy for public health and the environment.

We often speak about being family friendly in this body. How do we tell a pregnant mother or a parent with small children how family friendly it is to allow more mercury into our air and into our water and the fish we eat.

When the Clean Air Act was passed, Congress gave coal-fired powerplants a grace period to either clean up or shut down. At the end of the Clinton administration, we were making real progress toward meeting that goal. States such as my State of Vermont, which have been the dumping ground for toxic pollutants like mercury for decades, were finally going to get some relief. But, unfortunately, the only people letting out a sigh of relief now are the CEOs and corporate attorneys in the boardrooms of multibillion dollar energy companies. They are the only ones celebrating this Earth Day.

Despite all of the administration's public relations tactics, I believe the American people are catching on, and enough is enough. To date, this Administration has made well over 300 rollbacks to our environmental protections. Think of that, three years in office and they have had 300 rollbacks of our environmental laws.

There is certainly a lot about which the American people should be outraged. But I think it is important to take note of the strong bipartisan and growing outcry about the Administration's latest retreat from the Clean Air Act in the form of its mercury proposal.

Senators SNOWE, JEFFORDS, DAYTON, and I were joined by 41 other Senators in calling on the administration to withdraw its mercury proposal. The concerns are building so swiftly they may soon reach critical mass.

Look at this map. It gives some indication why the concerns are so great and why the objections are bipartisan.

This is the Environmental Protection Agency's own map: ''Mercury Deposition in the United States.''

This is the Canadian border along here. Look how the mercury, because they are willing to violate and allow

violations of the Clean Air Act, comes across. Look how it inundates the States in this area. My own State of Vermont is basically hidden under the deepest red of mercury pollution on the chart.

The new EPA proposal to reduce mercury emissions was supposed to bring the powerplants into the 21st century and clean up their emissions. It does not do that. It falls short of what is necessary and falls far short of what is possible.

Despite the Administration's best efforts to use every tactic in its public relations arsenal to convince Americans more mercury in the water, food, and environment over a long period of time is the best we can do, it is not working.

In the last 2 months, much has come to light about the Administration's close collusion with polluting industries and devising its policy on mercury. The lobbyists from the industry sent their proposal to the Administration. The Administration does not even pretend to look at this scientifically or be independent. They just take it verbatim. They might as well have kept the letterheads from some of these companies. Instead of using the EPA letterhead, they could put ''Polluters 'R Us,'' or whatever industry sent to them. There are 20 examples where industry helped ghostwrite the mercury proposal.

In a way, it is almost humorous that they would be so blatant about turning this over to the polluters, except that it suggests a very serious breach of the public rulemaking process and undermines the public trust in EPA's ability to be an independent decision-maker and perform its mission to protect human health and safeguard the natural environment.

This Administration has a credibility problem about its approach to the Clean Air Act and to mercury pollution. New warnings about mercury risk from tuna, increasing numbers of pregnant women with mercury levels above safe levels, more newborns being born with high mercury levels, all are adding up to widespread and growing public demand for prompt action. We know from reports in the New York Times that the Bush administration employed a favorite tactic of sweeping science under the rug when it was drafting the mercury proposal.

But we cannot ignore the facts. This chart shows the estimates of newborn children and women with unsafe mercury blood levels. They have doubled. These are some of the estimates from EPA scientists about which the White House wished the American people did not know.

Anyone who has children or grandchildren should worry about this issue. Anybody who is expecting a child should worry about what this administration is doing. Anybody who has young children should worry about what they are doing. The estimate of women of childbearing age with mercury levels above what EPA considers safe has doubled. Apparently, the administration does not want the public to know that their mercury proposal does not go far enough fast enough to protect mothers and newborns from mercury.

The same strategy is to ignore career staff and public health experts in the administration's proposal to write a giant loophole into the Clean Air Act New Source Review, called NSR. For anyone who has not seen it, I suggest a careful reading of the New York Times magazine article from several weekends ago titled ''Up In Smoke'' to see how the Bush administration strategically placed industry lawyers in key positions at EPA, spending the last few years helping the biggest utility companies in the country get off the legal hook of pollution control plans. They put the fox in to guard the henhouse. They have said to industry—and these are industries that contributed mightily to this administration—they have said: We will set aside the nonpartisan nonpolitical scientists; we will set aside the people whose sworn duty is to be here to protect the American public; we will put your lawyers in place, and we will let them write the rules for the rest of the country.

Agency experts repeatedly warned the political appointees at the EPA that through new policy, this new NSR policy would undercut the lawsuits.

And they went even further. They gave industry even more than they asked for and now industry attorneys are going to court where cases have been brought and are saying they should be dismissed because of the administration's actions. This is a very real problem in States like mine, if you are downwind.

If Government wins the NSR cases despite the administration's back-door tactics and hundreds of thousands of tons of toxic pollutants will be cut.

Unfortunately, the Bush administration is not satisfied. Retreating from strong mercury controls, undermining the NSR cases, is not enough. We now have reports that say the administration is considering new guidelines to States to limit their ability to require that new coal-fired plants use the best available technology to reduce emissions. That should set off alarm bells in the Northeast.

This chart shows where new proposed plants are. The power industry has plans to build nearly 100 new coal-fired powerplants in the United States over the next 10 years, but the administration is trying to make darn sure they do not have to put in the kind of technology necessary to cut pollutants. These plants, located mostly in the Midwest and Great Lakes, will add thousands of pounds of new pollutants to our Nation's air.

Over the last several decades, we have learned what comes out of the plants ends up in the lakes, rivers, and streams, as well as the food supplies of the children in the Northeast.

If coal really is making a come back, as people predict, we should ensure it is not at the expense of our health and environment. On every front, the Bush administration is selling American technology and American ingenuity short. The administrations is setting the bar way too low, and they have set the clock for far too long. The technology exists to go much further. The administration needs to start putting the public interest ahead of special interests and tell the industry to use it. Just think of that, putting the public interest ahead of special interest. What a novel idea. If we did that, the American people would much better served.

I hope the administration will withdraw its industry-ghostwritten, scientifically unjustifiable mercury rule, withdraw its NSR policy and drop plans to allow new powerplants to be built without the best environmental controls. I worry that the industry stalwarts within the administration will continue with their schemes to let corporate polluters off the hook.

Remember, this is the same White House that tried to put more arsenic in our drinking water. The American people know their real slogan is, ''Go ahead and pollute, we don't give a hoot.''

I yield the floor.

Mr. HATCH. What is the parliamentary situation?

The PRESIDING OFFICER. There are 3½ minutes on the majority side for morning business.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Utah.

## PRO-ENVIRONMENT ADMINISTRATION

Mr. HATCH. Mr. President, I do not know how anybody can walk on the Senate floor and say Republicans—any Republicans or Democrats—are not for the environment.

Now, I have to say we from the West understand the importance of balancing the environment with jobs and families and opportunities. I think we do a pretty good job. We have to continue to be vigilant about the environment. But I think to try to make the case that this administration is anti-environment is not only a stretch, it is false.

This administration is pro-environment, but it is also pro-jobs, pro-family, pro-geographical areas, pro-West, and pro-proper utilization of Federal lands—almost all of which the environmental extremists decry.

To accuse the administration of putting arsenic in the water or being part of something that puts arsenic in the water is, I think, beyond the pale. The fact is, in many municipalities and towns the small bits of arsenic in the water are not dangerous, according to the EPA and others, but the costs of trying to change their water systems are so exorbitant they could not exist as towns.

Nobody wants any dilatory substance in our water. In fact, for years this

town has been run by people from both parties, and, of course, we know the water in this town has all kinds of problems. Yet this is the greatest city in the world. So I think it is basically a stretch and an exaggeration and, of course, a seizure of political opportunity to criticize this administration environmentally in the way some of my colleagues have chosen to do.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2290, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (S. 2290) to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes for debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, my colleagues and I have been talking all week about the long overdue reforms that the Hatch-Frist-Miller bill will deliver.

I think it is clear to anybody that asbestos litigation has been spinning out of control with no end in sight for far too long. The shortcomings of the current system are crippling businesses, and, at the same time, depriving asbestos victims of prompt and adequate compensation for their injuries.

One of the most outrageous aspects of the current asbestos litigation system is that it allows—indeed, encourages—some lawyers of questionable ethics to find and bring claims that may be of questionable merit. In some egregious and hopefully rare instances, an entire plan of action has apparently evolved to track down potential claimants based more upon whether they can be properly coached to present a colorable claim than whether their claim has actual merit.

For example, I am told that several years ago, a first-year associate attorney at the law firm of Baron & Budd apparently inadvertently disclosed to defense counsel a memorandum that provides a sad but startling insight into how asbestos claims are created and spun into recoveries.

The memorandum, titled ''Preparing for Your Deposition,'' offers clients detailed instructions. They are shown how to sound credible when giving testimony that they worked with particular asbestos products. The memorandum seems to make every effort to instruct clients to assert particular points that will act to increase the value of their claim, without regard to whether those assertions are actually true. The memorandum even goes so far as to inform clients that a defense attorney will have no way of knowing whether they are lying about their exposure to particular asbestos products.

One excerpt from the memorandum appears to help claimants identify defendant companies and prepares them for a cross-examination that could reveal how flimsy their claim might be. It reads as follows. This is from the Baron & Budd memo ''Preparing for Your Deposition'':

You may be asked how you are able to recall so many product names. The best answer is to say that you recall seeing the names on the containers or on the product itself. The more you thought about it, the more you remembered! If the defense attorney asks you if you were shown pictures of products, wait for your attorney to advise you to answer, then say a girl from Baron & Budd showed you pictures of MANY products, and you picked out the ones you remembered.

Well, as you can see, that is pretty serious. Another excerpt from the memorandum steers claimants away from admissions that would undermine their claims. On this point, the memorandum equips witnesses with the following admonition. Again, from the Baron & Budd memo—one of the leading firms in these asbestos plaintiffs cases, to which more than $20 billion in fees—that is with a ''B''—have been given. Here is this counseling or coaching. Here is what this law firm memorandum said:

You will be asked if you ever saw any WARNING labels on containers of asbestos. It is important to maintain that you NEVER saw any labels on asbestos products that said WARNING or DANGER.

Finally, apparently to drive home the point that cross-examination may be of little value in certain circumstances, the memorandum advises claimants as follows—again, the same law firm:

Keep in mind that these [defense] attorneys are very young and WERE NOT PRESENT at the jobsites you worked at. They have NO RECORDS to tell them what products were used on a particular job, even if they act like they do.

Law Professor Lester Brickman has studied the asbestos litigation process extensively and has written detailed analyses of that process. Professor Brickman reviewed the law firm's memorandum and said:

In my opinion . . . this is subornation of perjury. Now, after the memorandum was discovered, the Dallas Observer conducted an investigation of the Baron law firm's asbestos practices. That investigation appeared to uncover an extensive process geared toward manipulating the asbestos litigation system.

As the Dallas Observer wrote:

Two former paralegals . . . both say that a client-coaching system was in place at the firm. Workers were routinely encouraged to remember seeing asbestos products on their jobs that they didn't truly recall.

Still another aspect of the Dallas Observer investigation into the Baron firm's handling of asbestos cases revealed a process that put a premium on schooling claimants by planting the right bits of information in their heads.

As the Dallas Observer reported:

A paralegal says that in many cases, the client had no specific recollection of some products before she interviewed them. ''My original caseload was a thousand, but I didn't interview that many people. It was in the hundreds. I'd say that probably in 75 percent of those cases I had people identify at least one product they couldn't recall originally.''

Now, manipulation of claimant memories and stories appear to have gone beyond implanting valuable facts to improve their claims. The Dallas Observer found that the Baron law firm also conveniently helped claimants eliminate facts from their stories where that would suit their purpose. The Observer reported the following:

According to the paralegals, their job didn't stop with implanting memories; there were also the asbestos products they had to encourage clients not to recall. Two lawyers told her to discourage identification of Johns-Manville products because the Manville Trust was not paying claims rendered against it at the time. ... Thus, when a client would say he saw, for instance, a Johns-Manville pipe covering, the paralegal says, she would hand them a line. ''You'd say, 'You know, we've talked to some other people, other witnesses, and they recall working with Owens-Corning Kaylo. Don't you think you saw that?' And they'd say, 'Yeah, maybe you're right.'''

Finally, another document obtained by the Observer consisted of handwritten notes apparently taken by a Baron & Budd attorney during an internal training session. I will just say these are the things that are wrong with asbestos litigation. Is this counseling or coaching? The memorandum states: ''Warn plaintiffs not to say you were around it—even if you were—after you knew it was dangerous.''

These practices, if they indeed took place—and I hope they did not take place in the way the Dallas Observer described them in its investigative report—distort a system that is already struggling to provide fairness. If lawyers for purported asbestos victims coach clients to lie in this manner, they may win some big fees for themselves along with some unjustified awards for clients who aren't actually sick, such practices have a sinister effect: They deprive seriously injured asbestos victims of the swift and fair recoveries that they deserve for their injuries and they cheat the payer firm out of money, they cheat employees of these firms out of their jobs, and they cheat investors and individual retirees of these firms out of their investments.

The time to act is now. I urge my colleagues to vote to invoke cloture against the minority's obstructive tactics. We owe it to these victims to put a halt to these abusive practices that

enrich the few at the expense of many and enrich those who are not sick at the expense of those who are. We owe it to hardworking Americans who stand to lose their jobs and pensions because of this asbestos mess. And we owe it to everyday Americans to provide them a civil justice systems that works.

Ray Klappert lives in Ft. Lauderdale, FL, and is actively supporting passage of legislation establishing an asbestos trust fund. His support is not surprising given the serious asbestos health problems he may be facing in the future. Here is Ray's story:

Ray's father, Fred Klappert, was a Korean War veteran and self-employed in the construction business. In 1973, Fred contracted to work on the renovation of the interior of a commercial building in Miami Beach. During the renovation, which lasted several months and involved a partial demolition of the old building, Fred was exposed to asbestos.

Twenty-five years later, Fred Klappert developed a severe cough and doctors eventually diagnosed him with asbestosis. Fred has since passed away. Unfortunately, the Klapperts had nowhere to turn for help and no source from which to be compensated for their loss.

Ray has since learned about the dangers of asbestos and has grown quite concerned for his own health. Ray worked with his father on that same building in 1973. Ray fears he may also acquire an asbestos-related disease and, like his father, have nowhere to turn for help.

An asbestos trust fund ensures a potential asbestos victim like Ray Klappert that there will still be adequate compensation in the future—that will not be the case if asbestos litigation remains our method in the tort system. If a trust is established, Ray will not have to worry whether the defendant companies come insolvent, and thus the prospect of collecting pennies on the dollar from some bankruptcy trust. He also knows that the legislation will ensure that if he needs it, he will have access to medical monitoring as soon as the bill is enacted. This kind of security is essential for the peace of mind of all future asbestos victims.

What is wrong with asbestos litigation? It is running out of control and ruining our legal system. Compensation for victims such as Fred and Ray Klappert, under the current system, nothing. Under the FAIR Act, they get compensated.

Passage of S. 2290 will give Ray confidence that help is available should he need it in the future. If the legislation fails, Ray Klappert, like his father, will become just another victim of a tort system that has failed and will continue to fail thousands of Americans who have been exposed to asbestos.

As the asbestos litigation crisis continues unabated, nearly all of the major asbestos manufacturers are bankrupt. Consequently, more and more small businesses are forced to defend these costly lawsuits—some of which are without merit. A compelling illustration of this epidemic is the case of Monroe Rubber and Gasket, a small Monroe, Louisiana business with only 15 remaining employees—a number down 33 percent since asbestos litigation began against the company just 4 years ago.

Prior to 1986, Monroe Rubber and Gasket used a compressed asbestos sheet in manufacturing its gaskets. Mike Carter, one of its owners, called for a thorough examination of the company's gasket manufacturing process in order to determine whether any asbestos was actually released into the air when this sheet was cut. The results were negative. Additionally, not a single Monroe Rubber and Gasket employee, including Mr. Carter, who has worked around his company's products for decades, has acquired an asbestos-related disease.

In 2000, despite its decision to end the practice of using any products containing asbestos in its gasket manufacturing process nearly fourteen years earlier, Monroe Rubber and Gasket began to be named in lawsuits on behalf of individuals who worked at chemical plants and paper mills that used the company's gaskets in their own machinery. There are approximately 75 lawsuits currently pending against the company. In some cases, Monroe Rubber and Gasket is the only defendant. In others, Monroe Rubber and Gasket is simply one of dozens. I must point out that not one such lawsuit against Monroe Rubber and Gasket involves a current or former employee of the company. Needless to say, that reeks of irony.

Fighting these kinds of lawsuits is cost-prohibitive, especially for a small business that is at best a peripheral defendant. According to Mr. Carter, asbestos litigation costs his company more than $250,000 a year, and, if you can believe it, not one such claim against Monroe Rubber and Gasket has actually gone to trial. In addition to not including a case that has reached final disposition, this cost also fails to include the loss of productivity resulting from the thousands of hours spent on the litigation by Mr. Carter himself.

What is wrong with asbestos litigation? Take the case of Monroe Rubber and Gasket: The cost of litigation so far, $250,000 a year; the lawsuits filed against the company, 75; the workforce loss, 33 percent; the number of company employees who are sick throughout eternity has been zero; the number of company employees who have sued, zero. Yet this company is being torn apart by litigation that it should not have to face.

The impact of these considerable losses is felt not only by Mr. Carter and his fellow small business owners, but also by the employees. Moreover, Monroe Rubber and Gasket has been forced to cancel plans to open a new facility in Arkansas. The money that was going to be used to underwrite the expansion has gone instead to the lawyers. Some of them were not so voracious. They are defense lawyers who had to be retained under these circumstances.

For Mike Carter and the employees at Monroe Rubber and Gasket, the issue is simple—unless we choose to act, they will be out of work. At the moment, most of the costs of the litigation are covered by insurance, but it is uncertain how long that will last. In fact, the employees don't know who will go bankrupt first—the company or its insurance carrier. What they do know, however, is that if we fail to act, they will soon join thousands and thousands of other American workers who are out of work or who lost their pensions or their health plans because of the nightmare of asbestos litigation. This is not a fair and just result, and Congress should act to rectify the situation.

Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Fourteen minutes.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Mr. President, I am disappointed my friends across the aisle are insisting on proceeding to this partisan asbestos bill. I say that because the legislation is not ready for prime time. It is not ready for floor consideration. I am one who believes the Senate should pass legislation to establish a national trust fund to compensate asbestos victims. Actually, I chaired the first Judiciary Committee hearing on this subject back in September of 2002.

This bill would create a trust fund with unfair compensation, inadequate funding, no startup protections, delayed sunset provisions, and major solvency problems. Despite its title, this partisan bill is far from fair.

It is a mistake for the Republican leadership to insist on proceeding to a bill with so many major problems still unresolved. Again, this bill is not ready for floor consideration.

We did have a bipartisan dialog over the past year, and I hoped that would yield a fair and efficient compensation system we could in good conscience offer to those suffering today from asbestos-related diseases and also to those victims who we know are going to come in the future.

Unfortunately, the Senate majority leadership decided to walk away from those negotiations and resort to unilateralism by introducing a partisan bill, and that is a shame. I believe so many of my friends on the Republican side would like to have a good bill, but to have a good bill of this complexity requires real work and we have to work as legislators and we have to have substance, not symbolism. We have to have reality, not rhetoric.

The introduction of this bill raises many questions—most notably what

the sponsors are trying to achieve because it is certainly not a fair compensation model for asbestos victims. By breaking off the bipartisan negotiations and hastily pushing a bill to the floor, the Republicans have turned their back on all of us who have worked so hard for so long to find a fair solution.

Creating a fair national trust fund to compensate asbestos victims is one of the most complex legislative undertakings I have been involved with in nearly 29 years in the Senate. The interrelated aspects necessary for a fair national trust fund are like a Rubik's Cube, and that is all the more reason why we should have a fair national trust fund bill and have it be a consensus piece of legislation. Otherwise it does not work, it does not become law.

That is why I have been involved in months of bipartisan negotiations. I worked so hard to encourage the interested stakeholders to reach agreement on all these critical details.

I thank Senators DASCHLE, DODD, FEINSTEIN, SPECTER, and other Senators, the representatives from organized labor, the trial bar, and industry who worked so hard to try to reach consensus on a national trust fund that would fairly compensate asbestos victims and also to provide the financial certainty for their defendants and their insurers.

We did reach bipartisan agreement on two of the four cornerstones of a successful trust fund. Senator HATCH and I brought together the Leahy-Hatch amendment that gave appropriate medical criteria to determine who should receive compensation and an efficient, expedited system for processing claims. But we have yet to reach consensus on the other two cornerstones of a successful trust fund—fair award values for asbestos victims and adequate funding to pay for the compensation. Even if we have the medical criteria and if we lowball the amounts, if we do not adequately handle it, it makes no difference.

Bipartisan medical criteria have already eliminated what businesses contend were the most troublesome claims, but that kind of fair compensation is not free.

The Judiciary Committee's unanimous agreement on the Leahy-Hatch medical criteria is meaningless if the majority, in effect, rewrites the categories by failing to compensate those who fall within them. Even with consensus on medical criteria, if the award value is unfair, then the bill is unfair and it is unworthy of our support. That is the case with this partisan bill.

Since my first hearing on this issue nearly 2 years ago, I have emphasized one bedrock principle: It has to be a balanced solution. I cannot support a bill that gives inadequate compensation to victims. I will not adjust fair award values into some discounted amount to make the final tally come within a predetermined and artificial limit. That is not fair.

It is critical that there is adequate funding at the inception of a national trust fund since there are more than 300,000 current pending cases in our legal system. Upfront contributions from defendants and insurers will be necessary to accommodate the inevitable, and that is thousands of these pending claims coming in on the very first day of the trust fund.

The new Hatch-Frist bill actually provides less upfront funding and less overall funding than we voted out of the Judiciary Committee. That is not fair. The partisan emphasis in this bill on behalf of the industrial and insurance companies involved, to the detriment of victims, has produced an unbalanced bill. This bill is a reflection of the priorities that went into it.

Many of us have worked hard for more than a year toward the goal of a consensus asbestos bill. So this new partisan bill is especially saddening and confounding. We could have a bill that protects defendants; it would protect the insurance companies; it would protect the corporations; and it would protect the people who have been sickened by asbestos. We could have done that. We could have brought finality to this issue. We could have ended endless litigation. We could have let corporations go on with their business. We could have made sure the victims knew they were going to get adequate compensation. We have missed a golden opportunity.

After the cloture vote on this partisan asbestos bill, the Senate will take up and pass the Kyl-Feinstein-Hatch-Leahy crime victims' rights legislation. This bipartisan legislation is a good example of what the Senate can do when we work together to reach consensus. Unfortunately, the bipartisan process of the crime victims' rights legislation is being abandoned by the majority on this partisan asbestos bill.

We should be asking ourselves this question: Does this partisan turn the sponsors of this bill have taken help or hurt our efforts to produce and enact a consensus asbestos bill? I say it does not help.

We have enough of a debate going on behind me, so I will yield to someone in a different part of the Chamber, Senator KENNEDY, so he can make himself heard for 10 minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BAUCUS. Mr. President, will the Senator yield? I am curious as to how long the Senator will be speaking.

Mr. KENNEDY. Ten minutes.

Mr. BAUCUS. I thank the Senator.

Mr. KENNEDY. Mr. President, the real crisis which confronts us is not an asbestos litigation crisis, it is an asbestos-induced disease crisis. Asbestos is the most lethal substance ever widely used in the workplace. Between 1940 and 1980, there were 27½ million workers in this country who were exposed to asbestos on the job and nearly 19 million of them had high levels of exposure over long periods of time, and that exposure changed many of their lives.

Each year more than 10,000 of them die from lung cancer and other diseases caused by asbestos. Each year, hundreds of thousands of them suffer from lung conditions which make breathing so difficult they cannot engage in the routine activities of daily life. Even more have become unemployable due to their medical condition.

Because of the long latency period of these diseases, all of them live with a fear of a premature death due to asbestos-induced disease. These are the real victims. They deserve to be the first and foremost focus of our concern. The victims are average, hard-working Americans. They are the construction workers who build our houses, machinists who keep our factories running, assembly workers who make products for our home, shipbuilders who help make our country strong and secure. They did their jobs faithfully and now it is time for us to do right by them.

All too often, the resulting tragedy these seriously ill workers and their families are enduring becomes lost in a complex debate about the economic impact of asbestos litigation. We cannot allow that to happen. The litigation did not create these costs. Exposure to asbestos created them. They are the costs of medical care, the lost wages of incapacitated workers, the cost of providing for the families of workers who died years before their time. Those costs are real. No legislative proposal can make them disappear. All legislation can do is shift those costs from one party to another.

Any proposal which would have the effect of shifting more of the financial burden on to the backs of injured workers is unacceptable to me, and I would hope that it would be unacceptable to every one of us. Unfortunately, that is precisely what the Frist bill would do.

The bill before us does not reflect what is necessary to compensate the enormous numbers of workers who suffer from asbestos-induced disease. It reflects only what the companies who made them sick are willing to pay.

The compensation levels in the Frist bill are unreasonably low, especially for the most seriously ill worker. They would receive much less compensation under the bill than they are currently getting on average in the tort system. For example, workers with 15 years of exposure to asbestos, who are dying of lung cancer, would get as little as $25,000 under the Frist bill. That is absurd.

While most of these workers smoke, a person who smoked and was exposed to asbestos is over four times more likely to get lung cancer than a person who smoked but was not exposed to asbestos. Asbestos was clearly a major contributing factor to their lung cancers. Yet this bill would give them next to nothing. Not only does this bill not provide adequate levels of compensation, there is no guarantee that sufficient funds will be available to fully

pay all injured workers who are eligible, even what the bill promises them.

According to a CBO analysis, the Frist bill is underfunded by nearly $30 billion. If the asbestos trust fund does become insolvent, workers will have to wait years before they can return to the tort system, and many of them will be dead by then.

Any proposal which would merely create one new, large, unfunded trust in place of the many smaller underfunded bankruptcy trusts which exist today is unacceptable. Injured workers need certainty even more than businesses and insurers. The Frist bill merely shifts more of the financial burden of asbestos-induced disease to the injured workers by unfairly and arbitrarily limiting the liability of defendants.

Sick workers would receive lower levels of compensation than they receive on average in the current system, and payment of even those lower levels of compensation would not be guaranteed. That is no solution at all.

I hope we would not consider this bill before us but go back to the drawing board and get a bill that will meet the needs of all the parties.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I rise today to say I most regretfully oppose the motion to invoke cloture on the motion to proceed to the bill. I do not think we are quite ready. I do not think we are ready to tackle this important and complex legislation at this time.

This is a bill that would end for decades the rights of individual citizens to seek justice and compensation for their injuries in a court of law. That is not something we should act on too quickly; that is, before we have a complete understanding of what it is that we are doing and how it will impact asbestos victims, businesses, insurers over the long run.

Senators HATCH, LEAHY, and SPECTER, though, and many others, have worked very hard on this bill. Because of their efforts, we have come closer to a final compromise than I think anyone would have believed possible early last year. That is why I am puzzled, frankly, that we feel the need to rush to the floor to finish this bill before we have exhausted all opportunities to come to a compromise on the outstanding and very tough issues. Negotiations have yielded significant progress in certain areas. I believe there is no reason to believe that continued negotiations will not yield even more progress.

Being in the Senate, I have learned if one sticks to it and with it, one can find ways to work out solutions to very difficult problems.

My primary concern, though, has always been protecting the people of Libby, MT, in any asbestos legislation that Congress considers. I know I do not need to go into the details of the Libby tragedy because my colleagues have heard them many times, but I will emphasize that their situation for me, and for them especially, is unique. An entire town was poisoned with asbestos for decades by W.R. Grace, a company that lied to its workers, lied to the community about the deadly dust which it was exposing its workers to, lied to the families, and lied to the whole community. Hundreds of people have already died or become very sick, and hundreds more will likely follow.

I have pledged to the people of Libby that I will do everything in my power to help them make their community whole again, to make sure their long-term health care needs are met. The health care costs associated with treating asbestos-related diseases are crippling to families who do not have health care and are uninsurable and to a community that is struggling to get its economy back on track. Simple, routine procedures to help a person breathe more easily can cost at least $30,000.

The Libby dust, or fiber, is also unique. The Libby fiber is especially vicious. It is made up of what is called tremolite, a special kind of asbestos, and other similar fibers, fibers that doctors and scientists are now only beginning to realize are more deadly than ordinary asbestos.

Not only is it more likely to cause asbestos-related diseases, it often causes disease to progress more rapidly than traditional asbestos-related disease. Libby asbestos disease also looks different. It is hard to identify and hard to detect on x rays and CAT scans, much harder than traditional asbestos-related disease. That is why I was so concerned about Libby at the beginning of this debate.

Because Libby is unique in terms of the type and duration of asbestos exposure, the manner in which asbestos disease manifests itself in Libby, and the fact that an entire community was affected, it was clear that the medical and exposure criteria in the bill would unfairly exclude most of the population of Libby. That would pile injustice on top of injustice on these people, and I could not accept that.

Senators HATCH and LEAHY worked very closely with me and my staff, and I want to thank them for the very important provisions in the bill that would exempt people in Libby from both the exposure and the medical criteria in S. 2290. This was a huge step forward.

However, as we moved past these larger issues for the Libby victims, new concerns arose about the level of compensation that would be awarded to a Libby claimant. I was concerned that the administrator of the trust had absolute discretion to determine that a panel of medical experts was wrong, and that a Libby claimant was not that sick and was not entitled to the level of compensation they truly deserved.

I was also concerned that the compensation levels were tied directly to the medical criteria in the bill, medical criteria that we had already determined just would not work for the Libby victims. This raised the possibility that the Libby victims would not be fairly compensated.

Senator HATCH and I have spoken about this concern and we have tried to work out an acceptable way to address it. Again, I thank Senator HATCH for the concern he has always shown for my constituents and I thank him for the effort he has undertaken.

However, this important concern has yet to be addressed in S. 2290. I have heard from people in Libby that they would rather we not proceed to this bill until we find a way to solve this outstanding uncertainty in the bill. I know they also share some of the concerns of my colleagues about other factors of the bill and whether it will indeed be workable and solvent over the long term. This is obviously important to me and to the people of Libby.

I believe that asbestos legislation is very important. I believe that Congress should complete work on an asbestos bill this year. It is important to the victims, many of whom are not being fairly compensated because the system is overloaded and so many companies have filed for bankruptcy. That is one of the reasons I will continue to work hard to protect Libby in asbestos legislation.

The people of Libby face a very uncertain future right now, depending on what happens with the Grace bankruptcy proceedings. I believe that if we get the Libby provisions right in the asbestos bill, they stand a far better chance of receiving fair compensation under an asbestos trust than they would through the Grace bankruptcy.

A bill is also immensely important to the business community that is seeking some level of certainty about what their future asbestos liabilities will be. Providing them with that business certainty, while at the same time providing the victims with equal certainty that they will be fairly and promptly compensated for their asbestos exposure and disease, should be our goal.

We are very close to achieving that goal, thanks to the efforts of many different players in this debate. Let's go back to the negotiating table and see how far we can get before we take this very complex bill to the floor for amendment and debate, a process that will not allow us to be as considerate and thoughtful as we should be with this issue.

For the sake of the people of Libby, and ensuring that they receive the highest degree of justice and certainty that they deserve, I must oppose the motion to invoke cloture on the motion to proceed to S. 2290. I pledge to continue to work together with my colleagues to find an acceptable compromise as soon as possible. I also state, if we can work out this Libby language, then I will be for the bill. I very much hope that happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. CARPER. Mr. President and my colleagues, in a few minutes we will vote on whether to proceed to debating and amending this legislation on asbestos. It is an important issue and an important vote.

Before I say anything else, I wish to express my thanks to Senator HATCH and Senator LEAHY and others on the Judiciary Committee who have worked on this issue for years. I express our thanks for trying to help us narrow our differences. I think they have been narrowed.

I spent a good part of the 2 years myself learning about this issue and coming up to speed on it so I might be able to participate in a constructive way. I have certainly learned a lot and hopefully made at least a modest contribution.

As we have tried to develop consensus on this issue, I think there are about four basic principles that we can agree on and ought to agree on.

One is that when people are sick and dying from exposure to asbestos, they ought to get the money they and their families need and they should get it now.

When people become sick later on from an earlier exposure, they should receive reasonable compensation and it should come promptly.

People who are not sick, who may have had an exposure to asbestos and may not become sick, they should have medical monitoring at no cost but they should not be siphoning off the moneys from folks who truly are sick and are in desperate straits.

Finally, the last principle is we ought to reduce the transaction costs, essentially the legal costs, that are involved in this whole process.

Those are four basic principles. My guess is if we could vote on those principles, we would all vote for them. We are not ready to vote yet on bringing this bill to the floor. I say that with some reluctance.

I have these four core values. The Presiding Officer and I talked about core values before. One of my core values is just never give up. I have another way of saying that. I say sometimes: ''No'' means ''find another way.'' The ''no'' vote I am going to cast—in the ''no'' votes that are going to be cast, I want to be clear what ''no'' means.

First, I will say what it doesn't mean. ''No'' doesn't mean let's give up. ''No'' doesn't mean this bill is dead in this session. So it doesn't mean that asbestos legislation is dead for all time.

This is what ''no'' means. ''No'' means let's build on the work that has been done, the good work that has been done within the Judiciary Committee. ''No'' means let's build on the good work that has been done in the so-called Specter-Becker process, involving retired Federal Judge Becker. Let's build on that.

There are a number of important issues that still have to be resolved. This is not a bill to write on the floor. I think among the issues we agree on is that this is complex stuff. I know it is for me and for a lot of our colleagues. This is not a bill to be written on the floor, and there is still too much that needs to be written for us to take the bill up today. There is a process taking place that yesterday, my leader, Senator DASCHLE, and the Republican leader, Senator FRIST, have bought into. I have urged them both for some time to build on the Specter-Becker process, which has focused mostly on administrative issues and with some real success, but to build on that process, given the kind of role Judge Becker has come to play as a mediator, one trusted by labor, by the trial bar, by the insurers, by the manufacturers, and by many of the defendants in these legal cases.

This is not something we ought to start doing next month or maybe in June or July. This is work that needs to continue today, tomorrow, next week, and in the weeks that follow.

There is an old saying that work fills up the time that we allocate to do a particular job. If we say we will take a year to do something, we will take a year to do it. In this instance, we need to keep our focus and our energy concentrated on resolving most of the outstanding issues. I don't think the Specter-Becker process will resolve all of the outstanding issues, but I think it will get us a lot closer to resolution to enable us, on the floor, to then finally debate, amend the bill, and send something good, something solid to the House of Representatives.

Let me close by saying there is too much at stake.

By the way, Judge Becker said he has cleared his schedule starting next week, next Monday. He was here several days this week. He addressed our caucus yesterday. He met with leaders on both sides and talked to any number of our colleagues. He met with manufacturers, insurers here, organized labor, the trial bar, just this week in this building. We need to not let one bit of our momentum on this issue go away with a ''no'' vote today. What we have to do is build on that momentum.

Let me close by saying there is too much at stake for us not to do just that. There are too many people who are sick. They are counting on us doing something about it and helping them now. Too many companies have gone bankrupt. Some 70 companies have gone bankrupt. I understand some 70,000 people have lost their jobs.

That doesn't even begin to say how much people who were working for those companies that have gone bankrupt have lost in their 402(k) plans. They have lost it all. How about the common stockholders? They have lost everything because the company went bankrupt. There is a great need there.

Finally, the other thing at stake is the loss of manufacturing jobs. We have seen an erosion of over 2 million jobs in this country over the last 3 years. That is a lot of manufacturing jobs. One of the reasons is because of the legal problems we have in this country. We have lost our sense of balance. We can do better, and we need to.

What does ''no'' mean? No means get to work and let us resolve these issues. Before we break for Memorial Day, I hope we can bring this bill to the floor and vote yes. Let us get it done.

Mrs. BOXER. Mr. President, I am voting against cloture on S. 2290 because I do not believe that it is fair to asbestos victims or meets their needs for compensation adequately.

Asbestos kills 10,000 Americans every year. For more than 50 years, manufacturing companies, asbestos producers, and insurance companies ignored evidence of the threat of asbestos to their employees and their families, as well as the public. They failed to warn their workers and must be held responsible for thousands of deaths and thousands made ill.

Asbestos victims are people not statistics. Bill and Geneva Hornsby from Fontana, CA are not a statistic. Geneva was diagnosed with lung cancer in 1998. It was caused by asbestos that her husband brought home from work on his clothes. Then, in March 2003, her husband Bill was diagnosed with malignant mesothelioma. Again, it was cause by exposure to asbestos at work. Three weeks after the diagnosis, Bill died.

Angela Ruhl from Long Beach, CA, is not a statistic. She was exposed to asbestos through the work clothes of her uncle who worked in the Navy. Now she has peritoneal mesothelioma. She has undergone three surgeries and two rounds of chemotherapy. She deserves justice.

Sam Silvestro from San Mateo, CA, is not a statistic. He was exposed to asbestos for decades, diagnosed with malignant pleural mesothelioma in June 2001, and died in November of that year. His wife Doris still lives in San Mateo.

The issue is not whether we do something or nothing. Most Democrats, if not all, could support an asbestos resolution fund that was fair to victims. But this proposal is not fair.

First, the funding proposed in this legislation is inadequate. The FAIR Act provides $29 billion less in funding than the bill that was approved by the Judiciary Committee.

Also, the FAIR Act would delay for years compensating victims with terminal cancer, mesothelioma, and other asbestos diseases. That is because while asbestos companies would be required to pay $2.5 billion annually into the fund, the fund will immediately be hit with 450,000 claims representing a cost to the fund of $54 billion in its initial years. That means victims with claims today will have to wait until the fund acquires enough contributions to compensate them.

This legislation also creates a windfall for large corporations. Many companies that failed their workers and owe asbestos victims under settlement agreements would have those agreements suspended and the settlements voided under this bill. Halliburton, for example, would pay only a small fraction of the billions of dollars it has already agreed to pay asbestos victims.

And, most important, the compensation for victims proposed in this legislation is inadequate. Even the sickest victims—those with mesothelioma and other fatal cancers—would receive less compensation under this bill than under the current system. And the tens of thousands of people with non-fatal diseases caused by asbestos, such as permanent repressive lung damage, would receive wholly inadequate assistance.

For these and other reasons, we need to go back to the table and negotiate a bill that would really be fair to victims.

Mr. CRAIG. Mr. President, I rise today to speak to S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004, or the FAIR Act. Last July, I voted to pass S. 1125, the original asbestos litigation reform bill, out of the Senate Judiciary Committee in an effort to fix the Nation's broken asbestos litigation system. And indeed it is broken.

There have been too many losers under the current tort system. Claimants who are not sick receive disproportionate jury awards, severely sick claimants have been made to wait too long for compensation, companies are going bankrupt, jobs are being lost, and attorneys' fees are cutting away at nearly half of all money spent on asbestos-related litigation.

More than 60 defendant corporations have declared bankruptcy due to asbestos-related litigation, leading to the direct loss of as many as 60,000 jobs, with each displaced worker losing an average of $25,000 to $50,000 in wages.

Indeed, the system is broken.

The constituents from my home State of Idaho have written to me asking me to fix the asbestos problem. The United States Supreme Court has called upon Congress to resolve the asbestos litigation crisis. And today, Senators HATCH, FRIST, and others are calling upon the Senate to pass S. 2290 with the same purpose in mind.

I commend these Senators for their work on this issue, especially Senator HATCH, the chairman of the Judiciary Committee, who, through study, compromise, and countless hours of negotiations, produced a 250-page bill to resolve the asbestos litigation crisis. The actions of the Senator from Utah, from the beginning, truly have been those of a statesman.

However, these good-faith efforts have not been matched by those on the other side of the aisle.

In the original asbestos litigation reform bill, the trust fund was to be administered by the Court of Federal Claims, a special court relatively removed from the political realm. However, Democrats and labor unions wanted the fund to be administered by the Department of Labor, which has the potential to keep Congress and the American taxpayer on the political hook of paying for claims that cannot be paid by the asbestos trust fund. They wanted it, and we gave it to them.

In the original asbestos bill, those on the other side of the aisle wanted to increase the price tag of the bill by raising the levels of compensation for asbestos claims. They wanted it, and before passing the bill out of committee, we gave it to them. During negotiations over S. 2290, they wanted new levels of payouts even higher than those agreed to in committee. Accordingly, half of the award levels have been increased by an average of more than 20 percent in S. 2290. They wanted it, and we gave it to them.

In the ''Additional Views'' to the committee report on S. 1125, I and several fellow Republican colleagues voiced concern over the bill's unscientific medical criteria. In fact, in addition to several financial experts' testimony about the unpredictability of future claims into the fund, Dr. James Crapo, a hearing witness and medical expert who specializes in asbestos-related disease, wrote that:

> the other categories compensated by the bill . . . pay compensation for illnesses that, according to the clear weight of medical evidence, either are not caused by asbestos or do not result in a significant impairment. Simply put, when medical research concludes that a condition is not caused by asbestos, or is not an illness at all, medical research will not be able to predict the number of such claims.

Despite these deep reservations, and in response to Democrats' demands, we agreed to criteria that ''erred on the side of being over-inclusive'' with regards to asbestos-related diseases. Many financial and medical experts suggested that as a result of doing so, the fund is likely to run the risk of insolvency as a result of paying claims for illnesses not caused by asbestos. They wanted it, and we gave it to them.

They wanted it, and we gave it to them. Yet, they still withhold their support from S. 2290. As a result, not only has the integrity of the bipartisan negotiations been compromised, but the integrity of the asbestos litigation reform bill itself.

Though no asbestos bill will be perfect, any reform measure in passable form will provide the certainty needed by all involved parties: businesses will know the amount of their liability and will be able to adjust accordingly in order to prevent bankruptcy, and, most importantly, injured workers will be adequately compensated by the companies that caused them injury.

However, the certainty I held hope in only a few months back has largely been replaced by skepticism—skepticism in the solvency of the asbestos trust fund, skepticism in the handling of asbestos claims by the Department of Labor, and skepticism in the integrity of the medical criteria.

However, my hope resides in further consideration and debate of the bill. The time for fair and efficient resolution of the asbestos litigation crisis is now, and I will vote for the cloture motion before the Senate.

I look forward to any amendments that will strengthen the solvency of the bill by making defendant companies—not taxpayers—fiscally responsible for their actions, amendments that will restore integrity to the medical criteria section of the bill, and any others that restore S. 2290 to its principled purpose.

Whatever a Senator's position on the bill may be, the issue of asbestos litigation reform must be considered and debated. Let us not sit this one out. This one is too important to sit out.

Mr. KOHL. Mr. President, I rise to discuss S. 2290, the newest version of the asbestos bill. Like many of my colleagues, we want to support an asbestos bill that ensures that sick people get compensated quickly. The current system is broken, leaving terminally ill victims to spend years waiting for compensation. Congress must act to solve this problem, but it must do so in a bipartisan fashion. I fear that will not happen this week, even though we want to remain optimistic that there is still a chance for this legislation.

That said, over the past year we have made more progress than many of us would have thought. But now we are at an impasse. What is most frustrating is that the remaining issues are not irreconcilable. Let's discuss a few of the major outstanding issues that must be resolved in order to broker a compromise.

First, more than any other issue, the size of the fund is preventing progress on this bill. We appear unable to negotiate, or have yet to negotiate what this number should be. To be sure, this is a complicated issue and it is especially important to get it right if we want to adequately compensate asbestos victims for the next 50 years. There is just not enough money to cover all the claims that will be made against this fund. As a result, some of us have serious concerns that this bill fails to go far enough to compensate asbestos victims suffering serious disease.

Though the base funding in the new bill is roughly the same as S. 1125, $104 billion, the overall funding falls far short because the new version eliminates a contingency amendment I introduced with Senator FEINSTEIN last summer in the committee. Our amendment would have provided up to an additional $45 billion over the life of the fund. The new Frist-Hatch version replaces it with a $10 billion contingency a source of funding which could not even be tapped until year 24 of the fund.

Second, in order to reach a better understanding of how much this bill will

cost, we must better come to a final agreement on the individual awards that will be granted victims. Quite simply, this agreement will drive the overall cost of the fund, and not surprisingly, projections vary on this point. Proponents of the new bill predict that there will be $114 billion in total claims. The Congressional Budget Office, however, estimates that, based on the new award values present in S. 2290, the fund will need $134 billion to pay out all current and future claims. And labor believes that the number will be even greater if we were to raise award values to a more equitable level. Of course, any increase in award values will require a increase in the overall fund amount. But these are exactly the sort of tough choices and negotiations that need to take place if we are going to find a compromise.

Third, those of us opposed to this bill still feel that an unfair risk falls onto the victims if the fund goes bankrupt. Those in favor of the bill will argue that if they underestimate how much money the fund will need, victims can simply return to the court system. But it is not as simple at that. At the earliest, victims cannot return to the courts until year seven and there is a real risk that certain types of victims may be precluded from any further compensation for new injuries related to asbestos exposure.

Furthermore, the new version of the asbestos bill also results in unfair treatment of victims with pending claims. There are currently more than 300,000 asbestos victims with pending claims in the court system, many who have been waiting for years for a court date or settlement. The asbestos bill would eliminate most pending claims and even final settlements and throw them into the fund. So some victims who won a large verdict will be forced to start over from scratch in the fund. This hardly seems fair.

Finally, it is difficult to support a new bill that is the product of a flawed and one-sided negotiating process. Much of the new asbestos bill we are considering was negotiated by Senators FRIST and HATCH with business and insurance representatives. This process, lacking any participation from Democrats or labor, resulted in a bill that is not even as good as the version we opposed last July. To be fair, Senator SPECTER has been working hard in a bipartisan group mediated by retired Federal Judge Becker. The group has had some modest success in negotiating ''non-economic'' issues, but has yet to broker any deal on award values or overall fund financing. Perhaps a consensus solution is possible if we allow that bipartisan process to proceed.

Until then, I cannot support this bill in its current form. The new asbestos bill actually retreats from the progress made last summer in the Judiciary Committee. Until my major concerns regarding the overall dollar amount for the fund—an amount that will adequately satisfy the hundreds of thousands of asbestos victims for years to come—is resolved, I will vote against S. 2290. To be sure, there are several other issues to solve in this bill, but we must reach a consensus on an overall dollar amount, lest we regret supporting a fund that runs out of money, fails to compensate victims, and provides businesses no more certainty than they have today.

Mr. ALLEN. Mr. President, I rise today in support of the Fairness in Asbestos Injury Resolution Act or the FAIR Act.

Over the past decade, asbestos-related lawsuits have increased dramatically and have shown no sign of lessening. According to reports, at least 730,000 claimants have sued more than 8,400 defendant companies alleging some kind of injury by asbestos exposure. The number of defendant companies that have been sued has increased by 8,100 since 1983 according to the RAND Institute for Civil Justice.

There is no doubt that the current asbestos litigation system is a failure. The system is harmful on two fronts: it is harmful to the economy and harmful to the asbestos victims, who currently wait years for their cases to be resolved. Sadly, some of these victims die before even having their day in court.

I view this measure as a jobs bill. Some would ask: How is this legislation going to help create jobs? I would answer that while we are steadily recovering from an economic downturn exacerbated by the terrorist attacks of September 11, 2001, and our necessary response in the war on terrorism, we need to make sure that willing men and women can find jobs. Employment is improving. However, if the Senate does not act on this important reform legislation, the numbers of unemployed Americans will increase.

The fact is that asbestos-related bankruptcies inflict a staggering toll on the American workforce. Companies that have declared bankruptcy because of asbestos-related litigation employed more than 200,000 workers before their bankruptcies. So far, asbestos-related bankruptcies have led to the direct loss of as many as 60,000 jobs, while each displaced worker will lose an average of $25,000 to $50,000 in wages over his or her career, according to Joseph Stiglitz, cowinner of the 2001 Noble Prize in Economics.

One economic study by the Financial Institutions for Asbestos Reform found that, considering the multiplying effect of private investment, failure to enact asbestos legislation could reduce economic growth by $2.4 billion per year, costing more than 30,000 jobs annually. Extended over a 27-year time frame, this would translate into the loss of more 800,000 jobs and $64 billion in economic growth. And RAND concluded that 423,000 new jobs will not be created due to asbestos litigation, and $33 billion in capital investment will not be made.

My colleagues on the other side of the aisle preach the need for job growth and argue that Republicans are not doing enough to spur the economy and preserve and create jobs. This bill helps preserve jobs. But unfortunately, if we continue to allow this dysfunctional system to exist and let partisan politics run rampant, we will see a major dilemma in the American workplace—thousands of Virginians and Americans unemployed.

In addition, a failure to resolve this situation will have an adverse effect on employee pensions and retirements. Each worker who loses their job from an asbestos bankruptcy loses on average at least 25 percent of the value of their 401(k) retirement accounts. Thus, a failure to act will not only lead to job loss, but could hamper their long-term financial well-being. Furthermore, individuals use their pensions and 401(ks) for a number of things. An individual may use it to retire, to pay for their children's college education or for incurred health expenses as they grow older.

Unfortunately, the crisis does not stop there. Opponents seem to forget that many victims are unable to receive just compensation because the courts have been burdened by the sheer volume of cases—legitimate and less meritorious alike. They have been unable to ensure that even a majority of asbestos compensation goes to plaintiffs who are actually injured.

Shipyard workers and Navy veterans from my Commonwealth of Virginia should not have to suffer in the current system. The RAND study that I referenced earlier found that the vast majority of new claims—approximately 90 percent—are made by people who do not have any sort of cancer or mesothelioma. These individuals prevent the claims of those who are truly ill from being heard and given their day in court and zap the limited resources available to compensate true victims now and in the future.

This bill will provide some consistency in the settlements that are awarded to victims. Far too often, the awards are unfair, inconsistent, and erratic. Currently, victims can only expect to see 43 cents of every dollar in compensation awarded. The rest of the money goes to lawyers and administrative costs.

The FAIR Act seeks to remedy this injustice. This legislation will make sure that victims receive immediate compensation in full. By capping the litigation costs, we are making sure that awards are going into the bank accounts of the truly injured, rather than legal fees for companies and claimants.

As the Chicago Tribune said in September 2002, ''Today's dysfunctional system benefits primarily trial lawyers and healthy plaintiffs—and that drains resources from those who are sick and dying because of asbestos. That's a national shame.'' The Fairness in Asbestos Injury Resolution Act is a long overdue attempt to correct that terrible wrong.

So what does this bill do? In short, the FAIR Act would establish a privately funded trust fund composed of mandatory contributions from current corporate defendants and their insurers as well as moneys from existing bankruptcy trusts. Plaintiffs who believe they have been injured by asbestos exposure would submit claims to the administrator of the trust fund with evidence that they were exposed to asbestos for a period of time sufficient to cause their medical condition. Qualified claimants would be paid a clear compensation depending on eligibility and disease type on a no-fault basis. Properly administered, the trust fund will ensure that nearly all defendants' and insurers' asbestos expenditures end up in the hands of injured claimants. And by paying fixed generous award amounts depending on the severity of the disease, the FAIR Act would ensure that the truly impaired are compensated.

I urge my colleagues to move to consider this bill. Too many jobs are being lost in bankrupted companies while Virginians and Americans with asbestos-related diseases receive inadequate compensation. The principal point is that action and leadership has been needed for years. There is no reason to procrastinate and avoid responsibility to remedy this current dysfunctional, failed situation. The FAIR Act is a reasonable, responsible way to move forward jobs and equity; to filibuster and block this bill is an avoidance of responsibility.

Mr. FEINGOLD. Mr. President, I want to speak today on S. 2290, the revised, but still misnamed, Fairness in Asbestos Injury Resolution Act. Reluctantly, I will oppose the motion to proceed to this bill.

I say ''reluctantly'' because I support the concept of a national trust fund to compensate victims of asbestos-related diseases and address the severe strain that cases brought by those victims have placed on our legal system and our economy. Ten thousand Americans now die each year—a rate approaching 30 deaths per day—from diseases caused by asbestos. My home State of Wisconsin ranks 16th in the Nation in asbestos-related deaths.

I was encouraged when the defendant companies in some of the many lawsuits that have been filed, their insurers, and organized labor began serious negotiations back in 2002 to try to develop legislation for a national trust fund that the Congress could enact on a consensus basis to address this serious problem. This was an issue that called out for a bipartisan solution.

Unfortunately, those discussions were short-circuited before an agreement could be reached. What began then was a process that has turned the asbestos issue into a partisan issue when it really shouldn't be. A bill very much slanted toward the defendants and insurers was introduced last spring by the chairman of the Judiciary Committee. Although I disagreed with the chairman's decision to call a halt to negotiations, I do give him credit for at least allowing the Judiciary Committee to work on the bill, in contrast to the process that was followed on the series of ill-advised medical malpractice bills that have been brought directly to the floor during this Congress. The Judiciary Committee held a hearing and then an extraordinary four meetings to mark up the bill. Two dozen amendments were debated and voted on.

The bill that emerged in July 2003 after that intensive work by the committee still did not win my support. But all of the committee members who voted against it agreed that it was much improved over the original bill. The committee's work could have been the foundation for further bipartisan negotiation that might have led, if all parties were willing to come to the table and compromise, to a bill that could be overwhelmingly approved by the Senate.

So what happened over the last 10 months? Well, the first thing that happened is that the insurers went to the Republican leadership and said they couldn't live with even the limited improvements that the committee approved. So no sooner had an amended bill come out of committee then its supporters started backing away. Instead of trying to make the bill reported out of the Judiciary Committee more acceptable to victims of asbestos in a serious effort to solve what we all agree is a difficult and important problem, the proponents of this legislation went backward.

And so in many respects the bill that the Senate is being asked to take up is worse than the committee bill. Important amendments adopted in committee that provide some certainty that money will be available to future victims of the horrible diseases caused by asbestos, and we know with certainty that there will be thousands of such victims, were removed by the sponsors of S. 2290. By what definition does that represent ''fairness''?

Let me talk for a minute about some of the specific provisions that have led me to conclude that I cannot in good conscience vote to proceed to this bill.

The first issue is money. CBO estimates that between $124 billion and $136 billion will be needed to pay an expected 1.7 billion asbestos claims over the 27-year life of the fund. Some experts think that estimate might be too low. S. 2290 provides for a maximum of only $114 billion for the fund. The bill reported from the committee, as a result of amendments offered in committee by Senators FEINSTEIN and KOHL, included total funding of $154 billion. How can it be fair for a compensation fund to be doomed to failure from the start because it is underfunded?

Another issue is related to the issue of the adequacy of the fund. Senator BIDEN offered an amendment that was approved by an overwhelming bipartisan majority of the committee. It basically said to people who have claims that if the fund isn't adequately funded they will not be left empty-handed. It called for a return to the tort system for claimants who do not receive the payments that the bill calls for. S. 2290 substitutes a much weaker sunset amendment that would leave victims waiting for years and years without compensation before they are permitted to again pursue their claims in court. How is that fair?

I am concerned in addition that this bill treats certain companies such as Halliburton very favorably by capping their liability to the fund at a fraction of what they have already set aside to pay claims to asbestos victims. These companies have already agreed to settle claims against them and agreed to pay billions of dollars in compensation. Those settlements have been on hold as Congress considers this legislation and if it passes, the companies will save literally billions of dollars that they otherwise were prepared to pay to asbestos victims. How is that fair?

I am also very concerned that this bill would overturn longstanding settlements under which some victims have been receiving regular payments for years. How can it be fair to people who have settled their claims already, or who have even received jury verdicts in their favor that are now on appeal, to have to start over in an administrative process that could take years to get up and running and years to complete? An amendment offered by Senator FEINSTEIN in committee would have postponed the effective date of the bill until the fund was up and running. That would have allowed at least some far-advanced cases to proceed to final judgment. The deletion of the Feinstein amendment is another step backward taken by the sponsors of this bill.

We have an asbestos crisis not only because lawsuits are threatening the financial well being of American companies but because people are getting sick and dying. Some companies knew that exposure to asbestos caused asbestosis, a tragic lung disease, as early as 1918. In 1966, the Director of Purchasing for Bendix Corporation, now a part of Honeywell, stated in an internal memo '' . . . if you have enjoyed a good life while working with asbestos products, why not die from it.'' There are countless other industry documents that have been uncovered to show that the industry knew it was endangering its workers' health by continuing to use asbestos. A 1958 National Gypsum Memo, for example, stated: ''Because just as certain as death and taxes is the fact that if you inhale asbestos dust you get asbestosis.''

We need to make sure that any national solution to the asbestos litigation issue keeps faith with people who have been injured by this dangerous product. And we now know that the problem is not limited to people who worked with asbestos. It is also the families of the men and women who

worked with asbestos who have contracted asbestos-related diseases. Even consumers who used hair dryers, electric blankets, attic insulation, home siding and ceiling and floor tiles have suffered injury from asbestos exposure. These victims need compensation, and this hazardous substance needs to be banned once and for all.

We all want to see a resolution to this crisis, we want these victims to get the compensation they deserve. That is why I am so disappointed in the final version of this bill. Instead of working toward a negotiated solution that the whole Senate can support, the sponsors of this bill have assured its failure by going backward. Again I ask, how is that fair? Reluctantly, I will vote against the motion to proceed, and I hope the message that comes from the failure of this bill is not that no solution to the asbestos problem is possible, but rather that the only way to reach a solution is to involve all the interested parties, and Senators from both sides of the aisle, and try to arrive at a truly fair bill.

Ms. MIKULSKI. Mr. President, I rise today to oppose S. 2290, the so-called ''FAIR Act.'' I oppose this bill because it is anything but fair to victims of asbestos exposure. This bill puts the interests of insurance companies and industry before those who are sick and often dying because of asbestos exposure. How can we call a bill fair—when it makes those who suffer as a result of asbestos exposure worse off and further delays their compensation. We need a balanced and fair approach to asbestos reform that will have bipartisan support. Democrats want it, business wants it, labor wants it and many of our friends on the other side of the aisle want it. Unfortunately, the FAIR Act is not it.

Even the process by which this bill came to the floor is not fair. This is not the bill that came out of the Judiciary Committee, its not the product of the negotiations that Senators SPECTER, LEAHY, DASCHLE and others have been pursuing, it is not a bill that has had any input from Democrats. Senators FRIST and HATCH decided what should be in the bill and put it on the floor. They skirted the usual Senate process and introduced a partisan bill.

This bill is not fair.

Is it fair that those who are seriously ill as a result of asbestos related illnesses would receive far less on average under this bill than they would in our court system?

Is it fair that victims who are suffering from lung cancer may only receive $25,000 when they were exposed to asbestos for 15 years and will likely die within a few years of diagnosis?

Is it fair that businesses will only put $109 billion into the fund when conservative estimates expect the fund's claims to reach at least $134 billion?

Is it fair that victims will be left with no recourse if, as many expect, the fund runs out of money and those who are sick are forced to wait years more for compensation?

And I ask you, is it fair that those who have already spent years in the court system will have their settlements and judgments wiped out and have to wait years more for compensation under the new system? These defects are simply unacceptable in a bill that is supposed to solve the asbestos nightmare and get victims real relief now.

None of these provisions is fair to the workers, mechanics, miners, and family members who have been exposed to asbestos and are now suffering from disease. These are the people who are relying on the Congress for help so they can spend their last days enjoying their families and loved ones and not litigating their claims. The U.S. Senate can do better than getting caught up in a political game when people's lives are at stake.

This legislation has three major flaws—it gives victims far too little, forces victims into a fund that has too few resources, and closes the courthouse door for victims of asbestos exposure.

Too many victims receive far too little under this bill. This new Frist/Hatch bill may have increased the awards for some victims over previous version of the bill, but it still leaves many of the most seriously ill victims with awards far below what they would receive if they went to court. For example, overall awards in this bill are far lower than what victims would receive in court. And to top it all off victims could see their awards reduced even further because of workers' compensation or insurers' liens, which this bill allows. That's not fair.

This bill forces victims out of the courts and into a fund that may run out of money. The level of funding under this Frist/Hatch bill is well below what even conservative estimates put as the likely cost of the fund. How can we ask all these victims to give up their right to go to court and then put them in a fund that will run out of money? They will be left holding the bag and waiting years more to get relief. Certainly business can do more for the trust fund in exchange for a reprieve from their litigation liability.

I am not only worried about the fund running out of money in the long term—but also up front. Over 300,000 cases are currently pending and it is expected that 90,000 additional cases will be filed each year of the first few years of the trust. Under this bill there simply is not enough funding in the early years to cover those costs. So what happens? Victims again are left waiting, as they have been in the tort system, for years for some compensation and sadly many of them will die before they ever see a cent.

This legislation shuts the courthouse door for victims. Many victims of asbestos exposure have already spent years in court and have received a settlement or judgment. The Frist/Hatch bill wipes out all pending claims, including those where a settlement has been reached or where a judge or jury has reached a judgment. These victims have spent years and often most of their resources litigating these cases. Now Congress wants to come in and say ''Sorry, you have to file your claim again and wait for the fund to get your relief.'' That undermines the civil justice system, the faith we put in judges and juries and is simply not fair to victims who have been waiting years.

Senator FEINSTEIN had offered an amendment to the original bill in Committee that helped take care of part of this problem. It was based on a simple idea—victims have waited long enough and they ought to be allowed to pursue their claims while the fund was getting off the ground. But the Frist/Hatch bill gets rid of that provision and makes victims wait. Wait till the money is in the fund, wait till the administrative system is set up, wait till Administrators are appointed and then wait some more. It might take years to get the fund off the ground and until then victims have no where to go to pursue their claims.

I, like my colleagues, wanted a to be able to vote for legislation that would help victims, that would make sure they got the compensation they deserve and would also ensure that problems with the current legal system were addressed. But this bill is the wrong vehicle—it actually rolls back the progress that was made in the Senate Judiciary Committee and through months of negotiations between labor, business and insurance.

I know that Senators DASCHLE, LEAHY, DODD, FEINSTEIN and others have been working tirelessly with those on the other side of the aisle and with industry, insurance and labor to create a consensus bill. I have supported those efforts and am disappointed that Senator FRIST introduced this bill which sends us in exactly the opposite direction. It sends us away from common ground and negotiated positions to a strongly partisan bill that does not reflect any of those efforts. I think we should go back to the table, to finish the conversations, to reach a balanced agreement that the majority of us can support.

We need to protect those who have been exposed and are suffering from asbestos related diseases by putting sufficient amounts in the trust fund, by making sure that compensation levels are fair and awards are dispensed quickly, by ensuring that the fund is solvent and provides victims with the ability to go back to court if the system runs out of money. We also need to make sure that those who are in court can continue their cases until the fund is set up and that those who have reached a settlement or received a judgment can get the remedy their litigation has entitled them to.

I stand with my Democratic colleagues in saying ''we want a bill.'' I want a bill that helps victims get just

compensation, and that provides financial certainty for industry and insurers. But that cannot come at the cost of the rights and remedies for those who are and will become seriously ill as a result of asbestos exposure.

Mrs. LINCOLN. Mr. President, I voted against the cloture motion to S. 2290 because I did not believe this bill was ready to be debated on the Senate floor. Unfortunately, the process that created this bill did not give stakeholders an adequate opportunity to fully discuss and debate honest differences. As a result, significant issues remain that can and should be addressed before proceeding to consideration on the floor. I am confident, however, these issues can be resolved if the interested parties will come to the table and work in good faith until a compromise can be reached. In my conversations with asbestos victims, industry officials, and labor leaders a common thread has emerged; we are too close to walk away now.

I have consistently expressed support for a legislative solution to the asbestos crisis that would establish a trust fund to pay legitimate claims in a fair and efficient manner. However, if we ask American citizens to give up their right to a day in court, we must ensure they will be treated equitably by the alternative. Further, we must ensure that the trust fund remains solvent and efficient. We also must make certain that the fund will be up and running as quickly as possible.

All of the parties in this discussion have a vested interest in making the trust fund work. For the victims, many have waited far too long to receive the compensation they deserve in a timely and efficient manner. For the business community, they have agreed to commit a significant amount of money to this fund. It is in their best interest to make sure the fund works by paying victims a fair amount in a timely way to ensure they are not threatened by non-meritorious claims if this process returns to the courts

We can reach agreement on this vital legislation if all sides stay at the table. Legislation is rarely a work of art, it is a work in progress. We must continue to push forward until a solution is found.

Mr. HATCH. Mr. President, I have been listening to the arguments of my colleagues from the other side of the aisle.

I thank Senators CARPER, NELSON, MILLER, and BAUCUS, who indicated they will vote for this bill in the end if we can resolve some of the problems. These Senators in every sense have worked extraordinarily hard on this bill, especially Senator MILLER.

I believe we can accommodate Senator BAUCUS so he can literally vote for this bill. I do not want to see people from Montana be mistreated. Frankly, I believe we can make the appropriate change. We have talked about what it will be. It is what he has told me he would accept. I think we can make that change. But that is what you do on the floor of the Senate.

Having said that about these colleagues who have worked so hard with us, including Senator FEINSTEIN, who has worked with us on these matters, all of them are going to vote against cloture today, at least as far as I know.

Having said that, I was interested in the comments of the distinguished ranking member on the Judiciary Committee, that we have to get into reality here; reality the way the Senate is supposed to work, the way the legislative process works. After 15 months of meeting with everybody from one end of this country to the other, everybody in the Senate Judiciary Committee, and virtually everybody in the Senate, 15 months of intensive negotiations, where are we? In reality, they are filibustering even a motion to proceed which I think shows where this is all going. They are not filibustering the bill which would be next. They are filibustering the motion to even proceed to the bill. The reality is if we want to be legislators and we want to legislate, then we bring the bill up and we fight it out on the floor.

We have a filibuster here on the motion to proceed. We have had 15 months of negotiations. We have bent over backward to try to accommodate our colleagues on the other side of the aisle. There is virtually only one thing many of them want more of; that is, more money. That is after putting in the original $108 billion, which nobody thought we could get done; that almost everybody said if you get that we will go—virtually everybody involved, including the unions. We are now up to $114 billion, and it is still not enough. If that is not enough, then bring an amendment to the bill on the floor. Make it more, if you can.

The problem is I think they know the vast majority of Senators in this body know it is enough. They know it is probably too much and know what a burden it is going to be on these companies that are basically near bankruptcy to pay for this. But we have done that.

I heard the distinguished ranking member of the Judiciary Committee say we should be legislators. If the funds are enough, they would go. Bring amendments. Let us fight out. That is what we do. That is what this floor is for—not just filibustering a motion to proceed so we can't fight it out, so we can't have amendments. I think they should quit hiding behind outrageous figures everybody around here knows can't be done.

I believe my friend said one of the problems is solvency protection. How can you protect from insolvency, if these companies start going into bankruptcy? We have had 70 so far. We will have more loss of health benefits, loss of pensions, and loss of jobs.

By the way, on the award values, it is interesting to me that I am hearing it is not enough in award values to individual people and the individual categories, and yet the award values were approved by the Senate Judiciary Committee 14–3. Only two Democrats did not vote. All the other Democrats voted for the award values we have in this bill—every one of them. The only three members on our side who didn't vote for the award values said they felt they were too high. The Democrats all agreed they were decent award values.

If we are going to be legislators, let us be legislators. Let us not hide behind a filibuster of a motion to proceed.

There have been a lot of comments by my friend on the other side about the fairness and adequacy of the claim values. He said they are low. What he failed to mention today in his remarks is the Feinstein bipartisan claims values amendment was adopted by the committee 14–3. It was a bipartisan vote. The only three who voted against it were Republicans who thought the claims values we had were too high. All of the votes from the other side of the aisle were 100 percent for the claims values.

I am not sure why my friend from Vermont is now saying the claims values we have adopted in a bipartisan fashion—he was there last July—are now too low. It is amazing to me. It is typical of what we have gone through for 15 months trying to work this out. I think they may figure as long as they can keep this going, there will be more and more demands on these few companies that are now stuck after the main companies that caused the problem are all bankrupt. These companies, such as Monroe, which I mentioned earlier, are stuck having to try to win but the defense costs alone would eat them alive and put them into bankruptcy.

We can talk about this forever. We can negotiate forever. But if it means more and more money, bring amendments to the floor. Maybe they will win on it. I don't know. All I can do is show how exorbitant they are under the circumstances.

We still have a hedge factor in this matter. If for some reason there are not enough funds at the end of this process to pay off claims—and we believe not only there will be, but there will be more than enough funds—then this will revert back to the tort system again.

Nobody will want that to happen. Nobody will let that happen. But even if it does, then these voracious claims lawyers, these personal injury lawyers—about 10 percent or even less of the American Association of Trial Lawyers—will be able to do the same things we have just mentioned they have been doing in this matter.

I think everybody is protected. There is no question about it.

Why are we not going to invoke cloture here and kill this bill? Why aren't we going to have amendments to make this bill more pure, if we can? Why don't we have amendments to increase the funding, if that is what they think should occur? The fact is they don't

want to do it because they know darned well if they did, they probably couldn't win on these outrageous claims. But if they did, then the Senate will have worked its will. That is what legislators do. They don't hide behind filibustering every bill. They do not have obstruction tactics on every bill. Around here, we have to get 60 votes for virtually any bill that means anything. That is pretty pathetic. Sooner or later, we are going to have to address that. That includes judges for the first time in history.

But this bill is important. I acknowledge cloture will not be invoked today. I have known that for a long time. The fact of the matter is at least everybody is going to know where everybody stands on this matter. Does that mean we are going to quit negotiating and quit trying to bring people together? No. We will. But if we don't get that down in another week, it seems to me this bill is going to be dead. If it is dead, then I pity those 8,400 companies plus all the insurance companies—about 16 of those—because they are all headed toward bankruptcy and this country is going to suffer a tremendous problem while the truly sick are not going to get compensated. The truly sick are not going to get compensated. We have seen the sleazy approach of at least one of the personal injury law firms toward manipulating the process so those who aren't getting sick get a recovery which they should never have gotten. That takes money away from those who are sick. Guess who the beneficiaries of this whole process are. These personal injury lawyers, some of whom are honest, but probably some who are not.

This chart shows it all. The word ''filibuster'' comes from the Spanish word ''filibustero,'' meaning pirating and hijacking. I shudder to think we will consign all of these people who have asbestos-related illnesses to oblivion and not do the best we can to help them when we have a system that is broken.

I am prepared to yield back the remainder of my time and proceed to the vote.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will report.

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. 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 V. Voinovich, John Ensign, Wayne Allard.

The PRESIDING OFFICER. By unanimous consent, the call of the quorum is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2290, the FAIR Act of 2004, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—50

| | | |
|---|---|---|
| Alexander | Dole | McConnell |
| Allard | Domenici | Miller |
| Allen | Ensign | Murkowski |
| Bennett | Enzi | Nickles |
| Bond | Fitzgerald | Roberts |
| Brownback | Frist | Santorum |
| Bunning | Graham (SC) | Sessions |
| Burns | Grassley | Shelby |
| Chafee | Gregg | Smith |
| Chambliss | Hagel | Snowe |
| Cochran | Hatch | Stevens |
| Coleman | Hutchison | Sununu |
| Collins | Inhofe | Talent |
| Cornyn | Kyl | Thomas |
| Craig | Lott | Voinovich |
| Crapo | Lugar | Warner |
| DeWine | McCain | |

NAYS—47

| | | |
|---|---|---|
| Akaka | Dorgan | Levin |
| Baucus | Durbin | Lieberman |
| Bayh | Edwards | Lincoln |
| Biden | Feingold | Mikulski |
| Bingaman | Feinstein | Murray |
| Boxer | Graham (FL) | Nelson (FL) |
| Breaux | Harkin | Nelson (NE) |
| Byrd | Hollings | Pryor |
| Cantwell | Inouye | Reed |
| Carper | Jeffords | Reid |
| Clinton | Johnson | Rockefeller |
| Conrad | Kennedy | Sarbanes |
| Corzine | Kohl | Schumer |
| Daschle | Landrieu | Stabenow |
| Dayton | Lautenberg | Wyden |
| Dodd | Leahy | |

NOT VOTING—3

| | | |
|---|---|---|
| Campbell | Kerry | Specter |

The PRESIDING OFFICER. On this vote, the ayes are 50, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I am disappointed that we did not invoke cloture on the asbestos reform bill. As I have said numerous times in recent days, this is an important issue, an issue we are not going to give up on. It is too important to the American people. It is an issue with victims, with veterans, with all people who are affected by asbestos. It would be a great disservice just to drop this issue; therefore, we are not going to drop it.

We have devoted now more than 300 days trying to work out the details of this bill, which I do believe is more than adequate time to reach consensus. Thus, later today, the Democratic leader and I—we have been in discussion over the course of the morning—will be discussing on the Senate floor a possible method of moving these discussions forward with the stakeholders over the next several days and possibly weeks. We will engage in a colloquy later in the day as to what that specific proposal will be.

I am confident we can make progress on this important issue, that we can move the stakeholders to a final agreement. I say that because people just saw the vote and that does not close the door in any way. In fact, it inspires us to work together more over the next several days and weeks.

For the information of Senators, next we will begin consideration of S. 2329, which is the victims' rights bill. It was introduced yesterday by Senators KYL, FEINSTEIN, and others. The order provides for up to 2 hours of debate before the vote on passage of that bill. That vote will likely be the last vote of this week.

Following the victims' rights bill, we will turn to, in the early part of next week, Monday, the Internet access tax bill. Discussions have been underway over the course of the morning and afternoon on that bill as to when we will actually begin consideration, and later this afternoon, I will have more to say about that bill.

As I believe I said this morning, following completion of the Internet tax bill, we will be turning to FSC/ETI, the JOBS bill. That is several days from now.

Mr. President, again, I am very disappointed in the cloture vote today, but we will be back, and I will talk more about that this afternoon.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to make a couple of comments about the asbestos bill. I see my colleague from Delaware. Does he want to say something before I make a short speech?

Mr. CARPER. Mr. President, yes, I want to mention to Senator FRIST, as I did to Senator DASCHLE in the last few minutes, my appreciation for the way each of them are, as leaders, engaging in a bipartisan way to address the asbestos issue as something we have to get done; we can do better than the status quo and take up the bill under the good work of the Judiciary Committee and the Specter-Becker process. There is a good process in place showing results, and I am delighted both Senator FRIST and Senator DASCHLE are embracing that process and enabling us to work together and resolve the remaining issues.

I mentioned when Senator FRIST was not here that work has a way of expanding to fill the amount of time we allocate to a project. Senator FRIST

knows that better than I do. If we say we are going to take the rest of the year to resolve the asbestos bill, it will take the rest of the year. There is value in setting a date certain. Senator FRIST may want to consider returning to this bill right before the Memorial Day recess. That gives us 3 weeks to buckle down, get the interested parties in a room together, and Senators who want to participate and their staff, along with Judge Becker, our leaders, and let's get this job done.

I thank the Senator for yielding.

Mr. FRIST. Mr. President, briefly in response, I understand the importance of setting dates and also of having a sense of urgency, since we do have victims who are suffering today. We will have more to say about overall timing when I have a colloquy with the Democratic leader a little bit later today.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that following the remarks of Senator NICKLES we proceed to consideration of the legislation which the leader announced so that Senator FEINSTEIN can commence her presentation and hopefully have her first presentation concluded before 1 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to make a few remarks concerning the asbestos legislation we failed to reach cloture on a motion to proceed. I am disappointed that we did not go to the legislation. I came down yesterday to speak and others were engaged. Maybe it is more appropriate that I speak now.

We have a very serious problem dealing with asbestos in this country. I held a hearing in the Budget Committee 2 years ago and stated that some of the biggest problems that we face, as far as our economy, is regulations and litigation abuse. And heading the list of litigation abuse in this country is asbestos litigation. We have 8,000 companies now listed as defendants in suits, and 60 or 70 companies have already gone bankrupt. Thousands of jobs have been lost. I believe over 60,000 jobs have been lost from the bankrupt companies that have gone out of business. Maybe another 100,000 jobs have not been created as a result of the negative impact that asbestos litigation has on the economy, and it is wrong. When we find out that two-thirds of the awards or settlement payments have been going out to people who are not sick, something is wrong. So this system needs to be fixed.

I also want to compliment Senator HATCH, Senator FRIST, and Senator SPECTER for their efforts. There has been a lot of work going into this legislation.

However, I have very serious problems with this particular legislation, S. 2290. In my opinion, a legislative solution that would propose creating a large federal trust fund is a mistake. I think there simply is a better way to do it. I asked the Congressional Budget Office to provide the Budget Committee analysis of the legislation, that we had before us, and the essence of its potential cost effects. I now ask to include their entire statement into the record. It states that CBO estimates operations of the fund would increase federal budget deficits by $13 billion over the first 10 years of the fund.

Thus, they estimate, that even though it will take in $118 billion of contributed funds over the life of trust, in the first 10 years it is going to add $13 billion to the deficit. Though the legislation says you can borrow against future anticipated revenues, it is still going to add to the deficit, and the Fund itself will become insolvent at some point because fund resources will be overwhelmed by anticipated claims liability. There are going to be major problems with this fund, too many problems.

As a matter of fact, I estimate that if we go with the trust fund approach there are going to be a lot of unqualified claimants saying, ''We want to be covered under this fund.'' We can expect that, unless there is very strict medical criteria enforced, and this bill does not have very strict medical criteria. By very strict medical criteria, I mean there should be legislation in place that requires claimants to prove that they have an asbestos-related disease before they are compensated by the fund. And this bill does not do that.

Also, I hope we would abandon the idea of creating a trust fund, under this legislation, that has a fixed, capped, amount that must be contributed into the fund by insurers and defendant companies involved, while the liability remains virtually unlimited. What one should easily see, is that the insurers are limited in what they must contribute and the defendant companies are limited in what they must contribute, but the extent of liability is unlimited. This should indicate to my colleagues that this Fund may not work. The claims may greatly exceed the fund, there is a shortage, and we end up with an insolvent fund.

The bill says, well, we presume if the fund goes insolvent, the fund will terminate from a Government-funded fund managed by the Department of Labor, and then claimants who did not get in on the money are going to simply seek redress in the federal courts. I question that. I can see people coming back to Congress and saying: ''Hey, we want the Federal Government to pay for it.'' This puts the taxpayer at risk.

So what is the solution? I am not trying to be critical. But, I think we should come up with realistic solutions. I have a couple of ideas I think we could do. One is to impose strict medical criteria in the existing tort system. The American Bar Association has said Congress should establish strict medical criteria in the tort system: in other words, a person must prove they have an asbestos related injury before they file a claim and get compensated. Let's make sure we are not paying payments to people who have lung cancer resulting from other causes, like a life-long smoking habit. My mother had lung cancer and my brother had cancer as a result of smoking. They should not be compensated out of an asbestos compensation fund. We should hold to the principle that if people are going to receive compensation from asbestos exposure they should have an asbestos-related disease; and they must prove it was the substantial contributing factor to the injury. If they prove it, they should be compensated.

We should also toll the statute of limitations for asbestos injuries to protect the legal rights of claimants who should develop a disease or impairment in the future. If they discover they have an asbestos-related disease in the distant future, the statute of limitations should not begin to run until that time. They would be able to file suit. That would eliminate a lot of these bogus claims and the mass action claims where people are filing claims saying, ''We think we could develop asbestos disease in the future, and we understand the statute of limitations is going to run out, so therefore we are going to file claims now.'' Over two-thirds of the claimants today do not have asbestos-related disease, but they are filing claims. Let's enact legislation to toll the statute of limitations, so if it is proven that 10 or 20 years from now an individual develops asbestos-related disease, and it is proven, they can be justly compensated.

Finally, let's eliminate the abusive venue shopping. Let's keep it in court jurisdiction where the claim belongs, and stop bargain-hunting plaintiffs from shopping their claims in only the most lucrative district or State courts in the country.

There does not have to be a new Federal fund, or a new entitlement program, created to provide a reasonable solution to this problem. If we simply require claimants to prove in court that they have an asbestos-related disease or impairment, then we can compensate those who are truly sick and they can be compensated well. The defendants companies and the insurance companies could all pay a lot more to the most deserving victims of asbestos exposure, if they did not have to needlessly pay money to the two-thirds who do not have asbestos-related disease.

Many of these plaintiffs lawyers who are involved in these mass action suits, those who represent legitimate victims who are being pushed aside by the non-injured, actually say that a medical criteria bill would be the right solution. We do not need take away anybody's ability to go to court. The truly sick can be truly compensated. And do not need to pay false or premature claims. We simply do not need to pay claims to people who, frankly, should

not be receiving benefits. The fact is, people who do not have asbestos-related disease are clogging the courts, and they are denying people who do have the disease just compensation.

I have introduced such legislation that will go a long way to solving these problems. I have kind of held back to see whether or not this trust fund approach would work, and, frankly, I do not believe it will work, whether it is $118 billion or $153 billion.

I heard many of my Democratic colleagues say if it had a little more money maybe they could support it. It will not work. My guess is if there was a fund of $153 billion or even $173 billion, as much money as that is, with the medical criteria being lax as it is in this bill especially for smokers, it will not work because you will still have thousands of unqualified people saying, ''My lung cancer should be covered too.''

As a matter of fact, if one looks at one of the compensation plans under this bill, yes, under levels VII, VIII and IX section C, smokers get compensation without having clear proof it was caused by their asbestos exposure. Now, maybe they worked in a plant that might have had asbestos present, but if they cannot prove that it was the cause of their cancer and not, for example, the five packs of cigarettes they smoked each day for thirty years, then they should not be compensated, but this Trust Fund bill would do this.

My point is, let's go back to the drawing board. I do not believe a trust fund approach is the right approach. I happen to think that S. 2290 is almost an invitation for people to say here is a bunch of money, probably not enough money, so let's make sure we run our claims early, fast, and get in while the money is still there. So the claims would greatly exceed the money available no matter what size the pot of money is on the table. And when it runs out the net result will be that people will come to the Federal Government to keep it going. This trust fund will simply not be adequate to compensate all the claims, especially not with lax medical criteria.

So I urge our colleagues to rethink this. Let's establish medical criteria in the courts using medical evaluation standards proposed by the American Medical Association, and consistent with a resolution endorsed by the American Bar Association, that calls on Congress to establish criteria standards along those lines and toll the statute of limitations for those who may become sick in the future. Let's compensate those families, those individuals, who are truly sick. Let's help the victims, and not reward people who do not even have asbestos disease or injury by giving them two-thirds of the benefits under this present flawed system.

I urge my colleagues to seriously review such an alternative approach when we reconsider this bill in the not too distant future.

I ask unanimous consent that the CBO letter of April 20, 2004, 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.*

Mr. NICKLES. I yield the floor.

## SCOTT CAMPBELL, STEPHANIE ROPER, WENDY PRESTON, LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS' RIGHTS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2329, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2329) to protect crime victims' rights.

The PRESIDING OFFICER. Under the previous order, each of the following Senators control 30 minutes: Senators KYL, HATCH, LEAHY, and FEINSTEIN.

The Senator from California is recognized.

Mr. REID. Will the Senator yield for a parliamentary inquiry?

Mrs. FEINSTEIN. Absolutely.

Mr. REID. Following the use or yielding back of the time, the Chair just announced we will vote on this measure; is that true?

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. Mr. President, 8 years ago the Senator from Arizona asked me if I would join with him in a pursuit to give victims basic rights under the Constitution of the United States. It was something I knew a little bit about and I was delighted to do it. What I didn't know a lot about was the drafting of a constitutional amendment and how difficult it was. The next 8 years actually proved to be one of the most rewarding times of my Senate experience.

First, I thank the Senator from Arizona for his collegiality, for the ease with which we have been able to work together, and for his leadership on this issue, which has been absolutely 100 percent unrelenting.

In a time of increasing partisan separation in this body, the friendship, the collegiality, and the leadership has been so appreciated by me. It has been one of the bright spots in my Senate career. I want him to know how much I appreciate it.

I also thank victims, about 30 or 40 of whom are present in the gallery. These are victims who have had terrible things happen to them, but rather than sink back into the depths of despair, have decided they would fight for something so that anyone who had similar things happen to them could have a part in the criminal justice system. Particularly, I would like to acknowledge a few of those victims.

The first is Colleen Campbell. Colleen Campbell has lost two members of her family as a product of murder. Senator KYL, in his remarks, will make that clear. She has become an ardent supporter of our efforts, and a small pin that Senator KYL and I are wearing today is the pin which represents a group called ''Force 100.'' These are victims who have been asking Congress to take this action. The pin depicts an angel holding a checkered flag. Her brother, Mickey Thompson, who was murdered, was a race car driver, and therefore the checkered flag. Her son, Scott Campbell, was also murdered. Colleen, a brilliant leader and a wonderful woman, has lost two members of her family—her son and her brother—to murder.

The other was Roberta Roper. Roberta is one of the first people I met. She hails from Maryland. Again, Senator KYL will say more about the circumstances of that crime.

The third is Steve Twist, who has represented the victims with integrity and steadfastness over these past 8 years, to try to get for them as much as could be possible in the recognition of their rights.

Essentially, bottom line, what we have found after numerous Judiciary Committee subcommittee hearings, committee hearings, markups, putting the victims' rights constitutional amendment out on the Senate floor in a prior session, taking it down because we didn't have the votes, beginning anew in this session, going through the processes in committee, and recognizing that we didn't have the 67 votes necessary for a constitutional amendment—both Senator KYL and I, as well as the victims and their advocates, decided that we should compromise. There are Members of this body who very much want a statute. There are Members of this body who very much want a constitutional amendment. We have drafted a statute which we believe is broad and encompassing, which provides enforcement rights for victims, provides funding for the Department of Justice victims' rights programs, for legal clinics, for enforcement to carry out this law federally and also to spread the word to local and State jurisdictions to enact similar laws.

We basically provide a set of eight rights:

The right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of public proceedings so that you know what is happening as well as notice if the accused is released or escapes from custody—

I can't tell you how many victims who may have testified against their assailant live in dread of the fact that an assailant will be released, they won't know it, they won't be able to protect themselves, and the assailant will come after them. That is not theory. It has happened over and over again. There are cases of that, with which I am intimately, unfortunately, knowledgeable—

The right to be present at public proceedings, not to be barred from a court hearing, not to be barred by a public proceeding involving a plea agreement;

The right to be reasonably heard at critical steps in the process, those involving release, plea, or sentencing; the right to confer with the prosecutor;

The right to full and timely restitution, as provided by law;

The right to proceedings free from unreasonable delay;

And the right to be treated with fairness and with respect for the victim's dignity and privacy.

At one time the system of criminal justice in the United States of America provided these rights. Victims had rights until about the mid-19th century, the 1850s, when the concept of the public prosecutor was developed in our Nation. Up to that time, victims brought cases. Victims hired lawyers. Victims even hired sheriffs to prosecute cases. That changed in the mid-19th century, and in that change the victim became left out of the process.

Nowhere was the need for this legislation made more clear than during the trials over the Oklahoma City bombing.

Because we got involved, the Senate and the House, because victims were not being given the rights afforded to them by prior legislation, victims then went to a district court of appeals and victims were then subsequently still told that they had no standing.

A brief account of the trial in the Oklahoma City bombing case illustrates this point:

During pre-trial conference in the case against Timothy McVeigh, the District Court issued a ruling to preclude any victim who wished to provide victim impact testimony at sentencing from observing any proceeding in the case.

In a hearing to reconsider the issue of excluding victim witnesses, the trial court denied the victims' motion asserting standing to present their claims and denied the motion for reconsideration.

Three months later in February 1997, the Tenth Circuit Court of Appeals, rejected, without oral argument, the victims' claims on jurisdictional grounds finding they had no ''legally protected interest'' to be present at the trial and had suffered no ''injury in fact.''

Congress reacted the next month by overwhelmingly passing the Victims' Rights Clarification Act of 1997, which provided that watching a trial does not constitute grounds for denying the chance to provide a victim impact statement at sentencing. President Clinton signed the bill into law on March 20, 1997.

When the victims filed a motion with the District Court seeking a hearing to assert their rights under the new law, the District Court concluded ''any motions raising constitutional questions about this legislation would be premature and would present issues that are not now ripe for decision.''

The court then entered a new order on victim-impact witness sequestration, and refused to grant the victims a hearing on the application of the new law, stating that its ruling rendered the request ''moot.''

I believe the result would be different if the bill we are considering today was law then. The victims and the families would have had standing, and would have been able to avail themselves of the mandamus proceeding to get a timely ruling on the merits from the Court of Appeals. Perhaps that would not have been necessary—the District Court judge, armed with the standing provision of this bill, perhaps would have reached a different result during the trial.

We have written a bill that we believe is broad. We have written a bill that provides an enforcement remedy; namely, the writ of mandamus.

This part of the bill is what makes this legislation so important, and different from earlier legislation: It provides mechanisms to enforce the set of rights provided to victims of crime.

These mechanisms fall into four categories:

A direction to our courts that they ''shall ensure that the crime victim is afforded the rights described in the law.''

A direction to the Attorney General of the United States to take steps to ensure that our Federal prosecutors ''make their best efforts'' to see that crime victims are aware of, and can exercise these rights.

A specific statement that the victim of a crime, or their representative, may assert these rights; the result is that, for the first time victims will have clear standing to ask our courts to enforce their rights.

And a new use of a very old procedure, the writ of mandamus. This provision will establish a procedure where a crime victim can, in essence, immediately appeal a denial of their rights by a trial court to the court of appeals, which must rule ''forthwith.'' Simply put, the mandamus procedure allows an appellate court to take timely action to ensure that the trial court follows the rule of law set out in this statute.

These procedures, taken together, will ensure that the rights defined in the first section are not simply words on paper, but are meaningful and functional.

The bill also has two separate resource provisions, which together will authorize the appropriation of $76 million over the next five years to ensure that the federal government assist crime victims in asserting these rights, and to encourage states to do the same: The bill authorizes a total of $51 million over five years for crime victim assistance grants administered by the Department of Justice to establish and maintain legal assistance programs throughout the nation.

These institutions are key to the success of this legislation, for this is how victims' rights will be really asserted and defended—by lawyers, standing up in court, and explaining to judges and prosecutors what the law means, and how it applies in the case at hand. Rights and remedies need articulation to work, and this money will help make that happen.

These grants, championed by my colleague Senator LEAHY, provide a total of $25 million over five years for a specific, and critical, purpose: to ''develop and implement'' the type of notification systems that take full advantage of modern technology.

Computers, linked to sophisticated telephone or automatic mailing systems, can help us ensure that the right to notice, set out in the first section of this bill, is not simply abstract, but is made real by a notification system that can provide ''accurate, and timely'' notice to victims' of crime and their families.

This act, of course, binds only the federal system, but is designed to affect the states also. First it is hoped that states will look to this law as a model and incorporate it into their own systems. This law encourages that by allowing both types of grants—legal assistance and victim notification—to be provided to state entities, and for use in state systems, where the state has in place ''laws substantially equivalent'' to this act.

Never before have these three critical components, rights, remedies and resources, been brought together. It has been said ''a right without a remedy is no right at all,'' and this law would couple victims' rights with victims' remedies in a way that has never been done before in the federal system. I believe that taken together we have a formula for success, and this law will work, and hopefully become the model for our States.

So why is the law needed?

Senator KYL and I have been working on this issue for the past 8 years. We offer this legislation because the scales of justice are out of balance—while criminal defendants have an array of rights under law, crime victims have few meaningful rights.

In case after case we found victims, and their families, were ignored, cast aside, and treated as non-participants in a critical event in their lives. They were kept in the dark by prosecutors to busy to care enough, by judges focused on defendant's rights, and by a court system that simply did not have a place for them.

The result was terrible—often the experience of the criminal justice system left crime victims and their families victimized yet again.

Let me be clear. I am not talking about the necessary emotional and psychological difficulties which are almost inevitable in our adversary system. Cross examination can be hard. The legal system sometimes must seem complex and irrational to those who do not work in it. Sometimes judges and juries make decisions that victims of crime do not like. But that is not the problem that this law addresses.

That problem is one of process and fairness. The rights I have spoken about are basic, and do not come at the expense of defendant's rights.

Boiled down, they involve the simple right to know what is going on, to participate in the process where the information that victim's and their families can provide may be material and relevant, and the right to be safe from violence.

I mentioned earlier the dramatic disparity between the rights of defendants in our constitution and laws, and the rights of crime victims and their families. My point is to illustrate that our government, and our criminal justice system, can and should care about both the rights of accused and the rights of victims. That is what this law addresses.

Some have said that current law is adequate. For instance, the Victim of Crime Act of 1984 sets out rights for victims—in fact the bill before us restates many of those rights. But prior laws did not have the critical combination of rights and remedies that we now offer.

In fact, a number of victims' rights laws have been passed:

1982, the Victim and Witness Protection Act, mentioned before, which provided for victim restitution and the use of victim impact statements at sentencing in federal cases;

1984, the Victims of Crime Act, which encouraged the States to maintain programs that serve victims of crime, and established a Crime Victims' Fund, which now matches up to 60 percent of the money paid by States for victim compensation awards;

1990, the Victims' Rights and Restitution Act, which increased funding for victim compensation and assistance, and codified a victims' Bill of Rights in the federal justice system;

1994, the Violence Against Women Act, which authorized over $1.6 billion over six years to assist victims of violence and prevent violence against women and children;

1996, the Mandatory Victims Restitution Act, which required courts to order restitution when sentencing defendants for certain offenses;

1996, the Justice for Victims of Terrorism Act, which appropriated funds to assist and compensate victims of terrorism and mass violence;

And 1997, the Victim Rights Clarification Act, which reversed a presumption against crime victims observing any part of the trial proceedings if they were likely to testify during the sentencing hearing, an issue which developed during the Oklahoma City bombing case. Specifically, this legislation prohibited courts from (1) excluding a victim from the trial on the ground that he or she might be called to provide a victim impact statement at sentencing, and (2) excluding a victim impact statement on the ground that the victim had observed the trial.

All of these laws represent a step in the right direction. But they are not enough. They don't really work to protect victims' many had hoped. Why is this? I believe it because they fail to provide an effective procedure for victims to assert standing and vindicate their rights. The bill before us builds on these earlier attempts, and goes one very important step farther—linking rights to remedies, and, I hope, fixing the problem with these earlier laws.

Some have asked—why proceed with a statute, rather than a Consitutional amendment? Why a law and not a constitutional amendment?

Senator KYL and I have been working for many years towards a constitutional amendment to establish these rights. I have always believed that amending the Constitution is the best way to ensure victims' rights are protected in the criminal justice process. But many have disagreed, arguing that we should try, once again, a legislative approach.

It is clear to me that passage of a Constitutional amendment is impossible at this time. If we tried, and failed, it could be years before we could try again. Victims of crime have waited years for progress, and a compromise approach, resulting in the bill now under consideration, will result in meaningful progress.

Will it work? I hope so. The bill before us is a new and bolder approach, than has ever been tried before in our Federal system.

The standing provision, coupled with the mandamus provision, may have the desired effect. This will be a test, and I, for one, will be watching it closely.

I think for both Senator KYL, and now for Senator HATCH, the distinguished chairman of the Judiciary Committee, and Senator LEAHY, the distinguished ranking member, who join us as major cosponsors of this bill, that we will follow this bill carefully and we will see whether the enforcement rights contained in this bill are adequate. If not, you can be sure as the Sun will rise tomorrow, we will be back with a constitutional amendment.

This bill is named after some of the victims. Both Senator KYL and I briefly want to state the story of the victims after whom the bill is named. I would like to tell the Senate a little bit about Louarna Gillis, who was 22 years old when she was slain on January 17, 1979, as part of a gang initiation. Her murderer wanted to enter the world of narcotics as part of the Mexican Mafia and was told the quickest way to do so was to murder the daughter of a Los Angeles Police Department officer. Can you believe it? It is true.

Louarna Gillis was targeted by the killer. He knew her in high school. That was the reason he targeted her. The murderer picked her up a few blocks from her home, drove her to an alley in East Los Angeles where he shot her in the head as she sat in the car. He pushed her into the alley and fired additional shots into her back.

Louarna's murderer was apprehended 6 months later. He had a long history of violence, including felony convictions.

Louarna's family was not notified of the arraignment, nor were they notified of other critical proceedings in this case. Her family's rights were largely ignored. The first trial resulted in a hung jury, 11 for first-degree murder, 1 not guilty. Louarna's father, John Gillis, was not allowed in the courtroom.

At the second trial, the murderer pled guilty to second-degree murder to avoid the death penalty. He was sentenced to 17 years to life. Parole for Louarna's murderer has successfully been blocked by her family to this day. He will be eligible for parole again in the next 6 to 8 months. Louarna's father, a former homicide detective with LAPD, had just left an intelligence assignment working against street gangs and the Mexican Mafia at the time of her murder. Can you imagine?

Mr. Gillis was later appointed by President George W. Bush as the Director of the Justice Department's Office for Victims of Crime. He testified before Congress on July 17, 2002. I said:

> I know firsthand the personal, financial, and emotional devastation that violent crime exacts on its victims. As a survivor of a homicide victim, I testify . . . with the unique advantage of understanding the plight that victims and their families face in the criminal justice system . . . When a person is victimized by crime, he or she is thrust into a whole new world in which the State's or the government's needs take priority.
>
> This is the most devastating time in a person's life, when they have lost a loved one to homicide or violent crime; they need protection.
>
> They need to let the court know how this crime has impacted their lives, because it will have a long-lasting, traumatic impact in their lives. It's important that they have the opportunity to say something to defend their loved one.

This terrible story took place in my home State of California. This bill will help fathers like Mr. Gillis: he would be notified of key proceedings, and be able to participate in a meaningful way.

I would like to tell you about Nila Ruth Lynn. Here is her picture. She was 69 years old. She was murdered at a homeowners association meeting on April 19, 2000, when an angry man stormed into the meeting and announced: ''I'm going to kill you.''

He was unhappy with the way the association had trimmed the bushes in his yard the previous month. Nila and another woman were killed and several other men were injured during the rampage. She died on the floor in the arms of her husband Duane. They had been married 49 years and 9 months. Nila left behind Duane and six children. The money the children had been saving for a 50th wedding anniversary gift was instead used to pay for her casket.

Duane Lynn suffered through long delays and continuances in this case. Despite clear State constitutional and statutory rights, Duane was not allowed to make a sentencing recommendation for his wife's murderer. Nila's killer was sentenced to death. Duane wanted the defendant to be sentenced to life imprisonment without the possibility of parole, rather than deal with the continuing appeals involving the death sentence.

The U.S. Supreme Court has denied its petition for a review of the Arizona Supreme Court's refusal to protect the right. He testified before the Senate Judiciary Committee on April 8. Here is what he said:

> We, as a family of the victim, which was my wife, my love, the person I still expect to walk through my front door every day—she was a real person, not just a name and a number on a document. We could say nothing about the consequences of that man who took all this away from me. You have no idea what this feels like. The evil done by a murderer inflicts tragedy, and that is bad enough. But injuries inflicted by our legal system are even harder to take. I felt kicked around and ignored by the very system the government has in place to protect law-abiding citizens.

This is not the way criminal justice should be practiced in the United States of America. The time has come to give victims of crime the right to participate in the system, the right to notice of a public hearing, the right to be present at that public proceeding, the right to make a statement when appropriate, the right to have restitution, if ordered by a judge, the right to know when your assailant or attacker is released from prison, and the right to be treated by our prosecutors and by our criminal justice system with respect and dignity. That is not too much for the Congress of the United States to strive energetically to achieve for the 22 million victims in this country.

It is with great pleasure that over the years I have worked with Senator KYL to achieve this. Once again, I cannot thank him too much.

I thank the Chair. I yield the remainder of my time to the distinguished Senator from Arizona.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Arizona.

Mr. KYL. Madam President, it isn't always possible for us to schedule matters in the Senate in a convenient way. I am aware Senator FEINSTEIN must leave to attend another meeting. It is my hope she will able to be here before we vote.

While she is still here, I must say I share her sentiment that some of the most gratifying work I have done in the Senate has been my work with Senator FEINSTEIN and her good staff in putting together a constitutional amendment and working hard to try to get it passed and preparing for the hearings—speaking with the victims, meeting with the Justice Department—literally hundreds of hours of time we have spent together working on this issue. It has helped to foster a bond of trust and friendship between us that I think could be used as a template for our colleagues in this body to work together in a bipartisan way.

I can never thank Senator FEINSTEIN enough for her work on this amendment. I know the many victims who are here in the gallery share that sentiment.

This legislation would not be before us today without Senator FEINSTEIN. That is simply a fact. For all of the hard work we have put in with her cooperation and her commitment to this, I thank Senator FEINSTEIN deeply. She knows that bond of trust will continue to exist between us.

Mrs. FEINSTEIN. Madam President, I thank the Senator. I do appreciate those words. They mean a great deal to me.

If I might, I ask unanimous consent to add the Senator from Maryland, Senator MIKULSKI, as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I would like to retain the remainder of my time.

Mr. KYL. Madam President, I ask unanimous consent that Senators NICKLES and INHOFE be added as original cosponsors of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I join Senator FEINSTEIN in supporting S. 2329, which is the statutory version of the constitutional amendment we have prepared and about which Senator FEINSTEIN has spoken.

The legislation, as I will describe in a moment, will attempt to accomplish as much as possible the same goals the constitutional amendment which has been pending before us would have accomplished.

But before I discuss the details of that, there are several people I would like to thank. In addition to Senator FEINSTEIN—again it is impossible to express my appreciation enough for all of the hard work she put into this effort. We simply couldn't be here, because in order to get things passed in the Senate it is critical there be a bipartisan consensus, especially so for something that requires a supermajority. Without Democrats and Republicans working together, we would have never gotten to this point. Certainly Senator FEINSTEIN was largely responsible for the work on the Democratic side of the aisle.

I appreciate all of my colleagues' understanding and support on this as well.

Senator FRIST, who is willing to trust us in scheduling this for time on the floor—and there is very little time to take up matters, as the Presiding Officer knows—understood this was a very important commitment we had made to the victims of crime. During Crime Victims' Rights Month was the time to try to accomplish this. I appreciate his support.

I appreciate the support of Senator HATCH who throughout the years has never stood in the way but always lent us a hand in setting up a hearing and getting a time and a room for markup on the constitutional amendment and supporting its passage.

Again, it is not easy to get a constitutional amendment through even the Judiciary Committee, let alone to get it adopted. But Senator HATCH was supportive of that effort. I very much appreciate his cosponsorship of the statutory version of this amendment, as well as the support of Senator LEAHY.

I think I would be remiss if I didn't make the point that the first cosponsors of this legislation were Senator FEINSTEIN, myself, and Senators HATCH and LEAHY, chairman and ranking member of the Judiciary Committee.

Obviously this legislation has very strong support. We anticipate it will pass overwhelmingly and will be quickly sent to the House for action there, and hopefully to the President, who I am confident will be supportive of it and will sign it.

Let me at this point thank some of the victims' rights organizations. Again, they were responsible for bringing the issue to our attention and for providing a lot of the information we needed to be able to make the cases and for, frankly, the moral support to keep going. When Senator FEINSTEIN and I would get discouraged, after meeting with victims' rights groups we were no longer discouraged; we were even more committed to pursue this head on. Some of them are headed by remarkable people. There is a whole page of groups I will thank.

Specifically, I thank Mothers Against Drunk Driving, the National Organization for Victim Assistance, Parents of Murdered Children, and Force 100, and especially Colleen Campbell for her leadership of Force 100. Senator FEINSTEIN has already spoken of Colleen Campbell, and this pin in memory of Mickey Thompson speaks volumes about her leadership of this effort.

The fact this is Crime Victims' Rights Month and week I think is important. President Reagan actually had the first recognition of crime victims in a week that was designated for that purpose.

I think it is important at this time we especially recognize the victims of crime all over America; that with this year's memorial of victims' rights, America's values will be vindicated to some extent with the passage of this legislation.

It is especially poignant we would be waiting at this time to recognize these rights of victims of crime. Indeed, it is right to take up this issue. The right to fairness for crime victims and the right to notice and presence and participation are deeply rooted concepts in the United States of America. This country is all about fair play and giving power to the powerless in our society. It is about recognizing the values of liberty of the individuals against encroachments of the Government.

Fair play for crime victims, meaningful participation of crime victims in the justice system, protection against a government that would take from a crime victim the dignity of due process—these are consistent with the most basic values of due process in our society.

I was involved in Arizona issues for victims of crime even before I ever ran for the U.S. House of Representatives, so this was to some extent a cause for me before I became a public official. It was after I became a public official and people really came to me with these stories that I realized I had an opportunity to do more than the things I had done before. I have come to see the need for these protections as critical for our country.

While engaged in all of the other important activities, at bottom, it is a country about individuals who have inherent rights recognized and given to us by God. That is the basis for the creation of this country. Human dignity and the right that all people are made in God's image is such an important part of the foundation of our country that we would be remiss if we did not recognize that concept, that value, especially for those who have been victimized in our society because we could not as a government provide adequate protection for them.

I came to realize in many cases these victims were being victimized a second time because while we were asking them sometimes to come into court and testify against the perpetrators of the crime so they could be incarcerated or dealt with in an appropriate way for the further protection of society, we were not helping these victims at all. They were suffering through the trauma of the victimization and then being thrown into a system which they did not understand, which nobody was helping them with, and which literally prevented them from participation in any meaningful way. I came to realize there were literally millions of people out there being denied these basic rights, being victimized by our criminal justice system.

Let me mention two circumstances, but we will discuss all of the rights in a moment. The one circumstance that seemed to be the most frequent is: My mother was murdered, my daughter was murdered—whatever the situation—and I could not attend the trial. That is what our system says today.

While there are statutes in States and even some State constitutional provisions that purportedly guarantee a victim will not be denied access to the courtroom, it is still the case today that the victims, the victims' families, cannot even go into the courtroom. The defendant is there, the defendant's family is there seated in a reserved row seats, but the victim and the victim's family cannot be present. That is fundamentally wrong. We are not talking even about them saying anything. Obviously, everyone in the courtroom has to behave. The judge can throw anybody out if they do not behave or if they express emotions or try to communicate with the jury. That is not the issue.

They could not attend sometimes because the defendant's lawyer would say: It would be prejudicial to my client if the victims are seen in the courtroom. This was one of the circumstances that I could not believe our criminal justice system was imposing. It is one of those things that is fixed in this statute.

The other circumstance—and there is an especially telling, emotional case in Arizona I became familiar with which induced me to pursue this with all the vigor I could—is the circumstance where a crime has been committed, the perpetrator has been convicted and is in prison or jail, but unbeknown to the victim and the victim's family, the individual gets out of jail. The individual escapes, has some kind of a parole hearing or in some other way is able to leave before the sentence is up, and the victims are not even notified, let alone given an opportunity to appear before that parole board and say: Wait a minute, this person has a 15-year sentence and you are letting him out after 8 years. Let me tell you what he did to me.

Not to go into detail but to finish that story, in one of the Arizona cases with which I am familiar, the woman having been brutally raped and slashed and left to die recovered. Her perpetrator was convicted and put into prison. He had a parole hearing and the parole board decided to release him prematurely. She got no notice of that. She got no opportunity to be present.

By not quite coincidence but enormous alertness and compassion on the part of an individual in the Governor's office at the time routinely reading through the notices of the parole board, a staff person saw this and again almost coincidentally thought, Wait a minute, I don't think that is right under our law. He tracked down this individual who had by then moved to California and asked her if she would like an opportunity to appear before another parole board hearing if that could be arranged. She said yes. The parole board agreed to revisit the issue in a subsequent hearing and she testified. She told her story. After she told her story, the parole board reversed its opinion.

I asked her later: Were you afraid he would come after you if he were released? She said: No. My victimization was random. I was trying to hitchhike. I should never have done it.

He—and, by the way, his wife—picked her up and she was then brutalized as I described it. She said: It was random. I don't think he would come after me again. What I was concerned about was knowing the nature of the kind of individual that commits this kind of crime, he would do it again to somebody else. I didn't want him to have that opportunity to hurt somebody else like he hurt me.

That tells you about the motivation of these victims of crime who are willing, despite the hurt that it causes them, to participate in the criminal justice system—not just for themselves because they get nothing out of it—because they know what it is like and they want to prevent that harm to others.

Those are the kind of people whose portraits are behind me and who Senator FEINSTEIN was talking about. That is why we are trying to do something about righting this wrong, about balancing the scales of justice. Rightly, defendants in this country are protected better than in any country in the world through constitutional amendments that give them rights. We are not trying to take one single right away from any defendant. That would be wrong under our system. But we do think it is time to balance the scales of justice. That was the motivation for Senator FEINSTEIN and me.

Let me talk about some of these individuals. Senator FEINSTEIN talked about Duane Lynn. Duane is from Arizona. I will not repeat the entire story, but he enjoyed the Navy as a young man. He performed in the military. He had a successful career as a highway patrolman upholding the laws of the State of Arizona. He and his wife Nila literally fell in love as teenagers and had been married 49 years and 9 months, just 3 months shy of their 50th anniversary when she was brutally murdered as Senator FEINSTEIN talked about. They had left their home to attend this homeowners' meeting and just happened to be in the wrong place at the wrong time because the murderer, who was a disgruntled and enraged former resident of the community, burst into the room saying, I am going to kill you, and he started shooting.

As I said, Duane and Nila had been married not quite 50 years when she was brutally murdered. In anticipation of the golden anniversary of their parents, the Lynn children had secretly been saving money to throw a surprise anniversary party, and that money was used to pay for Nila's casket.

It is at this point that Duane's journey through the legal system really started. As Senator FEINSTEIN recounted, he did not really understand what it meant to participate in the judicial system at that time but at least understood that he would have some voice in what happened.

Under the Arizona law and constitution, he had a right, for example, to make a recommendation to the judge when the judge sentenced the perpetrator. But despite having that right in the Arizona Constitution—and, by the way, Arizona judges are pretty good about enforcing these rights—he was denied the right to even appear at the time of sentencing to tell the judge the sentence he thought the perpetrator should get.

He lost an appeal to the Arizona Supreme Court and a petition for certiorari to the U.S. Supreme Court. They all told him his rights were unenforceable because for him to speak would violate the defendant's eighth amendment rights against cruel and unusual punishment.

Now, that is one of the reasons that Senator FEINSTEIN and I believed that a constitutional amendment was necessary, because as long as the defendant's rights are always asserted as Federal constitutional rights, a mere statutory right, such as we are creating today, is going to be subservient to that. It will be very difficult for victims to win in cases where the defendant's right is asserted under the U.S. Constitution.

Even as a State constitutional right, Duane Lynn was denied the right to speak because the court perceived that the Federal eighth amendment superseded the Arizona State Constitution. So we may still have problems, even with the adoption of a statute here. But Senator FEINSTEIN and I are committed to moving the cause forward, to see whether it is possible to make statutes work, so that we do not need a Federal constitutional amendment. If, as it turns out, we do, then we will revisit the issue, as she said. Hopefully, we will not need to do that.

Just a final I think paradoxical or ironic ending in the Duane Lynn matter. He wanted to speak at the time of sentencing, not to urge the court to impose the death sentence but to impose life without parole. That recommendation was denied because, as I said, the court held that the defendant's rights outweighed his rights.

Let me talk about some of the other victims. I just briefly want to mention Louarna Gillis, because John Gillis, her father, who was a Los Angeles police officer at the time, is now a very important person in our Government in protecting victims' rights because he heads up the Office for Victims of Crime in the Department of Justice.

One of the reasons the Attorney General and the President wanted him in that position is because he felt firsthand the sting of being a crime victim when his daughter was killed, picked out at random by a gang member because the gang member, to be initiated in the gang, had to kill the child of a cop. She just happened to be a child of a cop and she was killed.

John could not be here today, but his wife Patsy is in attendance. I commend her for her support of this effort as well.

Their family has suffered further tragedy in the very recent death of their only other child, their son John. So it reminds us that it is important not only for people to have rights as victims of crime, but to recognize that these very people are the people who are willing to take up the cause here to right this injustice.

By John Gillis' efforts, he literally became the person in charge of this issue in our Government. He is doing an incredibly great job. Part of this legislation is to give him some additional responsibility and a little bit more in the way of resources to see to it that our Federal Government, through the Department of Justice, the Attorney General, and the Office for Victims of Crime, can continue to support the effort of crime victims. I applaud John Gillis very much and appreciate his wife Patsy being with us today.

Let me mention three other people, because this legislation is named for five people—the two I mentioned and then the other three I will mention. Let me discuss each of them.

Roberta Roper is also in attendance. There is nobody who has pursued the cause for victims' rights more strongly than Roberta Roper. She has made numerous trips to Washington. She has testified before the Judiciary Committee in support of the constitutional amendment. She has given us incredible advice and strength. What she did, after her victimization, when her daughter Stephanie was murdered at the age of 22, was to start a foundation in her daughter's name, and that Stephanie Roper Foundation has been a tremendous asset in pursuing the cause of victims around the country.

Her daughter, on April 3, 1982, was kidnapped and raped, tortured and dismembered by two men. The killers had just come upon her when Stephanie's car had been disabled. They had kidnapped her and over a period of 5 hours had repeatedly tortured her. She tried to escape but was caught and killed in a most brutal manner.

Her parents were not even notified of the many continuances that were granted in this case. They were excluded from the courtroom for the entire first trial that occurred. They could not even go into the courtroom. In 1982, the defense convinced the court that the victims would be emotional, irrelevant, and probable cause for a reversal of an appeal. The court agreed and, therefore, denied Vince and Roberta Roper the right to be a voice for their daughter.

That is one of the things that will be corrected by this legislation. We hope a statutory correction will serve to be sufficient.

Roberta Roper is in attendance, and I thank her from the bottom of my heart. She and Collene Campbell—who I will mention next—have been two of the real troopers in this battle.

I also want to say, with regard to Collene Campbell, when Senator FEINSTEIN discussed the death of her son Scott, it is unfortunately the case in many of these situations that more than once people are victimized. Collene and Gary Campbell have been victimized twice. Collene's brother was killed as well and that has been discussed as well.

One of the killers of their son Scott was released from prison. By the way, the circumstances of Scott's murder were especially gruesome. He met an individual who was going to fly him to North Dakota, and somewhere between Los Angeles and Catalina Island, Scott Campbell was killed. His body was literally thrown out of the airplane into the ocean and has never been located.

His parents were not permitted to enter the courtroom during the trials for the men who murdered their son. They were not even notified of a district court of appeals hearing. When one of the killers was released, as I said, the Campbell family was not notified. They only learned of the developments through the newspaper.

You can argue that a defendant might be prejudiced in certain situations by victims having certain rights, but to treat victims this way is not to treat them with the fairness and dignity any American deserves under our values as a nation. Even when these rights exist in statute, when they are not observed, it is time for the Congress to act. That is why we act here, so that no one else will have to suffer through this kind of unfair treatment.

Scott Campbell is shown in this picture. I mentioned Nila Lynn before, as shown in this picture. Roberta Roper's daughter Stephanie is this beautiful young lady shown in this picture right here. As I said, her mother is with us today.

I would also like to mention Robert Preston. In the case of Bob Preston's 22-year-old daughter, Wendy—the beautiful young lady shown in this picture right here—she was murdered in his home on June 23, 1977. She was killed when a man broke into the home to steal money to buy drugs. Her body was found 6 days later. Wendy's murderer was arrested and charged with first-degree murder. Her parents were told that the State of Florida was the victim in the case and they would be notified if and when they were called as witnesses. That was it.

After nearly 6 years, the murderer was allowed to plead to a second-degree murder charge, and he was sentenced to life in prison. In 1987, the Florida Supreme Court overturned the killer's conviction, and in the decision also held that the victims had no rights. This is the kind of example that needs to be brought to light so Americans can appreciate that it is time for Congress to act.

This is Wendy Preston, yet another example of victims being treated unfairly.

There are a lot of other cases we could talk about. Wendy Preston and Stephanie Roper, Scott Campbell, Mickey Thompson, Nila Lynn, and Louarna Gillis are the best of America. We owe them our best. Our best is to ensure the families of future victims will not suffer through the same indignity their families have had to endure.

That is why Senator FEINSTEIN and I began the effort to try to persuade our colleagues a constitutional amendment was necessary to protect these rights, because the defendant's right was always constitutional. Unless we had an equal constitutional right, there was no chance in a conflict the court would ever afford the victim an equal right. That is why we still have reservations about a statutory remedy.

But a lot of our colleagues have said, try a statutory remedy and let's see if by bringing these situations to light, by providing incentives for States to follow the Federal example, by embodying these same rights that were in the constitutional proposal in a statute and giving the victims a right to sue, a remedy, a mandamus remedy, let's see if that can work.

After 8 years of work on the Federal constitutional amendment, supported by President Bush and the Attorney General, we were able to schedule, after we passed the bill through the Judiciary Committee, that constitutional amendment for floor action today. Knowing we would not have the 67 votes to pass it, we decided it was time to get something tangible in statute to protect the rights of victims, and accompanying it could be a modest appropriation of money to help actually support these victims in court when that was necessary and called for. We believed despite the potential that it would not serve adequately, it was time to try something, to be successful, and to at least move the ball forward.

As Senator LEAHY said in a press conference we had earlier: The Judiciary Committee of the Senate will provide very strong oversight of implementation of this statute so we will know if it is not working. If it does not work, we will be able to come back and pursue the constitutional remedy. But we consulted with the victims' rights groups that have been most active in support of this. They concurred it was time to pursue the statutory remedy, if we could get some assurance we would be successful in that pursuit and that it would not be simply a fool's errand.

Through the significant help of an individual who I am sure all would acknowledge has been the national leader of this effort, Steve Twist, a lawyer from Phoenix, AZ, communicating with the various victims' rights groups, the consensus was reached it was time for us to convert the constitutional proposal into a statute. This occurred within the last 48 hours. Through the cooperation of Senator LEAHY, Senator HATCH, staff, and several other Senators, but most importantly because of the very hard work done by Senator FEINSTEIN's staff and mine, they were able to literally convert these rights in the constitutional proposal into the statutory proposal for submission. That is what is before us today and what we will be voting on.

These are the rights that are set forth in the new statute: That the victim would be reasonably protected from the accused; afforded reasonable, accurate, and timely notice of any public proceedings involving the crime or any release or escape of the accused; included in public proceedings; ensured proceedings are free from unreasonable delay; that they could confer with the attorney for the government in the case; that they would be given a voice to be heard at any public proceeding involving release or plea or sentencing.

I ask unanimous consent to take time from the time under the control of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I noted in a rather inaccurate Washington Post editorial of yesterday that somehow victims would have a right to speak to the jury. That is what the Washington Post thought. They were very wrong, as they were in other comments in the editorial. There is nothing in here about anything like that. It is only during the time of a release, like the parole hearing I talked about earlier, or sentencing or pleading there would be an opportunity to speak.

They would have a right to full and timely restitution in appropriate cases, and the right to be treated fairly, with respect for their dignity and privacy. Most importantly, they would be granted the right to enforce these rights. They would have legal standing to enforce their rights in court with the appropriate writ procedure to be able to take the court's decision to the higher court. That is one of the problems with existing Federal law which

the Tenth Circuit Court of Appeals noted did not grant the victims the standing to sue. So that had to be corrected here.

Finally, we authorized an appropriation of funds to assure the proper oversight of these rights is exercised, that moneys would be made available to enhance the victim notification system, managed by the Department of Justice's Office for Victims of Crime, and the resources additionally to develop state-of-the-art systems for notifying crime victims of important states of development.

To pursue that a moment, all courts notify attorneys for the defendant, the prosecutor's office, and it is a relatively simple matter to add another name and telephone number or address to that list. That is what we are talking about here. It is now being done electronically. It is very easy. So the notice to victims of crime is not something that should be seen as an impediment.

I would like to conclude by thanking some people. Since I know Senator FEINSTEIN did have to attend another meeting, let me thank some folks. Before I do that, I ask unanimous consent to add Senators LOTT and NICKLES as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. As soon as Senator LEAHY is here, I will relinquish the floor to him.

I do want to thank President Bush and Attorney General Ashcroft; the Office for Victims of Crime Director John Gillis and the administration for their help; Colleen Campbell and her husband Gary; Roberta Roper; Bob Preston; Duane Lynn; Earlene Eason from Indiana, whose son Christopher was murdered; Sally Goelzer from Arizona, whose brother was murdered; Myssey Hartley from Arkansas, whose brother was murdered; Dee Engles, also from Arkansas, a family member murdered; the National Organization for Victim Assistance, especially Beth Rossman, president, Marlene Young, executive director, and John Stein, deputy director, who has been a tremendous help; the National Organization of Parents of Murdered Children, Nancy Ruhe-Munch, executive director; Mothers Against Drunk Driving, Wendy Hamilton, president, and Stephanie Manning; Professor Douglas Beloof, director of the National Crime Victim Law Institute, one of the entities integral to ensuring these rights are enforced—he has done a tremendous job in Oregon in setting up the programs and the lawyers who can defend victims' rights—Attorney Meg Garvin, lead staff attorney at NCVLI; Attorney General Jane Brady and the National Association of Attorneys General—this has been a bipartisan effort and almost every attorney general in the country has signed on; the National District Attorneys Association; the Fraternal Order of Police, strongly in support of what we are doing; the International Association of Chiefs of Police; the National Restaurant Association; U.S. Chamber of Commerce; Maricopa County attorney Rick Romely and county attorney Barbara LaWall in Arizona, who have helped me a lot in this effort; District Attorney Josh Marquis; the Arizona Voice for Crime Victims.

On Senator HATCH's staff, I thank Grace Becker, and on Senator CORNYN's staff, Jim Ho. On Senator FEINSTEIN's staff, I can't thank enough Steve Cash and David Hantman who have been tremendously helpful in providing great advice and counsel, particularly in the last 3 or 4 days, helping us to convert the amendment to a statutory provision and in working on the Democratic side to make this a truly bipartisan process.

Without their assistance, we would not have the statute before the body either.

I have a couple legal interns, Tom Stack and Kevin Wilson, who provided tremendous help to me, and finally I wish to thank my chief person on my staff, Stephen Higgins and I mentioned Steve Twist.

All of these organizations and individuals have been of tremendous help in getting to this point and ensuring we will be able to get this statutory provision passed and sent over to the House for action.

Madam President, I am going to conclude with a couple of points. As soon as Senator LEAHY arrives, I am going to relinquish the floor to him because Senator FEINSTEIN has the remainder of the time, and I advise colleagues, if anyone wishes to speak, they should do so right away because I suspect at the conclusion of Senator LEAHY's remarks and anything Senator HATCH and Senator FEINSTEIN wish to say, we will proceed to the final passage vote.

The act before us, in addition to setting forth the rights and providing a remedy for the victims of crime, has an authorization of funding. Let me describe that authorization.

In the first year, fiscal year 2005, $16.3 million will be available to the U.S. Attorney's Victims Witness Office for the Victims of Crime Office in the Department of Justice; $300,000 is for the Office of Victims of Crime to administer these new rights; $7 million to the Office of Victims of Crime for the National Crime Victim Law Institute to provide grants and assistance to lawyers to help victims of crime in court. It is the only entity in the country that provides lawyers for victims in criminal cases, and it will provide for two new regional offices and nine specific clinics. Finally, borrowing a provision from a bill Senator LEAHY had earlier, there is $5 million for grants to States to develop and implement state-of-the-art victim notification systems.

In the following 4 years, there will be each year authorized an appropriation of $26.5 million generally to the same entities and offices to ensure that these programs are carried out, that victims will have the support they need, and that the notice that is guaranteed in the legislation will be provided. Those are the authorizations for the funding. That is a description of the legislation.

I will close by again referring to the people who have driven this effort, the people who represent the families and who are themselves victims of crime, who did not simply retreat into a shell following the tragedy that befell them but who were willing to muster the courage and the strength to do something about the issue, not necessarily so that they could receive any particular kind of vindication, but so future victims would not have to suffer through the same kind of problems and the same indignities they did.

This is the real spirit of great people, of leaders, and it is the spirit of America. I commend all of these victims for the leadership role they have played in being willing to step out in very difficult circumstances to prod those of us in the legislative body to move this process forward and to get this legislation adopted. They are the ones who deserve the primary thanks today.

The victory, when we pass this legislation, will be largely a victory for them and all of the future victims who will never have to suffer the same kind of indignities that they did.

Mr. President, as the sponsor of this bill, I would like to enter into a colloquy with the Senator from California. She is the primary cosponsor of this bill. After extensive consultation with our colleagues, we have drafted a bill with a broad bipartisan consensus. It is not the intent of this bill to limit any laws in favor of crime victims that may currently exist, whether these laws are statutory, regulatory, or found in case law. I ask Senator FEINSTEIN if she agrees.

Mrs. FEINSTEIN. Yes, it is not our intent to restrict victims' rights or accommodations found in other laws. I would like to turn to the bill itself and address the first section, (a)(1), the right of the crime victim to be reasonably protected. Of course, the Government cannot protect the crime victim in all circumstances. However, where reasonable, the crime victim should be provided accommodations such as a secure waiting area, away from the defendant before and after and during breaks in the proceedings.

Mr. KYL. I would like to address the notice provisions of section 2, (a)(2). The notice provisions are important because if a victim fails to receive notice of a public proceeding in the criminal case at which the victim's right could otherwise have been exercised, that right has effectively been denied. Public proceedings include both trial level and appellate level court proceedings. It does not make sense to enact victims' rights that are rendered useless because the victim never knew of the proceeding at which the right had to be asserted. Simply put, a failure to provide notice of proceedings at which a right can be asserted is equivalent to a violation of the right itself.

Equally important to this right to notice of public proceedings contained in this subsection is the right to notice of the escape or release of the accused. This provision helps to protect crime victims by notifying them that the accused is out on the streets.

For these rights to notice to be effective, notice must be sufficiently given in advance of a proceeding to give the crime victim the opportunity to arrange his or her affairs in order to be able to attend that proceeding and any scheduling of proceedings should take into account the victim's schedule to facilitate effective notice.

Restrictions on public proceedings are in 28 CFR Sec. 50.9, and it is not the intent here today to alter the meaning of that provision.

I ask Senator FEINSTEIN, if she can comment on her understanding of section (a)(2)?

Mrs. FEINSTEIN. My understanding of this subsection is the same the Senator's. Too often crime victims have been unable to exercise their rights because they were not informed of the proceedings. Pleas and sentencings have all too frequently occurred without the victim ever knowing that they were taking place. Victims are the persons who are directly harmed by the crime and they have a stake in the criminal process because of that harm. Their lives are significantly altered by the crime and they have to live with the consequences for the rest of their lives. To deny them the opportunity to know of and be present at proceedings is counter to the fundamental principles of this country. It is simply wrong. Moreover, victim safety requires that notice of the release or escape of an accused from custody be made in a timely manner to allow the victim to make informed choices about his or her own safety. This provision ensures that takes place.

I would like to turn to section 2, (a)(3) of the bill, which provides that the crime victim has the right not to be excluded from any public proceedings. This language was drafted in a way to ensure that the government would not be responsible for paying for the victim's travel and lodging to a place where they could attend the proceedings.

In all other respects, this section is intended to grant victims the right to attend and be present throughout all public proceedings.

This right is limited in two respects. First, the right is limited to public proceedings, thus grand jury proceedings are excluded from the right. Second, the Government or the defendant can request, and the court can order, judicial proceedings to be closed under existing laws. This provision is not intended to alter those laws or their procedures in any way. I ask the Senator is that is his understanding of this section.

Mr. KYL. Yes. That it is my understanding as well. There may be organized crime cases or cases involving national security that require procedures that necessarily deny a crime victim the right not to be excluded that would otherwise be provided under this section. This is as it should be. National security matters and organized crime cases are especially challenging, and there are times when there is a vital need for closed proceedings. In such cases, the proceedings are not intended to be interpreted as ''public proceedings'' under this bill. In this regard, it is not our intent to alter 28 CFR Sec. 50.9 in any respect.

Despite these limitations, this bill allows crime victims, in the vast majority of cases, to attend the hearings and trial of the case involving their victimization. This is so important because crime victims share an interest with the government in seeing that justice is done in a criminal case and this interest supports the idea that victims should not be excluded from public criminal proceedings, whether these are pretrial, trial, or post-trial proceedings.

This right of crime victims not to be excluded from the proceedings provides a foundation for the next section, section 2, (a)(4), which provides victims the right to reasonably be heard at any public proceeding involving release, plea, or sentencing. This provision is intended to allow crime victims to directly address the court in person. It is not necessary for the victim to obtain the permission of either party to do so. This right is a right independent of the Government or the defendant that allows the victim to address the court. To the extent the victim has the right to independently address the court, the victim acts as an independent participant in the proceedings. When a victim invokes this right during plea and sentencing proceedings, it is intended that the he or she be allowed to provide all three types of victim impact—the character of the victim, the impact of the crime on the victim, the victims' family and the community, and sentencing recommendations. Of course, the victim may use a lawyer, at their own expense, to assist in the exercise of this right. This bill does not provide victims with a right to counsel but recognizes that a victim may enlist counsel on their own.

It is not the intent of the term ''reasonably'' in the phrase ''to be reasonably heard'' to provide any excuse for denying a victim the right to appear in person and directly address the court. Indeed, the very purpose of this section is to allow the victim to appear personally and directly address the court. This section would fail in its intent if courts determined that written, rather than oral communication, could generally satisfy this right. On the other hand, the term ''reasonably'' is meant to allow for alternative methods of communicating a victim's views to the court when the victim is unable to attend the proceedings. Such circumstances might arise, for example, if the victim is incarcerated on unrelated matters at the time of the proceedings or if a victim cannot afford to travel to a courthouse. In such cases, communication by the victim to the court is permitted by other reasonable means. Is this the understanding of the Senator of this provision?

Mrs. FEINSTEIN. Yes. That is my understanding as well. The victim of crime, or their counsel, should be able to provide any information, as well as their opinion, directly to the court concerning the release, plea, or sentencing of the accused. This bill intends for this right to be heard to be an independent right of the victim, and thus cannot prevent the victim from being heard.

It is important that the ''reasonably be heard'' language not be an excuse for minimizing the victim's opportunity to be heard. Only if it is not practical for the victim to speak in person or if the victim wishes to be heard by the court in a different fashion should this provision mean anything other than an in-person right to be heard.

Of course, in providing victim information or opinion it is important that the victim be able to confer with the prosecutor concerning a variety of matters and proceedings. Section 2, (a)(5) provides a right to confer with the attorney for the Government in the case. This right is intended to be expansive. For example, the victim has the right to confer with the Government concerning any critical stage or disposition of the case. The right, however, is not limited to these examples. I ask the Senator if he concurs in this intent.

Mr. KYL. Yes. The intent of this section is just as the Senator says. This right to confer does not give the crime victim any right to direct the prosecution. Prosecutors should consider it part of their profession to be available to consult with crime victims about concerns the victims may have which are pertinent to the case, case proceedings or dispositions. Under this provision, victims are able to confer with the Government's attorney about proceedings after charging.

I would like to turn now to the section on restitution, section 2, (a)(6). This section provides the right to full and timely restitution as provided in law. This right, together with the other rights in the act to be heard and confer with the Government's attorney in this act, means that existing restitution laws will be more effective.

I am interested in the Senator's views of this restitution provision.

Mrs. FEINSTEIN. I thank the Senator. I join his comments.

I would like to move on to section 2, (a)(7), which provides crime victims with a right to proceedings free from unreasonable delay. This provision does not curtail the Government's need for reasonable time to organize and prosecute its case. Nor is the provision intended to infringe on the defendant's due process right to prepare a defense.

Too often, however, delays in criminal proceedings occur for the mere convenience of the parties and those delays reach beyond the time needed for defendant's due process or the Government's need to prepare. The result of such delays is that victims cannot begin to put the crime behind them and they continue to be victimized. It is not right to hold crime victims under the stress and pressure of future court proceedings merely because it is convenient for the parties or the court.

This provision should be interpreted so that any decision to continue a criminal case should include reasonable consideration of the rights under this section.

I am eager to hear the Senator's view on this.

Mr. KYL. I concur in the Senator's comments. I would add that the delays in criminal proceedings are among the most chronic problems faced by victims. Whatever peace of mind a victim might achieve after a crime is too often inexcusably postponed by unreasonable delays in the criminal case. A central reason for these rights is to force a change in a criminal justice culture which has failed to focus on the legitimate interests of crime victims, a new focus on limiting unreasonable delays in the criminal process to accommodate the victim is a positive start.

I would like to turn to section 2, (a)(8). This provision contains a number of rights. The broad rights articulated in this section are meant to be rights themselves and are not intended to just be aspirational. One of these rights is the right to be treated with fairness. Of course, fairness includes the notion of due process. Too often victims of crime experience a secondary victimization at the hands of the criminal justice system. This provision is intended to direct Government agencies and employees, whether they are in executive or judiciary branches, to treat victims of crime with the respect they deserve.

Does the Senator agree?

Mrs. FEINSTEIN. Yes.

It is not the intent of this bill that its significance be whittled down or marginalized by the courts or the executive branch. This legislation is meant to correct, not continue, the legacy of the poor treatment of crime victims in the criminal process. This legislation is meant to ensure that cases like the McVeigh case, where victims of the Oklahoma City bombing were effectively denied the right to attend the trial and to avoid federal appeals courts from determining, as the Tenth Circuit Court of Appeals did, that victims had no standing to seek review of their right to attend the trial under the former victims' law that this bill replaces.

I would also like to comment on section 2, (b), which directs courts to ensure that the rights in this law be afforded and to record, on the record, any reason for denying relief of an assertion of a crime victim. This provision is critical because it is in the courts of this country that these rights will be asserted and it is the courts that will be responsible for enforcing them. Further, requiring a court to provide the reasons for denial of relief is necessary for effective appeal of such denial.

Is that the understanding of the Senator?

Mr. KYL. Yes, it is.

Turning briefly to section 2, (c), there are several important things to point out in this subsection. First, where there is a material conflict between the Government's attorney and the crime victim, this provision protects crime victims' rights. This means that if Government lawyers interpret a right differently from a victim, urge a very narrow interpretation of a right, or do not believe a right should be asserted, they are in conflict with the victim and this provision requires that they inform the victim of this and direct the victim to independent counsel, such as the legal clinics for crime victims contemplated under this law. This is an important protection for crime victims because it ensures the independent and individual nature of their rights. Second, the notice section immediately following limits the right to notice of release where such notice may endanger the safety of the person being released. There are cases, particularly in domestic violence cases, where there is danger posed by an intimate partner if the intimate partner is released. Such circumstances are not the norm, even in domestic violence cases as a category of cases. This exception should not be relied upon as an excuse to avoid notifying most victims.

Is that the Senator's understanding of this section?

Mrs. FEINSTEIN. Yes.

I would now like to address the enforcement provisions of the bill, specifically section 2, subsection (d)(1). This provision allows a crime victim to enter the criminal trial court during proceedings involving the crime against the victim and assert the rights provided by this bill. This provision ensures that crime victims have standing to be heard in trial courts so that they are heard at the very moment when their rights are at stake and this, in turn, forces the criminal justice system to be responsive to a victim's rights in a timely way. Importantly, however, the bill does not allow the defendant in the case to assert any of the victim's rights to obtain relief. This prohibition prevents the individual accused of the crime from distorting a right intended for the benefit of the individual victim into a weapon against justice.

The provision allows the crime victim's representative and the attorney for the Government to go into a criminal trial court and assert the crime victim's rights. The inclusions of representatives and the Government's attorney in the provision are important for a number of reasons. First, allowing a representative to assert a crime victim's rights ensures that where a crime victim is unable to assert the rights on his or her own for any reason, including incapacity, incompetence, minority, or death, those rights are not lost. The representative for the crime victim can assert the rights.

Second, a crime victim may choose to enlist a private attorney to represent him or her in the criminal case—this provision allows that attorney to enter an appearance on behalf of the victim in the criminal trial court and assert the victim's rights. The provision also recognizes that, at times, the Government's attorney may be best situated to assert a crime victim's rights either because the crime victim is not available at a particular point in the trial or because, at times, the crime victim's interests coincide with those of the Government and it makes sense for a single person to express those joined interests. Importantly, however, the provision does not mean that the Government's attorney has the authority to compromise or co-opt a victim's right. Nor does the provision mean that by not asserting a victim's right the Government's attorney has waived that right. The rights provided in this bill are personal to the individual crime victim and it is that crime victim that has the final word regarding which of the specific rights to assert and when. Waiver of any of the individual rights provided can only happen by the victim's affirmative waiver of that specific right.

Does all of this correspond with Senator KYL's understanding of the bill?

Mr. KYL. Absolutely. The enforcement provision the Senator addressed is critical to this bill. Without the ability to enforce the rights in the criminal trial and appellate courts of this country any rights afforded are, at best, rhetoric. We are far past the point where lip service to victims' rights is acceptable. The enforcement provisions of this bill ensure that never again are victim's rights provided in word but not in reality.

I want to turn to section 2, subsection (d)(2) because it is an unfortunate reality that in today's world there are crimes that result in multiple victims. The reality of those situations is that a court may find that the sheer number of victims is so large that it is impracticable to accord each victim the rights in this bill. The bill allows that when the court makes that finding on the record the court must then fashion a procedure that still gives effect to the bill and yet takes into account the impracticability. For instance, in the Oklahoma City bombing case the number of victims was tremendous and attendance at any one proceeding by all of them was impracticable so the court fashioned a procedure that allowed victims to attend the proceedings by close circuit television. This is merely one example. Another may be to allow victims with a right to speak to be heard in writing or through

other methods. Importantly, courts must seek to identify methods that fit the case before that to ensure that despite numerosity of crime victims, the rights in this bill are given effect.

Does the Senator agree with this reading of the bill?

Mrs. FEINSTEIN. Absolutely. It is a tragic reality that cases may involve multiple victims and yet that fact is not grounds for eviscerating the rights in this bill. Rather, that fact is grounds for the court to find an alternative procedure to give effect to this bill.

I now want to turn to another critical aspect of enforcement of victims' rights, section 2, subsection (d)(3). This subsection provides that a crime victim who is denied any of his or her rights as a crime victim has standing to appellate review of that denial. Specifically, the provision allows a crime victim to apply for a writ of mandamus to the appropriate appellate court. The provision provides that court shall take the writ and shall order the relief necessary to protect the crime victim's right. This provision is critical for a couple of reasons. First, it gives the victim standing to appear before the appellate courts of this country and ask for review of a possible error below. Second, while mandamus is generally discretionary, this provision means that courts must review these cases. Appellate review of denials of victims' rights is just as important as the initial assertion of a victim's right. This provision ensures review and encourages courts to broadly defend the victims' rights.

Mr. President, does Senator KYL agree?

Mr. KYL. Absolutely. Without the right to seek appellate review and a guarantee that the appellate court will hear the appeal and order relief, a victim is left to the mercy of the very trial court that may have erred. This country's appellate courts are designed to remedy errors of lower courts and this provision requires them to do so for victim's rights. For a victim's right to truly be honored, a victim must be able to assert the rights in trial courts, to then be able to have denials of those rights reviewed at the appellate level, and to have the appellate court take the appeal and order relief. By providing for all of this, this bill ensures that victims' rights will have meaning.

I would like to turn our attention to section 2, subsection (d)(4) because that also provides an enforcement mechanism. This section provides that in any appeal, regardless of the party initiating the appeal, the government can assert as error the district court's denial of a crime victim's right. This subsection is important for a couple of reasons. First, it allows the Government to assert a victim's right on appeal even when it is the defendant who seeks appeal of his or her conviction. This ensures that victims' rights are protected throughout the criminal justice process and that they do not fall by the wayside during what can often be an extended appeal that the victim is not a party to.

Is that the Senator's understanding of the bill?

Mrs. FEINSTEIN. Yes.

I would like to turn to the next provision, section 2, subsection (d)(5). This subsection provides that a failure to afford a right under the act does not provide grounds for a new trial. This provision demonstrates that victim's rights are not intended to be, nor are they, an attack on defendants' protections against double jeopardy. This provision is not intended to prevent courts from vacating decisions in nontrial proceedings in which victims' rights were not protected and ordering those proceedings to be redone. It simply assures that a trial will not be redone. Thus, defendants' and victims' rights are both protected.

Is that the Senator's understanding?

Mr. KYL. Yes, it is. We have, over the years, tried to reassure those that oppose victims' rights that they are not an attempt to undermine defendants' rights. This provision reiterates that. It is important for victims' rights to be asserted and protected throughout the criminal justice process, and for courts to have the authority to redo proceedings other than the trial such as release hearings, pleas, and sentencings where victims' rights are abridged, but to not tread upon defendant's rights against double jeopardy in the process. Victims' rights are about a fair and balanced criminal justice system—one that considers defendant's rights as well as victims' rights. This provision protects that careful balance.

I want to turn to the definitions in the bill, contained in section 2, subsection (e). There are a couple of key points to be made about the definitions. A ''crime victim'' is defined as a person directly and proximately harmed as a result of any offense, felony or misdemeanor. This is an intentionally broad definition because all victims of crime deserve to have their rights protected, whether or not they are the victim of the count charged. Additionally, crime victims may, for any number of reasons, want to employ an attorney to represent them in court. This definition of crime victim allows crime victims to do that. It also assures that when, for any reason, crime victims are unable to assert rights on their own, those rights will still be protected.

Is that the Senator's understanding of the bill as well?

Mrs. FEINSTEIN. It is.

Now I would like to turn to the portion of the bill concerning administrative compliance with victims' rights, section 2, subsection (f). The provisions of this subsection are relatively self-explanatory, but it important to point out that these procedures are completely separate from and in no way limit the victim's rights in the previous section.

Is that Senator KYL's understanding?

Mr. KYL. Yes.

Let me comment briefly on section 4, Reports. Subsection (a) requires the Administrative Office of the U.S. Courts to report annually the number of times a right asserted in a criminal case is denied the relief requested, and the reasons therefore, as well as the number of times a mandamus action was brought and the result of that mandamus.

Such reporting is the only way we in the Congress and other interested parties can observe whether reforms we mandate are being carried out. No one doubts the difficulty of obtaining case-by-case information of this nature. Yes, this information is critical to understanding whether Federal statutes really can effectively protect victims' rights or whether a constitutional amendment is necessary. We are certain that affected executive and judicial agencies can work together to implement effective administrative tools to record and amass this data. We would certainly encourage the National Institute of Justice to support any needed research to get this system in place.

Is this Senator FEINSTEIN's understanding?

Mrs. FEINSTEIN. Yes.

One final point. Throughout this act, reference is made to the ''accused.'' Would the Senator also agree that it is our intention to use this word in the broadest sense to include both those charged and convicted so that the rights we establish apply throughout the criminal justice system?

Mr. KYL. Yes, that it is my understanding.

Mr. President, I anticipate Senator LEAHY's arrival. 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. LEAHY. 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. LEAHY. Madam President, I see my good friend, the Senator from Arizona, in the Chamber. I know the distinguished Senator from California will be joining us shortly. What is the time allocation? I know the distinguished Senator from Arizona wants to make sure we all have time, but I was just curious where we are.

The PRESIDING OFFICER. The Senator from Vermont and the Senator from Utah each have 30 minutes. The Senator from California has 6 minutes 34 seconds.

Mr. LEAHY. I do not anticipate using all my time by any means. I appreciate the courtesy of the Senator from Arizona who had indicated earlier that he fit us in because of conflicting schedules that the Senator from California and I have. Before I even begin, I want to again thank the distinguished Senators from Arizona and California for all they have done on this issue.

This past Sunday, as we all know, marked the start of National Crime Victims' Rights Week. We set this week aside each year to refocus attention on the needs and rights of crime victims. One would almost think we would not have to do that, but as a matter of fact, too often, the needs of victims are not met, and their rights are not fully honored. I learned this during my time as a prosecutor. I think all of us have learned this, from the experiences and some terribly gripping stories that we have heard from our constituents.

This year, the Senate had been scheduled to mark the occasion of National Crime Victims' Rights Week by taking up S.J. Res. 1, a proposed constitutional amendment. It was going to end up being days, maybe weeks, of debate even though everyone knew that the constitutional amendment was not going to pass. We went through this process back in April of the year 2000, during the last Presidential election year.

I said then, during that earlier debate on the constitutional amendment, that I have worked long and hard to protect and advance crime victims' rights, as have many on both sides of the aisle in this body. As a prosecutor for 8½ years, I worked day to day, year to year alongside victims, seeking justice on their behalf. This was back at a time before people spoke much about victims having rights. I like to think that my office was a model in this regard, for making sure that victims were heard.

I have worked on and have led many legislative efforts on behalf of victims throughout my service in the Senate. One of the most recent of those efforts was the creation of the September 11 Victim Compensation Fund. I am grateful to have been able to take part in something that has brought some relief to so many victims.

But I will never forget the victims I worked with as a prosecutor or the needs of the new victims minted each day through the crimes committed against them.

For years, at Christmas time, I received a very poignant letter from a woman who was the victim of a very serious crime. She told me how she was doing, how her children were doing.

When I go to the grocery store in Vermont, or I'm walking down the street, I run into people who were helped during those years and who had a voice during those years. It is gratifying, but I have to think about the fact that every single day, there are a whole lot more crimes, and a whole lot more victims.

I have always believed that victims should be afforded certain basic protections. I believe victims should be notified when the defendant is in court or when he is about to be released. I believe victims should be heard at critical stages of the prosecution. I believe victims are entitled to restitution from offenders.

In recent years, the debate has never been about whether victims should be protected. Of course they should. Rather, the debate has been about how victims should be protected.

I did not think the proposed constitutional amendment was the best way forward. I still believe that. We all agree, and every witness who testified before the Judiciary Committee on this issue agreed, that every right provided by the victims' rights amendment can be, or already is, protected by State or Federal statutory law.

So we have long had the power to enhance victims' rights through regular legislation, passed with a simple majority vote, and make an immediate difference in the lives of crime victims. Legislative enhancements are more easily enacted, more directly applied and implemented, and more able to provide specific, effective remedies. In addition, as Chief Justice Rehnquist and others have pointed out, statutes are more easily corrected if we find, in hindsight, that they need correction, clarification, or improvement.

When we pass the Kyl-Feinstein-Hatch-Leahy Victims' Rights Act, we will take a step that I have long advocated. So I thank and commend the principal sponsors of S.J. Res. 1, the distinguished Senators from California and Arizona. We came from both sides on the constitutional debate, but all of us are deeply committed to the cause of victims' rights, and that is why we came together on this legislation.

This legislation will provide crime victims in the Federal system with all the rights and protections that the proposed constitutional amendment would have provided. In fact, our statute goes further than the constitutional amendment because it gives the same rights and protections to all crime victims, not just to the victims of violent crimes. The elderly woman who is defrauded out of her life savings will get the same protection from this statute as other crime victims.

This statute, S. 2329, also spells out how victims' rights are to be enforced, using language that Senator KENNEDY and I developed in S. 805, the Crime Victims Assistance Act. In addition to providing victims with standing to assert their rights in mandamus actions, S. 2329 will establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

We have incorporated other proposals from S. 805 as well, to help States implement and enforce their own victims' rights laws. And we have called for two annual reports, one by the Administrative Office of the Courts, and the other by the General Accounting Office, to make sure we get some feedback on how the rights and procedures established by the statute are working in practice. Over time, we will be able to modify and fine-tune the statute so that it provides an appropriate degree of protection for the rights of crime victims.

I have no doubt we are going to pass this law today. I believe the other body will pass the law, and the President will sign it. Then part of our duty is going to have to be to follow up to see how it works.

I said to some of the representatives of victims' groups this morning, keep our feet to the fire. Make sure we follow up. Passage of this bill will necessitate careful oversight of its implementation by Congress. If, as I hope, federal judges and prosecutors take victims' rights seriously, there should be little need for victims to bring mandamus actions to enforce their rights. But if, for whatever reason, victims feel that they are not being treated fairly, we may see a wave of new litigation in the federal courts, with victims and their lawyers having to insert themselves into criminal cases. We will need to monitor the situation closely.

I am committed to giving victims real and enforceable rights. But I am convinced that prosecutors should be capable of protecting those rights, once we make them clear. In my experience, prosecutors have victims' interests at heart.

Senator KENNEDY and I proposed in the Crime Victims Assistance Act a limited-standing provision, which applied with respect to the victim's right to attend and observe the trial, and under which a victim could assert her right if the prosecutor refused to do so. Passing such a provision would have allowed us to observe over a period of time whether direct participation of victims in criminal proceedings has any unanticipated consequences for the administration of justice.

This Victims' Rights Act proposes a bolder experiment, entitling victims to assert a panoply of rights, regardless of whether the prosecution is already asserting the same rights on their behalf. For example, at the insistence of other sponsors, this bill will enable victims to bring mandamus actions alleging the denial of their statutory right ''to be treated with fairness and with respect for the victim's dignity and privacy,'' which may be difficult claims to adjudicate.

I note with some regret that S. 2329 picks up language from S.J. Res. 1 denying victims any cause of action for damages in the event that their rights are violated. Allowing victims to vindicate their rights through separate proceedings for damages instead of through mandamus actions in the criminal case could well be a more efficient as well as a more effective way of ensuring that victims' rights are honored. Certainly the prospect of being held to account in such proceedings would provide a powerful incentive to take victims' rights seriously. But the

Republican sponsors of the bill did not want to provide for damages.

Similarly, some Republican Senators did not want to allow courts to appoint attorneys to help crime victims. It is my hope and belief that victims will seldom need representation, since they already have powerful advocates in our public prosecutors. Still, it is possible that a judge would want to appoint an attorney for a victim in an extraordinary case, as for example if there is a material conflict between the victim's interests and the interests of the prosecution. By failing to provide for this possibility, S. 2329 may perpetuate a system of unequal justice for victims, where the wealthy have the benefit of counsel, and the poor do not.

There are other provisions that were also, regrettably, left on the cutting-room floor during negotiations on this bill. First, we dropped a provision that was in the proposed constitutional amendment, which would have given victims certain rights in the context of clemency proceedings. I know Attorney General Ashcroft, when he was a Member of the Senate, felt strongly that victims should have a voice in these proceedings. I would welcome the chance to work with him, to have him provide for that within the Federal system, to do in the Federal system what he wanted to do while a member of this body.

A second provision that I would have liked to include in the bill would have authorized funding for a broad range of compliance authorities to help enforce the rights of crime victims in the state systems. Senator KENNEDY and I proposed such a program in the Crime Victims Assistance Act, but I was unable to persuade my colleagues to include it in this bill.

There are a variety of remedies for violations of rights that are operating at the State level, all of which have strengths and weaknesses. Some States use more than one approach. Arizona has a non-statutory ombudsman staff position in the Attorney General's office, to receive and investigate victim complaints; a victims' legal assistance project run by a non-profit and the Arizona State University College of Law, and a system of auditing those who receive grants to implement victims' rights. Wisconsin uses a State employee to receive and attempt to resolve victim complaints, as well as a victims' rights board that can formally receive complaints and seek sanctions for violations. Alaska has a State Office of Victims' Rights. South Carolina has an independent victim ombudsman. Connecticut has a State Victim Advocate. Vermont is exploring various options. We do have a Center for Crime Victims Services, which advocates informally for victims and is one of the premier victims' services sites in the country.

Finally, I want to comment on the unusual genesis of this bill, and the extraordinary procedure that has brought us so swiftly to a vote in the Senate. As I mentioned earlier, the Senate was scheduled to begin work this week on the proposed constitutional amendment, S.J. Res. 1. On Wednesday, the Republican leadership moved to invoke cloture on the motion to proceed. I would not have opposed this motion. I voted to proceed to an earlier iteration of this constitutional amendment four years ago, and I would have been prepared to proceed to it again this week. Even given the time this would have taken and the expected outcome, I would not have opposed a debate on the constitutional amendment.

It was under these circumstances that we had so little opportunity to work on crafting the crime victims' statute. I would have liked to have gotten the views of the Office for Victims of Crime and other components of the Department of Justice, for example. Many victims' groups and domestic violence organizations opposed the constitutional amendment, as did many law professors, judges, and prosecutors. I would have liked to hear their views on this statute. I am personally concerned that the statute may not adequately address the special problems raised in domestic violence and abuse situations. If it does not, then we may need to amend it again.

Given the Republican leadership's insistence on proceeding to the constitutional amendment today, there was not as much time as I would have liked to develop the statutory alternative that we vote on today, and no time to hold hearings on it or improve the bill in Committee. Fortunately, however, this is to be a statute, not a constitutional amendment, and it can be modified and improved. We will be able to make it better as we go along.

I commend my good friend, Senator FEINSTEIN, for mediating this consensus legislation. I know that she would have preferred to pass a constitutional amendment. She has made that clear. Nevertheless, she worked hard to produce a bill that we all can support, showing once again that she is first and foremost a legislator who wants to get things done. Due in large part to Senator FEINSTEIN's efforts, we now have an opportunity to advance the cause of victims' rights with strong, practical, bipartisan legislation. I have never doubted Senator FEINSTEIN or Senator KYL's commitment to victims' rights. I am delighted that we have come together to advance that common cause.

My friend and the chairman of the Senate Judiciary Committee, Senator HATCH, is another lead sponsor of this legislation. He and I have worked together on the Judiciary Committee in this area. He has been a tireless advocate for the rights of crime victims, and more generally for fairness in the administration of justice.

I want to thank David Hantman and Steve Cash of Senator FEINSTEIN's staff; Bruce Artim and Grace Becker of Senator HATCH's staff; Steven Higgins of Senator KYL's staff; Robin Toone of Senator KENNEDY's staff; Bob Schiff and Alex Busansky of Senator FEINGOLD's staff; Neil MacBride and Louisa Terrell of Senator BIDEN's staff; Chris Kang of Senator DURBIN's staff; Mark Childress and Jennifer Duck of Senator DASCHLE's staff; and, most especially the members of my own staff for their hard work on this bill over the last several days under extraordinary circumstances and pressures.

I also want to commend and thank the many victims' advocates and service providers in Vermont and across the country who show their dedication every day of the year to crime victims. I want to thank those who work in the area of domestic violence and abuse in particular. I am thankful for their dedication and grateful for their advice and insights over the years.

For more than 20 years I have sponsored and championed legislation to help victims. I have mentioned the recent September 11 Victim Compensation Fund, and I am also proud of such other advancements on behalf of victims as a law to provide assistance to victims of international terrorism, and bills to raise the cap on victims' assistance and compensation programs and to protect the rights of the victims of the Oklahoma City bombing. Today's vote provides us the opportunity to make progress on yet another important measure to address the needs of victims.

I ask unanimous consent that a letter from the National Center for Victims of Crime stating strong support for S. 2329 be printed in the RECORD as well as, for the sake of completeness, a number of editorials that appeared on this subject recently.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL CENTER FOR VICTIMS OF CRIME,
*April 21, 2004.*

Hon. PATRICK J. LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: The National Center for Victims of Crime strongly supports the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. This landmark piece of legislation would provide clear and enforceable legal rights to all direct victims of crime at the federal level. We are pleased to see a long overdue recognition that victims of all crime, violent and nonviolent crime alike, deserve these important rights.

This bill also sets a new standard for federal victims' rights compliance, giving victims and prosecutors the legal standing to assert victims' rights; clearly authorizing victims and the government to seek writs of mandamus to enforce victims' rights; and calling on the Attorney General to develop regulations to promote victims' rights through training, disciplinary sanctions for violations of rights, and the creation of an office to receive and investigate complaints.

By making new funding available to jurisdictions with laws substantially equivalent to those established in this bill, this bill legislation will promote a strengthening of victims' rights across the country. By providing funding to promote victim notification and compliance with victims' rights at the state

level, this bill will improve the implementation of victims' rights nationwide. We urge Congress to go further—to broaden this funding to support other mechanisms to promote compliance, such as state-level victim advocates and other authorities to receive and investigate the complaints of victims, and not limit funding for enforcement to one method.

This legislation represents a real Congressional commitment to improve our nation's response to victims of crime. The National Center for Victims of Crime commends you for your hard work and dedication to this issue, and we urge your colleagues to join you in this effort.

Sincerely,

SUSAN HERMAN.

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[From the Washington Times, Apr. 19, 2004]

AMENDMENTITIS

(By Bob Barr)

The circus is back in town. Every 2 years, as we roll around to another grand Olympics of federal, state and local elections, the hopper in Congress begins to fill up with dangerous and unnecessary amendments to our U.S. Constitution.

Few, if any, are for ''great or extraordinary occasions,'' the bar James Madison set for changing our Founding document. In fact, most are either one or two things: a cheap ploy to get votes or an attempt to streamroll through right- or left-wings social policies—think gun control or marriage—that have been unable to get any traction through normal channels of government.

Just this session alone, Congress has seen or will see votes on the Flag Desecration Amendment, the Victims Rights Amendment, the Federal Marriage Amendment, even the Continuity in Government Amendment. Frankly, I would like to see one last constitutional amendment—the No More Amendments Amendment.

In the American political system, the Constitution was meant to operate like people who freeze their credit cards in a block of ice. That is, when faced with supremely important and emotional decisions involving things like the censorship of unpopular ideas or the seizure of firearms, the Constitution makes us walk to the corner and take a time out.

Specifically, we have to get a two-thirds supermajority in both chambers of Congress and then tree-quarters of the States to agree. It is an amazingly onerous process.

The last amendment to the Constitution—the 27th—which set limits on congressional pay, was initially proposed in the States' petitions to the first Constitutional Congress in the 1780s but only started to move in the 1990s. It took more than two centuries to finally earn a spot alongisde free speech and the right not to self-incriminate.

During the Cold War, Americans of conscience like to brag we were a Nation of laws, not men. That is, the main difference between American representative democracy and Soviet tyranny was that the latter's government did not have to abide by a piece of yellowing parchment with some petty clear instructions on what it could or could not do to its citizens.

And, while we have failed to meet those lofty goals on a number of important occasions, for the post part, we have managed to pedal through without too many monumental abridgements of personal liberty. That is why we are still here and they went long ago to a nursing home for evil ideas.

However, we risk betraying that proud history in the political imperative to fiddle with the Constitution. Take, for instance, the Victims Rights Amendment. Pushed by a a mixture of Democrats and Republicans feeling the need to burnish their tough-on-crime badges, the VRA would be a disaster for basic principles of fairness and dispassion in our criminal justice system.

It would guarantee victims of crime—a loosely defined term in the legislation—the ''right'' to notice, to be present and to speak at an array of judicial proceedings, including those dealing with bail, trial, sentencing and parole. It also requires the court to take victims into account in deciding whether to release prisoners or when to schedule a trial.

As with many of these amendments, on its face the measure hits all the right notes. It is tough on crime and soft on victims. It is bipartisan—as a lawmaker, if you oppose it, the other side will accuse you of being ''anti-victim,'' whatever that means. It cost no federal tax dollars (at least, not directly); states have to foot the bill. Finally, it makes for a feel-good, ''I supported such and such'' speech on the campaign trail.

But, as with many of these other amendments, it is seriously flawed. Foremost among its problems is that it will, ironically, obstruct justice. In 2000, Beth Wilkinson, the lead federal prosecutor in the Oklahoma City bombing case, explained in testimony against the amendment that, had it been in force, she might not have successfully sent Timothy McVeigh to death row and Terry Nichols to jail for life.

Their convictions hinged on the testimony of one Michael Fortier, who plea bargained to 12 years in federal prison, for knowing about the impending bombing but not informing authorities, in exchange for taking the witness stand. Had the relatives of the 168 people killed in that horrible tragedy been able to address the courtroom in opposition to Fortier's plea, it could have sunk the whole case.

In addition to these practical concerns, the VRA also threatens basic due process protections and objectivity in the criminal justice system by making it more about vengeance than justice. We trust our adversarial process—which pits zealous advocates against one another in front of a judge and jury—to arrive at the best approximation of the truth in criminal prosecution, which helps ensure the guilty are punished and the innocent go free.

However, when one injects the emotion of a murder victim's family into a bail or a parole hearing, that adversarial system is thrown directly out of whack. The defense counsel then faces an onslaught of vindictiveness that cannot be countered by facts or logic. Justice must remain blindfold to be effective. Otherwise, we will have vigilante posses waiting outside with lit torches and nooses tied every time something really senational goes to trail.

Finally, in an ironic twist that really hammers home the folly of such constitutional amendments, the vast majority of states—and the federal government—already have laws on the books protecting victims and ensuring their interests are not forgotten as their cases progress through the system.

The bottom line with the Victims Rights Amendment and its ilk is that the Constitution should not be co-opted as the tag line for a political attack ad. It is arguable the most sacred secular document in the history of the world, as it has kept humanity's strongest democracy healthy long enough to also make it humanity's oldest democracy.

[From the Chicago Tribune Online Edition, Apr. 18, 2004]

A PHONY PROPOSAL FOR VICTIMS' RIGHTS

THERE IS NO NEED TO TINKER WITH THE CONSTITUTION TO GUARANTEE THE RIGHTS OF VICTIMS—OUR ENTIRE JUDICIAL SYSTEM IS ALREADY SET UP TO DO JUST THAT

(By Steve Chapman)

Americans cherish and revere the Constitution. But often their attitude brings to mind the Broadway show: ''I Love You, You're Perfect, Now Change.'' It seems that the only thing many of them like more than the Constitution is the opportunity to fix its grievous flaws. The latest suggestion for improvement stems from a belief that it shortchanges the needs of crime victims.

The entire criminal justice system, of course, could be seen as a giant apparatus set up to vindicate the interests of crime victims. Every year in the United States, we arrest more than 13 million suspects and keep more than 1.4 million offenders in prison. All those police, prosecutors, judges, parole officers and prison guards are there mainly to detect, investigate, prosecute and punish criminals for what they do to their victims.

But critics say the system often abuses the people it's supposed to protect. And they insist that the only way to assure fairness to victims is to enshrine their rights in the Constitution. President Bush has endorsed the amendment. Sen. John Kerry has not.

Americans often have a tendency to see a problem and conclude, ''There oughta be a law.'' In this instance, though, there is already a multitude of laws. Every state has passed legislation to protect victims' rights, and at least 33 have such provisions in their state constitutions.

But Sen. Jon Kyl (R–Ariz.), co-sponsor of the amendment, says these efforts have been a bust. He says one study found that even in states with strong measures in place, 44 percent of victims weren't alerted to the sentencing hearing, and nearly half weren't notified of plea negotiations.

Why don't existing laws do the job? Because, according to Kyl, ''criminal defendants have a plethora of rights that are protected by the Constitution that are applied to exclude victims rights.''

The only way to correct the imbalance is to give victims' rights equal status.

But where are the constitutional provisions that work against victims?

Defendants do have a right to a speedy public trial by jury, to be represented by a lawyer, to avoid self-incrimination and so on. But nothing in the Constitution prevents authorities from informing victims of proceedings, from letting them speak during trials, sentencing and parole hearings, from altering them when an assailant is about to be released, or from requiring criminals to pay restitution. Those are the victims' rights specified in the constitutional amendment, all of which can be (and often are) safeguarded without the drastic step of altering the nation's charter.

Supporters complain that some courts have been so eager to assure the defendant a fair trial that they bar victims from the courtroom. But that happens only before a victim is scheduled to testify, and it's simply meant to prevent victims from tailoring their testimony (intentionally or not) to match what other witnesses say.

By protecting the truth-seeking function of a trial, the practice works to the benefit of victims—who, after all, gain absolutely nothing from sending the wrong person to jail.

If we want to abolish this custom, despite its virtues, we don't need an amendment. Duke University law professor Robert Mosteller says many states allow victims to

be present throughout a trial even if they are going to testify. The practice of excluding victims until they testify, Mosteller notes, ''is generally a matter of statutory or common law'' and ''rarely even approaches constitutional significance.'' It was an issue in Timothy McVeigh's Oklahoma City bombing trial—but in the end, all victims were allowed to attend even if they were expected to appear as witnesses.

Victims' rights, it's true, have not always been enforced. But that's partly because they're a new concept and take time to be fully implemented. And it's partly because they are administered by large, fallible government bureaucracies trying to keep track of a lot of people and information, sometimes without adequate funds.

Amending the Constitution won't make the bureaucracies less fallible. The obvious way to do that is to make them pay for their mistakes by letting victims collect damages when their rights are ignored. But this proposal explicitly forbids that remedy. It's all bark and no bite.

Unless, of course, the opponents hope to curtail the protections we grant to those accused of crimes. The supporters deny that, but they also decline to include a section stating that the amendment wouldn't diminish any existing guarantees.

So maybe the amendment would be an attack on longstanding constitutional rights, or maybe it would be an ineffectual piece of symbolism. Either way, we're better off without it.

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[From the Washington Times, April 20, 2004]

WE, THE CLUTTERERS . . .

(By Bruce Fein, special to the Washington Times)

The Senate should balk at cluttering the Constitution when it votes next Friday on a crime victims' rights amendment [VRA].

To forgo the VRA is not to cherish victims' rights less, but to venerate the brevity and accessibility of the Constitution more. Amendments are appropriate only when flexible and adaptable statutes would be insufficient to achieve a compelling objective; or, to protect discrete and insular minorities from political oppression. Neither reason obtains for the VRA.

Crime victims deserve and evoke legal sympathy. Every state and the District of Columbia feature statutes that endow victims with participatory rights in the criminal justice system. Further, 33 states have amended their state constitutions by overwhelming majorities to protect crime victims.

Congress has enacted a cornucopia of victim-friendly statutes since 1982, including a right to restitution, victim impact statements, and a victims' Bill of Rights. According to the latter, federal law enforcement agencies must treat putative victims with fairness and respect; protect them from accused offenders; provide them notice of court proceedings; offer opportunities to attend public sessions under certain conditions and to confer with government prosecutors; and transmit information about the conviction, sentencing, imprisonment, and release of the offender.

A crime victim's authenticity remains in doubt, it should be remembered, unless and until the accused is convicted.

As I previously testified before the Senate Judiciary Committee: ''Crime victims have no difficulty in making their voices heard in the corridors of power; they do not need protection from the majoritarian political process, in contrast with criminal defendants whose popularity characteristically ranks with that of Gen. William Tecumseh Sherman in Atlanta, Ga.'' A recent vignette from Lake County, Mich., corroborates the political hazards of slighting crime victims. In September 2003, a county prosecutor was recalled by voters angry over a lenient plea bargain that had outraged the family of a murder victim: a 23- to 50-year sentence for the killer. The prosecutor's explanation he was seeking to avoid costly trials on a penurious $200,000 annual budget proved unavailing.

VRA proponents insist statutory rights are second-class rights compared with constitutional rights enjoyed by the accused. Statutes fortified by strong pubic sentiments, however, command virtual constitutional sanctity. The 1964 Civil Rights Act, the 1965 Voting Rights Act, the National Labor Relations Act, and the Sherman Antitrust Act are illustrative. As to the latter, the Supreme Court in United States vs. Topco Associates [1972] amplified: ''Antitrust laws in general, and the Sherman Act in particular, are the Magna Carta of free enterprise.''

Moreover, the elevation of victims' rights from a statutory to a constitutional plateau does not guarantee greater effectiveness. The 14th and 15th Amendment rights of blacks, for instance, slept for 80 years in the chambers of prosecutors and judges because of public indifference. In any event, government officers are every bit as bound by oath to obey statutes as to comply with the Constitution.

VRA crusaders speciously argue victims' constitutional rights in criminal prosecutions should reasonably mirror those of the accused. Unlike a putative victim, a criminal suspect confronts the loss of life, liberty, or property and a formidable arsenal of government investigatory and prosecutorial weapons. The victim, moreover, may seek damages from the defendant, including restitution, in parallel civil proceedings a la the O.J. Simpson wrongful death judgments.

History has also demonstrated a government propensity to persecute by overzealous prosecutions. The Declaration of Independence denounced King George III, ''For transporting us beyond the seas to be tried for pretended offenses.''

Former Attorney General and Associate Justice of the Supreme Court, Robert Jackson, worried that prosecutors are routinely tempted to pick a man to indict for personal or ideological reasons, and then to scour the books to pin an offense on him, in lieu of discovering a crime and then searching for the culprit. To blunt the potential for vindictive or wrongful convictions, the Constitution endows defendants with a modest array of rights, for example, proof beyond a reasonable doubt, jury unanimity, and the right to counsel. Crime victims, however, can point to no corresponding history of government oppression. Indeed, they are the contemporary darlings of state legislatures and Congress.

The VRA would also vitiate the truth-finding objective of trials by injecting victim concerns that could undermine the impartiality and reliability of verdicts. The amendment would require judges in jury selection, evidentiary rulings, or jury instructions to ''consider the victim's safety, interest in avoiding unreasonable delay, and just and timely restitution from the offender.'' It would permit victims who intend to testify to avoid sequestration, a customary requirement to foil the tailoring of witness stories. Sequestration has been celebrated by an icon in the law of evidence, however, as ''one of the greatest engines that the skill of man has ever invented for the detection of liars in a court of justice.''

Thus, the biblical Apocrypha relates how Daniel exonerated Susanna of adultery by sequestering two accusing elders and eliciting conflicting answers as to where the alleged crime occurred.

Much additional mischief besets the VRA, but their telling must be forgone as a concession to the shortness of life. The proposed amendment should be smartly defeated.

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[From the Washington Post, Apr. 21, 2004]

WRONG ON RIGHTS

The Senate is due to take up a constitutional amendment designed to grant rights in criminal court proceedings to victims of violent crimes. The last time the proposal arose, its sponsors, Sens. Jon Kyl (R–Ariz.) and Dianne Feinstein (D–Calif.), had to yank it back to avoid defeat. But support for the idea has grown. Nobody likes to oppose crime victims, and on its face the amendment's promises seem unobjectionable: ''reasonable and timely notice'' of proceedings; the right of victims to attend those proceedings and to speak at sentencing, clemency and parole hearings; and the right to seek restitution from perpetrators. What harm can there be in placing victims' rights even with the rights of the accused?

Quite a lot, actually. For starters, none of the amendments' terms are defined—including, critically, who counts as a ''victim.'' Is it limited to immediate relatives or can extended family members qualify? Nor does the amendment specify a remedy for violations of victims' rights. In fact, it specifically says that it does not ''authorize any claim for damages.'' So it is unclear how exactly a victim is supposed to take advantage of his rights. The result will be litigation—a lot of it—as victims seek to exercise their new constitutional rights and defendants seek to ensure that victims' rights don't come at the expense of their own.

The fundamental trouble is that victims' rights, if taken seriously, will come at the expense of the rights of the accused. Sometimes a defendant's right to a fair trial cannot be reconciled with a victim's right to speak to the jury. Right now, the victims' rights yield in such cases, as they should. The state, after all, is not seeking to deprive the victim of liberty or, in the extreme case, life. The rights of the accused flow out of the jeopardy in which the state puts them.

Though the criminal justice system's treatment of victims has improved, it could and should be better. But it would be a profound error to place such obligations on the same plane as the Constitution's essential protections against unchecked government power.

Mr. DEWINE. Mr. President, I rise today in support of the Crime Victims' Rights Act. As a former county prosecuting attorney, this is an issue about which I feel very strongly. All too often, our criminal justice system overlooks the victims of crime in efforts to ensure the legitimate rights of accused defendants.

Crime victims simply have not been given the equal footing that they deserve. From start to finish, the legal system sometimes can be a terrible ordeal for victims—a bureaucratic nightmare that seems to and in fact many times does go on and on and on.

We substantially protect the rights of defendants, as well we should. We ensure that they have every reasonable benefit—and that is good—so as to ensure the acquittal of the innocent. But, in the process, I believe that many times, we don't give the victims of crime the rights that they, too, deserve. When I was a county prosecutor in Greene County, OH in the 1970s I saw too many crime victims—people who

had already been hurt—hurt a second time by a callous legal system. That is why I did everything that I could to protect the rights of those victims. Our bottom line has to be this: To be victimized once by crime is already once too often. To be victimized yet again by an uncaring judicial system is totally unacceptable.

Accordingly, I am pleased to cosponsor this bipartisan legislation that will afford these victims, the fundamental right to participate in the criminal justice system. It just makes good sense for the innocent victim of a crime to be given the right to know if his or her assailant is released or escapes from prison. It is simply fairness to recognize a crime victim's right to reasonable notice of public proceedings involving the crime; the right to not be excluded from such public proceedings; and the right to be heard at the public release, plea, sentencing, reprieve, and pardon proceedings involving that victim's assailant. It's about time that we guarantee crime victims their rights to court decisions that duly consider their safety, their rights to have the courts avoid unreasonable delay in adjudicating those charged with harming them, and their rights to just and timely restitution from their offenders. This legislation is about victims. This legislation is about working to keep victims safe from further harm. This legislation is about keeping their concerns at the forefront.

When I was Green County prosecuting attorney, I had seen the victims of murder and other terrible crimes. I interviewed people who had been abused, assaulted, and raped. I learned a lot from talking to these innocent people. I learned that we have to make the crime victim a full participant—not a forgotten person, not a neglected person—in the criminal justice system.

That is why I cosponsored this bipartisan legislation. It is designed to help guarantee that the victims of crime have access to our criminal justice system. It is time to stop treating the victims like they are the criminals. Let's move the legitimate concerns of victims toward center stage in our criminal justice system and finally provide these innocent victims with the rights they deserve.

Mr. DURBIN. Mr. President, I rise today in support of the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act.

This week is National Crime Victims' Rights Week—a time to recognize the impact of crime and the rights and needs of victims. In 2002, there were 23 million criminal victimizations in the United States, and many of these crime victims feels as if the criminal justice system has wronged them. These people were innocent victims, but they feel deprived of the fundamental need to participate in the process of bringing the accused to justice.

I support crime victims' rights, and I believed that every effort should be made to ensure that crime victims are not victimized a second time by the criminal justice system. At the same time, I agree with James Madison, who wrote that the United States Constitution should be amended only on ''great and extraordinary occasions,'' and I am reluctant to amend our Constitution for only the 18th time since the adoption of the Bills of Rights.

This is why I am proud to be an original cosponsor of the Crime Victims' Rights Act, which reaches all of the goals that the proposed constitutional amendment sought to achieve, by providing crime victims with the same rights, including the following: No. 1, the right to notice of any public proceeding involving the crime or of any release or escape of the accused; No. 2 the right not to be excluded from any such public proceeding; No. 3, the right to be reasonably heard at any public proceeding involving release, plea, or sentencing; No. 4, the right to full and timely restitution; and No. 5, the right to proceedings free from unreasonably delay.

By enacting legislation rather than amending the Constitution, our approach today also addresses my concerns regarding the rights of the accused. The premise of criminal justice in America is innocence until proven guilty, and our Constitution therefore guarantees certain protections to the accused. These include the Fifth Amendment protection against double jeopardy, as well as the Sixth Amendment rights to a speedy trial, the assistance of counsel, and an impartial jury.

Although these protections for the accused sometimes are painful for us to give, they are absolutely critical to our criminal justice system. When the victim and the accused walk into the courtroom, both are innocent in the eyes of the law, but when the trial begins, it is the defendant's life and liberty that are at stake.

During the Judiciary Committee debate on the proposed constitutional amendment regarding victims' rights, I offered an amendment that would have ensured that the rights of the accused as guaranteed under the Constitution would not be diminished or denied. However, this language is unnecessary in the bill we are debating today, because rights provided in a statute can not supercede those guaranteed by the Constitution.

For example, I believe this statute would allow courts to protect defendants from possible violations of due process and to preserve the accused's right to an impartial jury, by excluding victims from a public proceeding if the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at trial.

This statutory approach also provides Congress with the flexibility to modify this legislation if we find it is not perfect.

I would like to commend Senators FEINSTEIN and KYL for their efforts to provide rights to crime victims and for introducing this statutory alternative. I am pleased to join them in this effort.

Mr. KENNEDY. Mr. President, I strongly support this bill to provide enforceable rights to victims of crime, and I urge the Senate to approve it.

For too long, our criminal justice system has neglected the hundreds of thousands of victims of crime whose lives are shattered by violence or other crime each year. Victims deserve better from our criminal justice system.

Too often, the current system does not provide adequate relief for victims of crime. They are not given basic information about their case—such as notice of a defendant's arrest and bail status, the schedule of various court proceedings, and the terms of imprisonment. Victims deserve to know about their case. They deserve to know when their assailants are being considered for bail or parole or adjustments of their sentences. They certainly deserve to know when offenders are released from prison.

Since 1997, Senator LEAHY and I have sponsored legislation to provide enhanced protections for victims of violent or non-violent crimes and establish an effective way to implement and enforce these protections. Our legislation is designed to give victims a greater voice in the prosecution of the criminals who injured them and their families, fill existing gaps in Federal criminal law, guarantee that victims of crime receive fair treatment and the respect they deserve, and achieve these goals in a way that respects the efforts of the States to protect victims in ways appropriate to each State's unique needs.

I am pleased to join Senator KYLE and Senator FEINSTEIN, who are the lead sponsors of the proposed Victims' Rights Constitutional Amendment, in moving forward on victims' rights legislation now. Our bill is called the ''Scott Campbell, Stephanie Roper, Wendy Preston, Lourana Gillis and Nila Lynn Crime Victims' Rights Act,'' and is named in honor of five persons who were victims of crime. Our bill provides victims with a number of important rights, including the right to receive notice of public proceedings; to receive notice of the release or escape of the accused; to attend and be heard at proceedings involving release, plea, or sentencing; to confer with the government's attorney; and to receive full and timely restitution as provided by law. The bill also provides for the enforcement of these rights, by directing government officials to notify victims of their rights, requiring courts to grant these rights to victims, and giving standing to both prosecutors and victims or their legal representatives to assert the rights at trial and on appeal.

The legislation will protect all victims of crime, including victims of identity theft, personal property theft, fraud, embezzlement, vandalism, and other non-violent offenses. The National Center for Victims of Crime has

emphasized the great importance of including protections for victims of nonviolent crime. Our legislation does so, and I commend the Center for its leadership on this important aspect of the issue.

Our Victims' Rights Act also directs the Attorney General to act within a year to issue regulations to enforce the rights of crime victims and ensure compliance by all relevant officials. The bill strengthens victims' rights at the Federal, State, and local levels by authorizing the use of Federal funds to establish programs to promote compliance and develop state-of-the-art systems for notifying victims of important dates and developments in their cases.

Once this bill is enacted into law, we intend to monitor its implementation by the Justice Department, other law enforcement and criminal justice agencies, and the courts, so that we can take appropriate action, if necessary, to ensure that the victims' rights are protected, and also ensure that the effective functioning of the law enforcement and criminal justice system is not impaired. I commend my colleagues for their leadership in making this legislation possible, and I urge the Senate approve it. We know that victims of crime have been waiting too long for our action, and hopefully this long-needed measure is finally on the fast track for enactment into law.

Mr. SMITH. Mr. President, I rise to speak about the Crime Victims' Rights Act.

America is a country ruled by law and not by individuals. For that reason, our criminal justice system serves as a beacon of light for many who live in the shadow of tyranny. Nowhere is this better demonstrated than those rights of the accused protected by the U.S. Constitution. A defendant has the right to due process under law, the right to a speedy trial, the right to counsel, the right against self-incrimination, the right to confront witnesses as well as a host of other protections. These constitutional rights aim to protect the innocent and punish only the guilty. No American should be wrongly incarcerated and denied the most basic liberties.

While the Constitution provides a panoply of rights for the accused, it does not guarantee any rights to crime victims. Victims do not have the right to be present during prosecution. Victims do not have the right to be informed of the defendant's hearing. They do not have the right to be heard at sentencing or at parole hearings. Victims have no rights to restitution or notification even if they may be endangered by the release of their attacker.

To maintain the integrity of our judicial system, a careful balance must be struck between the rights of the accused and the rights of victims. Unfortunately, the scales of justice have been tilted. As a result, 32 States have enacted constitutional amendments to provide some protections for victims. Today, I am proud to have joined my colleagues in sponsoring and voting in favor of the Crime Victims' Rights Act which would extend rights to victims of federal crimes as well. Nationally, this sends a clear message to victims that they will finally be given a voice in the Federal criminal process.

I also want to take this opportunity to recognize the leaders of the victim's rights movement in my home state. Established in 2000, the National Crime Victim Law Institute has been committed to the enforcement and protection of victims' rights in the criminal justice system. While there has been a flood of legislation at the State level on victims' rights, there has been a dearth of academic attention paid to this area of the law. The National Crime Victim Law Institute, at the Lewis and Clark School, is one of the first academic institutions to undertake a focused effort to study and enhance the effectiveness of victim rights laws. The Institute's Executive Director, Doug BeLoof, has authored Victims in Criminal Procedure, the first casebook to be published in this area of law.

Along with this important legal scholarship, passage of this legislation is an important step in the fight to protect victims' rights. I look forward to President Bush signing this legislation into law.

Mr. LEAHY. Madam President, I do not see others seeking time so I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding Senator LEAHY still has time remaining under his control.

The PRESIDING OFFICER. That is correct.

Mr. REID. How much time?

The PRESIDING OFFICER. The Senator has 19.5 minutes.

Mr. REID. Mr. President, using Senator LEAHY's time, I will proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT AND SENATOR KERRY

Mr. REID. Mr. President, during this lull, prior to the vote on this legislation that has been changed from a constitutional amendment to a statute, I would like to take a few minutes hopefully to clear some of the confusion about the record of my colleague, the Senator from Massachusetts, JOHN KERRY. This relates to the PATRIOT Act.

First of all, everyone should understand JOHN KERRY voted for the PATRIOT Act. This, of course, is a man who volunteered to fight for our country in the jungles of Vietnam. He risked his life to keep America safe. He was wounded on three separate occasions, received two medals for heroism for his acts above and beyond the call of duty. These were all in an effort to keep our Nation safe and strong.

Like most of us who voted for the PATRIOT Act, Senator KERRY believed it gave law enforcement officials essential tools they needed in the war against terror.

He not only voted for the PATRIOT Act, he actually authored parts of it. Senator KERRY helped draft the money-laundering provisions of the PATRIOT Act. He believes that provision should be strengthened to include nonbank institutions and increase funding for information gathering and sharing. These provisions have helped choke financial support to terrorist groups.

When Congress enacted the PATRIOT Act we gave it a sunset clause so we, the Senate, the Congress, and the American people, could see how it worked. We understood we were giving the Government unprecedented power and we would want to come back later and fine-tune the balance between the power of Government and the personal rights of citizens.

Some parts of the PATRIOT Act will expire in approximately 20 months. Frankly, with all the important issues and business this Senate has yet to address, I don't understand why we have had a series of speeches on the Senate floor about making permanent the PATRIOT Act. It will not expire, as I have indicated, for 20 more months. At some point we will have to decide which parts of the PATRIOT Act should be reviewed, renewed, expanded, or in some way limited in some instances.

Senator KERRY wants to extend more than 95 percent of the provisions of the PATRIOT Act. That is, so everyone is very clear, Senator KERRY believes 95 percent of the PATRIOT Act should remain as it is. But keeping America strong, as Senator KERRY believes, also means protecting our individual rights and privacy. Keeping America free means keeping a rein on the power of Government, so Senator KERRY does support some adjustments to the PATRIOT Act along with a number of other Senators, including the ''liberals'' CRAIG and SUNUNU. I say that facetiously because Senator CRAIG and SUNUNU are anything other than progressives.

I am also a cosponsor of the amendment Senator KERRY suggests should make adjustments to this act.

Nobody has ever accused any of these Senators—Senators CRAIG, SUNUNU, or KERRY—of being soft on terrorism. They are resolute in their commitment to protect our Nation from terror. But they are also resolute in their commitment to protect our individual rights and our freedom—just like JOHN KERRY.

Senator KERRY believes we need to improve the PATRIOT Act by making some changes in the provisions of a

couple of wiretaps, sneak-and-peek warrants, and the seizure of business and library records.

He isn't alone. The House of Representatives voted 309–118 to ban funds for these so-called ''sneak and peek'' searches, which allow government agents to surreptitiously search the homes of citizens, without ever notifying them.

Senator KERRY wants to strengthen the Patriot Act in other areas, by adding new legal and organizational tools to fight terror.

He has been and will be tough on terror, and he will keep America safe. He knows that the Patriot Act is just one of the many weapons we need in that fight against terror.

Senator KERRY understands that we need to improve the lines of communication between different intelligence agencies, and between federal and local officials. He believes that appropriate state and local authorities should have immediate access to national terrorist lists and 24-hour operations center should be created to link local and federal law enforcement. It is called communication.

Senator KERRY has called for tighter protection of chemical factories that could be targeted by terrorists. I am a cosponsor of that legislation. Bowing to the chemical industry, the Bush administration has opposed common sense measures to improve security of 123 chemical plants where the EPA says a terrorist attack could kill or injure one million people. JOHN KERRY knows that we have to do a better job protecting these potential targets.

Senator KERRY understands that we must give our police, firefighters and other first responders the equipment and training they need to respond to terrorist attacks. Right now, they aren't getting everything they need, and the result could be tragic.

Finally, Senator KERRY knows that we aren't doing everything we should to keep our seaports safe. Ninety five percent of our trade outside North America moves by sea, and most of that is concentrated in a handful of ports. Senator KERRY understands that our economy and our national security both depend on keeping our ports safe. We need to develop security standards for our ports, invest in a system of container security and provide more customs inspectors.

These are common sense measures to protect our homeland. Every day that we delay, we leave ourselves open to potential acts of terrorism.

I hope my colleagues won't impugn Senator KERRY's commitment to national security just because he is concerned about safeguarding our personal rights and privacy.

I understand we don't all agree on the need for measures like ''sneak and peek'' searches of American citizens or improving security at our seaports.

Let's debate those differences—but let us never suggest that any Member of this body is not committed to keeping America strong and safe.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from New Mexico, Senator DOMENICI, be added as a cosponsor of the legislation before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I will say a few words in conclusion to my remarks.

I believe the Senator from Arizona, Senator KYL, will be coming back to the floor to make a small technical modification to the amendment since questions have been developed and they can be easily taken care of. I believe he will do that. Otherwise, I think everyone who is going to speak on this has spoken.

I would like to end by saying how grateful I am for this day. This is an important day for many of us who care about victims' rights—I think every Member of this Senate—because for the first time we have a strong and comprehensive measure to be able to achieve a compendium of victims' rights. That compendium will give victims access to the criminal justice system so they may retain their dignity; so they have an opportunity to know when there is a trial and be present at the trial; to make statements if there is a public proceeding with respect to a plea bargain; to be there to make a statement; to receive restitution, if offered by a judge; to know when their attacker is released from jail or prison—not too much, but certain basic, elemental rights for anyone who has either been the victim of or has been dramatically affected by a crime.

I am very proud of the work on this. I have worked with Senator KYL for a long time, and now with Senators HATCH and LEAHY as well.

I thank everybody who has been involved.

I particularly would like to thank my staff, Steven Cash and Dave Hantman, who over the years I think have grown more determined to get this job done.

I am hopeful we will have a unanimous vote in this body, that the bill will be accepted by the House, and we will be able to say to victims all across this country there is a Federal statute with a remedy and a method of enforcement that will guarantee the very basic rights in Federal crimes; and also the funding to be able to go out and secure some of those same rights under State law.

I thank everybody. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished Senator from California for her excellent work, and also the distinguished Senator from Arizona for his excellent work on this. They have worked on this year after year until we have finally reached this point where I believe we can get a bill through the Congress even though it is almost impossible to get a constitutional amendment through the Congress on this very important subject.

I rise today in support of S. 2329, The Crime Victims' Rights Act. The issue addressed by this legislation—protecting the rights of victims of crime—is one of utmost importance to the American people.

At the outset, let me commend the efforts of Senators KYL and FEINSTEIN, who have worked tirelessly since 1996 to try to get the crime victims' rights constitutional amendment passed.

No one has worked harder than these two Senators in trying to protect victims' rights. Over the last 8 years, they have met with countless victims, listened to their tragic stories, held hearings, drafted and redrafted constitutional language, and consulted with academics, outside experts and governmental officials to make sure they got it just right.

While I know their preference is to pass a constitutional amendment—and that would have been my preference as well—they have now prudently opted to pursue a statutory remedy.

I am especially pleased that the ranking minority member of the Judiciary Committee, Senator LEAHY, is joining us in this initiative.

When we last debated victims' rights, it was in April of 2000. There can be no question that the world has irrevocably changed since then.

Four years ago, many could not truly appreciate what it means to be a victim of violence. Today, in the post-9/11 era, it is impossible not to empathize with victims. I am sure that none of us will forget the image of planes crashing into the World Trade Center. None of us will forget the image of victims jumping out of windows to avoid the flames that were creeping up the buildings. None of us will forget the images of two of the tallest buildings in the world crumbling to the ground like a house of cards with the victims trapped underneath the rubble. And none of us will forget the gaping hole in the side of the Pentagon and the grief of the families of those that died that day.

In that single day, nearly 3,000 victims died in New York City and Washington, D.C. Yet as horrific as that statistic is, it cannot be compared to the more than five million violent crimes that are committed in the United States every year. Yet the victims of these violent crimes, as well as their families and loved ones, continue to suffer in silence. Some of them are not able to obtain notice of criminal proceedings; they are not permitted to remain in the courtroom while the trial is ongoing regardless of whether they are expected to be called as a potential government witness. That is why I am an original cosponsor of S. 2329.

Let me give a couple of examples of why we need this legislation.

On December 2, 1998, Jeffrey Weller, who was only 23 years old, was murdered by his childhood friend. The

friend showed up at Jeff's home, where he lived with his new wife of 2 months. While the two men were sitting in a car, the murderer attacked Jeff with a knife. Jeff managed to get out of the car and run, but was shot once in the back. The man then shot Jeff again at point-blank range in the head. Although the defendant was arrested, convicted and sentenced to 10 years in prison, he was released after serving only 4 years. Jeff's family was denied a restraining order against the killer and was told to contact local law enforcement if he comes on the property. In January 2002, the killer kidnapped and murdered Jeff's 5-year old son and committed suicide. It is for families like the Wellers that we need to pass this bill—and there are so many. Yet, S. 2329 gives victims the right to be reasonably protected from the accused.

In my home state of Utah, Pam Kouris lost her 11-year old son, Michael, when he was hit by a car while riding his bicycle. The negligent driver was a police officer who was under the influence of pain killers, muscle relaxers and Valium. He ultimately pled guilty but he was not sentenced until 5½ years after Michael's death and he received probation. It is for people like Pam that we are passing this legislation to protect her right to proceedings free from unreasonable delay.

In addition to those rights, the bill also establishes other fundamental rights for victims, including the right to reasonable notice of public criminal proceedings, the right not to be excluded from those proceedings, and the right to be heard reasonably when a court is considering a criminal's release, plea or sentence. The bill also guarantees victims the right to confer with a Government attorney, the right to full and timely restitution, the right to proceedings free from unreasonable delay, and importantly, the right to be treated with fairness and with respect for the victim's dignity and privacy.

The bill also directs the Department of Justice to promulgate regulations to enforce these rights and to create an administrative authority to receive and investigate complaints relating to the violation of the rights of crime victims. This administrative remedy creates a framework to quickly enforce victims' rights.

Moreover, the bill provides that victims will have standing to sue in Federal court if they are wrongly denied these rights. For those who may be concerned that this bill might lead to new tort causes of action, let me assure you, that victims are not seeking to sue the government and get rich. All the victims want is a chance to participate in the criminal justice process. Accordingly, the bill states that there will be no cause of action for damages.

Public support for victims' rights protection is very strong. All 50 states have some form of victims' rights measures at a statutory or court-based level and 33 states have passed state constitutional amendments to protect victims' rights.

In sum, this bill has strong bipartisan support and I strongly urge my colleagues on both sides of the aisle to vote for this important legislation.

It is time to quit playing around and get this done. It is time to do what is right. The constitutional amendment itself, had we been able to bring that up, has been criticized because people around here say we should never amend the Constitution, it is perfect as it is.

One reason some members want to amend the Constitution is to get it back to where it really was. In other words, we have courts that have gone way beyond the pale and have amended the Constitution by judicial fiat. Most of these constitutional amendments, I have found through the years, have been to get the Constitution back where it really belongs, away from rogue judges just deciding on their own to amend the Constitution because they are in a position that some believe, as Federal judges, is the closest thing to God in this life. Frankly, some of them take advantage of that.

In the process, we wish we could get back to where the people rule and where the Constitution was before they changed it by judicial fiat. There are a number of reasons why judicial fiat has changed the laws with regard to victims' rights. Frankly, this bill will get us back to a point where we will be making headway on victims' rights and protecting the rights of those who have been suffering far too long.

I compliment my two dear friends and colleagues on the Judiciary Committee and others in this Congress who have worked so hard to see this come to fruition.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. I ask unanimous consent Senator KOHL be added as a cosponsor to the legislation pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, notwithstanding the previous order, I ask the technical amendment which is at the desk be considered and agreed to and—I withhold on that request for a moment.

The PRESIDING OFFICER. The request is withheld.

Mr. REID. I apologize to my friend from Arizona. It is certainly not his fault. I told him it had all been cleared. I thought it had. Senator FEINSTEIN has cleared it; obviously, there are a couple more people.

Mr. KYL. I withdraw the request until it is clear.

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. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3047

Mr. KYL. Notwithstanding the previous order, I ask the technical amendment at the desk be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3047) was agreed to, as follows:

On page 7, line 24, strike the first period and insert the following: ", subject to appropriation.".

On page 10, line 20, strike the first period and insert the following: ", subject to appropriation.".

Mr. KYL. 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.

Mr. REID. Mr. President, how much time remains on this matter now before the Senate?

The PRESIDING OFFICER. The Senator from Utah has 16 minutes, the Senator from Vermont, 12.

Mr. REID. Mr. President, I yield back the time of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Senator SHELBY be added as a cosponsor of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, on behalf of Senator HATCH, I yield back the time that he has remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Dodd | Lincoln |
| Alexander | Dole | Lott |
| Allard | Domenici | Lugar |
| Allen | Dorgan | McCain |
| Baucus | Durbin | McConnell |
| Bayh | Edwards | Mikulski |
| Bennett | Ensign | Miller |
| Biden | Enzi | Murkowski |
| Bingaman | Feingold | Murray |
| Bond | Feinstein | Nelson (FL) |
| Boxer | Fitzgerald | Nelson (NE) |
| Breaux | Frist | Nickles |
| Brownback | Graham (FL) | Pryor |
| Bunning | Graham (SC) | Reed |
| Burns | Grassley | Reid |
| Byrd | Gregg | Roberts |
| Cantwell | Hagel | Rockefeller |
| Carper | Harkin | Santorum |
| Chafee | Hatch | Sarbanes |
| Chambliss | Hutchison | Schumer |
| Clinton | Inhofe | Sessions |
| Cochran | Inouye | Shelby |
| Coleman | Jeffords | Smith |
| Collins | Johnson | Snowe |
| Conrad | Kennedy | Stabenow |
| Cornyn | Kohl | Stevens |
| Corzine | Kyl | Sununu |
| Craig | Landrieu | Talent |
| Crapo | Lautenberg | Thomas |
| Daschle | Leahy | Voinovich |
| Dayton | Levin | Warner |
| DeWine | Lieberman | Wyden |

NAYS—1

Hollings

NOT VOTING—3

| | | |
|---|---|---|
| Campbell | Kerry | Specter |

The bill (S. 2329), as amended, was passed, as follows:

S. 2329

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act''.

**SEC. 2. CRIME VICTIMS' RIGHTS.**

(a) AMENDMENT TO TITLE 18.—Part II of title 18, United States Code, is amended by adding at the end the following:

**''CHAPTER 237—CRIME VICTIMS' RIGHTS**

''Sec.
''3771. Crime victims' rights.

**''§ 3771. Crime victims' rights**

''(a) RIGHTS OF CRIME VICTIMS.—A crime victim has the following rights:

''(1) The right to be reasonably protected from the accused.

''(2) The right to reasonable, accurate, and timely notice of any public proceeding involving the crime or of any release or escape of the accused.

''(3) The right not to be excluded from any such public proceeding.

''(4) The right to be reasonably heard at any public proceeding involving release, plea, or sentencing.

''(5) The right to confer with the attorney for the Government in the case.

''(6) The right to full and timely restitution as provided in law.

''(7) The right to proceedings free from unreasonable delay.

''(8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

''(b) RIGHTS AFFORDED.—In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

''(c) BEST EFFORTS TO ACCORD RIGHTS.—

''(1) GOVERNMENT.—Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).

''(2) CONFLICT.—In the event of any material conflict of interest between the prosecutor and the crime victim, the prosecutor shall advise the crime victim of the conflict and take reasonable steps to direct the crime victim to the appropriate legal referral, legal assistance, or legal aid agency.

''(3) NOTICE.—Notice of release otherwise required pursuant to this chapter shall not be given if such notice may endanger the safety of any person.

''(d) ENFORCEMENT AND LIMITATIONS.—

''(1) RIGHTS.—The crime victim, the crime victim's lawful representative, and the attorney for the Government may assert the rights established in this chapter. A person accused of the crime may not obtain any form of relief under this chapter.

''(2) MULTIPLE CRIME VICTIMS.—In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights contained in this chapter, the court shall fashion a procedure to give effect to this chapter.

''(3) WRIT OF MANDAMUS.—If a Federal court denies any right of a crime victim under this chapter or under the Federal Rules of Criminal Procedure, the Government or the crime victim may apply for a writ of mandamus to the appropriate court of appeals. The court of appeals shall take up and decide such application forthwith and shall order such relief as may be necessary to protect the crime victim's ability to exercise the rights.

''(4) ERROR.—In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.

''(5) NEW TRIAL.—In no case shall a failure to afford a right under this chapter provide grounds for a new trial.

''(6) NO CAUSE OF ACTION.—Nothing in this chapter shall be construed to authorize a cause of action for damages.

''(e) DEFINITIONS.—For the purposes of this chapter, the term 'crime victim' means a person directly and proximately harmed as a result of the commission of a Federal offense. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

''(f) PROCEDURES TO PROMOTE COMPLIANCE.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this chapter, the Attorney General of the United States shall promulgate regulations to enforce the rights of crime victims and to ensure compliance by responsible officials with the obligations described in law respecting crime victims.

''(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

''(A) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

''(B) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of crime victims, and otherwise assist such employees and offices in responding more effectively to the needs of crime victims;

''(C) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of crime victims; and

''(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.''.

(b) TABLE OF CHAPTERS.—The table of chapters for part II of title 18, United States Code, is amended by inserting at the end the following:

**''237. Crime victims' rights ..... 3771''.**

(c) REPEAL.—Section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) is repealed.

**SEC. 3. INCREASED RESOURCES FOR ENFORCEMENT OF CRIME VICTIMS' RIGHTS.**

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404C the following:

**''SEC. 1404D. CRIME VICTIMS LEGAL ASSISTANCE GRANTS.**

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of crime victims' rights as provided in law.

''(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section, subject to appropriation.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under section 1402(d) of the Victims of Crime Act of 1984, there are authorized to be appropriated to carry out this Act—

(1) $2,000,000 for fiscal year 2005 and $5,000,000 for each of fiscal years 2006, 2007, 2008, and 2009 to United States Attorneys Offices for Victim/Witnesses Assistance Programs;

(2) $2,000,000 for fiscal year 2005 and $5,000,000 in each of the fiscal years 2006, 2007, 2008, and 2009, to the Office for Victims of Crime of the Department of Justice for enhancement of the Victim Notification System;

(3) $300,000 in fiscal year 2005 and $500,000 for each of the fiscal years 2006, 2007, 2008, and 2009, to the Office for Victims of Crime of the Department of Justice for staff to administer the appropriation for the support of the National Crime Victim Law Institute or other organizations as designated under paragraph (4);

(4) $7,000,000 for fiscal year 2005 and $11,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009, to the Office for Victims of Crime of the Department of Justice, for the support of—

(A) the National Crime Victim Law Institute and the establishment and operation of the Institute's programs to provide counsel

for victims in criminal cases for the enforcement of crime victims' rights in Federal jurisdictions, and in States and tribal governments that have laws substantially equivalent to the provisions of chapter 237 of title 18, United States Code; or

(B) other organizations substantially similar to that organization as determined by the Director of the Office for Victims of Crime.

(c) INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404D the following:

**"SEC. 1404E. CRIME VICTIMS NOTIFICATION GRANTS.**

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public or private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue in a timely and efficient manner, provided that the jurisdiction has laws substantially equivalent to the provisions of chapter 237 of title 18, United States Code.

''(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under section 1402(d), there are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for fiscal year 2005; and

''(2) $5,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009.

''(d) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section, subject to appropriation.''.

**SEC. 4. REPORTS.**

(a) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Administrative Office of the United States Courts, for each Federal court, shall report to Congress the number of times that a right established in chapter 237 of title 18, United States Code, is asserted in a criminal case and the relief requested is denied and, with respect to each such denial, the reason for such denial, as well as the number of times a mandamus action is brought pursuant to chapter 237 of title 18, and the result reached.

(b) GENERAL ACCOUNTING OFFICE.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect and efficacy of the implementation of the amendments made by this Act on the treatment of crime victims in the Federal system.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees a report containing the results of the study conducted under subsection (a).

Mr. FRIST. Mr. President, I want to take a moment to comment on the passage today of the Crime Victims' Rights Act. I am gratified by the overwhelming, bipartisan support for this crucial legislation.

I especially thank the Senator from Arizona, JON KYL, and the Senator from California, DIANNE FEINSTEIN, for their labor over the past several years on behalf of a constitutional amendment, and for their efforts over the past days to write into Federal law appropriate protections for victims of crime across the country. Without their dedication we would not have this victory.

While a constitutional amendment is preferable, this victims' rights Federal statute represents a significant improvement over the status quo. It ensures that crime victims have the right to fair treatment in the criminal justice system. It will give crime victims new legal standing to enforce their rights in court.

Too often, victims are shut out of the criminal justice process. They aren't informed of hearings, plea deals, trial dates and sentencing, or of parole hearings once their attacker is convicted.

The system rightly strives to protect the rights of defendants. But too often it overlooks the rights of the victims.

Take, for example, the case of Jeanne Brykalski of Knoxville, TN. Nine years ago, Jeanne lost both of her parents in a double homicide.

It was a Friday night, Jeanne's parents, Lester and Carol Dotts, went out for dinner. When they returned, they surprised three burglars in the act of looting their home.

Jeanne's mother was shot seven times, once at point-blank range in the head. Her father was shot six times, first in the neck and then repeatedly while he lay crumpled on the floor. The assailants seized Jeanne's mother's purse. And in a final grisly act, stole her father's wallet from his back pocket as he lay dying.

Jeanne's parents would have celebrated their 45th anniversary that summer.

She tells my office:

Something like this you never get over. At first you don't sleep. You can't sleep, because when you close your eyes, horrible images flood your mind. When you finally can sleep, that's when the nightmares come.

Jeanne found out about the first of the three perpetrators' public hearings on the front page of the local paper. As Jeanne recounts it, one morning before work, her husband went outside to fetch the paper from the delivery box. He came back in and tossed it on the kitchen table, telling her, ''You'll want to read this.''

Says Jeanne:

I saw the headline, and of course had to keep reading. And then I found out for the first time the gruesome details of how my parents were murdered. I completely fell apart. And I still had to go to work that day.

Jeanne says it took a long time for the justice system to acknowledge her need to be a part of the process. In fact, on three occasions, she showed up for hearings that she was never told were canceled. The youngest of the perpetrators was plea bargained without Jeanne and her husband being informed.

Her experience with the system led her to become a volunteer for the East Tennessee Victims' Rights Task Force.

Says Jeanne:

All we want is equality and fair play in the courtroom. We want to be treated with courtesy and respect. I don't think that's too much to ask for.

Mr. President, nor do I. And that is why I strongly support the Crime Victims' Rights Act and look forward to getting this bill to the President's desk.

My home State of Tennessee has a Victims Bill of Rights. It was passed in November of 1998.

Anna Whalley, clinical coordinator of the Shelby County Crime Victims Center, tells my office that the law has improved the status of victims in the Tennessee justice system. Judges are now getting used to seeing victims in their courtrooms and are making their courtrooms more comfortable and accommodating.

Because the Tennessee law does not provide funding, however, victims continue to fall through the cracks. There simply is not enough money to stay on top of all of the cases and keep victims informed throughout the judicial process.

The Crime Victims' Rights Act wisely addresses this problem. It provides legal assistance grants to help local law enforcement agencies promote victims' rights.

It also authorizes over $97 million over the next 5 years to broadly carry out the legislation's goals.

Mr. President, we are not all the way there. Our ultimate goal is to pass a victims' rights constitutional amendment. But this legislation represents a significant leap forward.

I thank my colleagues for their support today.

As we all agree, victims have rights, too.

## MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. REID. Mr. President, will the Senator from New Mexico yield to me for a question?

Mr. DOMENICI. Yes, I yield.

Mr. REID. Senator LANDRIEU has been waiting for the vote to end. She has to pick up her children, but she first wants to speak about her children for a couple of minutes. Would the Senator allow her 2 minutes prior to beginning his speech?

Mr. DOMENICI. Of course.

Ms. LANDRIEU. I thank the Senator from New Mexico, and I thank my colleague from Nevada.

## TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. As a wonderful Senator from New Mexico, and also as a father of many girls and a grandfather, I

know the Senator can appreciate the day we are celebrating today, which is Take Our Daughters and Sons to Work Day. We have literally hundreds of young people who are in the Chamber today. They have been around the Senate and the House celebrating this very special day, seeing their parents at work in the Senate and in the Capitol, not only as elected officials but as the staffers and support staff.

I have 20 young ladies with me today, nieces and friends from Louisiana, from Alabama, and from the Washington area. I am going to submit all of their names for the RECORD to show that they spent a day working in the Senate with me and with some of the other Senators and have seen firsthand the work that goes on.

I want to acknowledge MS Magazine Foundation that started Take Our Daughters and Sons to Work Day to thank them for organizing this effort where there are thousands, maybe perhaps millions, of young people who have taken a day out of their school work to go to the various places where Americans are working to contribute to making this country of ours a better country and this world a better place.

As we celebrate Earth Day today, which is also very important as we focus on the environment, I wanted to acknowledge this day. I thank my friend from New Mexico for giving me this time and I ask unanimous consent to have printed in the RECORD the names of these young ladies and thank them for being a part of this special day and taking their time to come and learn about the workings of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From St. Richards School: Mary Claire Logue and Catherine Logue, Monroe, LA; from St. Dominic School: Erica Sensenbrenner, New Orleans, LA; from St Ignatius School: Lindsey Seiter, Mobile, AL; from Tchefuncte Middle School: Lauren Cook, New Orleans, LA; from Louise McGehee School: Meredith Chehardy, New Orleans, LA; from Spring Hill Elementary School: Caroline Hudson, Washington, DC; from Georgetown Day: Rachel Jerome, Washington, DC; from Georgetown Day: Hayley Gray, McLean, VA; from St Scholastica Academy Trinity School: Gabrielle Klein and Stephanie Harkness, Mandeville, LA; from Our Lady of the Lake School: Elise Ganacheaux, New Orleans, LA; from St. Catherine of Sienna School: Sarah Parent, New Orleans, LA; from Isidore Newman School: Jordan Warshauer, New Orleans, LA; from Louise McGehee School: Carol Irene Gelderman, New Orleans, LA; from Louise McGehee School: Catherine Cochran, New Orleans, LA; from Jackson Academy: Storey Wilson, Baton Rouge, LA; from Bradley Hills Elementary: Hannah Sherman, Bethesda, MD; from Pyle Middle School: Casey Thevenot, Washington, DC.

The PRESIDING OFFICER. The Senator from New Mexico.

## DOMESTIC NATURAL GAS PRODUCTION

Mr. DOMENICI. Mr. President, I have up to 10 minutes, but I do not believe I will use that, if anybody is wondering.

I rise to speak about a disaster that has occurred within the last 24 hours in the country of North Korea. We now have on the wire service recognition of the fact that there was a train wreck in North Korea where two trains ran into each other. It appears that between 1,000 and 3,000 people were killed. One report says 1,000 and another report says 3,000. In the meantime, the North Koreans have cut off the telephone lines to the area and have closed the border, so considering the nature of the country, I do not know when we will find out how many.

The reason I rose to talk about it is because the substances that we have been told were in those trains do not come close to the explosive power of liquefied natural gas. They are some kind of a liquefied petroleum and another product like propane, and it must have been sufficient power for this to ignite and blow up.

Why would I bring this subject up on the Senate floor? Well, I say to my colleagues, the Nation we live in has been on such an absurd path with reference to diversifying our energy resources that we are currently thinking about using liquefied natural gas in large quantities to take the place of natural gas, which is getting higher and higher in demand and less and less in terms of supply. I believe we ought to get on with producing as much natural gas from our own sources as possible. I believe the natural gas from the State of Alaska ought to be brought on board and we ought to help pay for the pipeline which will be the largest and most expensive construction job in our history, but it will transport voluminous quantities of natural gas and it will be ours. It will not be liquefied natural gas from Algeria, Tunisia, or wherever it comes from.

We are inviting the opposite. We are inviting States, principally in the eastern part of the United States—at least it is not the West or the South again. But I would like to make sure other parts of the country understand that if they have been holding out and not wanting us to get this energy bill passed because they think this is some easier way—like we can solve this with wind instead of natural gas—you know it just is not true. We cannot produce enough wind energy to take the place of the natural gas shortage we are going to have if we don't get on with producing it as fast as we can, in as large quantities as we can, and from safe sources, safe in terms of reliability and safe in terms of the environment.

We are going to hear more about this. I am sorry that I come to the Senate floor with such drastic statements about energy and the destruction of people and property because of this collision involving energy sources. But I can tell you, what the Committee on Energy and Natural Resources has been suggesting we do is so much less risky than this, this fuel that exploded, that I almost wonder what is it going to take to bring us to our senses.

There are Northern and Eastern States saying, once they hear about LNG, they don't want it either. But I can tell you, there is not going to be any gas for parts of our country and it is not going to be imported from the West to the East; it is going to be brought to where it is needed. We are going to see people who are now talking with permittees who want to build plants, refineries, bases where you can harbor and hold liquefied natural gas.

Unless one of those trains had LNG, and I don't think it did, we haven't seen anything yet. If you killed 1,000 and wounded 1,000 and blew up a town with two trains running into each other and one of them was not LNG, then whatever we know about will be less volatile than LNG. So we could be looking at a more disastrous situation.

I also suggest while we are talking about terrorism, just think of that. If we have to bring in shipload after shipload of natural gas, just think of what we are going to have to do to make sure it is not part of a terrorist plan to blow up part of our country.

I for one hope we don't have to bring very much in, but I am sure, with what has been going on—and I am sure the occupant of the chair shares my concern—we ought to be very careful. We ought to take on the issue of, can we get some nuclear powerplants built in a safer way than in the past? Can we produce some truly clean coal-burning plants? We can bring solar, wind, and geothermal on. We can give them subsidies, all that are in this bill which we will not bring up today.

I think for those who are looking at that terrible country, terrible in terms of the nature of the existence of the people in North Korea, we can do nothing but shake our heads in fear and trepidation. I just finished reading a book about North Korea. As a Senator from a free country, to just read what is going on in that country just scares me to death. How the people can be so ravaged, so disgraced as human beings by that regime, and then to have something like this happen to them makes me terribly unhappy to be part of leadership in this world, that we can still let that eyesore of terrible proportions exist. Here is another one—3,000 people. Just absolutely pathetic.

I yield the floor. 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.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 2336 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAQ

Mr. SMITH. Mr. President, like all of my colleagues, I went back home during the Easter recess and listened to the feelings of Oregonians. It is clearly on the minds of the people of my State and much of the country the circumstance we find ourselves in Iraq. I thought I would come and share some of my perspective on where America is, as this one Senator sees it, in the war on terrorism.

I shared these feelings with many of my constituents. I wanted to share them with the Senate today as my reflections on the week I have just had.

When I first came to the Senate 7 years ago, I was privileged to spend my first term as a member of the Senate Foreign Relations Committee. I came to the Senate with many preconceived views about the values of many of our alliances and our involvement in all kinds of international architecture—the United Nations, NATO, and many treaties. I have been an advocate of these institutions and treaties on many occasions. But I find myself now in a position where I am questioning some of my earlier positions, based upon my experience as a Senator.

My questioning first began when I watched with dismay the U.N. essentially stand by as nearly 1 million Rwandans were hacked to death.

I watched with further dismay when approximately a quarter of a million Bosnian Muslims were murdered in cold blood by Mr. Milosevic and his minions, and I wondered why they couldn't do anything?

I remember the occasion when a number of us were invited to meet with President Clinton as our European allies were pleading with the President to intervene with them as Europeans to help stop genocide on Europe's backdoor. I remember saying to the President: Mr. President, I think stopping genocide is a value that I share with the international community, it certainly is and ought to be an American value. So, Mr. President, you have my support, but I urge you to seek a resolution from the Security Council so we go in with the ''legitimacy'' of the United Nations.

He said to me: Senator, I can't because I have been promised a U.N. resolution to intervene to stop genocide in Kosovo would be vetoed by the Russians and the Chinese.

President Clinton believed that was a value high enough that nobody ought to veto it, and America's hand should not be held back by such a veto. I could not have agreed with him more.

As a Republican, I voted with President Clinton consistently in our efforts to bail out our European friends in Kosovo to stop genocide. I am proud of those votes. I am proud of President Clinton for that. But I left the experience scratching my head about the United Nations and its role in the security architecture of our planet and particularly my country.

Then after 9/11, I heard lots of great speeches and then began to become aware of lots of wonderful resolutions and was so disappointed that there was no resolve in the resolutions; that it ended at words.

Now we find ourselves confronted with an investigation in the United Nations in which an oil for food program is going to be revealed to all the world as a monstrous corruption. It would be better titled a ''Fraud for Food Program.'' I wonder how well served we are by a Security Council that would tolerate such a thing.

I am not suggesting we withdraw from the United Nations, but I am telling you I believe we should question that is the place we go for legitimacy. I have concluded that the U.N. can do a few things well. Mr. Brahimi's efforts are to be applauded and gratitude expressed, but, frankly, to go there for legitimacy, as some suggest, I think is very misplaced because we cannot get legitimacy from the kind of corruption that has been engaged in the United Nations in its ''Fraud for Food Program.''

What happened here, as Mr. Volcker will soon reveal to the world, is a system of price fixing, price kiting, skimming, bribes, paybacks in which the United Nations bureaucracy, or at least some members of it, were deeply complicit. What Saddam Hussein got out of that, according to the Washington Post, was $4 billion. According to the New York Times, it is $10 billion. According to other estimates, it could run as high as $100 billion. Somewhere in that range the truth will be found.

What did he do with the billions, whether it is 4 or 100? He went about systematically rebuilding his murderous machine to buy weapons and palaces and to exterminate about 400,000 Shiite Muslims. Then I wonder why it is we are going to the U.N. for resolutions for legitimacy.

I tell you these things because, frankly, I was astounded when our friend and colleague, the Democratic presumptive nominee for President, was on ''Meet the Press.'' When asked what was the first thing he would do, he said: I will go back to the U.N.

I remember Dwight Eisenhower, when he became the Republican nominee, we were in trouble in Korea. He said: I will go to Korea. And JOHN KERRY is essentially saying: I will go to Paris. For what? Legitimacy? International involvement? We have gone to the U.N. and gotten 17 resolutions. Apparently, another is needed? For what? Legitimacy?

We are going to get people to sanction what we are doing when we will soon learn who was on the take and providing the money that Saddam Hussein used for palaces, weapons, and mass murder.

I hope JOHN KERRY runs his new ad in Oregon a lot because he repeats his ''Meet the Press'' statement in a slightly different version. He says: The first thing I will do is internationalize this. I will go to the international community.

I want the people of Oregon to know how vacuous a statement that is. I want my friend from Massachusetts to know I don't want the international community defending my family and my country. I know the American people want a sense of how do we get out of this because we don't want an open-ended commitment.

I hear it said by some of our European friends: You did it for oil. I tell the American people, if we had done it for oil, we would have invaded Venezuela. There is a lot of oil there, and they have no military. We did it for values. We did it because we believed in a post-9/11 world that Saddam Hussein was part and parcel of the war on terrorism. We believed, like all the other intelligence communities in the world, that he had weapons of mass destruction because he had declared them but not disclosed them. That is why Bill Clinton bombed Saddam Hussein for 4 days and nights in 1998. That is why this place, the United States Senate, under the direction and urging of Bill Clinton, passed a resolution calling for regime change.

The PRESIDING OFFICER (Mr. TALENT). The time of the Senator from Oregon has expired.

Mr. SMITH. Mr. President, I ask unanimous consent for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, we passed the resolution on regime change. In a post-9/11 world, with that intelligence that we had from President Clinton's administration and with that belief that he was a clear and growing danger to this country, and for all the reasons which President Bush has articulated, we did what President Clinton said we would ultimately have to do: Change that regime.

I tell you, my belief is that those who would say the war on terrorism is here, but Saddam Hussein is somehow exempted from that, are engaging in a theory because the truth is, he was, by every measure, a central financier and tormenter of terrorism. Ask the Israelis.

Where did Hamas get its money? There is a way out. There is a deadline that is drawing out of the shadows all those who want to compete for power. A lot of poison is being drained out of

the Iraqi system and America is bearing the burden, but we will see a gradual transition of power and sovereignty from us to the Iraqi people because our country does not aspire to the territory or treasury or oilfields of Iraq. We desire a more peaceful world.

President Bush has concluded, yes, we can swat flies and we can send cruise missiles here and there, but the truth is, if the fundamentals on the ground cannot be changed to give the people some democratic institutions, frankly, nothing is going to be changed in the Middle East.

Now, there is a very tribal culture there and ultimately Iraq may be evolving into a three-part state, with Kurds in the north and Shia in the south and Sunnis in the center, and there may be a very loose confederacy of Iraq, but to avoid civil war they will have to have some religious and ethnic elbowroom as Iraqis. We are going to allow that to happen, I hope.

I say to the people of my State, regard with humor if you can but great skepticism if you will those who call for internationalizing America's war on terrorism. They can come in any time. The problem is, they are complicit in the financing of Saddam Hussein and they run at the first shot.

Tony Blair recently addressed this body and the House of Representatives. In conclusion, I share with my colleagues his words. Said the Prime Minister: I know how hard it is on America. And in some small corner of this vast country out in Nevada or Idaho, I know out there is a guy getting on with his life perfectly happy, minding his own business, saying to you, the political leaders of the country, why me and why us and why America? And the only answer is because destiny has put you in this place in history, in this moment of time, and the task is yours to do.

This world is a better place because of American leadership and because America's foreign policy is still based on the best values of our Bill of Rights, democracy, human rights, the spread of freedom and enterprise through trade, religious freedom, thought, press, assembly. Things that we are privileged to take for granted are, frankly, unknown in the Middle East. This is our idealism and it is a centerpiece now of our foreign policy, but those who would go to the U.N. to establish those principles, they will do it in vain and they will do it with my opposition, if to internationalize this means my family and theirs are protected by institutions which the Russians, the French, the Chinese, or anyone can veto when it involves the security of the American people.

I yield the floor, and 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAQ WAR FUNDING

Mr. KENNEDY. Mr. President, in his remarks yesterday, Senator BYRD raised serious questions about whether the Bush administration violated the law when it first began to prepare for war with Iraq without informing Congress it was using funds appropriated for other purposes to do so. Three days after 9/11, both the Senate and the House of Representatives approved $40 billion in emergency funds in response to that tragedy. The legislation was signed into law on September 18, 2001.

Its clearly stated purpose was ''to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks.''

When the Congress approved these funds images of the World Trade Center towers falling and the plume of smoke over the Pentagon were fresh in the minds of every American, and the Nation was mourning the loss of 3000 men and women who were brutally murdered in the worst terrorist attack in our history.

We were at war with al-Qaida, a terrorist organization based in Afghanistan, and with the Taliban government that was giving it sanctuary. Congress was united in its determination to help the administration win the war in Afghanistan and do all we could to prevent any further terrorist attacks.

Congress clearly did not intend those funds to be used for a war with Iraq. There had been no debate about Iraq. We were not thinking about Iraq in those painful and dark days after the 9/11 attacks.

But the administration was.

As we now know, the Bush administration was focused on Iraq from day one after the inauguration, and it was quick to use the 9/11 tragedy to advance its agenda on Iraq.

According to former Treasury Secretary Paul O'Neill's account in Ron Suskind's book, ''The Price of Loyalty,'' Iraq was on the agenda at the very first meeting of the National Security Council, just 10 days after President Bush's inauguration in 2001. As Secretary O'Neill said: ''Getting Hussein was now the Administration's focus. From the start, we were building the case against Hussein and looking at how we could take him out and change Iraq into a new country. And, if we did that, it would solve everything. It was all about finding a way to do it. That was the tone of it. The President saying, 'Fine. Go find me a way to do this.'''

September 11 gave the administration the excuse they were looking for to go to war with Iraq. According to notes taken by an aide to Secretary Rumsfeld on September 11, the very day of the attacks, the Secretary ordered the military to prepare a response to the attacks. The notes quote Rumsfeld as saying that he wanted the best information fast, to judge whether the information was good enough to hit Saddam and not just Osama bin Laden. ''Go massive,'' the notes quote him as saying. ''Sweep it all up. Things related and not.''

As Bob Woodward's new book, ''Plan of Attack'' reveals, President Bush himself asked Secretary Rumsfeld to get a war plan for Iraq on November 21—barely 2 months after the devastating attacks. In the many months that followed, Congress had no idea that secret preparations for war in Iraq were underway. It was not until September 2002, nearly 10 months later, that the administration even asked Congress to authorize war in Iraq.

Senator BYRD is right to raise this issue and to ask the tough questions. In a hearing in the Senate Armed Services Committee on Tuesday, Deputy Secretary Paul Wolfowitz gave us a non justification. He said that the administration notified Congress about $63 million in military construction spending for Iraq on October 11 2002—just 1 day after Congress passed the joint resolution authorizing the use of force in Iraq. After that, Secretary Wolfowitz said, ''some $800 million were made available over the following months to support Iraq preparatory tasks consistent with that joint resolution.''

But Mr. Wolfowitz's claim is inconsistent with the assertion in Bob Woodward's book that $700 million worth of ''preparatory tasks'' were approved in the summer of 2002 to accommodate the major U.S. troop deployment that would be required for the invasion of Iraq.

Diverting funds from the war in Afghanistan or from the Pentagon's regular operating budget to prepare for war against Iraq without the knowledge of Congress is clearly a fundamental breach of the trust that must exist between Congress and the President in our system of government. It is clearly at odds with the requirement of the Emergency Supplemental Appropriations Act itself, which states that ''the President shall consult with the Chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds.''

In the summer of 2002 when these plans were under way, the war against al-Qaida was far from over. Osama bin Laden was still at large. If Mr. Woodward is correct, the failure even to consult with Congress shows the contempt of the Bush administration for the constitutional role of Congress on the fundamental issue of war and peace.

We need satisfactory answers to many questions:

Did the administration divert funds provided to respond to the 9/11 attacks and spend them in the summer of 2002 to prepare for war in Iraq?

If the administration did begin spending those funds in the summer of

2002, why did it not consult the Chairman of the Appropriations Committee as the law required.?

If the administration did begin spending such funds in the summer of 2002, why did the quarterly reports provided to Congress not clearly indicate that projects were being funded to prepare for war with Iraq?

The failure to engage the Congress confirms what many of us have said all along. The administration had a hidden agenda from day one, and it shamelessly capitalized on fears created by 9/11 to advance that agenda.

The Congress and the American people deserve answers, and we deserve them now. The administration must tell the full truth and provide to the Congress and the American people a full accounting of all Iraq war related expenditures in 2002.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Ms. CANTWELL. I ask to speak for 20 minutes on two pieces of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ELECTRICITY GRID AND RELIABILITY

Ms. CANTWELL. Mr. President, I rise to discuss with my colleagues two bills that I believe we are being negligent as a body in not taking up and passing. I am sure many of my colleagues are heading to the airport feeling like this week we accomplished a lot, or maybe they feel they gave a lot of speeches. The world is obviously a very dangerous and threatening place right now, and maybe my colleagues think if we get up and we communicate about that, we have done our job in Washington, DC. Well, the discussion is good, but action is even better when it comes to the American people. And there are two critical issues—two critical issues we have bipartisan support on, two critical issues both the House and Senate have passed legislation in the past to deal with and on which we could pass legislation today—that we cannot put on the priority list to take up and take action to help the American people.

The first one is on the electricity grid and reliability. Now, some of my colleagues may remember that the blackout of last August 14 led to a report from a commission that was released more than two weeks ago. When the blackout occurred last summer, we said that we were going to get to the bottom of how it happened and what we should do about it. The No. 1 recommendation from that commission was to make reliability standards mandatory and enforceable, with penalties for noncompliance. People across America probably woke up after that blackout and thought, what happened? How did this whole situation happen to us?

I can tell them how it happened. We do not have any mandatory rules in place for the electricity grid to make sure we protect consumers, that there is a reliability backstop governing actions by these energy companies.

Why is there not? The independent system operators and utilities have rules, but they are not mandatory. In fact, the commission's report said First Energy, one of the key companies involved in last August's blackout, was not complying with the voluntary rules.

Well, I am sure they did not feel there was much penalty in not complying with these rules because they were voluntary. So the commission's report is being very specific about what we should do. Congress needs to get about our business in passing legislation to make these rules mandatory.

Now I know some people think, I have sat a night at home with candles or gotten the flashlight out or my fuse box goes out and it is not so bad. Well, I tell my colleagues, last August's blackout was a bad situation. We had people in New York who could not get down elevators and lived many flights up in apartments. We had an increase of people going to emergency rooms in New York because they were having heart attacks or other kinds of things were happening to them physically. Under the stress of trying to vacate many of the facilities in New York, we had major gridlock for hours. We lost $4 billion to $10 billion economically as the result of the blackout, and we put our senior citizens at great risk of harm because they did not have access to electricity on a hot summer day.

So the question is, what are we going to do about this and are we going to move ahead? Well, I came to speak about this a couple of weeks ago, before we adjourned for the recess. And since then, I find we have now 20 different newspapers across America that basically have asked, why hasn't Congress operated and gotten this done?

For example, the Miami Herald—it is starting to get warm in Miami. People are realizing summer is not that far off and the Miami Herald stated that, ''Another long, hot summer is looming.'' These reliability bills should be enacted and they should be enacted now. That is not surprising since they know what a blackout can do in the heat of a summer.

Another newspaper, the Boston Globe, stated that ''at the top of the commission's proposals is legislation that would make mandatory the grid reliability standards that are now voluntary. Congress should quickly pass a bill . . . that would do just that.''

There is another newspaper that knows about this because its readers were impacted by that electricity grid blackout last August. They know the commission came back and recommended this is what we should do.

The reason I am bringing this issue up now is because I think some people on the other side of the aisle think we are just going to take another stab at the good old Energy bill. We are going to make another attempt to pass legislation that just about every newspaper in America has editorialized against—a bill that myself and my colleagues have called legislation for hooters, polluters, and corporate looters, because those are the kinds of provisions that were included in the Energy bill that drowned out the more notable items such as the reliability standards also buried in there.

Why are we going to continue to hold hostage legislation on reliability standards that would protect consumers across America from future blackouts, just to getting a big, fat energy bill for which there is never enough support? My colleagues know how bad that legislation is.

My colleagues want to continue to use the reliability standards, which all the blackout commissions and various organizations across America have said consumers deserve as protection, as the train driving the energy bill. My colleagues are going to say, no, we are going to keep holding reliability hostage. We want to see if Congress blinks and maybe will go ahead and pass that big energy bill.

Well, do not come to blame this side of the aisle when we do not get the Energy bill and we do not have reliability standards, because we are trying to pass these standards, just as various newspapers across the country are saying. In fact, I think the Detroit Free Press said it best. They said '' . . . the solution lies with Congress. Nearly 8 months post-blackout, it still has not passed mandatory standards. Voters should turn on their power and demand it.''

I think what they mean is that voters should be demanding that we do our job. Reliability legislation could have been brought up any day this week—Tuesday, Wednesday, Thursday. I understand my colleagues have probably now gone to catch planes and meet other schedules, but this could be brought up next week. We could make a commitment to have it brought up. I do not think there is controversy over this particular legislation or the original provision as it was included in the Energy bill. It is just being used as bait and being held hostage.

So there are other newspapers across the country that say, ''a responsible energy policy would be to strip out the mandatory federal [reliability] standards and pass them as a stand-alone bill.'' This is from the Memphis newspaper. The people in Memphis, TN, are asking, why are you doing this? Why are you continuing not to pass good legislation just so you can get bad legislation attached to it? When people across America are asking, what is

going on here, we ought to come together as a body and figure this out.

I do not like to be partisan about it because I would rather get it done. I would rather pass it. But newspapers are starting to realize that it is getting partisan. The Philadelphia Inquirer said that Republicans were happy to consider the bill—meaning the Energy bill—happy to consider taking up some of the Energy bill's tax incentives as part of a corporate tax bill. That meant we took those tax credits out of the Energy bill or were willing to consider some energy tax credit on the FSC/ETI bill. So if we can do that, why can we not break out the reliability measure, why can we not take the reliability measure as stand-alone legislation?

Now, the head of the North American Electric Reliability Council came and spoke before the Energy and Natural Resources Committee just before this report was being released. I asked him this very question. Their job is to try to provide reliability of energy to Americans throughout this country. I asked: Should we pass a stand-alone bill? His response was yes. Now, he was interrupted by the chairman, who then said: We do not need to do that now.

Well, I disagree with the chairman of the Energy and Natural Resources Committee, and I think we should consider moving ahead. I think that is what The Washington Post is saying. It said it would be a shame if there is insistence on the whole bill or nothing. That means holding reliability hostage. It means Congress would never get around to shoring up the electricity grid, and perhaps that is a shame, or perhaps shame is too mild a word.

Well, I know I think it is too mild a word because we have been waiting since 1999 to get this legislation passed. By that, I mean we have had blackouts in various parts of America since 1996, and every time we have had one of those blackouts in those regions, people have come to us in Congress and said that we ought to pass some rules so we can get a mandatory reliability scheme in place and so utilities have to comply.

We have had multiple blackouts since 1996. This picture shows across America where we have had blackouts since then. You can see the huge amounts of territory in various States: Texas, New Mexico, Arizona, California, Washington, up now to the northeastern part of Ohio, Pennsylvania, New York. I ask my colleagues, are we going to wait until every State in the country has a blackout and then finally say, ''Oh, I guess we get the message, I guess we ought to do something about it?''

I think the newspaper that said it best was the Indianapolis Star. These newspapers across America have shone a bright light on what has been an issue that most Members would like to get away from and not pay attention to. The Indianapolis Star said it best:

> . . . if the lights go out again this summer, spare the investigation. Congress is to blame.

I think that paper said it best. This is about us doing our job. This is about the attempt to bring up other legislation that may or may not have the agreement necessary for it to be passed, or to pass a cloture motion. There is support for this legislation. There is a report that demands our attention. There are consumers who are waiting for protection. We should do our job.

I ask unanimous consent the Senate now turn to Calendar No. 465, S. 2236, a bill to enhance the reliability of the electric system, that the bill be read three times and passed, the motion to reconsider be laid on the table, without any intervening action or debate.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I object.

Ms. CANTWELL. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Ms. CANTWELL. Mr. President, that sums it up. I am going to be here every day next week that we are in session, asking to pass this bill and asking my colleagues why, in the name of the American consumer and the assurance of our economy that cannot afford to have an unstable electricity grid with no rules and regulations, and energy companies that do not have to meet mandatory requirements—why we are not protecting these consumers.

Many of my colleagues know there is another issue this Senator believes has not gotten the attention of this body. Each month another set of unemployment and job creation numbers come out. And each month the American public becomes more and more convinced that we are not living up to the prediction and promise of 2.6 million jobs that were supposed to be created this year. And because of that empty promise, the American people want to know when this body will take up and pass legislation to reinstate the unemployment compensation program.

This program was designed for times just like these. The Federal government has an obligation to make sure this program is in place. What do you do during tough economic situations? You pass a Federal program to help ease the pain of those who are unemployed and cannot find work.

In the Economic Report of the President, Mr. Bush's Administration projected that this year we were going to create 2.6 million jobs. We are nowhere near that projection. In fact, last month was the first month we saw any real job growth at all. But, after just one month of decent growth some people are saying that the economy is all better. But, there are many economists who disagree. The Miami Herald ran this headline:

> Jobs Report: Mixed Messages. The White House gets a boost from strong job growth, but economists say unemployment will remain a problem.

Economists are saying it will remain a problem because the number of jobs being created is a long way away from what we need to get America back to work. There are 8.4 million Americans out of work. After the job creation in March, 8.1 million of those Americans will still be out of work.

Here's what the Dayton Daily News said:

> Maybe there are brighter days ahead. But that's no comfort now to the unprecedented number of laid-off workers, who have scrambled without success to find a job and . . . [they have] lost the little bit of help given under the State unemployment benefits programs.

So now those laid-off workers are looking to us for help. They want to know why they and their employers paid into the unemployment insurance system if there's no program to help them when they need it. There is $15.4 billion in the unemployment insurance trust fund—a fund that was created for economic times like these—and the federal government is not going to help us through this unemployment crisis.

What is really happening in this recovery is that there are 1.1 million jobless workers who have exhausted their benefits and are not receiving additional support. That is the number. Those 1.1 million people and the people who are following behind them want to point out to this Congress that the economy is not getting better at a fast enough pace to help them put food on the table today.

I think that drawing a comparison to the first Bush administration is helpful because the first Bush administration faced a similar problem with the economy in the early 1990s. That recession was not as deep as the one we are dealing with today. In fact, during that recession we lost a total of 1.6 million jobs, while in this recession we lost a total of 2.6 million. But in the last recession, even after the economy had started to create jobs, George H.W. Bush still extended unemployment benefits. The reason that administration passed an extension, even though job creation had started, was because they knew that it was going to be a long road to get to a place where there were enough jobs for Americans who wanted and needed to work. They also knew that unemployment benefits are a stimulus for the economy—the people pay their mortgage, keep their health insurance, keep food on the table, until the job creation engine of the private sector started going again. That is what the temporary federal benefits are. They are insurance until the economy gets going again.

We have had this debate back and forth, too, about who is to blame about this issue, or what is the big holdup. We have the Treasury Secretary who actually came to my State and said: We don't really believe that 2.6 million job creation number. Yes, the administration said it, but we don't think it is really going to happen. We don't know what the number is going to be.

So, we have the administration saying they really don't know how many jobs will be created this year. Then we have had Mr. Greenspan, who most people respect, come before a variety of committees. He just came before the Joint Economic Committee this week. When he was asked if we should extend unemployment benefits, he said:

I do think it's a good idea, largely because of the size of exhaustions.

What he is saying is that those 1.1 million people who have exhausted their jobs are out there to demonstrate that the economy isn't getting better at a fast enough pace. Therefore, we should continue the Federal program until we see more job creation.

That is what I think should happen. I see lots of people across the country who are very frustrated by this.

In fact, the Dayton News just in the last few weeks said:

GOP leaders still dodging jobless.

That is not this Democratic Senator saying this. This is a newspaper in a State that has been as hard hit by the loss of manufacturing jobs as my State has. Ohio and Washington are among the highest unemployment States. They are saying GOP leaders are dodging the jobless. Why are they saying that? Here's the answer of the Dayton paper:

What's troubling . . . is how some Republican leaders are hoisting another ''Mission Accomplished'' banner, this one to hide the struggle of more than a million unemployed workers who have exhausted State benefits without finding another job.

That is the Dayton paper saying that. That is not this Senator.

I happen to agree with the paper's point, that we should take care of these 1.1 million people Greenspan says are not getting help. The economists are saying we are not recovering fast enough; give these people the benefit. I believe the Senate must act.

That is what Business Week said:

Government actions will act as a bridge that will help the economy cross over this extended valley of almost nonexistent hiring.

That is Business Week.

Why do they say that? Because they know the best thing for us to do is pass the unemployment benefits and create a bridge until we see substantial job creation.

I can't think of a better source to listen to than Business Week, which analyzes business trends, or Alan Greenspan, the Chairman of the Federal Reserve, when they say we ought to pass these benefits.

This is about the 16th or 17th time we have been to the floor. I know people say we are working on something. People say, Let's compromise. Let us cut the program in half. But, Alan Greenspan didn't say cut the program in half. The Dayton newspaper didn't say cut it in half.

UNANIMOUS CONSENT REQUEST

I ask unanimous consent that the Senate now turn to Calendar No. 470, which is S. 2250, a bill to extend unemployment insurance benefits for displaced workers, that the bill be read three times and passed and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. In my capacity as a Senator from Texas, I object.

Ms. CANTWELL. Thank you, Mr. President.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. Mr. President, I ask unanimous consent for another 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. The Presiding Officer has been so kind to listen with interest to these two issues. I hope he and my other colleagues will take these two issues to heart. I am being pointed in my remarks today because I believe these are two issues this body has the responsibility to deal with. These are two issues we can't get done and we are holding the American people hostage by not addressing our basic domestic economic security needs by giving people jobs and the reliable security of electricity grids.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

## ASBESTOS LITIGATION REFORM

Mr. FRIST. Mr. President, today we had a vote on the motion to proceed to the asbestos bill. As a followup to that vote, the Democratic leader and I have been in discussions over the course of the day. Unfortunately, we have yet to work through the legislative impasse on asbestos. However, there are Senators on both sides of the aisle who are committed to getting something done.

This morning Senator DASCHLE and I confirmed our understanding that we must provide an opportunity for negotiations which will determine whether a bipartisan solution can be reached. We will oversee a mediation process to determine whether we can resolve the remaining differences. My hope is we can work through this quickly.

Mr. DASCHLE. Mr. President, while I am disappointed that we find ourselves in this situation, I am pleased we are now going to begin the negotiations and move forward. As we have discussed, starting on Monday, we will convene meetings of interested stakeholders utilizing Judge Edward Becker as a mediator. I am strongly committed to getting the bill done and working through the serious issues that still divide us. The issue of asbestos is too vitally important to let this opportunity slip away. I know Senator FRIST is committed as well.

Mr. FRIST. I believe the process needs to initially focus on the major issues—overall funding, claims values, and projections. If we can make progress on this front, I strongly believe we can resolve the others.

Mr. DASCHLE. I agree. I think the funding and the so-called economic issues are critical to finding a solution. If we can't get a fair funding level that provides just compensation to victims and certainty to businesses, then we won't be able to resolve the other interlocking issues.

Mr. FRIST. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO MARY MCGRORY

Mr. HARKIN. Mr. President, this evening I want to take a few minutes of the time of the Senate to pay tribute to and to say a public goodbye to Mary McGrory, a friend of long standing to me and my wife Ruth and to our daughters Amy and Jenny. Mary passed away last evening here in Washington after having had a long illness.

Mary McGrory was a wonderful, warm, witty, and wise woman. Her death is, indeed, a passing of an era when the written word could carry meaning, when the written word could actually move people, when people looked to a Mary McGrory to give them the kind of inspiration they needed or to give them the in-depth analysis they needed to understand what was going on in Washington.

Her writing had such a clarity about it that once I read what Mary McGrory had written, I found myself many times saying: Yes, that's how I feel. Why didn't I think of that? Why couldn't I have said it that way?

I think of her passing as the passing of an era, like there is a time and a place and a circumstance that happens in the passing of time when certain individuals do something, make something, or leave an imprint in some way that you know will never happen again, such as the passing of a Michelangelo, a Leonardo da Vinci, a Shakespeare, a time and a place for Shakespeare and his magnificent writings never to be seen again. I think of that when I think of Mary McGrory because we may never see her kind of writing ever again.

Oh, with the advent of computers, sound bites, trying to get everything into 30 seconds or trying to make everything so simple that it is reduced to meaningless jabber, it may be that we will never see her kind of writing again.

Mary McGrory could make words dance. She could make sentences sing and turn paragraphs into symphonies. But it was not just her writing alone that endeared so many of us to Mary. It was just Mary, such a unique individual. It is hard to describe sometimes. I guess moments like this when you know you will never have her company again, you think about the pleasant times you spent together.

Of course, I always think about Mary's annual St. Patrick's Day bash—party, if you will—at her home on Macomb Street. I didn't make every one. Sometimes I was in Iowa on the weekend. It was always on the weekend before or after St. Patrick's Day. Usually before. But I made several of them.

They were wonderful affairs. There was, of course, music, a lot of singing, and, of course, Mary McGrory's lasagna which was always kind of odd. One would think that maybe on St. Paddy's Day one would have corned beef and cabbage, an Irish dish or Irish stew, something like that, but we always had lasagna. Mary McGrory was very proud of her Irish heritage, but I always thought she felt a bit confused. While she was Irish to the core, she loved Italy and loved going to Italy, and she loved having lasagna on St. Patrick's Day.

She one time said, and I am paraphrasing because I don't remember the exact words: It is too bad the Irish could not have been born in Italy. As I said, she was sometimes, I think, a little confused whether she wanted to be more Irish or maybe more Italian, but she was Irish to the core.

Her St. Patrick's Day events were wonderful occasions. There is that wonderful song about when Irish eyes are smiling, and something about the lilt of Irish laughter, you can hear the angels sing. When Mary McGrory's eyes lit up and when she laughed, she was all Irish and you really could hear angels sing.

We always had music and songs. Everyone had to perform at Mary's St. Patrick's Day parties. Everyone had to perform. She always had people of talent there to play the piano or some musical instrument. Since I am musically challenged, and she knew this, I was always commissioned to sing. My song always thereafter was Mother McCree. I always substituted the words ''Mary McGrory'' for ''Mother McCree'' which delighted her to no end.

Mary McGrory was a clever woman. She knew how to cajole, how to sometimes even plead, ask, prod, and act terribly helpless knowing that someone would pick up her suitcase, carry her belongings, get something for her, and when that happened, and you would retrieve something or carry something for her, do something for Mary, when you finished doing it, there was this twinkle in her eye and you knew you had been had one more time. She was very clever.

Mary and my wife Ruth became fast and strong friends over gardening.

I enjoyed gardening, although I am not much of a gardener myself. I would sit and listen to them talk about gardening, or Mary would come out to the house and my wife would take her around or ask her about this flower or that flower. Of course, we would go to her place and they would go out and look at Mary's flowers and what was wrong here and what should be planted there. I always felt my job was to go down to Connecticut Avenue and pick up something to eat and come back at the appropriate time when they had finished talking about gardening.

Much has been written and much will be written about Mary's background and where she went to school and what got her into journalism, but I think more should be said about the imprint she left on so many people. She was not only a warm, wise, witty, and clever woman, she was an inspirational woman to so many people.

After you had been with Mary, or after maybe reading one of her columns, you always felt better. You felt better about the world around you. You felt better about things maybe you thought were going wrong. Maybe you were mad about something the Government was doing in one administration or another. You read her column and you felt no matter how bad things were, it was going to be okay; we were going to get through it; right would prevail; justice would triumph and people of good will would take over.

There is an old folk song with this refrain: Passing through, passing through, sometimes happy, sometimes blue, glad that I ran into you. Tell the people that you saw me passing through.

Well, Mary, you passed through and in your passing through you inspired us; you made us think; you prodded us to question, and always, to the end, gave us hope and courage that life will be better for those who come after us.

So we say goodbye to Mary McGrory, thanks for passing through, thanks for touching each of us so profoundly as you did when you passed through.

I yield the floor.

## FAIRNESS IN ASBESTOS INJURY RESOLUTION (FAIR) ACT

Mr. CHAFEE. Mr. President, earlier today I voted in favor of invoking cloture on the motion to proceed to S. 2290, the Fairness in Asbestos Injury Resolution Act. My vote was not an endorsement of S. 2290 as it was introduced in the Senate. I recognize that concerns have been raised about specific provisions of the bill, and I would consider supporting amendments to S. 2290 if the Senate has an opportunity to fully debate this legislation.

However, I am very concerned about shortcomings in the current system, and support legislating a bipartisan solution that offers a fairer, more efficient process for compensating asbestos victims. For this reason, I voted for cloture on S. 2290 in an effort to move the debate forward.

## HONORING OUR ARMED FORCES

### SERGEANT FELIX DELGRECO

Mr. DODD. Mr. President, I rise to pay tribute to Sgt. Felix Delgreco of the Connecticut Army National Guard, who was killed in action in Iraq on Friday, April 9, at the age of 22.

Sgt. Delgreco was the first Connecticut National Guardsman to be killed in Iraq. His unit, the C Company, 102nd Infantry, was based in Bristol and had been deployed in Kuwait since March. It had been in Baghdad for less than 3 days when Sgt. Delgreco was killed.

Felix Delgreco enlisted in the Guard in 1999, while he was still in high school. Before he went overseas this year, he had been deployed twice once on a peacekeeping effort in Bosnia in 2001, and once in 2003 to West Point for a homeland security mission.

Felix Delgreco was not ordered to go to Iraq. No one forced him to get on a plane. He volunteered. Felix Delgreco was an American patriot who wanted to serve his country and to help build a brighter future for the people of Iraq. He took it upon himself to make a difference in his community and in his world.

Felix Delgreco's friends say he was a friendly, outgoing young man who could fit in anywhere. He enjoyed writing poetry and playing music, and worked backstage during school plays at Simsbury High School. He was an Eagle Scout who took the values of leadership, service, and honor seriously. His cooking skills were well-renowned, both among his fellow scouts and among those who served with him in the Guard. He had dreams of one day running for President. From time to time, he would even plan out the details of his 2024 campaign with his friends.

Sgt. Delgreco was an individual whose warmth, enthusiasm, and spirit touched everyone around him. Perhaps his former scoutmaster, Richard Gugliemetti, put it best when he said, ''Felix Delgreco made us all better people.''

Felix Delgreco could have chosen many other paths in life. But he chose one of commitment, of duty, and of service. That was the kind of person Felix Delgreco was. And we are all forever in his debt for the tremendous sacrifice he made so that we can live in freedom and security.

I extend my deepest sympathies to Sgt. Delgreco's parents, Felix and Claire, to his entire family, and to everyone who was fortunate to know him.

### TYANNA AVERY-FELDER

Mr. DODD. Mr. President, I rise in memory of U.S. Army SP4 Tyanna Avery-Felder, of Bridgeport, Connecticut, who was killed in the line of duty in Iraq. She was 22 years old.

Specialist Avery-Felder, who served as a cook with the Army's Stryker Brigade, based in Fort Lewis, WA, died on April 6, 2004, 2 days after her convoy

was hit by an improvised explosive device in Mosul, Iraq. She is the first woman from Connecticut to be killed in Iraq since the United States began military operations there in March 2003.

Tyanna Avery-Felder's death is a sobering reminder to all of us, and particularly to people in my home State of Connecticut, that the brave members of our Armed Forces who are risking their lives for us overseas are no longer simply sons, brothers, and fathers. They are daughters, mothers, and sisters, as well.

Specialist Avery-Felder was not the only soldier in her family. She was married to U.S. Army SP4 Adrian Felder. The couple met while they were both completing their basic training in Fort Lewis, and they were married on December 20, 2002, just a few months before the war in Iraq began. Both of them knew of the commitment, risk, and sacrifice inherent in military service. But it was Tyanna who was called to serve overseas in Iraq. And it was she who would make the most powerful sacrifice of all.

Tyanna Avery-Felder was a graduate of Kolbe Cathedral High School in Bridgeport, where she enjoyed playing basketball and singing in the gospel choir. She spent 1 year at Southern Connecticut State University before enlisting in the Army. She was determined to be a teacher for young children when she finished her military service.

Tyanna was a driven, goal-oriented young woman whose mind was hard to change once she made it up. And she was the kind of soldier who inspired her drill instructor at boot camp to compliment her on her toughness. But Specialist Avery-Felder also had a kind heart, and a loving relationship with her parents and her husband.

All of us in Connecticut and across America owe a deep and solemn debt of gratitude to Tyanna Avery-Felder and to her family for her service to our country. On behalf of the U.S. Senate, I offer my deepest condolences to Tyanna's husband Adrian, to her parents, Ray and Ilene, and to everyone who knew and loved her.

## BUSH ADMINISTRATION'S ENVIRONMENTAL ROLLBACKS

Mr. LEAHY. Mr. President, today is supposed to be a day to mark the importance of protecting the environment. And thankfully, many people are. But though we are all marking the day, the only people celebrating are industry CEOs and lobbyists.

The Bush administration's laser-like focus on rolling back our environmental and public health protections is breathtaking, literally. The rollbacks are dirtying our air and destroying the health of the planet.

Instead of packing the agencies responsible for the environment with environmental stewards as you would expect, the administration has focused on creating a public relations firm under the guise of the Environmental Protection Agency.

It's been a busy PR firm: announcing environmental rollbacks on Fridays or around holidays when they think the American public is not paying attention, assigning green names to destructive policies, scrubbing regulatory actions to downplay public health risks to meet their political needs and flat out ignoring scientific facts are just a few of their favorite marketing tools.

But for all their public relations maneuvering, the public recognizes the enormous and long-term effect of these policies on our environment and our health. This PR campaign is being led by the very people the administration is supposed to be policing: industry representatives often at the heart of the most egregious environmental neglect. The administration's lates rollback has the fingerprints of lobbyists all over it, the Bush retreat from strong mercury controls at coal-fired power plants.

Unfortunately, the ''swoosh'' from the revolving door between industry lobby shops and the Bush administration has now spilled over to the Federal bench. The Bush administration recognizes that the courts have become the final backstop against their environmental rollbacks, blocking Bush attempts to gut the Clean Air Act, Clean Water Act and protection of our national monuments.

The courts have ruled against Bush arguments to weaken the National Environmental Policy Act and the Endangered Species Act 80 percent of the time. The Bush solution, give anti-environmental, unqualified industry lobbyists lifetime judicial appointments.

The debate over William Myers, a former cattle and mining industry lobbyist, may be one of the most important environmental debates we have this year. Unlike the Bush industry appointees to Federal agencies, Mr. Myers' effect on environment and public lands would survive long past this Presidency. As I have said many times, the environment is not a partisan issue but this administration has made it clear that industry interests trump the public interest.

## GOVERNOR FRANK B. MORRISON

Mr. HAGEL. Mr. President, Gov. Frank Morrison was quoted in the December 5, 1975 Lincoln Evening Journal:

> As long as Frank Morrison's alive, I'll never retire, even though I'm flat on my back. There are too many problems in this world which need attention.

Much has already been said about the late Gov. Frank B. Morrison and his remarkable life. However, I would like to add a couple of thoughts from the perspective of a Nebraskan, a U.S. Senator, and a Republican.

The first time I had the opportunity to meet Frank Morrison, I was a young radio station reporter in Omaha during the 1970 Nebraska Senate campaign. In my first interview with him, I was drawn to his passion and sense of purpose. Frank Morrison believed he could make the world better—and he succeeded. His political career and life were about enhancing the world around him and solving problems.

Frank's dedication to Nebraska was, and still is, seen and felt statewide. As Governor, he and his wife Maxine encouraged Nebraskans to take pride in their State. It was his vision and pride in Nebraska that eventually led to the completion of the Great Platte River Road Archway spanning Interstate 80 outside of Kearney. He was dedicated to recognizing Nebraska's role as an important crossroads in the Nation's development and westward migration.

I stayed in touch with Frank over the years, but it wasn't until I came to the Senate in 1997 that I communicated with him on a regular basis. He would write or call me, offering suggestions, observations, and thoughts on issues of the day. I last spoke with him a week after Maxine's death when Frank knew he had very little time left. In our last conversation, he never once mentioned his battle with cancer, his pain, or his impending death. Our conversations were always about the future.

I told my Senate colleague and Frank's former colleague, Senator FRITZ HOLLINGS (D-SC), that Frank did not have much time left. Frank and FRITZ were Governors together during the 1960s. I gave FRITZ Frank's phone number and he called him. They had a wonderful 45 minute conversation as they said their last goodbyes.

Frank Morrison was a remarkable man for many reasons. The ultimate compliment that can be paid to any of us at the end of our lives fits him well—he left the world better than he found it.

Frank's unyielding commitment to his family, State, and country is a model for all Nebraskans. He was a dedicated public servant who inspired others through his personal conduct and respect for others. All of Nebraska thanks Governor Frank and Maxine Morrison for their contributions to our State and humanity.

Mr. HOLLINGS. Mr. President, this week the citizens of Nebraska lost a legend with the passing of Governor Frank Morrison, and I rise to recognize my plain-spoken friend of 45 years.

When I was Governor of South Carolina, Frank became Governor of Nebraska, and I have admired him ever since. We spoke earlier this spring, and his mind was as sharp at age 98, as it was at age 58.

When I think of Frank I think of a man who knew how to get results. He was a progressive Governor, but also a fiscally conservative one. He implemented many changes, insofar as creating an educational television network and a statewide employee retirement system that modernized state government.

We will miss him, as we miss his wife Maxine, who just passed away last

month. My wife, Peatsy, joins me in extending our deepest sympathy to their family.

Mr. NELSON of Nebraska. Mr. President, I rise today to honor a great Nebraskan, a statesman, and a friend—former Governor Frank Morrison.

On Monday, Frank Morrison passed away in McCook, NE.

For a boy growing up in McCook, Frank Morrison was more than a governor to me, he was a role model. The Morrisons were friends of my family and I still remember delivering my first May Basket to Jeanne Morrison at the age of five. Maxine Morrison was my kindergarten teacher and Frank was my mentor in my early years in Nebraska politics.

I would often talk to him about the issues of the day and he was always candid and fair in his advice. We didn't always agree, but Frank never let politics become personal. He had big dreams and big goals, but they were always practical and they became possible through his dedication. He worked with folks on both sides and he got a lot done because he understood that rhetoric and partisan passions were less important than making progress. He was a democrat and he loved the Democratic Party. But he loved Nebraska more. Nebraska was always, ALWAYS, first in his mind.

Althought not a native Nebraskan, he loved this state as much as anyone and, in every sense of the word, was a statesman. He was as synonymous with Nebraska as the Sandhills, the Panhandle, the Platte, and the Huskers. All Nebraskans owe Frank Morrison a debt of gratitude for the leadership and partnerships he offered us over the years.

Just last year, we had an illustration for the kind of regard in which Frank was held. Last September, the Chancellor of the University of Kearney, Dough Christenson, presented Frank with an honorary degree. The degree recognized Frank's more than seven decades of public service and his tireless advocacy for Nebraska. Frank said that it was the greatest day of his life, except the day his wife Maxine said ''yes''. Truly a well-deserved honor for a beloved Nebraska statesman.

I would be leaving something out if I didn't also talk about Frank's sense of humor. His wit was legendary in Nebraska and it was undiminished even in his final days. I remember, just after one of my first elections—a very close primary race, I spoke with Frank and he told me about one of his first races.

He had been nominated to the local school board by both parties. And he said he lost to a write-in candidate.

But losing an election didn't bother Frank. He was dedicated to public service and to promoting Nebraska.

He brought pride to our State and he was a tireless advocate of the natural wonders of a State that he had not been born in, but that he called home.

Frank was 98 years old when he passed and that is a long life by anyone's standards. But the measure of his accomplishments is longer still.

Just a little over a month ago, Frank's beloved wife Maxine passed away. The loss of these two Nebraska legends had signaled, perhaps, the end of an era. They have left a void that will be very difficult to fill, but they have also left a legacy and a love of Nebraska and his country that will likely outlive us all.

I conclude with some words from the McCook Daily Gazette, the daily paper from the hometown Frank and I share:

''Frank had a grand vision, but he was also a down home person who loved his family, his adopted hometown, the people of Nebraska and this nation and this world.

''We will miss you, Frank. But we are very, very glad you lived such an abundant life. Thank you for living with purpose and passion. We will try, as best we can, to follow your example.''

## CELEBRATING EARTH DAY 2004

Mrs. FEINSTEIN. Mr. President, since the first Earth Day on April 22, 1970, we have celebrated this day as an annual occasion on which to examine our Nation's environmental policies.

Sadly, there is little to celebrate in terms of environmental protection this year and much to worry about.

Just last week, we learned that 474 counties throughout our Nation failed to meet air quality standards set by the Environmental Protection Agency. A total of 159 million people—more than half the Nation's population—live in these communities.

In my home State of California nearly 90 percent of State residents live in areas with unhealthy levels of smog. That means that 90 percent of Californians are at increased risk of asthma, reduced lung function and chronic lung diseases.

What is also alarming is that eight national parks, four of which are in California, contain excessively high levels of ozone.

Can you believe that the air in Yosemite, Sequoia, Kings Canyon, and Joshua Tree National Parks is harmful to your health?

And then there is the gravest threat to our environment and ultimately, our health—global warming. Climate change is the most important environmental issue facing us today.

I would like to take a minute now to talk about a likely impact of climate change that has not received very much attention—its effect on our water supplies.

The evidence is growing that climate change threatens water supplies throughout the western United States—and especially on the West Coast.

Just recently, researchers at the University of California at Santa Cruz analyzed the impact of global warming on Arctic Sea ice.

What they found was that higher temperatures will cause Arctic Sea ice to melt which will, in turn, reduce the west coast's water supply.

According to the Santa Cruz scientists' models, melting sea ice will create columns of warmer air that change air flow in the atmosphere and deflect storms and needed precipitation away from Western U.S. lands.

Forecasts indicate that Arctic Sea ice may shrink by up to 50 percent in summer months by the year 2050. This could have truly devastating consequences for our Nation's water supplies.

Under the UC-Santa Cruz researchers' models, in 2050, the West Coast, from southern British Columbia to southern California, could receive 30 percent less rain than it does now.

And this is not just a problem for California. The research models show that the melting ice could decrease precipitation as far inland as the Rocky Mountains.

The water infrastructure in the West, particularly in California, is already stretched to the limit this year. Even now we are struggling to provide enough water for our communities, farms, forests, fish, and wildlife. What would we do with 30 percent less precipitation?

The Santa Cruz study is not the only one forecasting reduced water supplies in the West. In fact, many global and regional statistical models agree that the West will see reduced snowpack as a result of rising temperatures.

Under those models, California and the West will receive more winter rain and less snow meaning two things for Western States—increased flooding in the winter and water shortages in the summer.

We are not talking about minor effects.

In February of this year, scientists at the Pacific Northwest National Laboratory forecasted reductions in snowpack of up to 70 percent in the coastal mountains over the next 50 years as a direct result of warming temperatures.

In the West, our water infrastructure is based on the gradual melting of snowpack throughout the spring and summer. A 70-percent decline in snowpack would be catastrophic.

The evidence is also mounting that climate change threatens not only our water supplies, but also global biodiversity.

A report published in the January edition of the British journal Nature estimates that 25 percent of Earth's plant and animal species will be wiped out in the next 50 years if global temperatures continue to rise as expected.

This means that more than 1 million of the estimated 5 million land species could face extinction within our children's and grandchildren's lifetimes.

It is time to take global warming seriously and reduce our greenhouse gas emissions. The consequences of delaying and deferring decisions are severe.

As a country with only 4 percent of the world's population, but which produces 25 percent of carbon dioxide

emissions, the United States has a responsibility to act.

And yet, there are many steps we can take—steps which are broadly supported—that will help protect the environment.

For example, we should continue to promote the production and use of hybrid cars. A few simple steps such as opening up carpool lanes and municipal parking spaces to hybrid cars will encourage motorists to buy these environmentally friendly automobiles.

Congress should also act to bring corporate average fuel economy standards of light-duty trucks and SUVs in line with the requirements for cars.

This one action alone could save a million barrels of oil a day and prevent about 200 million tons of carbon dioxide from entering the atmosphere each year.

We also know that investments to improve the environment like these pay off.

A study released by the President's Office of Management and Budget last fall found that the social and health benefits of enforcing strong clean-air regulations were five to seven times greater than the costs of adhering to the rules.

The study estimated that, during the 10-year period from October 1992 to September 2002, between $120 billion and $193 billion were saved in reduced hospital stays, emergency room visits, premature deaths and lost workdays as a result of improved air quality.

Just as we have asked so many nations around the world to assist us in the war on terror and in securing and rebuilding Iraq, so, too, should we help those nations who want our assistance in addressing global environmental problems.

On this 35th Earth Day we are reminded here in the Congress of the importance of protecting the planet for future generations.

It is my hope that we will step up and meet this responsibility.

Mr. DURBIN. Mr. President, today marks the 34th anniversary of the designation of April 22 as Earth Day. It is fitting to contemplate the words of former Senator Gaylord Nelson of Wisconsin, who, in 1970, was instrumental in launching this now annual event. Thanks to his determination, what began as a nationwide ''teach-in'' on college campuses and in American communities to catalyze growing public awareness of ensuring a livable world, has become a traditional day devoted to raising public consciousness about our environmental stewardship responsibilities.

Senator Nelson observed that ''(t)he real loser in man's greedy drive is the youth of this country and the world. Because of the stupidity of their elders, the children of today face an ugly world in the near future, with dangerous and deadly polluted air and water; overcrowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all. Since youth is again the great loser, perhaps the only hope of saving the environment and putting quality back into life may well depend on our being able to tap the energy, idealism, and drive of the oncoming generation.''

Senator Nelson's reflections and the fact that today is Earth Day provide an opportunity to offer a special salute to the initiatives of a remarkable young native son of Illinois. Less than 3 miles away in the District of Columbia, within the shadow of this Capitol, hundreds of local volunteers led by a dynamic crew of young Illinoisans have spent the last 3 weeks tackling the tons of trash along the shores of the Anacostia and Potomac Rivers—soda cans and bottles, snack bags, styrofoam, and just about anything else you can imagine.

This Capital River Relief Project is spearheaded by Chad Pregracke, an industrious and impressive young man from East Moline, IL, who founded Living Lands and Waters, a non-profit organization to support his Mississippi River Beautification and Restoration Project to collect and recycle debris. Over the past seven years, Chad's work has expanded from the Mississippi River to include clean-up projects on the Illinois, Ohio, Missouri, and currently the Anacostia and Potomac Rivers. What began as a ''one man and his dog with one boat'' clean-up effort has grown to an eight-state, 56-community project with thousands of volunteers and an estimated 900 tons of trash removed from the waters and banks of several major American rivers.

Doug Siglin, Director of the Chesapeake Bay Foundation's Anacostia River Initiative, has partnered with Chad in the local effort. Numerous corporate backers, led by Koch Industries, have provided financial support for the project.

Many organizations host annual river clean-up projects along both the Potomac and Anacostia Rivers. However, this year's clean-up effort is different. For the first time, a 140-foot barge is being moved up and down both the Potomac and Anacostia Rivers, cleaning 30 miles of riverbanks. The barge serves as a temporary repository for all the garbage and materials collected from the rivers.

As of April 19, Chad, his crew, and volunteers have loaded the barge with 2,800 bags filled with trash, along with 746 tires, 25 55-gallon barrels, 12 shopping carts, 7 refrigerators, 6 messages in bottles, 3 water heaters, and 1 mannequin hand gathered from the banks and water. When the project concludes this weekend, all recyclable items will be taken to recycling facilities. Anything remaining will be taken to conventional landfills.

Chad has received numerous awards for his efforts, including an honorary doctorate degree from St. Ambrose University in Davenport, Iowa, the Jefferson Award for Public Service, and the Manhattan Institute of Public Policy's Social Entrepreneurship Award. He also has been featured in an array of publications including People, Time, Reader's Digest, Outside, Smithsonian, and Biography magazine, which included Chad in its ''Top Ten Future Classics in America'' issue. Several networks have highlighted Chad's work including CNN, the National Geographic Channel, MTV, and PBS.

In tandem with the clean-up drives, Chad's organization last year hosted 15 free, Big River Education Workshops from St. Louis, Missouri, to Davenport, Iowa, aboard a floating barge classroom. The workshops drew 295 teachers and river advocates, who then shared the knowledge and experience with the thousands of students whose lives they touch.

Although Chad and his crew will be returning to the Midwest soon, they will leave behind not only cleaner local river shorelines, but a bevy of fans inspired by the realization that one person's vision, combined with muscle and resolve, can make a real difference. I applaud Chad Pregracke and his team of Lisa Hoffman, Erick Louck, Tammy Becker, Chris Fenderson, and Kim Erndt.

Not only on Earth Day, but every day, I hope what they have set in motion for restoration of the historic waterways in our Nation's capital will be contagious.

We owe it to our children and our children's children to restore and preserve all of the priceless waterways throughout our country, which sustain the lives of many fish, birds, and other species, provide abundant recreational opportunities, and help support not only our economy but our precious earth, 70 percent of which is covered in water, the building block of life.

Mr. FEINGOLD. Mr. President, Wisconsin has inspired some of the greatest conservationists this Nation has ever known. Wisconsinites have had a powerful influence on the environmental movement. I now hold the Senate seat held by Gaylord Nelson, the founder of Earth Day, and a man for whom I have the greatest admiration and respect. I am pleased that Wisconsin can lay claim to the genesis of Earth Day, a day of national and international remembrance of the importance of our natural resources and a clean environment. I know that the people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources and share a long tradition of our State government achieving excellence in its conservation policies.

I want to take this opportunity to congratulate Gaylord Nelson, a former member of this body and a distinguished former Governor of the State of Wisconsin, and a recipient of the Presidential Medal of Freedom, for changing the consciousness of a nation. He is the living embodiment of the principle that one person can literally change the world.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the ''greener'' in both our Nation's law and the institution of the Senate itself. He is the coauthor of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection. In the wake of Rachel Carson's book ''Silent Spring,'' Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle Islands National Lakeshore Act, protecting one of northern Wisconsin's most beautiful areas.

And Senator NELSON, of course, was the founder of Earth Day. Thanks to him, here we are, 34 years later, taking time out of our lives to think about conservation. Earth Day is an event which in addition to changing the environmental consciousness of the country literally stopped the Senate. Members of both bodies voted to adjourn their respective Houses in the middle of the legislative week to attend Earth Day events, an adjournment that would be extremely rare today. Here in this body, the CONGRESSIONAL RECORD indicates, at 3:31 pm. on Tuesday, April 20, 1970, our colleague the senior Senator from West Virginia, Mr. BYRD, adjourned the Senate until Friday, April 23, 1970. In the other body, Chamber action was adjourned from the middle of the day on April 21, 1970, the actual date of the first Earth Day, through April 23 of that year.

In addition to Gaylord Nelson, the list of Wisconsin environmentalists includes Sierra Club founder John Muir, whose birthday is the day before Earth Day. Also notable is the writer and conservationist Aldo Leopold, whose Sand County Almanac helped to galvanize the environmental movement. Finally, Wisconsin also produced Sigurd Olson, one of the founders of the Wilderness Society.

Conservation is part of our culture in Wisconsin, and the people Wisconsin are very environmentally savvy. Every year I hold a town hall meeting in each one of Wisconsin's 72 counties, and protecting the environment is a top issue.

Earth Day has become an important part of who we are. From Milwaukee, WI, to Mumbai, India, millions of people across the world are taking Senator Nelson's legacy to heart. They are volunteering this weekend to conserve the environment—whether it is in their backyard, local river, or park.

I hope that on this Earth Day 2004, the Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly two decades. The Clean Water Act, for example, passed the U.S. Senate in 1971 by a vote of 86 to 0. When President Nixon vetoed it, the Senate overrode his veto, 52 to 12. The Endangered Species Act, which is under such attack right now, was passed by the Senate on a 92 to 0 vote in 1973.

Unfortunately, during the course of this congressional session we have faced numerous proposals to roll back the environmental and health and safety protections upon which Americans depend. From clean water to clean air, the list of environmental rollbacks is stunning and disturbing. We need to work together to protect the environment, not revert to the times when we saw the Cuyahoga River catch fire, when at least one of the Great Lakes was considered ''ecologically dead,'' and when dumping of toxic wastes into rivers was standard operating procedure.

In the upcoming months, I hope that Wisconsinites and citizens across America use this Earth Day to collect their thoughts and voice their opinions about pending Federal legislation and its impact on the environment. Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, start a business, and buy a home. It is important on this Earth Day 2004 that we keep the need for strong environmental laws in mind. Let's continue to move forward, not roll back.

Mr. THOMAS. Mr. President, I am pleased to share my views about the environment on Earth Day. I know many Members in this body support efforts to clean up our environment.

Earth Day 2004 is the ideal time to recognize just how much our environment has improved. Over the last 3 years, the focus has been on results—making our air, water, and land cleaner. To get to that point and to keep improving in the future, we need to employ the best science and data available for decision-making. Our policies should encourage innovation and the development of new, cleaner technologies.

We should continue to build on America's ethic of stewardship and personal responsibility through education, volunteer opportunities, and in our daily lives. Opportunities for environmental improvements are not limited to Federal Government actions. States, tribes, local communities, and individuals must be included.

Over the last 30 years, our Nation has made great progress in providing for a better environment and improving public health. In that time, our economy grew 164 percent, population grew 39 percent, and our energy consumption increased 42 percent. Yet air pollution from the six major pollutants decreased by 48 percent. In 2002, State data reported to EPA showed that approximately 251 million people, or 94 percent of the total population, were served by community water systems that met all health-based standards. This number is up from 79 percent in 1993.

Others areas of the environment can also be improved. I have introduced legislation to clean up old abandoned mine sites. While we have done a good job in addressing this problem, we can do better. I have a very simple solution to deal with this problem that will make our communities safer.

The United States is holding $1 billion of money due States and tribes to clean up abandoned sites, and deal with problems associated with coal mining activities. The money has already been collected and allocated, but not yet appropriated. There is no justification for Congress to continue to hold this money. States are pleading for help to fix abandoned mine problems that will make communities safer and healthier for their citizens. It is unfortunate their pleas are being disregarded.

This is a specific issue where we can make a huge dent in the problem today, right now. I ask Members to listen to the pleas of communities and immediately appropriate the $1 billion due States and tribes. If my colleagues care about the environment and want to clean up these cities, join me and we will get that money released.

Let's show the American public that statements made in support of the environment are not political rhetoric and truly reflect the positions and feelings of Members. We can get this done today, and I ask each of you my colleagues to join me in making this happen on Earth Day 2004.

There is no doubt that environmental progress is continuing. The facts are unequivocal: Today the Nation's environment is cleaner and healthier than it was 3 years ago. We are getting results more quickly and more substantially by reforming outmoded, command-and-control mandates that hinder environmental progress. We have been able to accomplish this with innovative, market-based approaches that harness the power of technology to achieve maximum environmental benefits.

## TRIBUTE TO THE LATE SENATOR THOMAS WARD OSBORN

Mr. GRASSLEY. Mr. President, today I would like to speak of a man who was instrumental in the completion of the Washington Monument, a former Senator from Florida, Thomas Ward Osborn. The cornerstone of the Washington Monument was laid July 4, 1848, but the monument itself was not completed and opened to the public until October 9, 1888. The construction of the memorial was stopped in 1856 due to the Civil War, a lack of funding, and political difficulties within the Washington Monument Society.

Senator Thomas Ward Osborn was instrumental in passing the legislation required to complete the monument

after the Civil War. Many were reluctant to finish funding the project because of technical issues related to the construction and the perception among some that it was a waste of money. S. 245, a bill to secure the completion of the Washington and Lincoln Monuments, was introduced on the Senate floor by the Honorable Thomas Ward Osborn on April 1, 1869. Through Senator Osborn's efforts, this legislation was enacted and construction of the Washington Monument quickly resumed. The design of the monument was altered to remove much of the embellishment in the original design and the result was the 555 foot obelisk that is so recognizable today as the symbol of an exceptional man and an exceptional Nation.

Senator Thomas Ward Osborn was motivated out of a sense of patriotism and a desire to create a permanent reminder for posterity of the character of George Washington. It is important for citizens to retain a link to their country's origins in order to fully engage in civic life in the present. To understand the exceptional nature of Washington's character is to understand the exceptional nature of the United States as a Nation.

I believe that Senator Thomas Ward Osborn deserves recognition for his vital efforts in seeing to the completion of the Washington Monument. In fact, I have written to the Department of the Interior urging that some form of recognition, such as a plaque, be provided to remind visitors of Senator Osborn's efforts. It is my understanding that the regional director for the Park Service National Capitol Region has since directed the chief of Visitor Services to research Senator Osborn's efforts and share that information with the park rangers whose job it is to help interpret the monument for visitors. The late Senator Thomas Ward Osborn played a key role in seeing that George Washington received the recognition he deserves, and now it is my hope that Senator Osborn will receive the recognition he deserves.

## 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, this year I once again come before the Senate to pay tribute to those who lost their lives or were forced from their homeland as a result of the horrific genocide perpetrated against the Armenian people from 1915 through 1923. During those years, the Turkish Ottoman government used the outbreak of World War I as a pretext for subjecting its citizens of Armenian descent to deportation, abduction, torture, massacre, and starvation. The land on which some of the Armenians had lived for generations was expropriated from them. It is imperative for the American people and for people around the world to commemorate this tragedy, with the hope that by remembrance we will advance the day when the world will no longer witness such horrors.

Over one million Armenians perished as part of a deliberate campaign of murder in the waning days of the Ottoman Empire. Armenians, given that they were neither Turks nor Muslims, were treated as threats, even though the Armenians had been exemplary citizens and had lived together peaceably with their Turkish neighbors for centuries. April 24th is the date chosen to commemorate this genocide, since it was on that day in 1915 that government leaders rounded up 300 Armenian leaders, writers, thinkers and professionals for their deportation and for many, their deaths. While the preeminent members of the Constantinople's Armenian community were being rounded up on that day, 5,000 others were slaughtered in their homes and on the streets.

Many Western, democratic nations became aware of the ruthless targeting of the Armenian population yet did not act to stop it. In May 1915, Great Britain, France, and Russia advised the Turkish leaders that they would be held personally responsible for this crime against humanity. Later that year, Henry Morgenthau, the American Ambassador to the Ottoman Empire, cabled the State Department saying, ''Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.'' His successor, Abram Elkus, wrote in 1816 that, ''. . . unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history.''

In addition to the government records decrying the events in the Ottoman Empire, historians have been able to record the memories of the victims. It is important to share these stories, to ensure that the subsequent generations can truly understand the appalling conditions under which their ancestors both perished and survived. The Genocide Project, an effort by the San Francisco Bay Area Armenian National Committee, has done a remarkable job of compiling oral and visual documentation from some of the survivors.

Edward Racoubian told the project how when, ''We reached the Euphrates River and despite the hundreds of bodies floating in it, we drank from it like there was no tomorrow. We quenched our thirst for the first time since our departure. . . . Of a caravan of nearly 10,000 people, there were now only some 300 of us left. My aunt, my sisters, my brothers had all died or disappeared. Only my mother and I were left. We decided to hide and take refuge with some Arab nomads. My mother died there under their tents. They did not treat me well—they kept me hungry and beat me often and they branded me as their own.''

''Sometime later, Turkish gendarmes came over and grabbed all the boys from 5 to 10 years old. I was about 7 or 8. They grabbed me too,'' Sam Kadorian said. ''They threw us all into a pile on the sandy beach and started jabbing us with their swords and bayonets. I must've been in the center because only one sword got me . . . nipped my cheek . . . here, my cheek. But, I couldn't cry. I was covered with blood from the other bodies on top of me, but I couldn't cry. If had, I would not be here today.''

I believe the highest tribute we can pay to the victims of a genocide is by acknowledging the horrors they faced and reaffirming our commitment to fight against such heinous acts in the future.

In commemorating the tragedy of the genocide today, I would also like to recognize the fact that yesterday Canada's House of Commons, took the courageous step of officially recognizing that the events initiated on April 24, 1915, were in fact a genocide and crime against humanity. It is my hope that all people of goodwill will join in calling this tragedy by its correct name—a genocide. I hope that our colleagues will join me in commemorating this tragedy and vowing to honor and remember the innocent victims of the Armenian genocide.

Mr. REED. Mr. President, I rise today with my colleagues, my fellow Rhode Islanders, and our Armenian American community to observe the 89th anniversary of the Armenian Genocide.

At this time, it is fitting that we reflect on this tragic event in order to ensure that future generations remember and learn from the pain and suffering of those who came before us.

The Armenian Genocide was a demonstration of evil. From its genesis on April 24, 1915, through the end of 1923, nearly one and a half million Armenians were killed and over a half a million survivors exiled.

All the while, the United States Government, too busy trying to defeat the Austro-German alliance and attempting to stay out of a war in Europe, ignored these atrocities. The United States Ambassador to Turkey, Henry Morgenthau, Sr., attempted to bring the tragic string of events to a climax, pleading with both President Wilson and Secretary of State Robert Lansing to get involved. Former President Theodore Roosevelt, frustrated by a lack of response from his own government, petitioned President Wilson on 24 November 1915, saying ''Until we put honor and duty first, and are willing to risk something in order to achieve righteousness both for ourselves and for others, we shall accomplish nothing; and we shall earn and deserve the contempt of the strong nations of mankind.''

Unfortunately, the Armenian genocide was only the first of several 20th century tragedies—the Nazi extermination of the Jews and others during

the Second World War; Pol Pot and the Khmer Rouge's slaughter of nearly two million Cambodians in the mid-1970s; the Hutu massacre of the Tutsis in Rwanda in the summer of 1993; and, at the same time, the Serbian annihilation of Bosnian Muslims in Bosnia from 1993 to 1995.

Thus, as we reflect on this atrocity, let us call for our own country to recognize the Armenian Genocide, just as my own State of Rhode Island has done, and as the parliaments of Belgium, Canada, Cypress, France, Greece, Italy, Lebanon, Russia, and Sweden have done over the past 6 years. Let us also pledge never to ignore atrocities by those who claim the legitimacy of government. We must never ignore and we will never forget.

## IN SUPPORT OF S. RES. 330

Mr. FEINGOLD. Mr. President, I rise to express my support for S. Res. 330, which expresses 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 the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

I am proud to again be a cosponsor of this resolution. In the 106th Congress, I was a cosponsor of a virtually identical resolution along with, among others, the current Secretary of the Department of Energy. Unfortunately, the need to stand up to OPEC is even more pressing today than it was two Congresses ago.

Ensuring access to and stable prices for imported crude oil for the United States and major allies and trading partners of the United States is vital to United States foreign and economic policy. Regrettably, the 2004 OPEC production cuts have resulted in outrageous increases in oil prices. The eleven countries that make up OPEC produce 40 percent of the world's crude oil and control three-quarters of proven reserves, including much of the spare production capacity. When OPEC instituted its production cut in February 2004, it reduced production by 2,000,000 barrels per day. From February to March 2004, crude oil prices have gone from $28 per barrel and now exceed $38 per barrel.

High gasoline prices are inextricably linked to high crude oil prices. And these high oil and gas prices hurt Americans across the Nation and from all walks of life. Farmers, teachers and small business owners are among those getting hit hard by these skyrocketing costs. For gasoline, the increases in crude oil prices have resulted in a pass-through of cost increases at the pump to an average national price of $1.80 per gallon. These are the highest gas prices we have seen in 13 years.

We cannot allow this foreign oil cartel to wreak havoc on our economy. The President should use diplomatic pressure to urge OPEC to increase production. The actions of this cartel have real consequences for Americans. And in an already shaky economy, high oil and gas prices can put working families over the financial edge.

## 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.

A lesbian couple was assaulted by a group of men and women outside a Scottsdale, AZ, bar on April 4, 2004. The assailants called the couple derogatory names and beat one of the women and ripped the other woman's dress and then took photographs of her exposed breasts.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

Mr. DURBIN. Mr. President, 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, 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 known as intravenuous immunoglobulin, IGIV. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because of a family in my State, the Jones family, whose daughter, Emma, was born with common variable immune deficiency, CVID, and hypogammaglobulinenimea. Emma has no immune system and relies on IGIV infusions every month to keep her alive. Emma, 9 years old, is a patient at Duke University Medical Center, and is hoping to be a candidate for a stem cell transplant. Emma's mother, Jill, also has CVID and receives IGIV infusions. The Jones family has become active volunteers for the Immune Deficiency Foundation, to help other families facing PIDD in my home State of Illinois.

I would also like to tell you about another courageous family in my State, the Berryhills, who became foster parents to an infant that was finally diagnosed with severe combined immune deficiency, SCID, or bubble boy syndrome. Their son, who they want to adopt, would have died if Zina and Ray Berryhill did not persist in finding out why he was dying before their eyes. Their son was finally diagnosed with SCID, and the cure for him is a bone marrow transplant. Unfortunately, they have not been able to find a match, due to the shortage of African Americans on the Marrow Donor List. Zina Berryhill continues to hold bone marrow drives, and keeps her son isolated, except for his frequent trips to the hospital for his IGIV infusions. The Berryhill family has also become active volunteers for the Immune Deficiency Foundation.

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.

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.

## FIVE-YEAR ANNIVERSARY OF COLUMBINE

Mr. LEVIN. Mr. President, this week marks the 5-year anniversary of the tragic shooting of 12 students and one teacher at Columbine High School in Littleton, CO. The very mention of Columbine High School strikes a nerve with the American public. It reminds us of that horrendous scene of terrified children running from their assailants as SWAT teams descended on their school.

Earlier this week, students, parents and residents of Littleton gathered at Columbine High School to remember those who died and renew their commitment to address school violence. The anniversary brought back painful memories. Michael Shoels, the father of student Isaiah Shoels, who was killed in the shooting, told the Associated Press, ''It's most definitely something I think about every day but, you know, we can't wallow in victimhood. Under the circumstances, we need to get out there and do something about it.''

In response to this massacre, many schools have implemented security

measures such as posting in-school police officers, installing security cameras and metal detectors, and developing emergency response programs. But a recent report from the National School Safety and Security Services, a firm specializing in school security and school safety for K–12 schools, found an increase in school-related violent deaths in the 2003–2004 school year. According to the report, there have been 43 violent deaths nationwide this school year, more than the previous 2 years combined and more than any school year prior to Columbine. In addition, there have been more than 60 non-fatal shootings this year and more than 160 other incidents of high-profile violence, such as stabbings and riots. This is simply not acceptable.

Despite continued school violence, the President has not led on this issue and Congress has also failed to enact sensible gun safety laws that could help to turn the tide. In fact, President Bush's budget proposes eliminating funding for the COPS school resource officer program. We have yet to close the gun show loophole, despite bipartisan support in the Senate. And, while the President has said he supports reauthorizing the assault weapons ban and a bipartisan majority in the Senate is on the record supporting reauthorization there are no plans to consider this important legislation before it expires on September 13 of this year.

America's schools need our help and these are simple, commonsense steps we can take to improve school safety. I urge my colleagues to close the gun show loophole, keep the ban on assault weapons, and restore funding for COPS school resource officers. As the end of another school year approaches, the push to enact sensible gun safety legislation must continue.

## 100TH ANNIVERSARY OF THE AMERICAN LUNG ASSOCIATION

Mr. DURBIN. Mr. President, I am pleased to rise today recognizing the 100th anniversary of the American Lung Association.

For a century, the American Lung Association has been addressing some of the Nation's most pressing health issues. In 1904, a dedicated and hard-working group of physicians, nurses, and volunteers came together with the goal of eradicating tuberculosis. The result was one of the Nation's oldest community-based, voluntary health organizations, and its fight against tuberculosis has produced amazing results throughout the 20th century.

When the American Lung Association realized there was a new and dangerous problem facing the Nation—that of chronic lung disease—it began to shift focus away from TB and toward healthy lungs. Soon, the Lung Association had one of the most extensive programs for fighting lung disease in the Nation.

Using a multi-faceted approach, the American Lung Association works in the areas of research, education, and advocacy. It has courageously battled tobacco companies for the past 40 years, though its position was not always a popular one. Furthermore, the Lung Association, concerned about environmental factors such as air pollution, was a leader in passing the 1970s Clean Air Act.

Our Nation is a better place and our families are healthier because of the work of the American Lung Association. I am proud to congratulate the association, and I ask my colleagues to join me in formally acknowledging their fine work.

# ADDITIONAL STATEMENTS

## TRIBUTE TO THE CITY OF ASHLAND, KY

● Mr. BUNNING. Mr. President, today I would like to take the opportunity to congratulate the leaders in Ashland, KY who contributed to the downtown revitalization of the city. Ashland was one of 31 cities in Kentucky that received national recognition for its efforts in historic preservation on Tuesday, April 20, 2004.

First Lady Laura Bush presented the Preserve America recognition award to Ashland Mayor, Steve Gilmore, and Main Street Board President, Larry Jones. The initiative recognizes communities that protect and celebrate their heritage, use their historic assets for economic development and community revitalization and encourage people to experience and appreciate historic resources through education and tourism programs.

Of the 65 ''Preserve America'' U.S. communities that the First Lady Laura Bush has designated, 31 are in Kentucky. In President Bush's proposed budget for fiscal year 2005, he included $10 million for Preserve America communities. Ashland will be eligible to compete for some of the money Congress appropriates.

The large number of Kentucky communities honored by the First Lady shows how important preservation is in Kentucky, and I commend these communities for their hard work and dedication to the various projects. I join all Kentuckians in congratulating Mayor Gilmore and the city of Ashland on their beautiful downtown revitalization.●

## RECOGNITION OF DANIEL T. BRANTON

● Mr. COCHRAN. Mr. President, I am pleased to commend Daniel T. Branton of Leland, MS, for his distinguished service as president of Delta Council this year.

Delta Council is an economic development organization representing the 18 Delta and part-Delta counties of Northwest Mississippi. Organized in 1935, Delta Council has worked to bring together the agriculture and business leadership of the region to focus on the challenges which face the economy and the people of the Mississippi delta.

Ad president of Delta Council and a farm leader, Dan has been a strong proponent of maintaining the agricultural policies which were adopted in the 2002 Farm Law. As a representative voice of farmers from the Delta region which produces more than $3 billion of agricultural goods annually, Dan's advice on matters affecting agriculture has been invaluable to me and my staff as we attempt to address those issues which will ensure the future viability of American agriculture.

Dan has been a strong proponent of Delta Council's programs in education and health care. During Dan's year as president, the teacher shortage programs which evolved from earlier Delta Council policies have expanded in a way that is having a meaningful impact on the problem of attracting school teachers to rural areas.

I am pleased that I have had the opportunity to work with Dan and Delta Council to make certain that special health care needs in areas such as the Mississippi Delta, where there is a large underserved population, have been enhanced. Through Delta Council's efforts to establish the Delta Health Alliance, a new Federal and local partnership is now producing extraordinary outcomes. In the area of transportation and water resource improvement, Dan has coordinated the activities of Delta Council in a manner which has brought local consensus to very touch issues facing the Delta's economic future. Dan has been a leader in all aspects of Delta Council's work while maintaining a successful family farming operation.

Dan has also been a leader in his community. He currently serves as president of Burdette Gin Company and is a director of Leland Compress. He is also a delegate and has served as a director of the National Cotton Council. Dan serves on the Black Bayou Drainage Commission and is a former member of the Advisory Board for the Mississippi Department of Agriculture and Commerce.

I congratulate Dan Branton for his contributions to the Delta region, the State of Mississippi, and the Nation. I look forward to his future contributions in improving the quality of life for our citizens.●

## IN TRIBUTE TO JOHN PALMS

● Mr. HOLLINGS. Mr. President, John Palms, the former president of the University of South Carolina, will be honored this week with Mepkin Abbey's newly established Wisdom Award.

All of us in the Senate would be a little wiser ourselves to read the following article from the April 10 Charleston Post and Courier, on Dr. Palms. He is an inspiration to all that the American dream is alive and well. I ask that the article be printed in the RECORD.

The article follows.

[From the Charleston Post and Courier, Apr. 10, 2004]

JOHN PALMS—NUCLEAR PHYSICIST LEADS THE WAY IN SCIENCE, EDUCATION, RELIGION AND THE WORLD STAGE

(By Judy Watts)

''Learning humanizes character and does not permit it to be cruel'' is the University of South Carolina motto.

The words also epitomize John Palms' philosophy, not only as the former USC president, but as a physicist and a human being.

Although his formal training is in nuclear physics, his life events have given him an educated perspective on physics' ambiguous nature, both in the weapons he designed and in the research, which had medical applications. As president of two universities, he fulfilled his destiny as an educator who believed in building not only well-educated people, but also people of character.

On April 24, Palms will be presented with Mepkin Abbey's newly established Wisdom Award, given for a lifetime of achievement based on the highest human aspirations. Since his years as a cadet at The Citadel, Mepkin Abbey has been a personal touchstone, a place where he has been able to focus and center his life.

John Palms has come a long way from the little dutch boy who fled a Hitler-terrorized Europe with his family.

MAKING OF THE MAN

It was 1939 and Hitler had invaded Poland. John Palms was 4 years old and sandbags were being piled on the front lawn in anticipation of war. Palms; father, deciding it was dangerous for the family to remain, concocted a story that they needed to travel to South America to buy wool for his underwear factory that supplied the Dutch military.

''The North Sea had been mined and there were severe restrictions about visas,'' says Palms.

The family took a train to Italy and from there a boat headed for South America. En route, a submarine stopped the boat and someone was taken off, says Palms.

''I remember commotion and crying. My father has 8-mm film of the submarine.''

For seven months the family lived in Rio de Janeiro until they could obtain visas to continue on to New York, where they arrived in February 1940. They waited out the war there.

When Palms was 11, the family returned to Holland to get restitution for the family's damaged textile factory and haberdashery.

''We didn't want to go back because we were already Americanized.''

Once in Holland, he and his siblings were faced with an academic hardship.

''We spoke Dutch in our house in New York, so when we went back I could speak Dutch but could not read a word of it.

''I was home-schooled for awhile and then tutored by the Jesuits.''

At 14, he passed the comprehensive exam to get into St. Aloysius College at The Hague.

''I wasn't an outstanding student. I was excited about being in a different country. There was lots of talk about the war when we returned to Holland.''

Palms heard firsthand stories of Buchenwald from his uncle who had been arrested for helping Jews escape from the Nazis.

''His own neighbor told on him and he was taken to Buchenwald. There was such fear that even if you knew about something and didn't report it, you were at risk. But he survived. Every time I see a German movie, I have to watch it, and I read anything I can find on the concentration camps and Buchenwald.''

The taste of American culture so prevalent in postwar Hollard fueled the family's desire to return to the United States. In 1951, they came back and settled in Clearwater, Fla.

Palms graduated from Clearwater High School with no plans for the future.

''I decided to do nothing. I was over-Americanized by all the American movies where people raised themselves up by their bootstraps. I never got the message that you needed an education. I thought I would find some opportunity by being ingenious and creative.''

His parents had not gone to college, yet his father had been a successful entrepreneur, a salesman who had bought one sewing machine, then another and another, and ended up with his own factory. Palms tried his luck first as a painter's helper, then as a plumber and first mate on a boat.

His nonplan didn't work out. When he and some friends heard about the great-paying automobile factory jobs in Detroit, they made the trip. A day after they arrived, there was a strike.

''That was a real semester of realizations for me.''

Back in Clearwater, he ran into a friend who made a suggestion. It was a suggestion that set his life on a remarkable course.

''My buddy said I could go to St. Petersburg Junior College for $50. So, I borrowed $50 from my father.''

Palms enrolled. He wanted to find out if he was capable of college work. Although he could read English, he read slowly. He pulled a C in English and did well in math and chemistry. Another suggestion from this brother was that he attend a military academy. Palms wrote to West Point and got a letter back saying he couldn't apply because he was not an American citizen. His citizenship was still two years away.

His older brother had heard about The Citadel.

''If I graduated as a distinguished cadet, I would get a regular commission and could become a pilot. The Citadel had just appointed a new president, Gen. Mark Clark, whom my dad thought was the most wonderful American. I applied to The Citadel and, sight unseen, I got in. Absolutely amazing; they must have been short of students that year.

''It was 1954. Dad drove me up to No. 2 barracks and saw those bars on the windows and in his Dutch accent said, ''Zyahn''—he couldn't say the J—'you don't have to go here if you don't want to.' I told him it was exactly what I wanted; that I needed the discipline and the structure. I signed up for Air Force ROTC.''

The plan was to get his business degree, gain his commission and become an Air Force pilot. He managed C's in English and history, but again excelled in math, science and German. He followed his strength and switched his major to physics. There were five students in the program. As planned, he graduated as a distinguished ROTC cadet.

''But I failed the eye exam, so I couldn't be a pilot. The head of the physics department and the ROTC called me in and said they would give me a commission anyway and send me to graduate school for one year. I chose Emory because they were on the quarter system and I could finish my master's in a year there.''

ACADEMIA

Two days after graduating from Emory, he was married to Norma Cannon (''the most wonderful person I ever imagined finding''), and the next few years were filled with completing his master's, teaching physics at the Air Force Academy, getting out of the Air Force and completing his Ph.D.

He went to Los Alamos Scientific Laboratory in New Mexico, where he did his dissertation and designed nuclear weapons.

''Emory kept track of me and offered me to come back as a professor. We struggled with that. I had the opportunity to go to Stanford, but Southern ladies have to come back to the South, so we did. We had a 23-year career at Emory.''

Palms worked his way through the ranks from associate professor to vice president for academic affairs more than two decades later, when he took a sabbatical. During the break, he received numerous calls from other universities that wanted him to come on board as president. Georgia State was his choice.

But he had barely settled in there when he got a call from a head hunter that the problem-ridden University of South Carolina wanted Palms as President. The decision to move was not easy and came only after a family weekend of soul-searching and discussion.

They arrived in Columbia on the Ides of March 1991. The first couple of years in Columbia were rough.

''All the qualities that are important at a university had been violated. And that affects hiring and tenure. The president is expected to be the role model. The faculty is, also. People don't understand the life of a university president. There is a moral authority,'' says Palms.

He wanted to return the university to its core: learning and the search for truth.

Within three years, USC's reputation was restored and the school was in a position to launch a major campaign. He and Norma traveled all over the country, cultivating and nurturing people who might contribute. They also developed a professional staff for financial development. Their goal was to raise $200 million. When he stepped down after 11 years, the couple had raised more than $500 million for the school.

During his tenure at USC, the SAT scores of incoming freshmen rose 150 points, hundreds of thousands in research grants were gained, and standards for hiring and tenure were raised in all 52 departments.

PHYSICS

Physics was the platform on which Palms built his career.

''All my life I have struggled with the place of modern physics in society and the morality of nuclear deterrence. Should we be using nuclear weapons to deter war?''

Palms has been chairman of IDA—the Institute for Defense Analysis—for five years and a member for 14 years.

''IDA was set up right after WWII to bring university talents into issues of national security,'' says Palms. ''It started with the presidents of Harvard and MIT and a board of military people and former congressmen.''

The group conducts independent analysis for the Secretary of Defense and for Congress.

''It (defense) can be so political, but this is really independent analysis. We do everything from evaluating and testing weapons systems to designing and forecasting.''

The issue of fighter planes and mobile-force transformations from a Cold War world to present-day needs is now being studied.

''More coordination and use of equipment among the services is becoming an integral part of what we are doing now and in the future,'' says Palms. ''We are heavily involved in homeland security right now, and we are also heavily involved in Iraq—the whole operation. We are mainly sitting there looking at what needs to be done and standing ready to do these studies.''

IDA also works on advanced computer systems and mathematics for cryptology.

''You have the very best minds in the world to do this. Every two years, we take 20 of the very best Ph.D.s in universities and orient them to this work.''

After two years of site visits and orientation, new members are assigned to a committee.

Palms became involved in IDA, in part, because he had developed systems at Los Alamos, and IDA needed somebody who knew about weapons. He also brought a firsthand perspective to what happened in Europe during World War II. He says he is always watchful for the signs of a similar situation emerging.

''When I was at Los Alamos (1963–66), I worked on weapons design and fundamental physics research, which could have been used for weapons development, or input to medicine, the environment, ecology or therapeutic medicine. So, even though funded by the Department of Defense, the results are there for the world to use the way it wants to. Just because the research is used in nuclear weapons, you shouldn't stop doing it because it is also used in all these other areas.

''There is the issue of a two-edged sword. As a scientist, you have the obligation to make the public aware and anticipate how the information should be used, whether it is proper to use it one way or another.''

Such discussions of religion and science were a familiar topic that he and the late Cardinal Joseph Bernardin often considered.

''He wrote a commission report on the morality of nuclear deterrence (Time, Nov. 29, 1982, issue; titled ''God and the Bomb''). You can justify only so much deterrence. If there had been no Russia and we had been the only nuclear power, we would have to be very careful. We are living in that kind of age now. You can't overuse your power. It must always be used in response to the threat. Where's the other threat?''

Palms first met Cardinal Bernardin while a cadet at The Citadel. His wife knew Bernardin as her teacher at Bishop England High School.

''He baptized our children. It's a funny world.''

Palms is currently involved with neutrino research through USC and a consortium of 13 universities.

''Neutrino is one of the subatomic particles. People have been trying to find if it has mass or not. It might explain the missing dark matter in the universe. My role is that I built one of the first detectors. Those detectors have evolved. I'm trying to make a contribution and also helping to find funding for this. It will cost about $40 million to $50 million.''

He also continues to teach physics classes at USC, including a lab course in which the class will conduct four Nobel prize-winning experiments.

Although he didn't continue in the Air Force, he is content that he is doing his part through IDA.

''This is almost better. This is my contribution to the country and to national security, and I'm happy to be able to serve my country.''

THE HOME FRONT

Norma Palms describes her husband of 45 years as a great husband and father with a wonderful sense of humor.

''Everyone wants him full time, yet he never wants to take the credit for anything,'' she says.

Today, the couple divide their time between Columbia and their home in Wild Dunes. His retirement from USC has allowed more time for their grown children, Lee, John and Danielle, and nine grandchildren. Norma says they have looked forward to this time as a couple.

''The time to be with our children and grandchildren has been very special,'' she says. ''We can take off and go see the grandchildren on their birthdays and for holidays. We couldn't do that before. We especially look forward to getting everyone together for family reunions here at the house.''

The couple are very involved at their church, St. Thomas More, and served as honorary chairs for the church's recent 50th-anniversary celebration.

Mepkin Abbey also is part of their spiritual life. In fact, Palms sees a link between the abbey and finding Norma.

''When I was 21, I was ready to make a serious commitment to someone and went to Mepkin Abbey and prayed about that. I was trying to find out if I was doing the right thing with my life. Two weeks later I met Norma.''

Today, the couple go to the abbey together, then they take different paths and read alone in the gardens.

''We contemplate our lives and come back together and get rededicated again. We think a lot of the brothers. Their spirituality has been important in our lives,'' says Norma.

Palms says he is honored to receive the Wisdom Award from Mepkin Abbey.

''I have a lot more years to live, and there are many people who have done a lot more for the state for a lot longer than I have. This is a wonderful honor from them.''

Chairman of the award committee, Dr. Theodore Stern, says Palms was chosen because of his abilities as a team leader.

''He's very dedicated and has made a tremendous contribution to the academics of South Carolina. He is an outstanding individual and leader and has worked on so many education and government commissions,'' says Stern, ''and his wife, Norma, also has been a leader.''

Norma headed up the abbey's capital campaign.

''My whole heart was in that. I still hold them as No. 1 on my priority list,'' she says.

Palms credits Norma's outgoing personality with softening his technocratic tendencies.

''I'm made up of everyone I've ever met and known, but Norma is the biggest influence and the most important person in my life,'' says Palms.●

## HONORING EAST BRUNSWICK HIGH SCHOOL'S SUCCESS IN ''WE THE PEOPLE'' PROGRAM

● Mr. LAUTENBERG. Mr. President, more than 1,200 students from across the United States will descend upon Washington, DC, from May 1–3, 2004, to compete in the national finals of the ''We the People: The Citizen and the Constitution'' program. This program, funded by the U.S. Department of Education, instructs our youth about the U.S. Constitution and the importance of civic participation by providing schools with textbooks that offer both historical information and critical-thinking activities.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, have won my home State's competition and will represent New Jersey in our Nation's capital next weekend. I wish the following students, and their teacher Alan Brodman, the best of luck in the future and congratulate them on their hard work and inspiring civic advocacy: Kian Barry, Patrick Bell, Kathleen Cammidge, Jessica Castles, Jennifer Chen, Ryan Citron, Jenna Elson, Daniel Gartenberg, Scott Goldschmidt, David Goldstein, Kristen Hamaoui, Marc Mondry, Jason Noah, Eric Nowicki, Nicholas Parais, Greg Parnas, Jessica Rebarber, Joa Roux, Blake Segal, Jody Shaw, Andrew Silver, Jeffrey Smith, Daniel Temkin, Abraham Tran, Arin Tuerk, and Haiwei Wang.●

## HONORING THE LIFE OF JUDGE GENE E. BROOKS

● Mr. BAYH. Mr. President, today I wish to pay tribute to the life of a distinguished public servant and a true friend, Judge Gene E. Brooks, who passed away Monday, April 19, 2004. His long life was filled with conscientious service and unwavering dedication to our State and Nation. The contributions he made to American jurisprudence, combined with the many lives he touched along the way, leave behind a positive legacy that will not soon be forgotten.

Judge Brooks began his career in public service by honorably serving our country with the United States Marines during the Korean War. He earned his undergraduate degree from the Indiana State Teachers College and went on to study law at the Indiana University School of Law. Judge Brooks practiced law as a prosecuting attorney and in private practice in Posey County, IN, from 1960 to 1968. He was then appointed to serve as the first full-time bankruptcy judge for the Southern District of Indiana, where he worked until 1979, when President Jimmy Carter appointed Judge Brooks as a United States District Court Judge. His nomination was forwarded to President Carter by my father, Senator Birch Bayh. Judge Brooks went on to become the Chief Judge of the Southern District in 1987.

The positive imprints Gene made upon the United States legal landscape came not only through his many judicial rulings, but also through his active role as advisor to the United States Congress, as well as his membership and leadership as former president of the National Conference of Bankruptcy Judges. In addition to his professional service, Judge Brooks was an active member of many community organizations, including the Indiana Legal Aid Society, the Kiwanis Club, Toastmasters, the Indiana State Museum Foundation, and the Evansville Petroleum Club. He was a Kentucky Colonel and a 32nd Degree Mason.

Judge Brooks is survived by his wife, Jan Darlene (Gibson) Brooks; his three sons, Gene E. ''Geno'' Brooks Jr., Marc E. Brooks, Gregory A. Brooks; his daughter, Stephanie Jobe; his sister, Joyce Brochman; and his three grandchildren.

Judge Brooks was a man who walked with kings, but never lost the common touch. The citizens of the State of Indiana and the United States of America were well served by the life led by the Honorable Judge Brooks. Gene was a dedicated family man and public servant. He touched many lives over the

course of his career and will be remembered as a loving husband, father, and an incredible leader.

It is my sad duty to enter the name of Gene E. Brooks in the official RECORD of the U.S. Senate. May God be with all who mourn his passing, as I know He is with Gene.●

## WILLIAM SHAKESPEARE

● Mr. SMITH. Mr. President, I rise today to recognize the 440th anniversary of the birth of William Shakespeare in Stratford-upon-Avon. Shakespeare's name is undoubtedly the most recognized in English literature. Every one of us has spent time exploring the Elizabethan society and language through Shakespeare's dramas, poems, and sonnets. I remember with great enthusiasm the times I read Shakespeare or watched one of his plays. Who among us does not have their favorite line from one of Shakespeare's many works? Mine, which all of us in this chamber should pause to consider from time to time, comes from ''Hamlet Prince of Denmark'': ''This above all: to thine own self be true, and it must follow, as the night the day, thou canst not then be false to any man.''

His plays abound with all of the human emotions: love, jealousy, hatred, joy, envy, and are filled with the eternal themes of loyalty, betrayal, friendship, and revenge. He wrote of family strife, of the best laid plans gone awry, of tender love and bitter feuds. His themes transcend culture, nationality, and ethnicity. They are universal; and to this day are repeated time and time again throughout the world. From the American retelling of ''Romeo and Juliet'' in ''West Side Story'' to the Japanese adaptation of ''King Lear'' in ''Ran,'' Shakespeare's cultural influence is virtually limitless. Was William Shakespeare a visionary? Or was he simply a keen observer, chronicling human relationships that have essentially remained unchanged in the four centuries since he lived?

We, in Oregon, are very fortunate to have the renowned Oregon Shakespeare Festival which has been presenting its namesake's works, as well as other classic and contemporary plays, for nearly 40 years. Some 380,000 people—Oregonians and audiences from various parts of the country and the world—visit Ashland each year to attend these repertory performances. From the very first productions of ''The Merchant of Venice'' and ''Twelfth Night'' to this year's ''The Comedy of Errors,'' ''King Lear,'' ''Henry VI,'' and ''Much Ado About Nothing,'' the Oregon Shakespeare Festival has brought Shakespeare's magic and great wit to life.●

## TRIBUTE TO COLONEL AARON ''BURLEY'' BURLESON

● Mr. NICKLES. Mr. President, on behalf of Senator INHOFE and myself, I wish to honor and pay respect to a great Oklahoman, COL (Ret) Aaron ''Burley'' Burleson. Currently, he is the director of Military Development of the Altus Chamber of Commerce, Altus, OK. He has served the State of Oklahoma and the United States for many years.

Mr. Burleson was born in Lawton, OK, and graduated from Lawton High School. While attending Cameron College in Lawton, he was mobilized for active duty with the 45th Infantry Division in 1940. After completing pilot training in 1944 at Pampa Army Airfield, TX, Burley Burleson received his commission as a second lieutenant. Over the next 30 years he would serve his country around the globe.

He served as special air missions officer in the Office of the Vice Chief of Staff, U.S. Air Force, the Pentagon. During this assignment, Burley worked directly with the White House, the Office of the Secretary of State, the Senate and the House of Representatives. His main assignment was to provide airlift for both United States and foreign dignitaries.

In 1970, he transferred to Altus Air Force Base, OK, where he served as Vice Commander of the 443rd Military Airlift Wing and later as base commander in 1973.

Retiring as a colonel from the Air Force in 1974, he immediately became the executive director of the ''Committee of 100,'' a special part of the Altus Chamber of Commerce. The main purpose of the committee was to strengthen and promote economic development of Altus and Jackson County, OK. After serving as the head of the organization from 1975 to 1984, Burley became the community's liaison between the men and women of Altus and the personnel assigned to Altus Air Force Base.

Burley's leadership brought about tremendous support for Altus AFB. Working with Air Force personnel and congressional Members, he was able to help secure needed funding and resources for the base. Some examples include new housing, runway easements, a parallel assault runway, a corrosion control facility and a drop zone. In 1982, a tornado struck Altus AFB and caused severe damage. Under Burley's leadership, critical funding was obtained to repair the damages. These projects helped Altus Air Force Base become rated as the best base in the Air Force a few years ago.

Burley has received numerous awards and citations through the years for his many achievements. Recently, Air Education Training Command singled Burley out for one of four, first time, ''Pioneer Awards'' to commemorate the 50th anniversary of the U.S. Air Force. He was also heavily involved with the Air Force Association, at the national and the State levels, as well as numerous civic and charitable organizations in Altus.

Burley Burleson, unfortunately, suffered a stroke in November of 2002 and is currently recovering. JIM INHOFE and I are proud to call him a friend and appreciate his dedicated service to our great country. His positive contributions to countless friends, all Oklahomans, and the U.S. Air Force are greatly appreciated.●

## TRIBUTE TO MICHAEL SCHOPP

● Mr. TALENT. Mr. President, I rise today in the Senate to honor 15 year-old Michael Schopp, from Creve Coeur, MO. In a ceremony honoring his achievement on May 2, 2004, Mr. Schopp will receive the Eagle Scout Award, which is the highest advancement rank a young man may earn in scouting.

To earn his Eagle Award, Mr. Schopp designed, planned and supervised the construction and landscaping of a planter and two dugout benches for the Ballwin Athletic Association baseball fields where he played ball for several years.

Mr. Schopp began his scouting experience as a Cub Scout in elementary school and has been a member of Troop 631, sponsored by St. Mark Presbyterian Church in Ballwin, MO, since March 2000. Mr. Schopp's dedication to the values of scouting and his leadership ability are demonstrated in his many scouting activities over the years: he has served his boy scout troop as Patrol Leader and Assistant Patrol Leader, and is currently one of the leaders of his troop as a member of the Executive Patrol and as Assistant Senior Patrol Leader. Mr. Schopp participated in the Junior Leader Training Camp and also attended three Boy Scout High Adventure Camps: Northern Tier in Ely, MN; Sea Base in Florida; and OKPIK Winter Camp in Northern Minnesota.

The rank of Eagle Scout has always carried with it a special significance since it was first awarded in 1912 and its rigorous standards have been maintained over the years. That rigor is demonstrated in the fact that only 4 percent of young men across America who join the boy scouts earn this prestigious award. Mr. Schopp will be in good company as there are leaders in every walk of life who have endeavored to earn this coveted award. Indeed, many Eagle Scouts have gone on in life to excel in professional athletics, business, space exploration, entertainment, scientific discovery and public service in government. President Gerald Ford is an Eagle Scout as well as two of my distinguished colleagues in this chamber, Senator JEFF SESSIONS of Alabama and Senator RICHARD LUGAR of Indiana.

The people of Creve Coeur, MO are fortunate to have Mr. Schopp living and growing in their community. I congratulate Mr. Schopp for his success in earning his Eagle Scout Award. But also, I congratulate all of his peers, members of his troop, coaches, teachers, and parents for all the support and encouragement they have given that has helped Mr. Schopp reach his goals.

I know that all of my colleagues in the Senate will join me in offering congratulations to Mr. Schopp on a job well done and to extend best wishes for all of his future endeavors.●

## HONORING LT. COL. MARC SUKOLSKY

● Mr. CRAPO. Mr. President, I rise to honor Lt. Col. Marc Sukolsky, a long time Idaho resident, upon his retirement from 24 years of service in the U.S. Air Force. Mark has served his country well, in peacetime and in war. Idaho is proud to be represented by such a dedicated soldier.

Marc Sukolsky received his master's degree in music pedagogy and then taught at Idaho State University. After 4 years of teaching, Marc began his extensive military leadership career in logistics in the Ninth Air Force and 363rd Fighter Wing. Exhibiting strong leadership early in his career, Marc was chosen as a senior logistics and resource inspector to develop future military base locations in Southwest Asia. In this position his inherent abilities as a negotiator and diplomat became well known. As his expertise grew, so did his influence. Mark's advice was solicited by the most senior officials including the Joint Chiefs of Staff.

In 1993, while stationed at the U.S. Embassy in the Netherlands, Marc played an important role in organizing logistical agreements between the U.S. and the Netherlands. This involved organizing troop and equipment movement both within the Netherlands and throughout Europe. As a military representative for the U.S. Secretary of State, Marc was also able to negotiate with foreign officials for permanent troop positions in Europe.

In the mid 1990's, he was called to assist NATO Allied Forces during the crisis in the Balkans. He drafted and implemented strategies for all logistical arrangements between the U.S. and Allied forces. In addition, he provided guidance and training for those nations seeking NATO membership.

His abilities to plan and execute defense, economic, and trade policy were tested and proven, when as a Commander he led the deployment of over 1.5 million pounds of equipment and 3,400 personnel to sensitive areas including the Persian Gulf. He managed to save the government over $19 million with new budgetary and finance programs. Leading the quality assurance of flying wing he recorded over 28,000 sorties and over 49,000 hours of flawless flying. In this position he was the principal advisor to the U.S. Ambassador of U.S. European Command on all armament matters. While serving in this capacity, he negotiated over $135 million in arms sales in 2002. He also contracted an $800 million aircraft development deal with the Netherlands.

In all of this, the role of his wife Ellen should not be understated. During 25 years of marriage, she has made tremendous sacrifices during Marc's time in the military. Together, they have spent 11 years overseas, relocated eleven times, and even spent 2 years apart during two 2-year separations.

I would like to honor Lt. Col. Marc Sukolsky and Ellen Sukolsky for their selfless service and sacrifice for their country. It is especially appropriate during this time of conflict to recognize a couple who have done so much for the freedom and stability of their country and the world. I wish both of them the best as they approach this new chapter of life together.●

## LAURA JOSS

● Mr. SARBANES. Mr. President, I pay tribute today to Laura Joss, superintendent of Fort McHenry National Monument and Historic Shrine and Hampton National Historic Site, NHS. Laura has recently been appointed superintendent of Arches National Park in southern Utah and I wish her and her family the best of luck with this new assignment and thank her for the outstanding job she did in managing and enhancing Fort McHenry and Hampton NHS since coming to Maryland in 2000.

Over the past 4 years, I have had the opportunity and privilege to work closely with Laura Joss in efforts to protect and restore the historical resources of Fort McHenry and Hampton NHS and to develop a Star Spangled Banner National Historic Trail to help educate our citizens about a pivotal, but sadly neglected period in our Nation's history. In every instance, Laura proved herself to be a skillful and highly effective leader. Under her direction, Fort McHenry's seawalls and many historic structures have been restored, plans have been advanced to develop a new visitors center to accommodate the increasing number of visitors to the fort, many preservation projects have been undertaken at Hampton and a new general management plan for this historic site has been completed. Laura and her dedicated staff have frequently gone beyond the call of duty, offering to assist with the recovery efforts from the recent water taxi accident in Baltimore's Harbor and the September 11 attack on the World Trade Center and volunteering with the National Flag Day Foundation, Historic Towson Inc, and the Baltimore City Heritage Area, to name only a few examples.

Laura's dedication to the stewardship of the National Park System has earned her the respect of everyone with whom she has worked. During her 14-year career in the National Park Service, she has protected and improved some of our Nation's most precious natural and cultural treasures. Beginning as a volunteer at Mesa Verde National Park, she quickly advanced to serve in a number of national park units throughout the country, including Yellowstone National Park, Bryce Canyon National Park, and Glen Canyon National Recreation. Through her accomplishments she has set a high bar for all those to follow in her path, and the visitors to these national parks will benefit from her efforts for years to come. I greatly value the assistance Laura provided to me and my staff. I extend my personal congratulations and thanks for her many years of hard work and dedication to the principal conservation mission of the National Park Service and join with her friends and coworkers in wishing her, her husband Stuart Meehan, and her daughters Lindsay and Elizabeth, well with this new assignment and relocation.●

## IN HONOR OF BRIGADIER GENERAL RICHARD L. URSONE

● Mr. DODD. Mr. President, I rise to pay tribute to an outstanding American soldier, BG Richard L. Ursone. General Ursone, a native of Stamford, CT, is retiring June 30, 2004 after 33 years of distinguished service in the United States Army Medical Service Corps.

General Ursone played a critical role in shaping and successfully executing the mission of the United States Army Medical Department. When brave men and women across our country commit to serving our country in the Armed Forces, our country also makes a commitment to them. And part of that commitment is to provide them with world-class medical care, both on and off the field of battle. Throughout his career, General Ursone has made invaluable contributions to the health and well-being of soldiers in the United States Army. Over the past three decades, General Ursone has served in a series of demanding assignments around the globe and in leadership positions of increasing responsibility.

Of particular note was General Ursone's service in combat during Operations Desert Shield and Desert Storm. From 1990 to 1991, General Ursone, then a Lieutenant Colonel, served as commander of the 47th Medical Logistics Battalion. He successfully deployed and led his soldiers in supporting the war effort and the entire U.S. Army Central Command Theater of Operations with the delivery and replenishment of needed medications and medical supplies.

From 1994 to 1996, then-Colonel Ursone served as the commander of the U.S. Army Medical Materiel Center, Europe in Pirmasens, Germany. Through his leadership, he reengineered the center's business practices to ensure that our soldiers stationed in Europe and their families received medical supplies and medications quickly and efficiently. His hard work and many accomplishments were recognized with the prestigious Vice President Gore's Hammer Award.

In 2000, he was promoted to brigadier general. As a general officer he served in multiple senior positions and was also appointed as the fourteenth chief of the Army Medical Service Corps.

As the commander of the Europe Regional Medical Command, General Ursone led a health care system comprised of a medical center, two hospitals, and 27 clinics. This medical command supported operations spanning over three continents—Europe, Africa and Asia—while simultaneously providing healthcare to over 250,000 soldiers, family members, retirees and civilians from the Department of Defense. In subsequent assignments as the Assistant Surgeon General for Force Sustainment and the Assistant Surgeon General for Force Projection from June 2002 to June 2004, General Ursone's leadership was integral in preparing the Army Medical Department to serve our troops in their efforts against the new and unfamiliar threat of global terrorism.

As chief of the Medical Service Corps, General Ursone has unified the most diverse group of specialties in the Army. His commitment to leader development and mentoring of junior officers helped the Corps achieve annual increases in recruiting and retaining officers. General Ursone's vision and leadership have created opportunities for officers to serve our Nation while also achieving their own professional and personal aspirations.

Health care in the Army encompasses a staggering array of services, from basic medical and dental checkups to prescription medications to emergency care on the battlefield to vaccinations against biological and chemical threats. Officers serve as medical operations officers, healthcare administrators, medical logisticians, preventive medicine officers, allied scientists, behavioral science officers as well as optometrists and pharmacists.

To lead and manage such a wide and complex network, you need to be a special person—one who is able to think strategically and act appropriately for the time and circumstances. You need a leader who will take swift and decisive action in a crisis, like when General Ursone worked around the clock managing the evacuation and care of the victims of the USS *Cole* bombing. You need a compassionate leader capable of implementing Women, Infant and Child programs. Above all, you need a leader who recognizes that his decisions will have a tremendous impact on thousands and thousands of individual soldiers and their families. In each and every one of these critical areas, Richard Ursone has gone above and beyond the call of duty.

Brigadier General Ursone's service and contributions to fellow soldiers and our Nation are eloquent testimony to his loyalty, dedication, talents, and abilities. General Ursone is not a physician. However, it is difficult to imagine any individual who has done more to ensure that every single soldier, family member and retiree in the U.S. Army receives the most advanced, efficient, and compassionate health care. His commitment to the men and women of our Armed Forces is truly an inspiration to us all. I send him my best wishes on his well-deserved retirement. And on behalf of our Nation, I extend to him thanks and gratitude for a remarkable career of service.●

## REPORT PREPARED BY THE NATIONAL SCIENCE BOARD ENTITLED ''SCIENCE AND ENGINEERING INDICATORS—2004''—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

*To the Congress of the United States:*

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, ''Science and Engineering Indicators—2004.'' This report represents the sixteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 22, 2004.*

## MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1779. An act to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''.

H.R. 3970. An act to provide for the implementation of a Green Chemistry research and Development Program, and for other purposes.

H.R. 4019. An act to address the participation of Taiwan in the World Health Organization.

H.R. 4030. An act to establish the Congressional Medal for Outstanding Contributions in Math and Science Education programs to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education.

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2844. An act to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1779. An act to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Finance.

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; to the Committee on Environment and Public Works.

H.R. 3970. An Act to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4019. An act to address the participation of Taiwan in the World health Organization; to the Committee on Foreign Relations.

H.R. 4030. An act to establish the Congressional Medal for Outstanding Contributions in Math and Science Education programs to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; to the Committee on Health, Education, Labor, and Pensions.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3550. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2844. An act to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

## 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–7194. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Tolerance Exemptions for Certain Biopesticides'' (FRL7353–5) received on April 22, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7195. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the report on the National Guard Challenge Program dated March 2004; to the Committee on Armed Services.

EC–7196. A communication from the Acting General Counsel, Department of Defense, transmitting, the report of legislation entitled ''Support of Sensitive Military Operations to Combat Terrorism'' as part of the National Defense Authorization Bill for Fiscal Year 2005; to the Committee on Armed Services.

EC–7197. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission,

transmitting, pursuant to law, the report of a rule entitled ''Mandated Electronic Filing for Form ID'' (RIN3235–AJ09) received on April 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7198. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for FY 2004'' (RIN3150–AH37) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7199. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates'' (FRL7651–8) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7200. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona'' (FRL7651–1) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7201. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans, Finding of Attainment, and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard, East Kern County, California'' (FRL7641–7) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7202. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of RFP for Capacity Building Project in NIS'' received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7203. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the 1-Hour Ozone Standard; Determination Regarding Applicability of Certain Clean Air Act Requirements; Approval and Promulgation of Ozone Attainment Plan; San Francisco Bay Area, California'' (FRL7645–7) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7204. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL7651–4) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7205. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Action to Stay and Defer Sanctions Based on Attainment of the 1-Hour Ozone Standard for the San Francisco Bay Area, California'' (FRL7645–8) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7206. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Kern County Air Pollution Control District'' (FRL7640–7) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7207. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL7650–4) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7208. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL7651–3) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7209. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''South Dakota: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL7653–2) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7210. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Family Educational Rights and Privacy Act'' (RIN1855–AA00) received on April 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7211. A communication from the Assistant Secretary, Office of National Programs, Employment and Training Administration, transmitting, pursuant to law, the report of a rule entitled ''Senior Community Service Employment Program; Final Rule'' (RIN1205–AB28) received on April 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7212. A communication from the Acting Assistant Director, Civil Division, United States Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the 21st Century Department of Justice Appropriations Authorization Act of 2002'' (RIN1105–AA75) received on April 22, 2004; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 328. Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 310. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2270. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

## 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 Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2334. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 2335. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 2336. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2337. A bill to establish a grant program to support coastal and water quality restoration activities in States bordering the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself, Mr. KENNEDY, and Mr. JOHNSON):

S. 2338. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Ms. MIKULSKI):

S. 2339. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. KENNEDY, and Mr. REED):

S. 2340. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2341. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 2342. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself and Mrs. LINCOLN):

S. 2343. A bill to amend title XVIII of the Social Security Act to improve the medicare program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2344. A bill to permit States to require insurance companies to disclose insurance information; to the Committee on the Judiciary.

By Mr. DODD:

S. 2345. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 684

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1748

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1748, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 1931

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1931, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 2020

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2020, a bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2055

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2055, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 2238

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2238, a bill to amend the National Flood Insurance Act of 1968 to reduce loses to properties for which repetitive flood insurance claim payments have been made.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2278

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

At the request of Mr. GREGG, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2283, supra.

S. 2321

At the request of Mr. BYRD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Georgia (Mr. MILLER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of 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.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2329

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oregon (Mr. WYDEN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. SNOWE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. LOTT), the Senator from North Carolina (Mrs. DOLE), the Senator from Alabama (Mr. SHELBY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2329, a bill to protect crime victims' rights.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2329, supra.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2329, supra.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2329, supra.

S.J. RES. 28

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 331

At the request of Mr. FITZGERALD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 331, a resolution designating June 2004 as ''National Safety Month''.

S. RES. 342

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Res. 342, a resolution designating April 30, 2004, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2334. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, I rise to introduce the Caribbean National Forest Act of 2004, along with Senator SCHUMER.

The Caribbean National Forest Act designates approximately 10,000 acres of the Caribbean National Forest (CNF) as the El Toro Wilderness. The El Toro Wilderness would be the only tropical forest wilderness in the U.S. National Forest system.

The CNF has long been recognized as a special area, worthy of protection. The Spanish Crown proclaimed much of the current CNF as a forest reserve in 1824. One hundred years ago, President Theodore Roosevelt reasserted the protection of the CNF by designating the area as a forest reserve.

Located 25 miles east of San Juan, the CNF is a biologically diverse area. Although it is the smallest forest in the national forest system, the CNF ranks number one in the number of species of native trees with 240. In addition, the CNF has 50 varieties of orchids and over 150 species of ferns. The area is also rich in wildlife with over 100 species of vertebrates, including the endangered Puerto Rican parrot. The only native parrot in Puerto Rico, they numbered nearly one million at the time that Columbus set sail for the New World. Today there are fewer than 35 of these parrots. The Forest Service, the U.S. Fish and Wildlife Service and Puerto Rico's Department of Natural Resources and the Environment have initiated a recovery program for the Puerto Rican Parrot. Wilderness designation will ensure that the forest home to the parrot will remain protected and the ongoing recovery efforts, consistent with the Wilderness Act, will continue.

The CNF also provides valuable water to the people of Puerto Rico. The CNF receives over 10 feet of rain each year. As a result, the major watersheds in the CNF are able to provide water to over 800,000 residents. In addition, the CNF provides a variety of recreational opportunities to over 700,000 Puerto Ricans and tourists each year. Families, friends and school groups come to the forest to hike, bird watch, picnic, swim and enjoy the scenic vistas.

Wilderness designation of the El Toro will protect approximately one third of the forest. A companion House bill, H.R. 1723, has been introduced by Puerto Rico's Resident Commissioner, Abibel Acevedo Vila. During a House hearing on this measure last summer, the U.S. Forest Service stated its support for the designation of the El Toro Wilderness Area.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2334

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Caribbean National Forest Act of 2004''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) MAP.—The term ''map'' means the map dated April 13, 2004 and entitled ''El Toro Proposed Wilderness Area''.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

**SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.**

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1113 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico described in the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land described in the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

By Mr. REED (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 2335. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Preparing, Recruiting, and Retaining Education Professionals Act of 2004 to ensure high quality preparation, induction, and professional development programs for teachers, early childhood education providers, principals and administrators in order to improve learning and achievement for all students.

As Congress turns to the reauthorization of the Higher Education Act, we need to increase support for prospective, new, and experienced educators in early childhood education programs, elementary schools, and secondary schools.

My legislation challenges teacher preparation programs to make improving student achievement the engine that drives all activities, training, and support for teachers. The goal here is not to be punitive but to put students and their achievement first.

We know that strong teaching skills make a difference. Studies have shown that students who attend classes taught by high-quality teachers perform significantly better on assessments. The No Child Left Behind Act requires that all teachers be highly qualified. To be so deemed, in general, a teacher must hold a bachelor's degree, be fully certified by a State, and demonstrate content knowledge of the subjects taught by the 2005–2006 school year. New teachers must meet this standard now. Yet, according to the U.S. Department of Education, only 54 percent of our Nation's secondary school teachers were highly qualified during the 1999–2000 school year. The percentage of highly qualified teachers varies widely by State and by subject matter. For example, a 2003 survey by the Council of Chief State School Officers found that only my home State of Rhode Island, Nebraska, New Jersey, North Dakota, and Minnesota have more than 80 percent of their math teachers with college majors in math and full certification. Seven States report having more than 10 percent of their teachers on waivers; that is, teaching with emergency, temporary, or provisional licenses.

The Preparing, Recruiting, and Retaining Education Professionals Act modifies and strengthens the current State, partnership, and recruitment grants contained within title II of the Higher Education Act to focus on improving teaching skills of prospective, new, and experienced teachers and early childhood education providers as well as improving the capacity of principals to provide instructional leadership and classroom support for teachers.

My legislation ensures States hold institutions of higher education and entities that provide alternative routes to State certification equally accountable for preparing highly qualified teachers and highly competent early childhood education providers via reforms to ensure preparation program effectiveness. The goal is to provide teachers and early childhood education providers the scientific knowledge of teaching skills needed to understand and respond effectively to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs; the ability to integrate technology into the classroom; strategies to effectively use assessments to improve instructional practices and curriculum; and an understanding of how to communicate with and involve parents in their children's education.

The Higher Education Act's existing partnership grants are strengthened by improving the effectiveness of the teaching skills and learning practices taught through inclusion of academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. Partnerships are expanded to include pre-service clinical, field, or practicum components whereby the prospective teachers receive close supervision and mentoring. A residency program would be created to provide ongoing training support during new teachers' first 3 years. Professional development opportunities would have to be provided for experienced teachers to encourage continual retraining to further their skills. Managerial skill development is also included to improve the capacity of principals to provide instructional leadership and classroom support for teachers.

The time for action is now because too few of the teachers that we have prepared choose to enter the schools and stay. According to the National Commission on Teaching and America's Future, after 3 years, 33 percent of beginning teachers have left teaching and after 5 years, 46 percent have left. Not surprisingly, the turnover rate in high poverty schools is approximately one-third higher than the rate for all teachers. During the 1999–2000 school year, 232,000 new teachers were hired, but schools lost more than 287,000—a net loss of 24 percent. Teacher attrition undermines teacher quality and drives teacher shortages. Investing in the preparation of our educators and their continued professional development is critical for addressing these needs which, in turn, will improve outcomes and results for all children.

One of the primary reasons for such high attrition, according to the Commission, is the lack of support once a teacher is hired. Approximately one-third of those teachers who expressed dissatisfaction cited poor administrative support, a lack of faculty influence and inadequate planning and collaboration time. By providing mentoring and support during the pre-service experiences, the early years of teaching, and through ongoing professional development opportunities for experienced teachers, we can substantially reduce the terrible turnover rates that our Nation experiences.

There are also extensive teaching vacancies in schools nationwide. The General Accounting Office has found that 23 of 37 State officials reported teacher shortages in high-need subject areas such as mathematics, science, bilingual education and special education.

My legislation focuses recruitment activities where high teacher turnover and shortages exist, where there is great difficulty meeting academic standards, or where there is great difficulty demonstrating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

The State, partnership, and recruitment grants are currently funded at only $90 million a year—far too little of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of No Child Left Behind, but for real kids in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these vital programs.

The PRREP Act is supported by a diverse array of education organizations, including the American Association of Colleges for Teacher Education, American Psychological Association, Center for Civic Education, Council for Exceptional Children, Higher Education Consortium for Special Education, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association for the Education of Young Children, National Council of Teachers of English, National Council of Teachers of Mathematics, National Science Teachers Association, and National PTA.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Higher Education Act.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

Additionally, I am pleased to be joining Senator BINGAMAN, who is introducing the CLASS Act. This legislation shares the PRREP Act's spirit of improving teacher preparation and therefore, student achievement. In addition to encouraging the development of data systems to measure teacher quality, the CLASS Act authorizes pilot studies to evaluate the impact of teacher preparation programs on student achievement and to identify the specific practices that result in achievement gains. The legislation also seeks to improve minority teacher recruitment and retention.

The PRREP Act, Senator BINGAMAN's bill, and the bill we joined Senator KENNEDY in introducing last year—S. 1793, the College Quality, Affordability, and Diversity Improvement Act—will all go a long way toward ensuring the high quality preparation, induction, and professional development that our Nation's educators—and students—deserve.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2335

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Preparing, Recruiting, and Retaining Education Professionals Act of 2004''.

**SEC. 2. PURPOSES; DEFINITIONS.**

Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

**''SEC. 201. PURPOSES; DEFINITIONS.**

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

''(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

''(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

''(A) teachers who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

''(B) early childhood education providers who are highly competent;

''(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

''(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

''(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

''(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate, work with, and involve parents in ways that improve student achievement.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 645A of that Act.

''(3) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) FACULTY.—

''(A) IN GENERAL.—The term 'faculty' means individuals in institutions of higher education who are responsible for preparing teachers.

''(B) INCLUSIONS.—The term 'faculty' includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

''(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

''(A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

''(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

''(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

''(B)(i) there is a high percentage of teachers who are not highly qualified; or

''(ii) there is a chronic shortage, or high turnover rate, of highly qualified teachers.

''(6) HIGH-NEED SCHOOL.—The term 'high-need school' means an early childhood education program, public elementary school, or public secondary school—

''(A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

''(ii) that, in the case of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316); and

''(B) in which there exists—

''(i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or high turnover rate, of highly qualified teachers; and

''(ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

''(7) HIGHLY COMPETENT.—The term 'highly competent' when used with respect to an early childhood education provider means a provider—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(8) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(9) MENTORING.—The term 'mentoring' means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

''(A) knowledge of the scientific research on, and assessment of, teaching and learning;

''(B) development of teaching skills and skills in evidence-based educational interventions;

''(C) development of classroom management skills;

''(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

''(E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

''(10) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(11) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(13) PROFESSIONAL DEVELOPMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(B) EARLY CHILDHOOD EDUCATION PROVIDERS.—The term 'professional development' when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of children from birth until entry into kindergarten.

''(14) TEACHING SKILLS.—The term 'teaching skills' means skills—

''(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

''(B) that require an understanding of the learning process itself, including an understanding of—

''(i) the use of teaching strategies specific to the subject matter;

''(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

''(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

''(iv) effective classroom management; and

''(v) effective ways to communicate, work with, and involve parents in their children's education.''.

**SEC. 3. STATE GRANTS.**

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

**''SEC. 202. STATE GRANTS.**

''(a) IN GENERAL.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means—

''(A) a State educational agency; or

''(B) an entity or agency in the State responsible for teacher certification and preparation activities.

''(2) CONSULTATION.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

''(1) meets the requirement of this section and other relevant requirements for States under this title;

''(2) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

''(3) describes the eligible State's plan for continuing the activities carried out with the grant once Federal funding ceases;

''(4) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

''(5) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

''(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

''(A) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on scientific knowledge—

''(i) about the disciplines of teaching and learning; and

''(ii) about understanding and responding effectively to students with special needs;

''(B) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the

effectiveness and impact of teacher preparation programs, including on student achievement;

''(C) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers; and

''(D) collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State's teacher support system.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Ensuring the State's teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

''(3) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

''(A) programs at schools or departments of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

''(B) a selective means for admitting individuals into such programs;

''(C) providing intensive support during the initial teaching experience, including mentoring;

''(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

''(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers have an understanding of evidence-based learning practices and possess strong teaching skills.

''(4) STATE CERTIFICATION RECIPROCITY.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

''(5) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, including activities described in subsections (d) and (e) of section 204.

''(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by ending the practice of social promotion.''.

**SEC. 4. PARTNERSHIP GRANTS.**

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

**''SEC. 203. PARTNERSHIP GRANTS.**

''(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIP.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school or department of arts and sciences within the partner institution under clause (i);

''(iii) a school or department of education within the partner institution under clause (i);

''(iv)(I) a department of psychology within the partner institution under clause (i);

''(II) a department of human development within the partner institution under clause (i); or

''(III) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i);

''(v) a high-need local educational agency; and

''(vi)(I) a high-need school served by the high-need local educational agency under clause (v); or

''(II) a consortium of schools of the high-need local educational agency under clause (v); and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including a community college), a public charter school, other public elementary school or secondary school, a combination or network of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 208(a) and the teacher preparation program of which demonstrates that—

''(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

''(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and—

''(i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and

''(ii) in the case of prospective early childhood education providers, to become highly competent.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement;

''(2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part, in accordance with the needs assessment required under paragraph (1);

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement;

''(C) the partnership's evaluation plan pursuant to section 206(b);

''(D) how faculty at the partner institution will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in the partnership;

''(E) how the partnership will enhance the instructional leadership and management skills of principals and provide effective support for principals, including new principals;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its educator support system;

''(4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f);

''(5) include, for the residency program described in subsection (d)(3)—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning;

''(B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty documented by professional development offered to staff and documented experience with university collaborations;

''(C) a description of how the residency program will design and implement an induction period to support all new teachers through the first 3 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and

''(D) a description of how faculty involved in the residency program will be able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release

time and receiving workload credit for their participation; and

''(6) include an assurance that the partnership has mechanisms in place to measure and assess the effectiveness and impact of the activities to be undertaken, including on student achievement.

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to teachers, early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1):

''(1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating reliable evidence-based teaching methods into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include—

''(A) teacher preparation program curriculum changes that improve, and assess how well all new teachers develop, teaching skills;

''(B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers understand evidence-based learning practices and possess teaching skills that enable them to meet the learning needs of all students;

''(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

''(D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and

''(E) working with and involving parents in their children's education to improve the academic achievement of their children and in the teacher preparation program reform process.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall—

''(A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including—

''(i) clinical learning opportunities;

''(ii) field experiences; and

''(iii) supervised practica; and

''(B) be offered over the course of a program of preparation and coursework (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including the mentoring in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement, and substantially increasing closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, including preparation time and release time, for such interaction.

''(3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for such teachers' first 3 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality mentoring opportunities, provide opportunities for the dissemination of evidence-based research on educational practices, and provide for opportunities to engage in professional development activities offered through professional associations of educators. Such program shall draw directly upon the expertise of teacher mentors, faculty, and researchers that involves their active support in providing a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

''(A) Knowledge of the scientific research on teaching and learning.

''(B) Development of skills in evidence-based educational interventions.

''(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology.

''(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

''(F) Application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council.

''(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood education providers, principals, administrators, and faculty that—

''(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

''(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

''(C) provides mentoring, team teaching, reduced class schedules, and intensive professional development;

''(D) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

''(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

''(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs; and

''(iii) to effectively communicate, work with, and involve parents in their children's education;

''(E) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices—

''(i) inform the research of faculty and other researchers; and

''(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

''(F) includes the rotation, for varying periods of time, of experienced teachers—

''(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

''(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

''(5) SUPPORT FOR PARTICIPANTS.—Providing support for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors for prospective, new, and experienced teachers, based on such individuals' experience. Such support—

''(A) also may be provided to the preservice clinical experience participants, as appropriate; and

''(B) may include—

''(i) release time for such individual's participation;

''(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

''(iii) stipends.

''(6) LEADERSHIP AND MANAGERIAL SKILLS.—

''(A) IN GENERAL.—Developing and implementing proven mechanisms to provide principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

''(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

''(ii) teaching and assessment skills needed to support successful classroom teaching;

''(iii) an understanding of how students learn and develop in order to increase achievement for all students; and

''(iv) the skills to effectively involve parents.

''(B) MECHANISMS.—The mechanisms developed and implemented pursuant to subparagraph (A) may include any of the following:

''(i) Mentoring of new principals.

''(ii) Field-based experiences, supervised practica, or internship opportunities.

''(iii) Other activities to expand the knowledge base and practical skills of principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable).

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

''(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for developing skills in classroom management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education

agency, and State educational agency, as appropriate.

''(2) CURRICULUM PREPARATION.—Supporting preparation time for early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curricula, classroom experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

''(3) COMMUNICATION SKILLS.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers' communication skills with students, parents, colleagues, and other education professionals.

''(4) COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

''(5) TEACHER RECRUITMENT.—Activities described in subsections (d) and (e) of section 204.

''(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.''.

**SEC. 5. RECRUITMENT GRANTS.**

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

**''SEC. 204. RECRUITMENT GRANTS.**

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

''(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b) that has—

''(A) high teacher shortages or turnover rates; or

''(B) high teacher shortages or turnover rates in high-need local educational agencies; or

''(2) an eligible partnership described in section 203(b) that—

''(A) serves not less than 1 high-need local educational agency with high teacher shortages or turnover rates ;

''(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

''(C) demonstrates great difficulty meeting the requirement that teachers be highly qualified.

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

''(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic areas served by the eligible applicant;

''(3) a description of the activities the eligible applicant will carry out with the grant; and

''(4) a description of the eligible applicant's plan for continuing the activities carried out with the grant once Federal funding ceases.

''(d) REQUIRED USES OF FUNDS.—An eligible applicant receiving a grant under this section shall use the grant funds—

''(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

''(C) for followup services (including mentoring and professional development activities) provided to former scholarship recipients during the recipients first 3 years of teaching; and

''(D) in the case where the eligible applicant also receives a grant under section 203, for support for mentor teachers who participate in the residency program; or

''(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

''(e) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

''(1) OUTREACH.—Conducting outreach and coordinating with inner city and rural secondary schools to encourage students to pursue teaching as a career.

''(2) EARLY CHILDHOOD EDUCATION COMPENSATION.—For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of early childhood education providers who attain degrees in early childhood education.

''(f) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.''.

**SEC. 6. ADMINISTRATIVE PROVISIONS.**

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''ONE-TIME AWARDS;'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraph (2) and inserting the following:

''(2) COMPOSITION OF PANEL.—The peer review panel shall be composed of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under this part. A majority of the panel shall be composed of individuals who are not employees of the Federal Government.'';

(C) by inserting after paragraph (2) the following:

''(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants' proposals to improve the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

''(A) with respect to grants under section 202, give priority to eligible States that—

''(i) have initiatives to reform State program approval requirements for teacher preparation programs that are designed to ensure that current and future teachers are highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this information in such teachers' classroom instruction;

''(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

''(iii) involve the development of innovative efforts aimed at reducing the shortage of—

''(I) highly qualified teachers in high-poverty urban and rural areas; and

''(II) highly qualified teachers in fields with persistently high teacher shortages, such as special education;

''(B) with respect to grants under section 203—

''(i) give priority to applications from eligible partnerships that involve broad participation within the community, including businesses; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change; and

''(C) with respect to grants under section 204, give priority to eligible applicants that have in place, or in progress, articulation agreements between 2- and 4-year public and private institutions of higher education and nonprofit providers of professional development with demonstrated experience in professional development activities.''; and

(D) by adding at the end the following:

''(5) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of peer review panel members who are not employees of the Federal Government.''; and

(c) by striking subsection (e) and inserting the following:

''(e) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title for such fiscal year, whichever amount is greater, to provide technical assistance to States and partnerships receiving grants under this part.''.

**SEC. 7. ACCOUNTABILITY AND EVALUATION.**

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Committee on Labor and

Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions'';

(B) in paragraph (2), by striking '', including,'' and all that follows through the period and inserting ''as a highly qualified teacher.'';

(C) in paragraph (3)—

(i) by striking ''highly''; and

(ii) by striking the period at the end and inserting ''that meet the same standards and criteria of State certification or licensure programs.'';

(D) by striking paragraph (4) and inserting the following:

''(4) TEACHER AND PROVIDER QUALIFICATIONS.—

''(A) ELEMENTARY AND SECONDARY SCHOOL CLASSES.—Increasing the percentage of elementary school and secondary school classes taught by teachers—

''(i) who are highly qualified;

''(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and child and adolescent development so the teachers understand and use evidence-based teaching skills to meet the learning needs of all students; or

''(iii) who have completed a residency program throughout their first 3 years of teaching that includes mentoring by faculty who are trained and compensated for their work with new teachers.

''(B) EARLY CHILDHOOD EDUCATION PROGRAMS.—Increasing the percentage of classrooms in early childhood education programs taught by providers who are highly competent.'';

(E) by striking paragraph (5) and inserting the following:

''(5) DECREASING SHORTAGES.—Decreasing shortages of—

''(A) qualified teachers and principals in poor urban and rural areas; and

''(B) qualified teachers in fields with persistently high teacher shortages, such as special education.''; and

(F) by striking paragraph (6) and inserting the following:

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves—

''(i) the knowledge and skills of early childhood education providers;

''(ii) the knowledge of teachers in special education;

''(iii) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction; or

''(iv) the knowledge of subject matter or academic content areas—

''(I) in which the teachers are certified or licensed to teach; or

''(II) in which the teachers are working toward certification or licensure to teach;

''(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to teachers' teaching practice and to teachers' ongoing classroom assessment of students; and

''(C) provides enhanced instructional leadership and management skills for principals.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''for'' and inserting ''for teachers, early childhood education providers, or principals, as appropriate, according to the needs analysis required under section 203(c)(1), for''; and

(B) by striking paragraphs (1) through (6) and inserting the following:

''(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

''(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

''(3) increased teacher retention in the first 3 years of a teacher's career based, in part, on teacher retention data collected as described in section 203(c)(3)(H);

''(4) increased success in the pass rate for initial State certification or licensure of teachers;

''(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

''(6) increased percentage of early childhood education program classes taught by providers who are highly competent;

''(7) increased percentage of early childhood education programs and elementary school and secondary school classes taught by providers and teachers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

''(8) increased percentage of qualified special education teachers;

''(9) increased number of general education teachers trained in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

''(10) increased number of teachers trained in technology; and

''(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents.''; and

(3) in subsection (d)—

(A) by inserting '', with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section,'' after ''funded under this part''; and

(B) by striking ''Committee on Labor and Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions''.

**SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.**

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking '', within 2 years'' and all that follows through ''the following'' and inserting '', on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner of the National Center for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following'';

(B) in paragraph (4)—

(i) by striking ''teaching candidates'' and inserting ''prospective teachers''; and

(ii) by striking ''candidate'' and inserting ''prospective teacher'';

(C) in paragraph (5)—

(i) by striking ''teaching candidates'' and inserting ''prospective teachers'';

(ii) by striking ''teacher candidate'' and inserting ''prospective teacher''; and

(iii) by striking ''candidate's'' and inserting ''teacher's'';

(D) in paragraph (7), by inserting ''how the State has ensured that the alternative certification routes meet the same State standards and criteria for teacher certification or licensure,'' after ''if any,'';

(E) in paragraph (8)—

(i) by striking ''teacher candidate'' and inserting ''prospective teacher''; and

(ii) by inserting ''(including the ability to provide instruction to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs)'' after ''skills'';

(F) by adding at the end the following:

''(10) Information on the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children's education.'';

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking ''not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and'';

(B) by striking ''subsection (b)'' and inserting ''subsection (a)'';

(C) by striking ''Committee on Labor and Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions''; and

(D) by striking ''not later than 9 months after the date of enactment of the Higher Education Amendments of 1998'';

(5) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking ''(9) of subsection (b)'' and inserting ''(10) of subsection (a)''; and

(B) by striking ''and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter'' and inserting '', and made available annually''; and

(6) in subsection (e)(1), as redesignated by paragraph (2)—

(A) by striking ''not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report'' and inserting ''shall report annually''; and

(B) by striking ''methods established under subsection (a)'' and inserting ''reporting methods developed for teacher preparation programs''.

**SEC. 9. STATE FUNCTIONS.**

Section 208 of the Higher Education Act of 1965 (20 U.S.C. 1028) is amended—

(1) in subsection (a)—

(A) by striking '', not later than 2 years after the date of enactment of the Higher Education Amendments of 1998,'';

(B) by inserting ''and within entities providing alternative routes to teacher preparation'' after ''institutions of higher education'';

(C) by inserting ''and entities'' after ''low-performing institutions'';

(D) by inserting ''and entities'' after ''those institutions''; and

(E) by striking ''207(b)'' and inserting ''207(a)'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) TEACHER QUALITY PLAN.—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

''(1) details how such funds will ensure that all teachers are highly qualified; and

''(2) indicates whether each teacher preparation program in the State that has not been designated as low-performing under subsection (a) is of sufficient quality to meet all State standards and produce highly qualified teachers with the teaching skills needed to teach effectively in the schools of the State.'';

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking ''of Education''; and

(B) in paragraph (2), by striking ''of this Act''; and

(5) in subsection (d), as redesignated by paragraph (2), by striking ''subsection (b)(2)'' and inserting ''subsection (c)(2)''.

**SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.**

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 210 as section 211; and

(2) by inserting after section 209 the following:

**''SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.**

''(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

''(b) ELIGIBLE ENTITY.—In this section:

''(1) IN GENERAL.—The term 'eligible entity' means a consortium composed of institutions of higher education that—

''(A) award doctoral degrees in education; and

''(B) are partner institutions (as such term is defined in section 203).

''(2) INCLUSIONS.—The term 'eligible entity' may include the following:

''(A) Institutions of higher education that—

''(i) do not award doctoral degrees in education; and

''(ii) are partner institutions (as such term is defined in section 203).

''(B) Nonprofit entities with expertise in preparing highly qualified teachers.

''(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

''(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

''(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

''(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

''(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other administrators through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

''(1) RECRUITMENT.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with teachers and students in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement in school settings, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

''(2) PROFESSIONAL DEVELOPMENT CURRICULA.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to teacher preparation programs nationwide.

''(3) PROFESSIONAL DEVELOPMENT EXPERIENCES.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty to ensure that such faculty are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

''(4) DEVELOPMENT PROGRAMS.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

Section 211 of the Higher Education Act of 1965, as redesignated by section 10, is amended—

(1) by striking ''part $300,000,000 for fiscal year 1999'' and inserting ''part, other than section 210, $500,000,000 for fiscal year 2005'';

(2) by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (1), by striking ''45'' and inserting ''20'';

(4) in paragraph (2), by striking ''45'' and inserting ''60''; and

(5) in paragraph (3), by striking ''10'' and inserting ''20''.

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By Mr. REID (for himself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 2336. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I introduce a bill on behalf of myself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG.

We are very fortunate to live in a democratic nation where we can express our opinions freely. That is what America is all about. We can attempt to influence the policies of our Government and even criticize them without fear of retaliation. We can debate important issues without fear of retaliation by anyone.

One of the most heated debates in the last two decades has been the issue of abortion. People on both sides of the issue feel extremely strong. They have argued, demonstrated, and protested with much emotion and passion. The issue is not going to go away soon. I doubt that one side will be able to suddenly convince the other to drop its deeply held beliefs.

However, there is a need and even an opportunity to find common ground. We can move toward a goal we all share, reducing the number of unintended pregnancies in America. It is possible. And it is necessary to come together and enact effective legislation to prevent unintended pregnancies, reduce the number of abortions performed in this country, and address the unmet health care needs of American women.

We can only find common ground by being honest with each other. We can find not only common ground but also common sense solutions in this legislation which I am introducing entitled ''Putting Prevention First.'' I am pleased that Senators CHAFEE, BOXER, MURRAY, CORZINE and LAUTENBERG are joining me as cosponsors of this legislation.

The Putting Prevention First Act will help reduce the staggering rates of unintended pregnancies in America. It will reduce the rate of infection with sexually transmitted diseases, reduce the number of abortions, and improve access to health care for women.

Specifically, the Putting Prevention First Act will: No. 1, end insurance discrimination against women; No. 2, improve awareness and understanding of emergency contraception; No. 3, ensure that rape victims have information about emergency contraception and access to emergency contraception; No. 4, increase funding for the National Family Planning Program; No. 5, provide funding to allow States to implement a comprehensive approach to sexuality education that includes information about both abstinence and contraception; No. 6, expands teen pregnancy prevention programs; and, No. 7 allows States to expand Medicaid family planning services to low-income women without having to apply for a waiver from the Federal Government.

Nationwide, about one-half of all pregnancies are unintended and half of those end in abortion. This is not just a health problem; it is a public health tragedy. But it does not have to be this way. Most of the unintended pregnancies and resulting abortions can be prevented. We must work together to make that happen, we can find a common ground.

One of the most important steps we can take to prevent unintended pregnancies is ensuring that American women have access to affordable, effective contraception.

I have been on national radio call-in shows and talked about legislation I have worked on with Senator SNOWE for so many years to provide for contraceptive equity. One time, a woman called and said: I don't believe in contraception. Well, my simple answer to her was: Then don't use them. But don't prevent others who have different beliefs from having the ability to use these contraceptives.

Today, numerous forms of safe and highly effective contraception are

available by prescription. If used correctly, they could greatly reduce the rate of unintended pregnancies.

One of the greatest obstacles to the use of prescription contraceptives by American women is their cost. Women are educated. They know that they work. They simply do not have the money.

Again, on a radio program, a woman called in and said: I have diabetes. I am pregnant. I didn't want to become pregnant. It is not good for me. She said: But my husband's insurance doesn't cover the pill.

It is amazing, but many insurance policies do not cover prescription contraceptives for women. But they do automatically cover tubal ligations, vasectomies, abortions, and other such things that are much more expensive than prescription contraception.

Now, we have made progress. Federal Employees have access to prescription contraception through the Federal Employees Health Benefits Program. But we shouldn't limit this benefit to just federal employees.

We know that women on average earn less than men, and yet they must pay far more than men for health-related expenses. According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket costs for medical expenses than men, and, of course, that is largely due to their reproductive health care needs.

Because many women cannot afford the prescription contraceptives they would like to use, many go without. Far too often, this results in unintended pregnancies.

The high cost of prescription contraceptives is not just a problem for the millions of women without health insurance, but also for millions of American women who do have health insurance because many insurance plans that cover prescription drugs do not cover contraceptives. So women are forced to either do without contraceptives or pay for them out of pocket and, as I have given an example or two, many families simply cannot afford it. This is unfair to women and their families and it is a bad policy because it causes additional unintended pregnancies and adversely affects the health of women.

Since 1997, Senator OLYMPIA SNOWE and I have worked to remedy this problem. Today, as part of the Putting Prevention First Act, I am again proposing common-sense legislation that has received bipartisan support.

The Equity in Prescription Insurance and Contraceptive Coverage Act—EPICC, as we call it—requires insurance plans that cover prescription drugs to provide the same coverage for prescription contraceptives. We are not asking for special treatment, only equitable treatment within the context of an existing prescription drug benefit. This legislation is simply the fair thing to do for women.

And making contraception more affordable and more available will enable more women to use safe and effective means to prevent unintended pregnancies. As I said, it is a goal we all share.

Contraceptive coverage is much cheaper than other services, including, as I have said, abortions, sterilizations, and tubal ligations that insurance companies routinely cover. The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years because of an amendment offered on this floor, has proved that adding such coverage does not increase the cost of a plan.

This commonsense, cost-effective legislation is long overdue. Promoting equity in health insurance coverage for American women, while working to prevent unintended pregnancies and improve the health of women, is by any means the right thing to do.

We should also take additional steps that would improve access to women's health care for poor and low-income women. Public health programs such as Medicaid and title X provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals. Yet these programs are struggling to meet the growing demand for subsidized family planning services without corresponding increases in funding.

The Putting Prevention First legislation would increase the authorization for title X, and it would allow States to expand Medicaid family planning services to women with incomes of up to 200 percent of the Federal poverty level without having to apply to the Federal Government for a waiver.

This commonsense approach has long been championed by Senator LINCOLN Chafee. My friend and cosponsor of this legislation knows that contraceptive use saves scarce public health dollars. Every $1 spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

The Putting Prevention First Act would increase the awareness and availability of emergency contraception, an important yet poorly understood form of contraception. Approved for use by the Food and Drug Administration, emergency contraception pills work to prevent pregnancy, and they cannot disrupt or interrupt an established pregnancy. The emergency contraception pills work to prevent pregnancy, not to interrupt and disrupt a pregnancy. The availability of emergency contraception is very important for women who survive a sexual assault.

I can remember a young woman who worked for me, a teenager. She came to me and said: Could I see you in your office?

I said: Sure. What is the matter?

She said: I was jumped.

She was driving through a part of town alone. Some people pulled her car over and they raped her. I sent her to another friend of mine who is an OB/GYN.

It is difficult to imagine the physical, psychological, and emotional pain endured by a woman who is raped. In addition to the violent attack, she must also worry about the possibility she could become pregnant.

The availability of emergency contraception is important for women who survive a sexual assault. A woman could use emergency contraception in an emergency, such as if she has been raped and doesn't want to become pregnant.

Compassion is a word we have heard a lot from political leaders in recent years. Actions speak louder than words. Surely it would be compassionate to make emergency contraception available to a woman who is raped so she doesn't become impregnated by the thug who brutalized and traumatized her.

The Putting Prevention First Act includes a provision that has been advocated by Senators Corzine and Murray. This provision would require hospitals receiving Federal health dollars to provide information about emergency contraception and make it available to sexual assault survivors who are treated in the emergency room. Simply put, emergency contraception should be made available in an emergency room.

Emergency contraception and emergency rooms go hand in hand. Women who are the victims of rape should be informed of all their options, including emergency contraception.

If they choose that option, it should be available to them right then.

Emergency contraception has been studied extensively and is regarded as a safe and effective method to prevent unintended pregnancies. Its use has been recommended by leading medical authorities, including the American Medical Association and the American College of Obstetricians and Gynecologists. It has been approved by the Food and Drug Administration. An FDA advisory panel has recommended emergency contraception be made available without a prescription. This could prevent 1.7 million unintended pregnancies and 800,000 abortions in America each year.

Unfortunately, however, emergency contraception remains for the most part a well-kept secret. Most of the women who would use this to prevent an unintended pregnancy are unaware of its existence, and they don't know it is available, if it is available. Even many health care providers do not understand what emergency contraception is, how it works, and who can use it.

To reduce unintended pregnancies by raising awareness about emergency contraception, the Putting Prevention First Act includes a provision championed by Senator MURRAY that will provide funding to develop and distribute information about emergency contraception to public health organizations, health care providers, and the public. I commend Senator MURRAY and appreciate her allowing me to include this in my legislation.

These are some of the simple but necessary steps we can and should take to prevent unintended pregnancies. We should embrace these measures to protect the health of American women, prevent unintended pregnancies, and reduce abortion. It is time to put prevention first.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2336

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Putting Prevention First Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

Sec. 101. Short title.
Sec. 102. Authorization of appropriations.

TITLE II—FAMILY PLANNING STATE EMPOWERMENT

Sec. 201. Short title.
Sec. 202. State option to provide family planning services and supplies to additional low-income individuals.
Sec. 203. State option to extend the period of eligibility for provision of family planning services and supplies.

TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

Sec. 301. Short title.
Sec. 302. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 303. Amendments to Public Health Service Act relating to the group market.
Sec. 304. Amendment to Public Health Service Act relating to the individual market.

TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

Sec. 401. Short title.
Sec. 402. Emergency contraception education and information programs.

TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

Sec. 501. Short title.
Sec. 502. Survivors of sexual assault; provision by hospitals of emergency contraceptives without charge.

TITLE VI—FAMILY LIFE EDUCATION

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.
Sec. 604. Sense of Congress.
Sec. 605. Evaluation of programs.
Sec. 606. Definitions.
Sec. 607. Appropriations.

TITLE VII—TEENAGE PREGNANCY PREVENTION

Sec. 701. Short title.
Sec. 702. Teenage pregnancy prevention.

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) Although the Centers for Disease Control and Prevention (''CDC'') included family planning in its published list of the ''Ten Great Public Health Achievements in the 20th Century'', the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Each year, three million pregnancies, nearly half of all pregnancies, in the United States are unintended; and half of unintended pregnancies end in abortion.

(3) In 2000, 34 million women—half of all women of reproductive age (ages 15–44)—were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(4) The United States also has the highest rate of infection with sexually transmitted diseases (''STDs'') of any industrialized country: in 2000 there were approximately 18.9 million new cases of STDs.

(5) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with STDs. Contraceptive use saves public health dollars: every dollar spent on providing family planning services, saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(6) Contraception is basic health care that improves the health of women and children by enabling women to plan and space births.

(7) Women experiencing unintended pregnancy are at greater risks for physical abuse and women having closely spaced births are at greater risk of maternal death.

(8) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(9) The ability to control fertility also allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(10) The average American woman desires two children and spends five years of her life pregnant or trying to get pregnant and roughly 30 years trying to prevent pregnancy; without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.

(11) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. 12.1 million or 20 percent of all women aged 15–24 were uninsured in 2002, and that proportion has increased by 10 percent since 1999.

(12) Public health programs like Medicaid and Title X, the national family planning program, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(13) Medicaid is the single largest source of public funding for family planning services and HIV/AIDS care in the United States. Half of all public dollars spent on contraceptive services and supplies in the United States are provided through Medicaid and approximately 5.5 million women of reproductive age—nearly one in ten women between the ages of 15 and 44—rely on Medicaid for their basic health care needs.

(14) Each year, Title X services enable Americans to prevent approximately one million unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for STDs does so at a Title X-funded clinic. In 2002, Title X-funded clinics provided three million Pap tests, 5.2 million STD tests, and 494,000 HIV tests.

(15) The increasing number of uninsured, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and STDs, have diminished the ability of Title X funded clinics to adequately serve all those in need. Taking inflation into account, funding for the Title X program declined 57 percent between 1980 and 2003.

(16) While Medicaid is the largest source of subsidized family planning services, many States have had to make significant cuts in their Medicaid programs due to budget pressures putting many women at risk of losing coverage for family planning services.

(17) In addition, eligibility for Medicaid in many States is severely restricted leaving family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow them to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their Medicaid family planning programs.

(18) Many private health plans still do not cover contraceptive services and supplies. The lack of contraceptive coverage in health insurance plans places many effective forms of contraception beyond the financial reach of many women.

(19) Including contraceptive coverage in private health care plans saves employers money: not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(20) Emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion.

(21) In 2000, 51,000 abortions were prevented by use of emergency contraception; increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(22) Access to comprehensive sex education is critical to reducing rates of unintended pregnancy, abortion, and STD infection among teens. Over 60 percent of teens have had sex before they graduate from high school and nine out of ten people have sex before they get married. 822,000 teenagers become pregnant each year; 35 percent of teen girls become pregnant at least once before turning 20; and 78 percent of teenage pregnancies are unintended. Nearly half (48 percent) of new STD cases are among people ages 15–24, even though these youth make up only a quarter of the sexually active population.

(23) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sexuality education that includes information about both abstinence and contraception.

(24) Comprehensive sex education protects adolescent health. A recent survey found that only 15 percent of American parents believe that schools should just teach about abstinence.

(25) A recent study showed that teens who took pledges to remain virgins until marriage were just as likely to contract STDs as teens who did not take virginity pledges and that although teens taking the pledges delayed sexual debut, they were less likely to use condoms once they were sexually active.

(26) Teens who receive sex education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sex and to have fewer partners and use contraceptives when they do become sexually active.

## TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

**SEC. 101. SHORT TITLE.**

This Act may be cited as the ''Title X Family Planning Services Act of 2004''.

**SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated $643,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year.

## TITLE II—FAMILY PLANNING STATE EMPOWERMENT

**SEC. 201. SHORT TITLE.**

This Act may be cited as the ''Family Planning State Empowerment Act''.

**SEC. 202. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS.**

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

''STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS

''SEC. 1935.

''(a) IN GENERAL.—A State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual not otherwise eligible for such assistance—

''(1) whose family income does not exceed an income level (specified by the State) that does not exceed the greatest of—

''(A) 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved;

''(B) in the case of a State that has in effect (as of the date of the enactment of this section) a waiver under section 1115 to provide such medical assistance to individuals based on their income level (expressed as a percent of the poverty line), the eligibility income level as provided under such waiver; or

''(C) the eligibility income level (expressed as a percent of such poverty line) that has been specified under the plan (including under section 1902(r)(2)), for eligibility of pregnant women for medical assistance; and

''(2) at the option of the State, whose resources do not exceed a resource level specified by the State, which level is not more restrictive than the resource level applicable under the waiver described in paragraph (1)(B) or to pregnant women under paragraph (1)(C).

''(b) FLEXIBILITY.—A State may exercise the authority under subsection (a) with respect to one or more classes of individuals described in such subsection.''.

(b) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(1) by striking ''and'' at the end of clause (xii);

(2) by adding ''and'' at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following new clause:

''(xiv) individuals described in section 1935, but only with respect to items and services described in paragraph (4)(C),''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on and after October 1, 2004.

**SEC. 203. STATE OPTION TO EXTEND THE PERIOD OF ELIGIBILITY FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.**

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

''(13) At the option of a State, the State plan may provide that, in the case of an individual who was eligible for medical assistance described in section 1905(a)(4)(C), but who no longer qualifies for such assistance because of an increase in income or resources or because of the expiration of a post-partum period, the individual may remain eligible for such assistance for such period as the State may specify, but the period of extended eligibility under this paragraph shall not exceed a continuous period of 24 months for any individual. The State may apply the previous sentence to one or more classes of individuals and may vary the period of extended eligibility with respect to different classes of individuals.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2004.

## TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

**SEC. 301. SHORT TITLE.**

This Act may be cited as the ''Equity in Prescription Insurance and Contraceptive Coverage Act''.

**SEC. 302. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

**''SEC. 714. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.**

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

''(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

''(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

''(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State

law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy. ''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Standards relating to benefits for contraceptives.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2005.

**SEC. 303. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.**

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

**''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.**

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

''(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

''(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

''(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2005.

**SEC. 304. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.**

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

**''SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.**

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2005.

## TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

**SEC. 401. SHORT TITLE.**

This Act may be cited as the ''Emergency Contraception Education Act''.

**SEC. 402. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.**

(a) DEFINITIONS.—For purposes of this section:

(1) EMERGENCY CONTRACEPTION.—The term ''emergency contraception'' means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that is—

(A) used after sexual relations; and

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2005 through 2009.

## TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

**SEC. 501. SHORT TITLE.**

This Act may be cited as the ''Compassionate Assistance for Rape Emergencies Act''.

**SEC. 502. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.**

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''emergency contraception'' means a drug, drug regimen, or device that is—

(A) used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term ''hospital'' has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(4) The term ''sexual assault'' means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

## TITLE VI—FAMILY LIFE EDUCATION

**SEC. 601. SHORT TITLE.**

This Act may be cited as the ''Family Life Education Act''.

**SEC. 602. FINDINGS.**

The Congress finds as follows:

(1) The American Medical Association (''AMA''), the American Nurses Association (''ANA''), the American Academy of Pediatrics (''AAP''), the American College of Obstetricians and Gynecologists (''ACOG''), the American Public Health Association (''APHA''), and the Society of Adolescent Medicine (''SAM''), support responsible sexuality education that includes information about both abstinence and contraception.

(2) Recent scientific reports by the Institute of Medicine, the American Medical Association and the Office on National AIDS Policy stress the need for sexuality education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS and other sexually transmitted diseases (''STDs'').

(3) Research shows that teenagers who receive sexuality education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.

(4) Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education children receive from their families.

(5) The median age of puberty is 13 years and the average age of marriage is over 26 years old. American teens need access to full, complete, and medically and factually accurate information regarding sexuality, including contraception, STD/HIV prevention, and abstinence.

(6) Although teen pregnancy rates are decreasing, there are still between 750,000 and 850,000 teen pregnancies each year. Between 75 and 90 percent of teen pregnancies among 15- to 19-year olds are unintended.

(7) Research shows that 75 percent of the decrease in teen pregnancy between 1988 and 1995 was due to improved contraceptive use, while 25 percent was due to increased abstinence.

(8) More than eight out of ten Americans believe that young people should have information about abstinence and protecting themselves from unplanned pregnancies and sexually transmitted diseases.

(9) United States teens acquire an estimated 4,000,000 sexually transmitted infections each year. By age 24, at least one in three sexually active people will have contracted a sexually transmitted disease.

(10) An average of two young people in the United States are infected with HIV every hour of every day. African Americans and Hispanic youth have been disproportionately affected by the HIV/AIDS epidemic. Although less than 16 percent of the adolescent population in the United States is African American, nearly 50 percent of AIDS cases through June 2000 among 13- to 19-year olds were among Blacks. Hispanics comprise 13 percent of the population and 20 percent of the reported adolescent AIDS cases though June 2000.

**SEC. 603. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.**

(a) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary of Health and Human Services, for each of the fiscal years 2005 through 2009, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) REQUIREMENTS FOR FAMILY LIFE PROGRAMS.—For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(6) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(7) encourages family communication about sexuality between parent and child;

(8) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances; and

(9) teaches young people how alcohol and drug use can effect responsible decisionmaking.

(c) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education, a State may expend a grant under subsection (a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(4) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, sexual orientation, and other subjects;

(5) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(6) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including, but not limited to, friendships, dating, romantic involvement, marriage and family interactions; and

(7) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

**SEC. 604. SENSE OF CONGRESS.**

It is the sense of Congress that while States are not required to provide matching funds, they are encouraged to do so.

**SEC. 605. EVALUATION OF PROGRAMS.**

(a) IN GENERAL.—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 603, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

(b) NATIONAL EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 603. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) REPORT.—A report providing the results of the national evaluation under paragraph (1) shall be submitted to the Congress not later than March 31, 2008, with an interim report provided on a yearly basis at the end of each fiscal year.

(c) INDIVIDUAL STATE EVALUATIONS.—

(1) IN GENERAL.—A condition for the receipt of a grant under section 603 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) USE OF GRANT.—A condition for the receipt of a grant under section 603 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

**SEC. 606. DEFINITIONS.**

For purposes of this title:

(1) The term ''eligible State'' means a State that submits to the Secretary an application for a grant under section 603 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

(2) The term ''HIV/AIDS'' means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term ''medically accurate'', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

**SEC. 607. APPROPRIATIONS.**

(a) IN GENERAL.—For the purpose of carrying out this title, there is authorized to be appropriated $100,000,000 for each of the fiscal years 2005 through 2009.

(b) ALLOCATIONS.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 605(b).

**TITLE VII—TEENAGE PREGNANCY PREVENTION**

**SEC. 701. SHORT TITLE.**

This Act may be cited as the ''Preventing Teen Pregnancy Act''.

**SEC. 702. TEENAGE PREGNANCY PREVENTION.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399N the following section:

**''SEC. 399O. TEENAGE PREGNANCY PREVENTION GRANTS.**

''(a) AUTHORITY.—The Secretary may award on a competitive basis grants to public and private entities to establish or expand teenage pregnancy prevention programs.

''(b) GRANT RECIPIENTS.—Grant recipients under this section may include State and local not-for-profit coalitions working to prevent teenage pregnancy, State, local, and tribal agencies, schools, entities that provide afterschool programs, and community and faith-based groups.

''(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give—

''(1) highest priority to applicants seeking assistance for programs targeting communities or populations in which—

''(A) teenage pregnancy or birth rates are higher than the corresponding State average; or

''(B) teenage pregnancy or birth rates are increasing; and

''(2) priority to applicants seeking assistance for programs that—

''(A) will benefit underserved or at-risk populations such as young males or immigrant youths; or

''(B) will take advantage of other available resources and be coordinated with other programs that serve youth, such as workforce development and after school programs.

''(d) USE OF FUNDS.—Funds received by an entity as a grant under this section shall be used for programs that—

''(1) replicate or substantially incorporate the elements of one or more teenage pregnancy prevention programs that have been proven (on the basis of rigorous scientific research) to delay sexual intercourse or sexual activity, increase condom or contraceptive use (without increasing sexual activity), or reduce teenage pregnancy; and

''(2) incorporate one or more of the following strategies for preventing teenage pregnancy: encouraging teenagers to delay sexual activity; sex and HIV education; interventions for sexually active teenagers; preventive health services; youth development programs; service learning programs; and outreach or media programs.

''(e) COMPLETE INFORMATION.—Programs receiving funds under this section that choose to provide information on HIV/AIDS or contraception or both must provide information that is complete and medically accurate.

''(f) RELATION TO ABSTINENCE-ONLY PROGRAMS.—Funds under this section are not intended for use by abstinence-only education programs. Abstinence-only education programs that receive Federal funds through the Maternal and Child Health Block Grant, the Administration for Children and Families, the Adolescent Family Life Program, and any other program that uses the definition of 'abstinence education' found in section 510(b) of the Social Security Act are ineligible for funding.

''(g) APPLICATIONS.—Each entity seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(h) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may not award a grant to an applicant for a program under this section unless the applicant demonstrates that it will pay, from funds derived from non-Federal sources, at least 25 percent of the cost of the program.

''(2) APPLICANT'S SHARE.—The applicant's share of the cost of a program shall be provided in cash or in kind.

''(i) SUPPLEMENTATION OF FUNDS.—An entity that receives funds as a grant under this section shall use the funds to supplement and not supplant funds that would otherwise be available to the entity for teenage pregnancy prevention.

''(j) EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct or provide for a rigorous evaluation of 10 percent of programs for which a grant is awarded under this section;

''(B) collect basic data on each program for which a grant is awarded under this section; and

''(C) upon completion of the evaluations referred to in subparagraph (A), submit to the Congress a report that includes a detailed statement on the effectiveness of grants under this section.

''(2) COOPERATION BY GRANTEES.—Each grant recipient under this section shall provide such information and cooperation as may be required for an evaluation under paragraph (1).

''(k) DEFINITION.—For purposes of this section, the term 'rigorous scientific research' means based on a program evaluation that:

''(1) Measured impact on sexual or contraceptive behavior, pregnancy or childbearing.

''(2) Employed an experimental or quasi-experimental design with well-constructed and appropriate comparison groups.

''(3) Had a sample size large enough (at least 100 in the combined treatment and control group) and a follow-up interval long enough (at least six months) to draw valid conclusions about impact.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year. In addition, there are authorized to be appropriated for evaluations under subsection (j) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.''.

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By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2337. A bill to establish a grant program to support coastal and water quality restoration activities in States bordering the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to introduce the Great Lakes Community Restoration Act.

Before I discuss the bill, I want to say that it is extremely fitting that we are discussing the restoration of the Great Lakes, because today is Earth

Day. Earth Day is a time to reflect on the environmental gains we have made, and to challenge ourselves with a new environmental commitment for the future. Our environmental and natural resources are not merely important, they are vital to our future health and survival. The Great Lakes are one of our Nation's most precious and vital natural resources. I believe it is extremely important that we have a strong Federal, State and local commitment to protect them.

The Great Lakes contain one-fifth of the world's fresh water, and supply safe drinking water to thirty-three million people, including 10 million people who rely on Lake Michigan alone. The Great Lakes' coastlines are home to wetlands, dunes, and endangered plants and species. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake. Millions of people use the Great Lakes each year for recreation, enjoying beaches, good fishing and boating. The latest estimate shows that recreational fishing totals a $1.5 billion boost to Michigan's tourist economy alone.

However, it takes a real Federal, State, and local partnership to maintain this critical natural resource. Unfortunately, there are several environmental threats to the Great Lakes that we need to address. These include cleaning up contaminated sediments and pollutants that are affecting the Great Lakes ecosystem. During last year's electricity blackout, 650 pounds of vinyl chloride were dumped into the St. Clair River. This past February, another serious chemical spill occurred, dumping approximately 42,000 gallons of methyl ethyl ketone and methyl isobutyl ketone into the river, and forcing the shutdown of 10 drinking water plants. Last summer alone, 81 beaches in Michigan were closed due to elevated E coli levels. This contamination affects our water supply, our recreation and tourism, and Michigan's overall economy.

The Great Lakes have also been inundated with invasive species. Over the past century, more than 87 non-indigenous aquatic species have been accidentally introduced into the Great Lakes. They have damaged the lakes in a number of ways. They have destroyed thousands of fish and threatened our clean drinking water. For example, Lake Michigan once housed the largest self-producing lake trout fishery in the world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago has fed-on and greatly contributed to the decline of trout and whitefish in the Great Lakes. Today, lake trout must be stocked because it cannot naturally reproduce in the lakes. These invasive species also cause damage to our community water and sewer systems.

Michigan also is home to over 120 lighthouses, more than any other State in the Nation. The oldest Michigan lighthouses date back to the 1820s. These lighthouses are an inseparable part of Michigan's identity and cultural history. Unfortunately, many of our lighthouses are poorly maintained and in grave need of repair. In order to preserve our history and heritage of the Great Lakes, it is imperative that we maintain our lighthouses.

As I mentioned before, protecting the Great Lakes requires a coordinated effort at all levels of government. However, our local communities are the ones who are immediately affected by these problems, both environmentally and economically.

That is why I have introduced the Great Lakes Community Restoration Act. The Act will provide $400 million directly to local communities to help protect and restore the Great Lakes coastal region. NOAA will award the grant for local projects, such as repair of sewer systems damaged by invasive species, lighthouse restoration, and the local cleanup of water pollution and sediments.

Protecting the Great Lakes requires a Federal, State and local partnership, and this Act will provide local communities with the resources they need to continue their vital stewardship of the Great Lakes.

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By Mr. BOND (for himself, Mr. KENNEDY, and Mr. JOHNSON):

S. 2338. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues, Senator CHRISTOPHER BOND and Senator TIM JOHNSON, in introducing the Arthritis Prevention, Control, and Cure Act of 2004. Senator BOND has been outstanding in his leadership and support of this bipartisan legislation, which is a product of the untiring efforts of many leaders in the arthritis community including patients, families, and health care providers. The goal of this legislation is to lessen the burden of arthritis and other rheumatic diseases on citizens across our Nation.

Seventy million adults in the United States now suffer from arthritis or related conditions. Of these, one in three is under 65. Over 300,000 are children who struggle each day to get out of bed, go to school, and play with their friends. Arthritis accounts for 4 million days of hospital care ach year. It costs $51 million in annual medical care, and $86 million more is lost in productivity. Arthritis is an overwhelming and debilitating hardship for countless families across the Nation.

In recent years, increasing effective research into the prevention and treatment of arthritis has led to measures that successfully reduce pain and improve the quality of life for millions who suffer with this disease. Cooperative efforts at every level have led to the development of a National Arthritis Action Plan, with emphasis on public health strategies to make timely information and medical care much more widely available across the country. However, the commitment to implement these important public health approaches has been very limited so far. Advances in research and treatment reach less than 1 percent of people with arthritis. We need to do much more to bring the highest quality of care to those with arthritis and other rheumatic diseases.

Our legislation will reduce the burden of unnecessary suffering for our citizens by supporting implementation of effective strategies to carry out the National Arthritis Action Plan. That means support for comprehensive arthritis control and prevention programs. It means the development of arthritis education and outreach activities, and more research on the best ways to prevent and treat the illness at various ages.

It also means developing better care and treatment for children with arthritis and rheumatic diseases. We include planning grants to support innovative research on juvenile arthritis. We support training for health care providers specializing in pediatric rheumatology, so that all children will have greater access to physicians trained in state-of-the-art care for arthritis.

This legislation will improve the quality of life for large numbers of adults and children, and avoid thousands of dollars in medical costs for each patient. Millions of our fellow citizens will have greater access to the best available information and medical care to prevent and treat this debilitating disease. I urge our colleagues to support this timely and needed legislation.

Mr. JOHNSON. Mr. President, today I join a bipartisan group of Senators in introducing the Arthritis Prevention, Control and Cure Act of 2004. This legislation is so important to addressing arthritis and chronic joint problems which are the leading causes of disability in the United States impacting nearly 70 million adults. I want to thank Senators KENNEDY and BOND who have been working hard on this legislation over the last year.

The prevalence of chronic diseases in the U.S. have become the most significant public health problem of our current day. The beginning of the last century raised many infectious disease public health problems. But safe drinking water, clean working conditions and modern medicines have changed the public health dynamics. While we do need to continue to be concerned about newly emerging infectious diseases such as SARS and West Nile Virus, the biggest threat to our health as a nation is the impact of chronic diseases. It is estimated that by the year 2020, 157 million Americans will suffer from some chronic illness. Whether it be asthma, diabetes, heart disease or arthritis, these conditions are costly to our health care system and erode quality of life.

Arthritis and other rheumatic diseases are among the most common conditions in the United States, diminishing mental health and imposing significant limitations on daily activities. One out of every 3, or nearly 70 million adults in the United States suffer from arthritis or chronic joint symptoms. In my home State, approximately 173,000 adults suffer from the disease, or 31 percent of the adult population. Arthritis is exceeded only by heart disease as a cause of work disability. In addition, nearly 300,000 children in the United States, or 3 children out of every 1,000, have some form of arthritis or other rheumatic disease. The costs associated with arthritis are immense. The disease results in 750,000 hospitalizations, 44 million outpatient visits and 4 million days of hospital care every year. The estimated total costs of arthritis in the U.S., including lost productivity exceeds $86 billion.

While the current impact of the disease is quite astounding, there is much that can be done to prevent and control arthritis. Despite myths that inaccurately portray this illness as an old persons disease, some forms of arthritis, such as osteoarthritis, can be prevented with weight control and other precautions. More broadly, the pain and disability accompanying all types of arthritis can be minimized through early diagnosis and appropriate disease management. There are many interventions that have been proven effective in reducing the burden of this disease, but unfortunately up until this point, those strategies have been underutilized.

The National Arthritis Action Plan, developed by the Centers for Disease Control or CDC, Arthritis Foundation and the Association of State and Territorial Health Officials, put forward a comprehensive strategy to meet the challenged of addressing arthritis. This legislation puts the action plan into law, directing the CDC and National Institutes of Health to formalize the intentions of that action plan.

This legislation enhances support for the implementation of public health strategies consistent with the National Arthritis Action Plan. Through the CDC, the legislation will implement comprehensive arthritis control and prevention programs, developing arthritis education and outreach activities, and conducting research on prevention and treatment across the lifespan. It also includes planning grants in support of innovative research related to juvenile arthritis and supports health care provider training for those specializing in pediatric rheumatology. This bill will also assure that the National Arthritis Action Plan is implemented in a systematic way, and guarantees continued focus on quality research and care for adults and children who suffer from this debilitating disease.

The bill provides funds for local demonstration projects, including community-based and patient self-management programs for arthritis control, prevention and care. State and tribal grants will also be made available for comprehensive prevention programs administered by state health departments. While CDC does provide for some grants currently, it is my hope that by moving this legislation forward, eventually, all states will have comprehensive arthritis programs to meet the increasing need.

I want to again thank Senators KENNEDY and BOND for their leadership on this issue. I urge my colleagues to support this important bill.

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By Mr. CORZINE (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Ms. MIKULSKI):

S. 2339. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today along with my colleagues, Senators LAUTENBERG, STABENOW, and MIKULSKI, to introduce legislation, the Preserving Access to Affordable Drugs (PAAD) Act. This legislation is essential to ensuring that no senior who has existing prescription drug coverage receives less coverage once the Medicare prescription drug program goes into effect.

The Congressional Budget Office has estimated that as many as 1.7 million retirees could lose their employer-based prescription drug benefits as a result of the new Medicare prescription drug benefit. Also as a result of the new law, hundreds of thousands of seniors currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private Medicare drug plan. Additionally, approximately six million seniors who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which are more generous and provide greater access to a variety of drugs than the Medicare benefit will. And, despite the fact that the new Medicare law has huge gaps in coverage, seniors who choose to enroll in the new drug benefit will be prohibited from purchasing Medigap coverage to pay for prescription drugs not covered by the new Medicare benefit.

No senior should be made worse off by the new Medicare law. The law should expand benefits—not rescind them. The PAAD Act will make critical changes to the Medicare law to ensure that the above-mentioned benefits are safeguarded.

First, the PAAD Act will preserve retiree prescription drug benefits by allowing employer contributions to count towards the out of pocket threshold. Under the Medicare law, retirees with employer-based coverage would receive less of a subsidy from Medicare than seniors without such coverage. This lower subsidy creates a disincentive to employers to continue to provide these benefits and will lead to a significant reduction in employer-based benefits. The PAAD Act will ensure that employer-based plans receive the same subsidization as the Medicare prescription drug plans.

Second, the PAAD Act will restore language that I added to the Senate-passed Medicare bill to allow states with pharmaceutical assistance programs to administer the Medicare prescription drug benefit to Medicare beneficiaries enrolled in these programs. This will ensure a seamless transition for these seniors and will ensure that they maintain the generous prescription drug coverage that many states, including New Jersey, offer.

Third, the PAAD Act will enable states to supplement the Medicare prescription drug benefit for the neediest Medicare beneficiaries, those dually-eligible for the Medicaid program. Under current law, Medicaid wraps around Medicare, paying for copayments and premiums, for those beneficiaries who are extremely sick and poor. Under the new Medicare law, states will be prohibited from using Medicaid to wrap around the Medicare drug benefit for these seniors, stripping them of access to needed prescription drugs. The PAAD Act will ensure that states can provide supplemental Medicaid prescription drug coverage to complement the Medicare drug benefit for seniors who are dually eligible for Medicare and Medicaid.

Fourth, the PAAD Act will restore seniors' access to supplemental drug benefits through the Medigap program. Seniors should be allowed to improve the Medicare drug benefit if they so choose.

Finally, the PAAD Act will also eliminate the risky demonstration program to privatize Medicare, a program which if not eliminated is likely to impact my state of New Jersey. Under the new Medicare law, seniors who live in areas where a large number of seniors are enrolled in Medicare managed care plans could end up in this privatization scheme. This new program is slated to go into effect in 2010. But, if it were to go into effect today, Gloucester, Burlington, Camden and Salem Counties in New Jersey would likely be chosen to participate in it.

One of the goals of medicine is to do no harm. The new Medicare law violates that tenet. My legislation is critical to preserving and protecting existing prescription drug coverage while expanding it to those who currently lack such coverage. I look forward to working with my colleagues to pass this legislation and improve prescription drug benefits for all seniors.

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By Mr. BINGAMAN (for himself, Mr. KENNEDY, and Mr. REED):

S. 2340. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Capacity to Learn for All Students and Schools (CLASS) Act of 2004, along with Senators KENNEDY and REED, to ensure that all of our students receive the high quality of instruction they need and deserve. We know that teacher quality is the single most important factor in determining the success of our school children. Children who consistently have access to good teachers are more likely to do well academically; those who do not are more likely to fall behind.

As the son of two former teachers, I am well aware of the satisfactions and challenges that accompany a career in teaching. I have been a long-time and strong supporter of our devoted teachers and our public schools. Over the years, I have visited many schools throughout my home State of New Mexico and spoken with countless students and teachers. I frequently have witnessed the dedication of our teachers in preparing young people to lead meaningful and productive adult lives.

So many of us can look back on our own student years and recall a special teacher whose passion for learning ignited a similar passion in us, whose high standards caused us to set higher standards for ourselves, and whose commitment to education provided a model for our own lives. We need to ensure that all children have access to such special teachers. Many other Senators share my interest in this issue, including my colleagues on the HELP Committee. In fact, I am pleased to be introducing this bill along with the Senior Senator from Rhode Island. Senator REED's PRREP Act is a great complement to the CLASS Act, and I look forward to working with him and other members of the Committee as we proceed toward reauthorization of the Higher Education Act.

The current act authorizes three types of competitively awarded grants: State Grants, Partnership Grants, and Recruitment Grants. The CLASS Act significantly increases funding for these programs, strengthens the provisions of the current law, and expands the learning and teaching capacity of students, teachers, and schools. I want to mention some of our critical educational needs and explain how the CLASS Act addresses those needs.

First, we need to ensure that all teachers are highly qualified, have strong teaching skills, understand scientifically based research and its applicability, and can use technology effectively in the classroom. The preparation afforded prospective teachers must enable them to meet the varied needs of our nation's students, of our schools and institutions of higher education, and of our competitive workforce.

The CLASS Act will address this need in a number of ways. For example, the CLASS Act establishes Academic Teaching Centers (ATCs). The ATCs provide a setting—a model teaching laboratory—for the integration of education and training, research, and evidence-based practice for teacher candidates, university professors, and master teachers. Modeled on academic health centers, ATCs offer prospective teachers with a system of practice-based support at initial levels of preparation, training during the first years of practice, and continued support in maintaining high levels of skill mastery. The ATC provides a clinical setting with an education and research mission, mentorship by expert practitioners, cross-pollination between practice and research, and high-quality services for its K–12 students.

The CLASS Act also authorizes a Professional Development Program (PDP) that encourages states to pursue alignment with National Board for Professional Teaching Standards, a tiered licensure system, multiple career paths, and opportunities for professional growth. The PDP will improve teacher recruitment and retention by increasing the attractiveness of a teaching career, encouraging teachers to enhance their competencies and skills, and reinforcing their efforts to advance in their profession. The CLASS Act also encourages clinical, field, induction, mentoring, and other professional development experiences.

Further, the CLASS Act requires rigorous standards for teacher certification or licensure designed to enhance teacher quality and to ensure that all prospective teachers meet the same high State standards. The act also expands programs that prepare prospective teachers to use advanced technology.

Second, we need to empower teachers and schools to provide access for all students to a high-quality general education curriculum, including minorities, students in high-need schools, and students with disabilities and limited-English proficiency. Our teachers need to be able to provide effective instruction to diverse student populations and to address special learning needs. We also need to recruit new teachers from underrepresented groups and to increase access to certification or licensure for other qualified individuals.

The CLASS Act will address this need by creating Centers of Excellence. The Centers of Excellence will increase minority teacher and principal recruitment, development, and retention. The act will also prepare teachers to provide access to the general education curriculum for all students, including students with disabilities and limited-English proficiency.

Third, we need to enhance the ability of schools, districts, and states to collect, analyze, and utilize data to improve schools and programs and to fulfill the requirements of No Child Left Behind and the Higher Education Act. Good data and data systems are the bedrock on which accountability is built. Yet present data and data systems are too often inadequate to meet the needs of our schools, districts, states, and nation. For example, in 2003 the General Accounting Office reported that states did not have complete or consistent criteria to determine the number of highly qualified teachers and that state data systems did not track the federal criteria.

The CLASS Act will address this need by strengthening accountability through improved assessment procedures that are valid and reliable, are aligned with reporting requirements, and allow for accurate and consistent reporting. The CLASS Act will also require a State-level needs assessment for Teacher Enhancement Grants to identify areas of greatest need and to specify a timetable for meeting identified needs. The needs assessment will assist States to identify teacher production needs in high-need academic subjects, such as mathematics and science; in high-need services, such as special education, bilingual education, and early childhood education; in high-need rural and urban areas; and in high-poverty, high-minority, and low-performing schools.

Further, the CLASS Act will create data systems designed to improve public education, including enhancing teacher preparation programs. State educational agencies can apply for new Data Systems Grants that enable them to develop or expand data systems that have the capacity to integrate and coordinate individual student data from educational and employment settings; to conduct analyses necessary for evaluating programs and policies and identifying best practices; and to facilitate alignment among schools, institutions of higher education, and employment settings. These data systems also allow teacher preparation programs to follow graduates as they proceed toward certification or licensure and into the classroom.

Fourth, we need to improve teacher recruitment and retention. Each year, more of the nation's teachers leave the field than enter the profession. In fact, approximately one-third of teachers leave the field during their first 3 years, and almost half leave during their first 5 years. Moreover, the overall turnover rate for teachers in high-poverty areas is almost a third higher than the rate for all teachers. Some of our schools, such as the rural schools in New Mexico, face unique challenges in recruiting and retaining highly qualified teachers. These challenges include low salaries, geographic and social isolation, housing shortages, poor physical working conditions, a paucity of teacher preparation programs targeted to rural schools, limited opportunities for professional development, and the necessity for teachers to teach more than one grade or subject.

The CLASS Act will address this need in the following ways. Among other initiatives, the act will fund a wide range of teacher recruitment and retention strategies designed to put—and keep—highly qualified teachers in every classroom, including induction

and mentoring for beginning teachers and ongoing opportunities for professional growth and advancement.

Importantly, the CLASS Act will also create the Rural Education Recruitment and Retention Program to address the needs of rural districts by funding a range of recruitment strategies, such as tuition assistance, loan forgiveness, housing assistance, and financial incentives for working in areas of greatest need; as well as retention strategies, such as mentoring programs and ongoing opportunities for professional growth and advancement. In addition, the act encourages partnerships designed to meet the needs of rural schools.

Fifth, we need to better prepare students for postsecondary education and a competitive workforce. According to recent data, a majority of college professors and employers rate high school graduates' skills in spelling, grammar, writing, and math as only fair or poor. Too many students leave high school ill-prepared to meet the requirements of postsecondary education or the demands of high-skilled, high-wage employment. Half of all students entering higher education take at least one remedial course, and, according to the U.S. Chamber of Commerce, employers frequently report difficulty in finding qualified workers who have satisfactory skills. High school graduation requirements are often not aligned with the requirements governing college admission, obtaining a job, or enrolling in credit-bearing courses once in college. High school curricula and assessments often stress different knowledge and skills than are required by college entrance and placement requirements.

The CLASS Act will address this need by creating the data systems described above that are designed to improve public education and to facilitate alignment among schools, institutions of higher education, and employment settings. These systems will have the capacity to integrate and coordinate individual student data from educational and employment settings. The CLASS Act will also support programs that provide special certification in advanced placement (AP)-level or international baccalaureate (IB)-level content and pedagogy.

In conclusion, I would like to say that I am very pleased to introduce a bill designed to ensure that all of our students are taught by highly qualified and effective teachers. No task is more important.

Each child who falls behind diminishes the power of our society's future. I hope you will all join me in reinforcing our national commitment to teacher preparation and teacher quality.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2340

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Capacity to Learn for All Students and Schools Act''.

**SEC. 2. TEACHER QUALITY ENHANCEMENT.**

(a) TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS.—Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

**''PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS**

**''SEC. 201. PURPOSES; DEFINITIONS.**

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student academic achievement;

''(2) increase the size and scope of programs funded under this part to ensure that all teachers are highly qualified;

''(3) hold institutions of higher education accountable for preparing teachers who are highly qualified, have the necessary teaching skills, and are trained in the effective uses of technology in the classroom;

''(4) recruit and retain individuals who—

''(A) increase the diversity of the workforce;

''(B) teach high-need academic subjects, such as mathematics and science;

''(C) provide high-need services, such as special education, bilingual education, and early childhood education;

''(D) serve in high-need areas, such as rural and urban communities;

''(E) meet the needs of high-poverty, high-minority, and low-performing schools; and

''(F) are prepared to provide access to the general education curriculum for all students, including students with disabilities and students with limited-English proficiency;

''(5) enhance the quality of the current and future teaching force by improving the preparation of prospective teachers and expanding professional development activities;

''(6) ensure that all teachers, regardless of their route to the profession, meet the same rigorous State standards for certification or licensure;

''(7) encourage learning partnerships among parents, community members, and educators that lead to improved student academic achievement; and

''(8) promote collaboration among college and university faculty and administrators, elementary school and secondary school teachers and administrators, State educational agencies, teacher and education organizations, and organizations representing the scientific disciplines associated with teaching and learning.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency in which—

''(A)(i) 15 percent of the students served by the agency are from families with incomes below the poverty line;

''(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

''(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and each of the schools served by the agency is designated with a school locale code of 7 or 8, as determined by the Secretary; and

''(B)(i) there is a high percentage of teachers who are not highly qualified; or

''(ii) there is a high teacher turnover rate.

''(4) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or secondary school—

''(A) in which there is a high concentration of students from families with incomes below the poverty line; or

''(B) that is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965.

''(5) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(6) PARENT.—The term 'parent' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(8) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(11) TEACHING SKILLS.—The term 'teaching skills' means skills—

''(A) grounded in the science of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

''(B) that require an understanding of the learning process itself, including an understanding of—

''(i) the use of strategies specific to the subject matter;

''(ii) ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

''(iii) identification of individual differences in ability and instructional needs;

''(iv) the use of strategies that will meet the instructional needs of students with disabilities and students with limited-English proficiency;

''(v) classroom management; and

''(vi) interaction with parents and others to promote student learning.

**''SEC. 202. STATE GRANTS.**

''(a) GRANTS AUTHORIZED.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable

the eligible States to carry out 1 or more activities authorized under subsection (d) for the following purposes:

''(1) Enhancing teacher preparation, licensure or certification programs, recruitment, or retention.

''(2) Developing or expanding data systems designed to collect, analyze, and utilize data for the purpose of improving public education, including enhancing teacher preparation.

''(3) Increasing opportunities for professional development.

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means a State educational agency.

''(2) CONSULTATION.—The State educational agency shall consult with the Governor, State board of education, or State higher education agency, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

''(1) meets the requirements of this section;

''(2) demonstrates that the State is in full compliance with the relevant provisions of sections 208 and 209;

''(3) demonstrates that the State has developed a plan that includes steps described in section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965;

''(4) includes a State-level needs assessment to identify areas of greatest need related to—

''(A) teacher production—

''(i) in high-need academic subjects, such as mathematics and science;

''(ii) in high-need services, such as special education, bilingual education, and early childhood education; and

''(iii) among underrepresented groups, including minorities;

''(B) the instructional needs of students with disabilities and students with limited-English proficiency;

''(C) teachers who are not highly qualified or who teach out of field;

''(D) high-poverty, high-minority, or low-performing, or all of such, schools;

''(E) teacher retention;

''(F) professional development; and

''(G) instructional technology;

''(5) specifies measurable objectives based on the State-level needs assessment, as well as a timetable for achieving these objectives;

''(6) reflects knowledge of scientifically based principles of learning in State standards;

''(7) includes a plan for achieving the specified objectives;

''(8) includes a description of how the eligible State intends to use funds provided under this section to address the needs identified in subparagraph (D); and

''(9) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—

''(1) USES OF FUNDS FOR TEACHER ENHANCEMENT GRANTS.—

''(A) REQUIRED USES OF FUNDS.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(1) shall use the grant funds for both of the following:

''(i) RIGOROUS AND ALIGNED TEACHER CERTIFICATION OR LICENSURE PROGRAMS.—Ensuring that—

''(I) the State's teacher certification or licensure program is rigorous and meets high State-determined standards that are grounded in scientifically based research about how students learn;

''(II) the State's program approval standards are aligned with kindergarten through grade 12 curriculum standards and State teacher licensure standards;

''(III) teachers are highly qualified and have the necessary teaching skills; and

''(IV) teacher certification and licensure assessments are—

''(aa) used for purposes for which such assessments are valid and reliable;

''(bb) consistent with relevant, nationally recognized professional and technical standards; and

''(cc) aligned with the reporting requirements of sections 207 and 208.

''(ii) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to—

''(I) recruit and retain highly qualified teachers;

''(II) address identified needs concerned with—

''(aa) underrepresented groups;

''(bb) high-need academic subjects, such as mathematics and science;

''(cc) high-need services, such as special education, bilingual education, and early childhood education;

''(dd) high-need areas, such as rural and urban communities;

''(ee) high-need schools, including those with high rates of teacher turnover; and

''(ff) students with disabilities and students with limited-English proficiency;

''(III) offer mentoring programs for new teachers during such teachers' first 3 years of teaching; and

''(IV) provide access to ongoing professional development opportunities for teachers and administrators.

''(B) ALLOWABLE USES OF FUNDS.—In addition to the requirements of subparagraph (A), an eligible State that receives a grant under this section to carry out the purposes of subsection (a)(1) may use grant funds for the following:

''(i) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified, possess strong teaching skills, are able to understand scientifically based research and its applicability, and are able to use technology effectively in the classroom.

''(ii) ALTERNATIVE ROUTES TO CERTIFICATION FOR TEACHING.—Providing prospective teachers with alternative routes to State certification or licensure that—

''(I) enhance access to certification or licensure for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college graduates with distinguished academic records;

''(II) impart the necessary academic content to produce highly qualified teachers;

''(III) impart the necessary teaching skills;

''(IV) demonstrate that all teachers, regardless of their route to the profession, meet the same rigorous State standards; and

''(V) provide mentoring and support during the teachers' initial years of teaching, as well as training and compensation for such activities.

''(iii) PILOT STUDIES.—In collaboration with teacher preparation programs (including alternative routes to certification) that agree to participate, and using a data system consistent with paragraph (2) unless the State already has sufficient information system capacity to support pilot studies with 1 or more programs, conducting pilot studies designed to develop and evaluate procedures that can provide credible and persuasive evidence that graduates of teacher preparation programs (including those who complete alternative routes to certification) are effective at improving student achievement, including using funds for—

''(I) efforts to assess the impact of teacher preparation program graduates on student achievement;

''(II) identification of specific practices that lead to consistent student achievement gains;

''(III) identification of variables that can influence student achievement; and

''(IV) development of mechanisms for leaders of institutions of higher education to make use of the information identified in subclauses (I), (II), and (III) for purposes of teacher preparation program improvement.

''(iv) SPECIAL CERTIFICATION FOR PROSPECTIVE ADVANCED PLACEMENT TEACHERS.—Developing and implementing teacher preparation programs that provide special certification in advanced placement (AP) level or international baccalaureate (IB) level content and pedagogy, including undergraduate specializations in in-depth study of subject-specific content and practical pedagogical experience through student teaching, and master's degree level programs that lead to a master's degree in AP level or IB level content.

''(v) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

''(2) USE OF FUNDS FOR DATA SYSTEMS GRANTS.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(2) shall use the grant funds to develop or expand data systems. The data systems shall do each of the following:

''(A) Enable the eligible State to—

''(i) integrate and coordinate the analysis of individual student-level data from multiple data systems, including data from kindergarten through grade 12 education, post-secondary education, and employment;

''(ii) conduct analyses necessary to help educators evaluate programs and policies, identify and study best practices, and continuously improve schools and programs; and

''(iii) facilitate alignment and coordination between kindergarten through grade 12 schools and institutions of higher education, and between institutions of higher education and postgraduate employment settings.

''(B) Have the ability to match, compare, or track, as appropriate—

''(i) individual records of the same student over time;

''(ii) an individual student with an individual teacher;

''(iii) kindergarten through grade 12 data and higher education data;

''(iv) higher education data and postgraduate data; and

''(v) all of the data systems to State employment records.

''(C) Include a State data audit process to ensure accurate and complete information.

''(D) Be designed so as not to infringe on the established privacy rights of students, teachers, and employees.

''(3) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT PROGRAM GRANTS.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(3) may use the grant funds to carry out any of the following activities:

''(A) Aligning State teacher standards with those of the National Board for Professional Teaching Standards.

''(B) Developing a progressive career system in which highly qualified teachers who pursue advanced licensure levels are required to demonstrate increased competencies and undertake increased responsibilities, for increased compensation, as they progress through levels such as the following:

''(i) Level I: an initial license issued for the first 3 years of teaching that gives a beginning highly qualified teacher the opportunity, through a formal induction program, to progress to Level II.

''(ii) Level II: a professional license given to an experienced teacher whose performance has been satisfactory during such teacher's first 3 years of teaching.

''(iii) Level III: a master license for those teachers who—

''(I) obtain advanced credentials as board-certified teachers, exemplary teachers, master teachers, or other advanced credentials;

''(II) choose to advance as instructional leaders in the teaching profession and undertake greater responsibilities, such as curriculum development, peer intervention, and mentoring; or

''(III) demonstrate exceptional effectiveness in helping students learn.

''(C) Developing multiple career paths for teachers, such as highly qualified mentor teachers or exemplary teachers.

''(D) Providing opportunities for professional growth, such as special certification in advanced placement or international baccalaureate content and pedagogy.

''(E) Subsidizing candidates who pursue advanced credentials.

''(F) Providing financial incentives, such as a bonus or higher salary, for teachers who obtain advanced credentials.

''(e) RULE OF CONSTRUCTION.—Nothing in subsection (d)(2) shall be construed to authorize the public release or publication of personally identifying information.

**''SEC. 203. PARTNERSHIP GRANTS.**

''(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, and not reserved under such section, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIP.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school of arts and sciences; and

''(iii) a high-need local educational agency; and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a community college, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means a private independent or State-supported public institution of higher education, the teacher preparation program of which demonstrates that—

''(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

''(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience to meet high academic standards, to possess strong teaching skills, and to become highly qualified.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

''(C) the partnership's evaluation plan pursuant to section 207(b).

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out each of the following activities:

''(1) REFORMS.—Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly qualified, have strong teaching skills, are able to understand scientifically based research and its applicability, and are able to use technology effectively in the classroom.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high quality preservice and in-service clinical experience in school settings, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including training and compensation, for such interaction.

''(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for teacher educators and other school personnel.

''(4) TEACHER PREPARATION AND PARENTAL INVOLVEMENT.—Preparing teachers with the knowledge and skills to—

''(A) provide instruction to diverse student populations, including individuals with different learning styles, disabilities, limited-English proficiency, and special learning needs;

''(B) implement gap-closing instructional strategies, as appropriate;

''(C) manage and improve student behavior in the classroom;

''(D) work with and involve parents in their children's education; and

''(E) use technology effectively in the classroom.

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out any of the following activities:

''(1) DEVELOPMENT OF ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Developing or refining alternative route programs that provide prospective teachers with the necessary teaching skills and that lead to State certification.

''(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing proven mechanisms to provide teacher leaders, principals, and superintendents with effective managerial and leadership skills that result in increased student achievement.

''(4) TEACHER RECRUITMENT.—Activities described in section 204(d).

''(5) TEACHER MENTORING.—Developing a teacher mentoring program that offers mentoring for teachers in their first 3 years of teaching, including requiring rigorous qualifications for mentors, providing training and stipends for mentors, providing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day, and establishing an evaluation and accountability plan for mentoring activities.

''(6) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development throughout the educational continuum for new teachers, teachers already in the classroom, paraprofessionals, and school administrators that leads to a steady increase in mastery of content knowledge and the repertoire of effective teaching, assessment, and leadership skills. Such professional development shall include specially developed opportunities for mid-career enhancement.

''(7) COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

''(8) FIELD EXPERIENCE IN MATHEMATICS, SCIENCE, AND TECHNOLOGY.—Creating opportunities for teachers and prospective teachers for field experience and training through participation in professional business, research, and work environments in areas relating to mathematics, science, and technology.

''(9) TEACHER PREPARATION ENHANCEMENT INTERNSHIP.—Developing a 1-year paid internship program for prospective teachers who have completed a teacher preparation program at an institution of higher learning to enable such prospective teachers to acquire the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns shall have a reduced teaching load and a mentor for assistance in the classroom.

''(10) SCHOOL/HIGHER EDUCATION PARTNERSHIPS.—Developing new models of teacher preparation that—

''(A) involve partnerships between schools and institutions of higher education;

''(B) meet the requirements listed in subsection (d)(4); and

''(C) offer leadership preparation that incorporates recruitment, high-quality clinical experience, field experiences, mentoring, and professional development.

''(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

**''SEC. 204. TEACHER RECRUITMENT GRANTS.**

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

''(b) ELIGIBLE APPLICANT DEFINED.—In this section, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b); or

''(2) an eligible partnership described in section 203.

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical teaching needs of the participating high-need local educational agencies;

''(2) a description of the activities the eligible applicant will carry out with the grant and how such activities will address the identified needs; and

''(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

''(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

''(1) to assist prospective and current teachers by providing—

''(A) scholarships to help prospective teachers pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

''(C) opportunities for teachers who are not highly qualified to become highly qualified through coursework, credentialing courses, or other mechanisms; and

''(D) followup services to former scholarship recipients during such recipients' first 3 years of teaching, including providing mentoring by teachers who receive training and compensation for the teachers' services; or

''(2) to develop and implement effective mechanisms, including financial incentives, to ensure that high-need local educational agencies and high-need schools are able to effectively recruit and retain highly qualified teachers.

''(e) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher preparation programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

''(f) RURAL EDUCATION RECRUITMENT AND RETENTION PROGRAM.—

''(1) FINDINGS.—Congress finds that rural school districts face unique challenges in fulfilling the requirement that all teachers be highly qualified, including challenges such as low salaries, geographic and social isolation, housing shortages, poor physical working conditions, a paucity of teacher preparation programs targeted to rural schools, limited opportunities for professional development, and the necessity for teachers to teach more than 1 grade or subject.

''(2) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants for the purpose of addressing the teacher recruitment and retention needs of eligible rural school districts and consortia of eligible rural school districts.

''(3) ELIGIBILITY.—In this subsection, the term 'eligible rural school district' means a school district—

''(A) with a total of less than 600 students in average daily attendance at the schools that are served by the district; and

''(B) each of whose schools is designated with a school locale code of 7 or 8.

''(4) APPLICATION.—An eligible applicant that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(5) USE OF FUNDS.—An eligible applicant that receives a grant under this subsection may use the grant funds to address the needs of eligible rural school districts through implementing—

''(A) incentive teacher recruitment strategies, including tuition assistance, student loan forgiveness, housing assistance, a signing bonus, local programs that develop recruitment strategies for secondary school students wanting to return to the community as teachers, and a higher salary or bonus for teaching high-need academic subjects, providing high-need services, or teaching in high-need schools;

''(B) nonincentive teacher recruitment strategies, including advertising, hiring teachers from alternative programs, and recruiting online, from local populations, from the substitute teacher list, or through a State teacher clearinghouse or job bank;

''(C) teacher retention strategies, including mentoring programs for teachers during the teachers' first 3 years of teaching and ongoing opportunities for professional growth and advancement; and

''(D) partnerships with institutions of higher education designed to—

''(i) develop or strengthen a partnership focused on preparing beginning teachers to teach in schools served by eligible rural school districts; or

''(ii) assist teachers who are not highly qualified to become highly qualified teachers through—

''(I) after-school or summer programs;

''(II) electronically delivered education (e-learning), online, and distance learning technologies; and

''(III) flexible programs that enable multiple-subject teachers to become highly qualified teachers.

**''SEC. 205. ACADEMIC TEACHING CENTERS.**

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable such applicants to create academic teaching centers. Academic teaching centers shall—

''(1) promote excellence in the Nation's training of prospective teachers by creating settings for the integration of education and training, research, and evidence-based practice; and

''(2) provide a system of practice-based support at initial levels of preparation, training during the first years of practice, and continued support in maintaining high levels of skill mastery.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE APPLICANT.—

''(A) IN GENERAL.—The term 'eligible applicant' means a consortium composed of each of the following:

''(i) A school of education housed in an institution of higher education.

''(ii) A college or school of arts and sciences within an institution of higher education.

''(iii) Not less than 1 academic unit (such as a department of psychology, a department of educational psychology, or a department of human development) whose faculty focuses on teaching and learning, developmental processes, and the assessment of learning.

''(iv) Not less than 1 local educational agency that serves a qualified school.

''(B) INCLUSIONS.—The term 'eligible applicant' may include an academic unit not described in subparagraph (A)(iii) whose faculty is able to contribute to the work of an academic teaching center.

''(2) QUALIFIED SCHOOL.—The term 'qualified school' means a public elementary school or public secondary school (urban, rural, or suburban), a school district, a campus school, a charter school, or any combination or network of schools, that—

''(A) is home to exemplary teachers who can provide high-quality mentoring and modeling to prospective teachers based on a demonstrated record of student academic achievement; and

''(B) demonstrates a commitment to evidence-based teaching confirmed by professional development offered to staff or by documented experience with university collaborations.

''(c) APPLICATION REQUIREMENTS.—An eligible applicant that desires to receive a grant under this section shall submit to the Secretary an application that demonstrates how the proposed academic teaching center will—

''(1) ensure that prospective teachers will have instruction in, and exposure to, scientific research derived from the social and behavioral sciences and applied to teaching and learning;

''(2) offer prospective teachers skill development opportunities in evidence-based educational interventions;

''(3) include, involve, and utilize faculty from all members of the eligible applicant in modeling the integration of research and practice in the classroom;

''(4) foster real interdisciplinary collaboration and cross-fertilization among and between—

''(A) education faculty;

''(B) prospective and current elementary school and secondary school teachers;

''(C) faculty within an academic unit who focus on teaching and learning, developmental processes, and the assessment of learning, such as faculty from a department of psychology, department of educational psychology, or department of human development; and

''(D) faculty from disciplines within the institution of higher education, including history, English, biology, chemistry, foreign languages, and psychology;

''(5) enhance the ability of faculty in the school of education, college or school of arts and sciences, and the academic unit specified in paragraph (4)(C) to participate more fully in elementary school or secondary school classroom teaching;

''(6) afford novice teaching candidates opportunities for rigorous, closely supervised internships in high-quality teaching settings;

''(7) include mechanisms to assess the quality of teacher preparation at the academic teaching center by the value the center adds to student achievement, as assessed by objective measures of student growth;

''(8) ensure that teachers who have participated in the academic teaching center are highly qualified upon completion of the teachers' degree; and

''(9) apply relevant scientific research on teaching and learning.

''(d) USE OF FUNDS.—An eligible applicant that receives a grant under this section may use the grant funds to carry out any of the following activities:

''(1) PROGRAM DEVELOPMENT, EVALUATION, AND ACCOUNTABILITY.—Funds may be used to—

''(A) develop and refine mechanisms to measure the value added to student academic achievement by evidence-based practice;

''(B) develop and refine mechanisms to measure the value added to student academic achievement by teachers trained in academic teaching centers;

''(C) develop mechanisms to evaluate acquisition of clinical judgment, communication, and problemsolving skills on the part of teacher candidates resulting from participation in an academic teaching center;

''(D) develop professional programs to enhance teacher candidates' communication with students, families, colleagues, and other education professionals; and

''(E) develop mechanisms to observe, evaluate, and reinforce ethical principles though formal instructional efforts.

''(2) CURRICULUM DEVELOPMENT FOR USE IN DEVELOPING TEACHING SKILLS.—Funds may be used to—

''(A) develop interactive teaching materials for the attainment of teaching skills in classroom management; and

''(B) develop interactive materials regarding other teaching skills, such as classroom assessment and individualizing for student abilities and backgrounds, that can be used at other field worksites and in education school courses.

''(3) SUPPORT FOR PARTICIPANTS.—Funds may be used to—

''(A) create and implement evidence-based curricula to be piloted in academic teaching centers;

''(B) provide workload credit for master elementary school or secondary school teachers to serve as adjunct faculty at the academic teaching center; and

''(C) provide workload credit for faculty at the school of education and the college or school of arts and sciences to serve as adjunct faculty at the academic teaching center.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2004; and

''(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

**''SEC. 206. ADMINISTRATIVE PROVISIONS.**

''(a) DURATION; PAYMENTS.—

''(1) DURATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under sections 202, 204, and 205 shall be awarded for a period not to exceed 3 years. If an eligible State or an eligible applicant receives a grant under any of such sections, such eligible State or eligible applicant may not receive an additional grant under such section during the grant period. After such grant period, such eligible State or such eligible applicant may receive an additional grant under such section.

''(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under section 203 shall be awarded for a period of 5 years. If an eligible partnership receives a grant under such section, such eligible partnership may not receive an additional grant under such section during the 5-year grant period. After such grant period, such eligible partnership may receive an additional grant under such section.

''(2) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation and shall ensure that each peer review panel reflects the diversity of educational participants and eligible grantees provided for in sections 202, 203, 204, and 205. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall, with respect to grants under sections 202, 203, and 204, give priority to eligible States and eligible partnerships—

''(A) whose applications involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers from underrepresented groups, in high-need academic subjects, in high-need services, in high-need rural and urban areas, and in high-need schools;

''(B) whose awards promote an equitable geographic distribution of grants throughout the United States; and

''(C) whose awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

''(c) MATCHING REQUIREMENTS.—

''(1) STATE GRANTS.—Each State served by an eligible State that receives a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(e) TEACHER QUALIFICATIONS PROVIDED TO PARENTS UPON REQUEST.—Any local educational agency or school that benefits from the activities assisted under this part shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the professional qualification of the student's classroom teacher with regard to the subject matter in which the teacher provides instruction. The local educational agency shall inform parents that the parents are entitled to receive the information upon request.

''(f) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title, whichever amount is greater, to provide technical assistance to entities receiving grants under this part.

**''SEC. 207. ACCOUNTABILITY AND EVALUATION.**

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) HIGHLY QUALIFIED TEACHERS.—Ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year, as required under section 1119 of the Elementary and Secondary Education Act of 1965.

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Improving academic achievement for all students.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing the pass rate for initial State teacher certification or licensure, or increasing the number of highly competent individuals being certified or licensed as teachers through traditional and alternative programs.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of qualified teachers from underrepresented groups, in high-need academic subjects, in high-need services, in high-need areas, and in high-need schools.

''(6) INCREASING TEACHER RETENTION.—Increasing teacher retention in the first 3 years of a teacher's career.

''(7) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

''(8) TECHNOLOGY INTEGRATION.—Increasing the number of teachers trained in the appropriate use of technology as an instructional tool.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish and include in the application submitted under section 203, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increasing the percentage of highly qualified teachers;

''(2) improving academic achievement for all students;

''(3) increasing the pass rate for initial State teacher certification or licensure for individuals from traditional and alternative teacher preparation programs;

''(4) decreasing shortages of highly qualified teachers among underrepresented groups, in high-need academic subjects, in high-need services, in high-need areas, and in high-need schools;

''(5) increasing teacher retention in the first 3 years of a teacher's career;

''(6) increasing opportunities for enhanced and ongoing professional development that enables teachers already in the classroom and teacher educators to upgrade such teachers' and educators' skills and knowledge; and

''(7) increasing the number of teachers trained in the appropriate use of technology as an instructional tool.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under this part shall report annually to the Secretary on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant (as defined under section 204 or 205) is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

**''SEC. 208. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.**

''(a) HIGH-QUALITY TEACHER PREPARATION PROGRAM.—Each applicant for a grant under this part shall provide assurances that the applicant will provide prospective teachers with the following:

''(1) Knowledge of—

''(A) the arts and sciences;

''(B) the science of teaching and learning;

''(C) research on school impact on student learning; and

''(D) the academic content areas in which the teachers plan to teach.

''(2) Teaching skills that enable the teachers to—

''(A) enhance student academic achievement;

''(B) promote the ability of students to apply knowledge and research findings;

''(C) provide effective instruction in subject matter content;

''(D) implement ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

''(E) identify and address individual differences in ability and instructional needs;

''(F) address the instructional needs of students with limited-English proficiency and students with disabilities within both the general education and special education curricula;

''(G) employ effective classroom management strategies;

''(H) use technology effectively in the classroom; and

''(I) reflect on practices to improve teaching effectiveness and student learning.

''(3) Opportunities to—

''(A) apply the teachers' knowledge and skills in the classroom;

''(B) collaborate with colleagues, parents, community members, and other educators; and

''(C) work in partnership with parents to advance their children's education.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary, on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods developed by the State for teacher preparation programs, a State report card on the quality of teacher preparation in the State, which shall include at least the following:

''(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State. Such assessments shall—

''(A) be used for purposes for which such assessments are valid and reliable;

''(B) be consistent with relevant, nationally recognized professional and technical standards;

''(C) be aligned with the reporting requirements of this section and section 207; and

''(D) allow for accurate and consistent reporting on teacher preparation programs.

''(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State. Such standards and criteria shall incorporate the qualifications specified in subsection (a).

''(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of prospective teachers who have completed 100 percent of the coursework required by a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment, both of which shall be made available widely and publicly.

''(5) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

''(6) A description of each State's alternative routes to teacher certification, if any, and standards and criteria used by the State for certification or licensure, including indicators of teacher candidate skills and academic content knowledge and of evidence of gains in student academic achievement, and the number and percentage of teachers certified through each alternative route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of candidate academic content knowledge and teaching skills.

''(8) For each teacher preparation program in the State, the number of prospective teachers in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time and part-time faculty, excluding graduate students and clinical supervisors who are not on faculty, and prospective teachers in supervised practice teaching.

''(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

''(10) Information on the data systems developed or expanded by the State under section 202(d)(2), including a description of the systems and an analysis of procedures used by the State regarding such systems.

''(11) Information on pilot studies conducted under section 202(d)(1)(B)(iii), if applicable, including a list of teacher preparation programs (including alternative routes to certification) that participated in such studies, the procedures used to provide evidence that graduates of teacher preparation programs (including those who complete alternative routes to certification) are effective at improving student achievement, and other findings relevant to the impact of teacher preparation programs on student achievement.

''(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (11) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality;

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure;

''(C) a description of data systems developed or expanded by States pursuant to section 202(d)(2) and an analysis of procedures used in different States regarding such systems; and

''(D) a description of pilot studies undertaken by States pursuant to section 202(d)(1)(B)(iii) and an analysis of procedures used in different States regarding such studies.

''(3) SPECIAL RULE.—In the case of teacher preparation programs with fewer than 10 prospective teachers who have completed 100 percent of the coursework required by a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(4) DATABASE.—The Secretary shall collect data and develop a national and public database that provides reports on States' passage rates on certification and licensure assessments, the placement rates for teacher preparation programs, the percentage of full-time faculty in institutions of higher education in each State who teach classes offered by a school, college, or department of education, the tracking of graduates 5 years after graduating from a teacher preparation program, and other relevant information, as appropriate.

''(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this

part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(e) INSTITUTIONAL AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls prospective teachers receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and reporting methods developed by the State for teacher preparation programs, the following information:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate for each prospective teacher who has completed 100 percent of the coursework required by the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution or alternative certification program is located, but only for those prospective teachers who took those assessments within 3 years of completing the coursework.

''(ii) A comparison of the institution's or alternative certification program's pass rate for prospective teachers who have completed 100 percent of the coursework at the teacher preparation program with the average pass rate for institutions and alternative certification programs in the State.

''(iii) In the case of teacher preparation programs with fewer than 10 graduates who have completed 100 percent of the coursework required by the program taking any single initial teacher certification or licensure assessment during an academic year, the institution or alternative certification program shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of prospective teachers in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and prospective teachers in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's teacher preparation program or alternative certification program's teacher preparation program is so approved or accredited, by the State and any other entities, as applicable.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 209(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's or alternative certification program's teacher preparation program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education or an alternative certification program for failure to provide the information described in this subsection in a timely or accurate manner.

''(f) DATA QUALITY.—The eligible State shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''(g) NATIONAL ACADEMY OF SCIENCES CORE CURRICULUM STUDY.—

''(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop a suggested core curriculum for States to use as guidance when developing their program standards for teacher preparation programs in their State. The core curriculum shall address the pedagogical requirements of teacher preparation programs and assist those within the education profession and prospective teachers to understand what prospective teachers need to know to become effective teachers.

''(2) DOMAINS OF FOUNDATIONAL AND PEDAGOGICAL KNOWLEDGE.—The study conducted pursuant to paragraph (1) shall include each of the following domains of foundational and pedagogical knowledge:

''(A) Learning, which would include building on existing knowledge and experience shaped by social and cultural context in the community and in the classroom.

''(B) Human development, which would include how children and adolescents think and behave, taking in account different ages, contexts, and learning styles.

''(C) Assessment, which would include the introduction of standards-based reform.

''(D) Teaching skills, which would include providing all teachers with the tools needed to be successful in the classroom and to meet the instructional needs of students with disabilities and students with limited-English proficiency.

''(E) Reading instruction, which would include taking in account different ages, contexts, and learning styles.

''(3) BEST RESEARCH; SUGGESTED TRAINING.—The suggested core curriculum developed pursuant to paragraph (1) shall—

''(A) reflect the best research into how students learn, on content-specific methods shown to be effective with students, and on effective gap-closing criteria; and

''(B) include preparation in working with diverse populations, interacting with parents, assessing classroom performance, and managing student behavior.

''(4) COLLABORATION.—

''(A) IN GENERAL.—In conducting the study under paragraph (1), the National Academy of Sciences shall collaborate with interested parties in developing the suggested core curriculum.

''(B) INTERESTED PARTIES.—In this paragraph, the term 'interested parties' means—

''(i) college presidents;

''(ii) deans of teacher education programs;

''(iii) teacher preparation faculty;

''(iv) chief State school officers;

''(v) school superintendents;

''(vi) teacher organizations;

''(vii) exemplary teachers;

''(viii) teacher preparation accrediting organizations;

''(ix) nonprofit education organizations;

''(x) organizations or associations representing the scientific disciplines associated with teaching and learning; and

''(xi) other entities determined appropriate by the National Academy of Sciences.

**''SEC. 209. STATE FUNCTIONS.**

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall develop a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at-risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 208(b).

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education;

''(2) shall not be permitted to accept or enroll any prospective teacher who receives aid under title IV of this Act in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for prospective teachers enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—The Secretary shall engage in a negotiated rulemaking process with representatives of States, institutions of higher education, and educational and student organizations when developing regulations to carry out subsection (b)(2).

**''SEC. 210. GENERAL PROVISIONS.**

''(a) METHODS.—In complying with sections 208 and 209, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

''(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

''(d) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without individual identifying information, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''(3) PRIVACY.—Actions taken pursuant to paragraph (1) shall not be considered a violation of section 444 of the General Education Provisions Act or of the individual's privacy pursuant to any other provision of law. Any information obtained by a teacher preparation program in accordance with this section shall be considered a part of the graduate's education records and shall be protected as such.

**''SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

''(1) 20 percent shall be available for each fiscal year to award grants under section 202;

''(2) 60 percent shall be available for each fiscal year to award grants under section 203; and

''(3) 20 percent shall be available for each fiscal year to award grants under section 204.''.

(b) PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.—Part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1041 et seq.) is amended to read as follows:

**''PART B—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY**

**''SEC. 221. PURPOSE AND PROGRAM AUTHORITY.**

''(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities—

''(1) to carry out programs that prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards; and

''(2) to improve the ability of institutions of higher education to carry out such programs.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to eligible applicants, or enter into contracts or cooperative agreements with eligible applicants, on a competitive basis in order to pay for the Federal share of the cost of projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

''(2) DISTRIBUTION.—In awarding grants, or entering into contracts or cooperative agreements under this part, the Secretary shall ensure an equitable distribution of financial assistance among eligible applicants located in urban and rural areas of the United States.

''(3) PERIOD OF AWARDS.—The Secretary may award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

**''SEC. 222. ELIGIBILITY.**

''(a) ELIGIBLE APPLICANTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an applicant shall be a consortium that includes the following:

''(1) At least 1 institution of higher education that awards baccalaureate degrees and prepares teachers for their initial entry into teaching.

''(2) At least 1 State educational agency or local educational agency.

''(3) One or more of the following entities:

''(A) An institution of higher education (other than the institution described in paragraph (1)).

''(B) A school or department of education at an institution of higher education.

''(C) A school or college of arts and sciences (as defined in section 201) at an institution of higher education.

''(D) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

''(b) APPLICATION REQUIREMENTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

''(1) A description of the proposed project, including how the project would—

''(A) ensure that individuals participating in the project would be prepared to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

''(B) improve the ability of at least 1 participating institution of higher education described in section 222(a)(1) to ensure such preparation.

''(2) A demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

''(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

''(3) A description of how each member of the consortium will participate in project activities.

''(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

''(5) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

''(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

**''SEC. 223. USE OF FUNDS.**

''(a) REQUIRED USES.—A consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part for—

''(1) a project creating 1 or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

''(2) evaluating the effectiveness of the project.

''(b) PERMISSIBLE USES.—The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

''(1) Developing and implementing high-quality teacher preparation programs that enable educators—

''(A) to learn the full range of resources that can be accessed through the use of technology;

''(B) to integrate a variety of technologies into curricula and instruction in order to expand students' knowledge;

''(C) to evaluate educational technologies and their potential for use in instruction;

''(D) to help students develop their technical skills; and

''(E) to use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) Developing and implementing high-quality teacher preparation programs that prepare educators in—

''(A) the uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services; and

''(B) maximizing access for students with disabilities to participate in the general education curriculum through the use of such technology.

''(3) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators.

''(4) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

''(5) Providing technical assistance to entities carrying out other teacher preparation programs.

''(6) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

''(7) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.

**''SEC. 224. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part—

''(1) $200,000,000 for fiscal year 2004; and

''(2) such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(c) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

**''PART C—CENTERS OF EXCELLENCE**

**''SEC. 231. PURPOSES; DEFINITIONS.**

''(a) PURPOSES.—The purposes of this part are—

''(1) to help recruit, prepare, and retain teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom;

''(2) to help recruit, prepare, and retain principals (including minority principals and assistant principals) to address the shortage of principals in our Nation's public elementary schools and secondary schools; and

''(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers and principals.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education—

''(i) that has a teacher preparation program that meets the requirements of such a program under section 203(b)(2);

''(ii) that is—

''(I) a part B institution (as defined in section 322);

''(II) a Hispanic-serving institution (as defined in section 502);

''(III) a Tribal College or University (as defined in section 316);

''(IV) an Alaska Native-serving institution (as defined in section 317);

''(V) a Native Hawaiian-serving institution (as defined in section 317); or

''(VI) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart 1 of part A of title IV for that year; and

''(iii) that has not received a grant under this part during the 5-year period preceding the date the institution applies for a grant under this part;

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) TEACHING SKILLS.—The term 'teaching skills' means skills—

''(A) grounded in the science of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

''(B) that require an understanding of the learning process itself, including an understanding of—

''(i) the use of strategies specific to the subject matter;

''(ii) ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

''(iii) identification of individual differences in ability and instructional needs;

''(iv) the use of strategies that will meet the instructional needs of students with disabilities and students with limited-English proficiency;

''(v) classroom management; and

''(vi) interaction with parents and others to promote student learning.

**''SEC. 232. CENTERS OF EXCELLENCE.**

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions to establish centers of excellence.

''(b) APPLICATION.—Any eligible institution desiring a grant under this part shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—An eligible institution that receives a grant under this part shall use the grant funds to establish a center of excellence that shall ensure that current and future teachers are highly qualified, by carrying out 1 or more of the following activities:

''(A) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by—

''(i) developing and implementing programs that enhance the competencies of faculty to reflect advances in theory, research, and practice; and

''(ii) designing or redesigning teacher preparation programs that—

''(I) prepare teachers to close student achievement gaps;

''(II) prepare teachers to utilize scientifically based research and rigorous academic content and to teach rigorous academic content and challenging State academic content standards; and

''(III) promote strong teaching skills.

''(B) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers and principals by exemplary teachers and principals, respectively; substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; providing support, including preparation time, for such interaction.

''(C) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly minority teachers and principals, including programs that provide—

''(i) teacher or principal mentoring from exemplary teachers or principals, respectively; or

''(ii) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(2) PERMISSIBLE USES.—An eligible institution that receives a grant under this part may use a portion of the grant funds to carry out 1 or more of the following activities:

''(A) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program or principal preparation program.

''(B) Disseminating information on effective practices for teacher preparation and induction and successful teacher certification and licensure assessment preparation strategies.

''(C) Disseminating information on effective practices for principal preparation, successful principal certification and licensure preparation strategies, and successful principal induction.

''(D) Activities authorized under sections 202, 203, and 204.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) DURATION.—Grants awarded under this part shall be for a period of 3 years.

''(f) DISBURSEMENT.—An eligible institution that receives a grant under this part shall receive—

''(1) 60 percent of the grant award during the first year of the grant period;

''(2) 25 percent of the grant award during the second year of the grant period; and

''(3) 15 percent of the grant award during the third year of the grant period.

''(g) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each eligible institution that receives a grant under this part shall provide matching funds, from non-Federal sources that may be in cash or in the form of in-kind contributions, in an amount equal to—

''(A) 25 percent of the grant award for the first year of the grant;

''(B) 35 percent of the grant award for the second year of the grant; and

''(C) 50 percent of the grant award for the third year of the grant.

''(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for an eligible institution if the Secretary determines, based on regulations promulgated by the Secretary, that such requirement would be a financial burden for such institution.

''(h) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $10,000,000 for fiscal year 2004; and

''(2) such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(2) TRANSITION.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this subsection.

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THE CAPACITY TO LEARN FOR ALL STUDENTS AND SCHOOLS (CLASS) ACT OF 2004

Senator Bingaman's CLASS Act is designed to strengthen the Teacher Quality Enhancement Grants program of the Higher Education Act by expanding the capacity of teachers and schools to offer all students the quality of instruction they need and deserve.

What will the CLASS Act accomplish? This capacity-enhancing act will:

Ensure that all teachers are highly qualified, have strong teaching skills, understand scientifically based research and its applicability, and can use technology effectively in the classroom.

Empower teachers and schools to provide access for all students to a high-quality general education curriculum, including students with disabilities and limited-English proficiency.

Better prepare students for postsecondary education and a competitive workforce.

Enhance the ability of schools, districts, and states to collect, analyze, and utilize data to improve schools and programs and to fulfill the requirements of No Child Left Behind and the Higher Education Act.

How will the CLASS Act accomplish these goals? The CLASS Act provides the following capacity-building resources:

Data systems designed to improve public education, including enhancing teacher preparation programs. State educational agencies can apply for new Data Systems Grants that enable them to develop data systems that have the capacity to integrate and coordinate individual student data from educational and employment settings; to conduct analyses necessary for evaluating programs and policies and identifying best practices; and to facilitate alignment among schools, institutions of higher education, and employment settings.

Academic Teaching Centers that feature a model teaching laboratory: a setting for the integration of education and training, research, and evidence-based practice for teacher candidates, university professors, and master teachers.

A Professional Development Program that encourages innovation by allowing states to pursue alignment with National Board for Professional Teaching Standards, a tiered licensure system, multiple career paths, and opportunities for professional growth.

A Rural Education Recruitment and Retention Program designed to address the needs of rural districts by funding a range of recruitment strategies, such as tuition and housing assistance, and retention strategies, such as mentoring programs and professional development.

Centers of Excellence that will increase minority teacher recruitment, development, and retention.

Rigorous standards for teacher certification or licensure to ensure that all prospective teachers meet the same high state standards.

Strengthened accountability through improved assessment procedures for teacher certification or licensure that are valid and reliable, are aligned with reporting requirements, and allow for accurate and consisting reporting.

A state-level needs assessment to identify areas of greatest need and to ensure the effective use of federal funds.

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By Mr. CORZINE (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2341. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Safe Healthcare Reporting (SHARE) Act, which Senator LAUTENBERG and I have developed to add nurses and other licensed health care professionals to the National Practitioner Databank.

In 1986, Congress passed legislation that established a national databank, the National Practitioner Databank (NPDB), to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians. While the NPDB has served as an important source of information on physicians, it fails to incorporate critical information on millions of non-physician licensed health care professionals, including nurses.

The recent case of Charles Cullen, a New Jersey nurse who has claimed responsibility for as many as 40 murders carried out at multiple hospitals in New Jersey and Pennsylvania over the last decade, has highlighted the need for a national reporting system on nurses and other licensed health professionals. As the health care workforce becomes increasingly mobile, such a system would be an invaluable resource to health care employers seeking information on potential employees.

The SHARE Act will help break the chain of silence currently plaguing our health care system. This chain of silence prevented critical employment history on Cullen—including five firings and at least one suspension—from ever reaching his future employers. While Charles Cullen kept killing people, hospitals kept hiring him. They didn't know his history. They didn't understand the risk he posed to patients. This is because hospitals and other employers are reluctant to share employee information because they are afraid of being sued.

The goal of our legislation is to make sure that hospitals know—to make sure that employers have access to critical information on health care practitioners. It will ensure that adverse employment actions, licensing and disciplinary actions, and criminal background information are available to all health care employers. The SHARE Act mandates that hospitals and other health care entities report adverse employment actions taken against employees who violate professional standards of conduct. This would include things like drug diversion and falsification of documents.

Importantly, the legislation protects health care employers from suit when they, in good faith, report information that they believe is truthful. Any employer who reports false information in an effort to smear a nurse's record would receive no protection under our bill. In fact, anyone who abused the information reported to the databank would be fined by the Federal Government.

Health care employers, such as hospitals and nursing homes, would be required to report to the National Practitioner Databank, which currently provides such information on physicians. They would also be required to report to the appropriate state licensing board. In turn the State licensing board would report the results of its investigations and licensing or disciplinary actions to the databank. The legislation also encourages nurses and other health care professionals to report suspected activities to state boards by providing whistleblower protections to those individuals.

The SHARE Act also ensures that a practitioner who is subject to reporting is informed of the report, offered a hearing on the issue, and allowed to comment on the report.

I believe that this legislation is a critical first step toward improving access to important information on our health care workforce. Since 1986, the Federal Government has required hospitals to report employment information on physicians. It's time we include nurses and other health care professionals that provide direct patient care. In fact, the average nurse spends more time at a patient's bedside than the patient's physician. We simply must ensure that the person at the bedside is competent and professional.

I look forward to working with my colleagues on both sides of the aisle to move this bill through Congress and get it to the President's desk. We must and we can improve patient safety and the integrity of our health care system. This bill takes an important step toward that goal.

Mr. LAUTENBERG. Mr. President, I rise to join my colleague, Senator CORZINE, in introducing the Safe Healthcare Reporting (SHARE) Act.

The first rule of the medical profession is ''do no harm.'' Unfortunately, Charles Cullen spent his career doing harm to people in New Jersey and Pennsylvania.

The overwhelming majority of nurses are excellent practitioners of medicine who save countless lives every day. Nurse Cullen is the exception—not the rule—he was a bad apple of the worst kind.

As many as 40 people died as a result of Charles Cullen's actions. He did it at different hospitals in different States. But no one put the pieces of the puzzle together for decades.

That is why the legislation Senator CORZINE and I are introducing is so important. This legislation adds nurses to the centralized, national data bank of medical errors and misconduct. Our bill will require hospitals to notify state nursing boards—and the national data bank—if they launch an investigation into an employee—something Senator CORZINE and I believe is badly needed. The bill also requires hospitals to reference the national database when hiring nurses and other licensed health care professinals.

We must prevent more people like Charles Cullen from becoming nurses in the future. The vast majority of nurses out there are dedicated professionals, but we need a way to track and monitor the few who are using the profession as a means to commit terrible crimes. It makes no sense to allow a medical professional to go from job to job, leaving under suspicious circumstances, with virtually no means of detection.

Cullen's ability to perpetrate such despicable acts against patients highlights serious flaws in our current system. The system let this man slip through the cracks and continue to work as a professional healthcare provider even as investigations of his killings at previous employers were being launched. This is appalling.

Patient safety must always be at the forefront. Our bill will close the holes in this system and make it harder for people like Charles Cullen to commit such horrific crimes in the future.

I look forward to working in a bi-partisan fashion to further this important legislation.

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By Mr. WARNER:

S. 2342. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation for my State, the Virginia Ridge and Valley Wilderness and National Scenic Areas Act of 2004. This bill will add four new wilderness areas, five additions to existing wilderness areas, and two National Scenic Areas to the Jefferson National Forest. Congressman RICK BOUCHER is introducing companion legislation in the United States House of Representatives.

It is no coincidence that I introduce this legislation on Earth Day, a time when we can reflect on our natural world and the obligations we have to protect the earth which provides so richly for us. Throughout my career in the United States Senate, I have strived to preserve Virginia's natural resources and heritage through the designation of wilderness areas. In fact, I have worked to pass three wilderness bills through Congress. I stood here not four years ago and introduced a bill that added two exceptional areas in the George Washington National Forest to the wilderness system. With the help of many, that legislation is now law, and Virginia has approximately 100,434 acres of designated wilderness lands.

However, there is still work to be done. Within the Jefferson National Forest, designated wilderness areas total only 7 percent of the total forest acreage. The enactment of this legislation will substantially increase our opportunities for uninterrupted enjoyment in the forest with the addition of nearly 29,000 acres of new wilderness areas and almost 12,000 acres of national scenic areas.

Virginia is blessed with great beauty and natural diversity. From the complex ecosystem of the Chesapeake Bay, to the exquisite vistas, streams, vegetation, and wildlife of the Shenandoah Mountains, residents and visitors alike can enjoy a bountiful array of natural treasures. As demand for development in Virginia increases, it becomes incumbent upon Congress to act expeditiously to protect these wild lands. Through wilderness and national scenic area designations, we can ensure that these areas retain their primeval character and influences.

I consider myself an avid outdoorsman, and I enjoy opportunities for recreation. I want to stress the many activities that will continue to occur in these wilderness areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. In addition, the Wilderness Act is flexible and provides for reasonable local forest management and emergency services in wilderness areas, such as the use of motorized equipment and aircraft for search and rescue operations; or to combat fire, insects and disease.

I am particularly pleased to include in the legislation an authorization for the establishment of a non-motorized trail between County Route 650 and Forest Development Road 4018 outside of the new Raccoon Branch Wilderness area. This trail will follow the historic Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

As a father and a grandfather, I feel a weighty obligation to ensure that our children have lasting opportunities to enjoy Virginia's immense natural beauty and diversity. This legislation is a crucial step in our quest to preserve these lovely areas for the enjoyment and use of future generations.

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By Mr. CONRAD (for himself and Mrs. LINCOLN):

S. 2343. A bill to amend title XVIII of the Social Security Act to improve the medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am being joined by Senator BLANCHE LINCOLN in introducing the Medicare Prescription Drug Improvement Act (MEND) of 2004, which aims to make various improvements to the recently enacted Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (H.R. 1).

I said when we passed H.R. 1 that we could do better for seniors and that I would keep pushing to improve the Medicare drug bill. This bill is an important first step in that effort. It provides a better, more stable prescription drug benefit and lowers the costs of drugs for seniors. It also removes the giveaways to health plans and it will reduce the deficit. In short, this bill is a win for seniors, a win for good government, and a win for taxpayers.

I supported the new Medicare law, but this was not an easy decision. While this legislation takes important steps to add a drug benefit to the Medicare program and makes needed provider payment reforms, this legislation has many flaws that must be addressed. The legislation I am unveiling today takes steps in this direction.

Before I describe this new effort, I'd first like to highlight why I believe supporting the Medicare bill was the right decision, particularly for Medicare beneficiaries in my home State of North Dakota.

The first—and most basic—reason I supported this legislation is because it takes critical steps to add a drug benefit to the Medicare program. This benefit will provide America's seniors—for the first time—the opportunity to receive help with their medication costs. If seniors are satisfied with their current health care coverage, they do not have to sign up for this new benefit. But if they need extra help covering their prescription costs, the new Medicare drug benefit offers an important coverage option.

The second major reason I supported this legislation is because it provides a very generous benefit for lower-income seniors with incomes below 150 percent of the Federal poverty. Under the legislation, about 40 percent of seniors in North Dakota will get the vast majority of their drugs covered, with minimal out-of-pocket costs. This extra assistance will make a critical difference to lower-income seniors in my State, many of whom have told me that they are often faced with the choice of paying for their medicines or paying for food, rent and other living costs. In my view, this is a choice that no senior citizen should be forced to make. The legislation we passed took important steps to address this problem.

In addition, the Medicare drug benefit will provide substantial assistance to those with catastrophic drug costs. Specifically, after a beneficiary spends $3,600 out-of-pocket, Medicare will pick up 95 percent of the cost. This catastrophic coverage is an important component of the bill, which we estimate will help nearly 11 percent of North Dakota seniors better afford high-cost medications.

As we move forward on implementing this new benefit, it is my strong hope that it will improve health care coverage for the millions of seniors across the Nation who are struggling to afford life-saving and life-enhancing medications.

Finally, another major reason that I supported the Medicare bill is that it includes a whole host of rural provider payment reforms that I authored along with Senator CRAIG THOMAS from Wyoming and Representative EARL POMEROY from my State of North Dakota. These measures take important steps to address payment disparities that were causing rural health care providers to receive significantly less reimbursement than their urban counterparts. Over the next 10 years, these payment changes will improve funding to the rural health care system by more than $20 billion. It is my hope that these important provisions will help ensure health care providers can continue offering quality and affordable health care services to rural communities in my State and across the Nation.

Those are positive aspects of the recently enacted Medicare legislation. But, as I said when we passed it, the bill also had a number of significant flaws. The bill I am introducing today addresses these flaws and makes some important improvements to the new Medicare law.

To be clear, my new legislation does not include every change I would like to make to the Medicare law. To do that, we would need to spend hundreds of billions of dollars. Given the Federal budget deficit we are facing, this is simply not possible.

But it is possible to make some common-sense improvements to the bill. And that is what my legislation does. Let me describe it in further detail.

The first area of my bill will include new measures to reduce the costs of prescription drugs. We know that drug costs have skyrocketed over the last few years. This is a real problem for seniors and others across the Nation who are having increasing trouble affording their medications.

It is also a problem for the Medicare program, which will face increasing cost pressures when we add the new drug benefit. Given this situation, we must take steps to reduce and control drug costs. My legislation would do that in two ways.

First, it would allow pharmacists and licensed wholesalers to reimport less expensive drugs from Canada. The Medicare bill gives the Department of

Health and Human Services authority to allow this reimportation, but it put roadblocks in place that will effectively ensure reimportation never happens.

My bill would remove these roadblocks and allow reimportation to begin immediately. If at any time a reimported drug is found to be unsafe, the Secretary would have authority to immediately suspend reimportation of this product.

The second thing my bill would do to reduce costs is to allow the Secretary of HHS to negotiate with drug companies to lower the costs of medications in the new drug benefit.

As my colleagues know, the Medicare law specifically prohibits the Secretary from directly negotiating with pharmaceutical companies to lower drug prices. We know that allowing the government to negotiate in other programs, like the VA, has significantly lowered costs. There's no reason we shouldn't also allow it in the new Medicare drug benefit.

In addition to taking steps to reduce drug costs, my legislation also includes measures to improve the stability of the Medicare drug benefit.

Under the new Medicare benefit, I am concerned that seniors may face different drug costs, different drug formularies, and different approved pharmacies as they switch from plan-to-plan every year. If we know anything, we know that seniors want certainty.

One way to fix this is to allow seniors to stay in the drug plan of their choice for more than 1 year—even if it is a ''government fallback plan.'' My legislation includes this change.

Another shortfall of the new Medicare law is that it prohibits seniors from purchasing supplemental insurance to assist with costs not covered by the new benefit. My legislation would lift this restriction and give seniors another choice for covering their medication costs.

Beyond that, my legislation also includes new measures to ensure seniors retain access to the local pharmacy of their choice. In many communities, the local pharmacist is the most accessible source of health care services. Given this, my bill contains measures to protect local pharmacy services.

Specifically, it would require that the Medicare program allow seniors to go to their local pharmacy to get their prescriptions filled, rather than forcing them to receive their drugs by mail-order or forcing them to go to a pharmacy in a nursing home or hospital that may not be as accessible. My hope is that this provision would ensure that seniors can continue to visit their local pharmacist.

My legislation would also authorize $500 million that could be used to help pharmacists cover the costs of educating seniors about the new drug plan choices. This funding would provide pharmacists a one-time payment for providing information to seniors as they enroll in the new benefit.

My bill also includes other measures to provide seniors with better information about the new drug benefit. Specifically, it would require drug plans to provide seniors with detailed information about what drugs will be covered—before the seniors signs up. It also would require that plans inform seniors of any changes to these covered drugs—either through the telephone, by mail or on the Internet.

My legislation would also take other steps to protect seniors by repealing the premium support demonstration project that is set to begin in 2010. Although seniors will be able to choose whether they want to enter private plans under this demonstration, I believe it is a step in the wrong direction toward privatizing the program and could drive up premiums for those in fee-for-service. Given this, my bill will repeal this privatization demonstration.

Finally, my bill includes additional measures that will help reduce spending and protect the financial integrity of the Medicare program.

In particular, the legislation will include measures to expand the chronic care management demonstration project in the Medicare law.

Today, roughly 5 percent of seniors account for about 50 percent of the entire Medicare budget. The Medicare law will test providing coordinated care to these beneficiaries, which many believe will help improve quality of care and reduce costs. My legislation will build on this effort by providing additional resources to expand chronic care management to more areas of the country. I believe this will save money for Medicare and improve health outcomes for these seniors.

Finally, my new legislation will eliminate provisions in the Medicare law that provide unfair, extra payments to private plans. Specifically, it will repeal a new $8.9 billion taxpayer subsidy to bring more private plans into the market. It will also address inequities that currently allow HMOs to receive significantly higher payments than traditional Medicare—for serving the exact same patient. These policies are simply a waste of money.

According to unofficial estimates by the Congressional Budget Office, eliminating these private plan overpayments could result in significant cost savings. Under my plan, these cost savings would be used to reduce the Federal budget deficit, which has reached record levels this year.

This is a basic overview of the provisions that will be included in my new legislation—the Medicare Prescription Drug Improvement Act (the MEND Act).

I believe this legislation will take significant steps toward improving the new Medicare law. I would like to thank Senator LINCOLN for joining me in this effort and I look forward to working with my colleagues on this important legislation.

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By Mrs. BOXER:

S. 2344. A bill to permit States to require insurance companies to disclosure insurance information; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing the Armenian Victims Insurance Fairness Act. This bill is the Senate companion to legislation introduced by Congressman ADAM SCHIFF, my good friend and colleague from the 29th District of California.

This legislation authorizes states to enact laws that require insurance companies to disclose and make public information about any policy issued in areas controlled by the Ottoman Empire between 1875 and 1923.

This week marks the 89th anniversary of the Armenian Genocide. Between 1915 and 1923, the Ottoman Empire conducted the first Genocide of the 20th Century, killing an estimated 1.5 million Armenians and displacing thousands more. The campaign was so devastating that at the beginning of World War I, there were 2.1 million Armenians living in the Ottoman Empire. Following the Genocide, fewer than 100,000 Armenians remained.

This legislation is important because survivors and descendants of the Armenian Genocide are still trying to recoup the benefits owed to them under the tens of thousands of insurance policies that were issued prior to the Genocide. According to a news report, one Californian has been attempting to collect on an insurance policy for 40 years, but has been stonewalled by the company that issued the policy.

Insurance policy documents were often destroyed during the Genocide, and death certificates were not issued to those Armenians who lost their lives. Therefore, survivors and descendants can only rely on the documents held by insurance companies as proof that they are owed benefits. Unfortunately, we have seen little cooperation from insurance companies on disclosing these documents and opening up their records.

This bill closely follows legislation that would help Jewish Holocaust survivors. Last year, the Supreme Court ruled that a California state law requiring the disclosure of insurance information related to Holocaust-era policies was unconstitutional—in part because of the Federal Government's responsibility to make foreign policy. I support pending legislation to allow States to pass laws requiring the disclosure of Holocaust-era policies.

My bill is designed to ensure that state laws to force insurance companies to disclose insurance information on policies related to the Armenian Genocide do not run into similar legal challenges.

It is an injustice to the memories of those slain during the Armenian Genocide that insurance companies have not paid the benefits owed to the survivors and victims of this tragic chapter of history. This legislation will help survivors and their families pursue these claims.

I urge my colleagues to support the Armenian Victims Insurance Fairness Act.

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By Mr. DODD:

S. 2345. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I come to the floor of the Senate today to introduce legislation, ''The No Child Left Behind Reform Act.'' This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

The No Child Left Behind Act received the support of this Senator and 86 of our colleagues. Like most, if not all, of our colleagues who supported this bill, I supported it because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing more rigorous standards for measuring student achievement, by helping teachers do a better job of instructing students, and last but not least, by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. The law is being implemented by the Administration in a manner that is inflexible, unreasonable and unhelpful to students. Furthermore, the law is not only failing to help teachers do their best in the classroom, it reflects, along with other Administration policies and pronouncements, a neglect and even hostility towards members of the teaching profession.

Worse still, the Administration's promise of sufficient resources to implement No Child Left Behind's much needed reforms is a promise that has yet to be kept. Indeed, the current budget proposed by the Bush Administration underfunds No Child Left Behind by $9.4 billion. Since passage slightly over 2 years ago, the law has been funded at a level that is more than $26 billion below what was promised when the President signed the Act into law.

As a result of the failures of the current Administration to fulfill its commitment to our nation's school children under this law, those children and their teachers are today shouldering new and noteworthy hardships. Throughout the State of Connecticut, for example, students, teachers, administrators and parents are struggling to implement requirements that are often confusing, inflexible and unrealistic. And they are struggling to do so without the additional resources they were promised to put them into place.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise—a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposed to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others as well. These include dropout rates, the number of students who participate in advanced placement courses, and measures of individual student improvement over time. Unfortunately, current law does not allow schools to use these additional measures in a constructive manner. Additional measures can only be used as a measure of how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be ''highly qualified'' to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area.

Such requirements are unreasonable at a time when teachers are increasingly hard to find. The legislation I introduce today will allow States to create a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, these changes will provide significant assistance to schools in Connecticut and other states currently struggling to comply with the No Child Left Behind law. I would hope that our colleagues would look with some favor on it.

Of equal if not greater importance is the urgent need to provide our schools with the additional resources they need to help our children learn. Obviously, funding this law is beyond the scope of this bill. I would note, however, that efforts to increase education funding to authorized levels have thus far been unsuccessful.

Earlier this year, I supported Senator MURRAY's amendment to fully fund No Child Left Behind by increasing the budget allocation by $8.6 billion. Unfortunately, Senator MURRAY's amendment was defeated purely on party lines. Clearly, funding for No Child Left Behind is not at the top of the Majority's priority list. I will continue to work to change this outcome. Clearly, our children deserve the resources needed to make their dreams for a better education a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2345

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''No Child Left Behind Reform Act''.

**SEC. 2. ADEQUATE YEARLY PROGRESS.**

(a) DEFINITION OF ADEQUATE YEARLY PROGRESS.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking ''such as'';

(B) by inserting ''such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3),'' after ''described in clause (v),''; and

(C) by striking ''attendance rates,''; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking ''the State'' and all that follows through ''ensure'' and inserting ''the State shall ensure''; and

(C) by striking ''; and'' and inserting a period.

(b) ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking '', except that'' and all that follows through ''action or restructuring''.

**SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.**

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

**''SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.**

''(a) GRANT AUTHORITY.—The Secretary may award grants, on a competitive basis, to

State educational agencies to enable the State educational agencies to develop or increase the capacity of data systems for accountability purposes and award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

''(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

''(c) STATE USE OF FUNDS.—Each State that receives a grant under this section shall use—

''(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

''(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agencies to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

''(1) purchasing database software or hardware;

''(2) hiring additional staff for the purpose of managing such data;

''(3) providing professional development or additional training for such staff; and

''(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

''(e) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) LEA APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $80,000,000 for each of fiscal years 2005, 2006, and 2007.''

**SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.**

(a) TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term ''all students enrolled in the school'' each place such term appears and inserting ''all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),'';

(2) in subsection (b)(1), by adding at the end the following:

''(G) MAINTENANCE OF LEAST RESTRICTIVE ENVIRONMENT.—A student who is eligible to receive services under the Individuals with Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act.'';

(3) in clause (vii) of subsection (c)(10)(C), by inserting '', who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),'' after ''Authorizing students''; and

(4) in subparagraph (A) of subsection (e)(12), by inserting '', who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)'' after ''under section 1113(c)(1)''.

(b) STUDENT ALREADY TRANSFERRED.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

**SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.**

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking ''or'' after the semicolon;

(2) in subclause (II), by striking ''and'' after the semicolon; and

(3) by adding at the end the following:

''(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

''(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

''(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and''.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3047. Mr. KYL proposed an amendment to the bill S. 2329, to protect crime victims' rights.

## TEXT OF AMENDMENTS

**SA 3047.** Mr. KYL proposed an amendment to the bill S. 2329, to protect crime victims' rights; as follows:

On page 7, line 24, strike the first period and insert the following: '', subject to appropriation.''.

On page 10, line 20, strike the first period and insert the following: '', subject to appropriation.''.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 22, 2004, at 9:30 a.m. on the U.S. Commission on Ocean Policy.

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 Thursday, April 22, 2004, at 9:30 a.m. to hold a hearing on Iraq Transition: Obstacles and Opportunities.

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 Thursday, April 22, 2004, at 1:30 p.m. to hold a hearing on Nominations.

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 Thursday, April 22, 2004, at 2:30 p.m. to hold a Subcommittee on East Asian and Pacific Affairs hearing on U.S.-China Relations: Status of Reforms in China.

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 Thursday, April 22, 2004, at 4 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 22, 2004, at 11 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William Duane Benton to be United States Circuit Judge for the Eighth Circuit; Robert Bryan Harwell to be United States District of South Carolina; George P. Schiavelli to be United States District Judge for the Central District of California; and Curtis V. Gomez to be Judge for the District Court of the Virgin Islands.

II. Legislation: S. 1735. Gang Prevention and Effective Deterrence Act of

2003 [Hatch, Chambliss, Cornyn, Feinstein, Graham, Grassley, Schumer]; S. Res. 310. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers [Campbell, Hatch, Leahy]; H. Con. Res. 328. Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month; S. 2270. No Oil Producing and Exporting Cartels (NOPEC) Act of 2004 [DeWine, Durbin, Feingold, Grassley, Kohl, Leahy, Schumer, Specter]; S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009 [DeWine, Leahy]; S. 2192. Cooperative Research and Technology Enhancement (CREATE) Act of 2004 [Hatch, Feingold, Leahy]; H.R. 1561. United States Patent and Trademark Fee Modernization Act of 2004; S. 1933. Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Cornyn, Feinstein]; S. 2237. Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004 [Leahy, Hatch]; and S. 1932. Artists' Rights and Theft Prevention (ART) Act of 2003 [Cornyn, Feinstein, Graham, Hatch].

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 22, 2004, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on Parents Raising Children: The Workplace during the session of the Senate on April 22, 2004, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet conduct a hearing on ''State and Local Authority To Enforce Immigration Law: Evaluating a unified approach for stopping terrorists'' on Thursday, April 22, 2004, at 2:30 p.m. in SD226

Witness List:

Panel I: Professor Kris W. Kobach, Former Counsel to the Attorney General, Professor of Law, University of Missouri-Kansas City School of Law, Kansas City, MO; E.J. Picolo, Regional Director, Florida Department of Law Enforcement, Ft. Myers, FL; Michelle Malkin, Journalist and Author of Invasion, Bethesda, MD; and David A. Harris, Balk Professor of Law and Values, University of Toledo College of Law, Toledo, OH.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent for a legislative fellow, Erik Winchester, to be granted the privilege of the floor throughout today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Tom Stack and Kevin Patrick Wilson be granted the privilege of the floor during the course of debate on S. 2329.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTERNET TAX NONDISCRIMINATION ACT

Mr. FRIST. Mr. President, as I have announced on several occasions, we intend to begin consideration of the Internet tax access legislation next week. To review for a moment, the bill was reported by the Commerce Committee on September 29 of last year and the Finance Committee on October 29. The Senate began consideration of the bill on November 6 of last year.

Since that time, there have been many discussions as to how to best proceed through this issue. I understand Members have been continuing their efforts to find a solution, but it is time to come forward and debate the underlying issue. It would be my hope to begin consideration of the bill on Monday, and Senators could offer their amendments and the Senate could then work its will on the moratorium.

I understand some of my colleagues desire to delay this bill, but I would respectfully say it is now time to start the process and begin the debate.

Having said that, at this point I would have asked consent that at 1 p.m. on Monday, April 26, the Senate proceed to the consideration of Calendar No. 353, S. 150, a bill relating to taxes on Internet access. Given the objections from Members on both sides of the aisle, I will withhold that request.

CLOTURE MOTION

I now move to proceed to the consideration of S. 150. 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 cloture 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. 353, S. 150, a bill to make permanent a moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, George Allen, Jon Kyl, Orrin Hatch, James Inhofe, Elizabeth Dole, Larry Craig, John Ensign, Gordon Smith, Mitch McConnell, Norm Coleman, Sam Brownback, Trent Lott, Conrad Burns, James Talent, John Sununu, Mike Crapo.

Mr. FRIST. I now ask consent that the mandatory quorum under rule XXII be waived and the vote occur on the motion to invoke cloture at 5:30 p.m. on Monday, April 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE PLACED ON THE CALENDAR—H.R. 2844

Mr. FRIST. I understand H.R. 2844 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative read as follows:

A bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to further proceeding on this matter.

The PRESIDING OFFICER. Objection is heard.

## ORDERS FOR MONDAY, APRIL 26, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today it adjourn until 1 p.m. on Monday, April 26. I further ask that, following the prayer and 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 begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each; provided that at 2 p.m. the Senate resume consideration of the motion to proceed to Calendar No. 353, S. 150, the Internet tax bill, and at 5:30 p.m. the Senate proceed to the cloture vote on the motion to proceed, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. On Monday at 2 p.m. the Senate will resume consideration of the motion to proceed to the Internet tax bill. This is a piece of legislation that was on the floor for debate only last November. However, minutes ago I was forced to file cloture in order to bring the bill back for consideration.

The cloture vote on the motion to proceed will occur at 5:30 p.m. on Monday, and that will be the next rollcall

vote. It is my hope cloture will be invoked and we can move forward with debate on the bill.

## ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be granted the time necessary to make my full remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAQ

Mr. DAYTON. Mr. President, thank you for your indulgence this evening. I, for the last couple of nights, have been reading through much of Bob Woodward's new book, ''Plan Of Attack.'' It provides, believe me, quite an exceptional insight into the timetable and the process by which President Bush, Vice President CHENEY, and their top advisers secretly planned and then engineered our country and the world into the Iraq war.

It is remarkable that virtually every top administration official from the President on down provided so much information to Mr. Woodward, information that they withheld from Congress and from the American people.

For example, in the fall of 2002, I sat through several hours of top secret briefings with the Director of the Central Intelligence Agency and he never told us it was a ''slam-dunk'' that Saddam Hussein had weapons of mass destruction, as he reportedly said to the President. I guess I am glad he didn't, because he was wrong.

I voted against the Iraq resolution that fall because I was not persuaded that Saddam Hussein had or was close to acquiring weapons that threatened the national security of the United States. So I guess I am fortunate that I wasn't slam-dunked.

I wasn't, either, at the September 26, 2002, meeting which President Bush reportedly, according to Mr. Woodward, had with 18 Members of the House of Representatives. In the book, the President is quoted as saying—Mr. Woodward says initially:

> Putting the most dire spin on the intelligence he, the President, said ''It is clear he, Saddam Hussein, has weapons of mass destruction, anthrax, VX. He still needs plutonium. The timeframe would be 6 months for Iraq having a nuclear weapon if they could obtain sufficient plutonium or enriched uranium.

That was a significantly shorter timetable than anything that was represented to me in any of the briefings that I attended, even under those circumstances of procuring from the outside, weapons materials.

Then the President went to the Rose Garden and said to the assembled press corps, and therefore to the Nation and the world:

> The Iraqi regime possesses biological and chemical weapons, and, according to the British government, the Iraqi regime could launch a biological or chemical attack in as little as 45 minutes after the order was given.

That is an alarming statement, coming from a President of the United States, a statement likely to frighten a great many Americans and also pressure a great many Members of Congress that Iraq was, right then and there, an urgent and immediate threat to our national security.

Mr. Woodward goes on to say that the CIA Director and others had warned the British not to make that allegation, which was based on a questionable source and almost certainly referred to battlefield weapons, not ones that Iraq could launch even at neighboring countries, let alone American cities. He quotes the Director of the CIA as referring privately to this as:

> . . . they-can-attack-in-45-minutes shit.

I know one of my Senate colleagues who has said that he based his vote in support of the war resolution on that stated threat, and the peril, if true, in which it would have placed coastal cities in his State—if true. Of course it was true if the President, the President of the United States, said so to the American people from the White House, with Members of the House of Representatives, Democrats and Republicans, standing right behind him.

They presumably also believed in the President, that he was speaking the truth—a truth that perhaps only he could know. And surely, certainly, if he happened to misspeak, someone in the administration who knew otherwise, especially the person in charge of our national intelligence agency, would make sure the necessary correction would be issued quickly so as not to mislead anyone or everyone. But that wasn't done.

That is just one example of the misuse of prewar intelligence by the Bush administration. But in that instance the President himself and the commission the President appointed to look into the intelligence failures, if there were, or successes leading up to and through the Iraqi war, that commission will not be looking into that use or misuse of intelligence information by the administration officials because the President's directive does not permit them to do so.

If anybody in this body needs sufficient cause to insist upon, as members of my caucus have for many months now, a truly independent commission, one with full authority to investigate whatever its members determine warrants their investigation so that we all can know the truth and the full truth about who had what information and who used what information truthfully or untruthfully and, therefore, led us into that war, if they need sufficient cause, this book certainly provides it.

It is clear to me, however—I say this very reluctantly—that the administration won't provide us with the truth themselves—perhaps only part of it through Mr. Woodward. I regret to say I am convinced that my colleagues on the other side of the aisle won't require the administration to do so. Instead, it is hunkered down, admitting no mistakes, acknowledging no difficulty, keeps spinning the party line about how well everything is going in Iraq, how much better and safer the Iraqi people are, we are, and the world is as a result of this war.

That is what we have been told repeatedly and emphatically in every Senate Armed Services Committee meeting I have attended and in every secret and top secret briefing I received. And in the now dwindling number of real opportunities to question the administration's decisions about what is going on in Iraq, we get instead the party line about what they want us to know—what they won't tell us because they don't want us to know. What they tell us is usually contradicted as a result of some good investigative journalism. And I thank the Lord for a free and vigilant press in this country. It is just an absolute requirement for successful democracy.

Increasingly now what we are finding out is the hard realities—the ugly truths about what really is happening or not happening in Iraq—grab the headlines and seize our attention and sear our consciences as more and more Americans are dying there, as more and more are wounded, injured, and maimed for life.

I have been to the hospitals here. I think most of my colleagues have as well. I have seen lives that have changed forever. And, of course, I have gone to services for those whose lives were ended forever, and those families have to struggle and go on.

It is incredible to watch what is going on in Iraq now and see that more and more of our incredibly courageous men and women serving over there are being murdered by the people they saved—the people that the administration with certainty said would support our troops as liberators and not attack them as enemies.

What do our incredibly brave American troops over in Iraq need to be able to do the enormous task that was assigned to them? We keep asking that question in Congress. We certainly asked it in the Armed Services Committee. We wanted to provide it.

This Congress and the Congress previous to this one—in which I also served—provided the administration with every single dollar it requested for the operation in Iraq, whether it was a regular appropriation, a supplemental appropriation, or emergency

supplemental appropriation. I personally voted for every dollar the President said is needed for military supplies and equipment for the Iraqi security force training, for economic development in that country, and for social rehabilitation.

My colleague, Senator COLEMAN, and I added funding that had been overlooked to help pay for those American heroes who are serving over there to travel home to see their families during their 2-week leave in the middle of what has become a 12-month or 18-month or indefinitely extended tours of duty.

Senator BOB GRAHAM saw to it that the wounded soldiers wouldn't have to pay for their own hospital meals during their recuperations. Senator LINDSEY GRAHAM and Senator TOM DASCHLE tried to extend the health care coverage that is provided to reservists and National Guard men and women and their families to make it year round, since their service in certainly incredibly increasing numbers of cases have become year round, and subject to that at a moment's notice. I was a proud cosponsor of that legislation. It was opposed by the administration. Despite that opposition, last year we were partially successful, and we are going to be trying to accomplish the rest this year.

Most of my caucus and quite a number of my Republican colleagues have also voted several times to restore the funding cuts that the administration proposed for the VA health system which is even now seriously overloaded.

When with no forewarning and apparently with very little foreknowledge, heavy fighting escalated from where it was before in Iraq and erupted where it was not before; when American forces are suffering their highest casualties in the years since President Bush flew onto the aircraft carrier *Abraham Lincoln* and proclaimed ''mission accomplished;'' when 20,000 of our troops, our constituents, the families in our States were told they were literally packing up and heading for home, and then told they must stay for an indefinitely extended period; then we in the Senate Armed Services Committee meeting this week are told by the Deputy Secretary of Defense that ''the increase in violence was not entirely unexpected;'' it is hard to reconcile what has occurred.

Just 3 weeks earlier—just hours, in fact, before the four American contractors were ambushed and massacred and then part of hell broke loose over there—those expectations were not mentioned in a briefing we attended. They weren't even suggested. When I made that point—I didn't ask in that briefing about Fallujah—well, what about it now? ''Unsettled,'' I was told this week but U.S. forces will soon secure the city.

The next morning they published a report that a:

> Senior American officer in Fallujah was quoted as saying ''We have the potential to turn it into the Alamo, if we get it wrong.''

The Alamo? That was pretty unsettling, as I recall from my history books, and it kept getting worse thereafter.

Again at a hearing, I queried that there have been reports that Iraqi forces which we have been paying $1 billion through supplemental appropriations to supposedly train and equip so they can fight and protect their own country and our men and women can come home, there were reports some of them in the last couple of weeks—many of them—would not fight, that they ran away and even left our guns and equipment to be used by the insurgents to try to kill our own forces. How many did so? In other words, how effective has our training been? Didn't know. Estimated maybe 5 to 10 percent.

That very night I read in an article I overlooked in a morning paper, that same day an American general who was in Iraq put the percentage of Iraqi forces who failed to fight at 40 percent; 40 percent of our supposed allies were not allies when needed and 40 percent of our equipment is being used against our own troops.

The question I most want to be answered is, What is your current timetable for bringing our troops home? They are showing a big chart at the hearing for the timetable of the transfer of political responsibilities and government authority. It is quite detailed. It went through 2004, 2005, and into 2006. What, then, I asked, is the timetable for the transition of military responsibility to the Iraqis? No answer, not even in the closed session following. What is the United States force level now projected in 6 months, in 12 months in Iraq? No answer.

Surely these projections are being made. Nobody likes to predict in public what the uncertain future might hold, but we have a right to know. More importantly, the American people have a right to know. These are their sons and daughters over there on the orders of their Commander in Chief and they deserve to be told the truth. We are not even being told how much money the war in Iraq and the war in Afghanistan is expected to cost in the next fiscal year, which starts in 5 months.

We cannot even find out when the $87 billion we appropriated last October will run out. That is ridiculous. After all, whose money is it? Whose Government is it? It is our Government, all of us here and all of the American people, we are all in this together for better or for worse. We will pay for it or avoid paying for it together. We will benefit from an improved world or suffer from the reported unprecedented Arab hatred toward America. We will do that together. Our lives and our children's lives, our beloved Nation's future, will all be affected for many years profoundly by what is being done in our names and by the results and consequences that have occurred.

Please, tell the truth, Mr. President, the real truth, the whole truth, and we will face it together.

I yield the floor.

## ADJOURNMENT UNTIL MONDAY, APRIL 26, 2004, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Monday, April 26, 2004, at 1 p.m.

Thereupon, the Senate, at 7:04 p.m., adjourned until Monday, April 26, 2004, at 1 p.m.

# EXTENSIONS OF REMARKS

## TESTIMONY OF JOHN KERRY FROM 1971

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to insert the following testimony into the RECORD.

On this date in 1971, JOHN KERRY stated that America violated the Geneva Conventions in Vietnam. Mr. Speaker, when Mr. KERRY made these remarks, I just emerged from nearly four years of solitary confinement in Vietnam. Trust me when I say the Vietnamese regularly violated the Geneva Conventions, not the other way around.

JOHN KERRY also alleges American soldiers tortured innocent Vietnamese. These statements were later proved incorrect (during the question and answer session).

Last, JOHN KERRY said communism was not a threat in 1971. This could not have been further from the truth.

These are just a few reasons I believe America needs to see this testimony. It says a lot about JOHN KERRY.

### LEGISLATIVE PROPOSALS RELATING TO THE WAR IN SOUTHEAST ASIA

The committee met, pursuant to notice, at 11:05 a.m., in Room 4221, New Senate Office Building, Senator J. W. Fulbright (Chairman) presiding.

Present: Senators Fulbright, Symington, Pell, Aiken, Case, and Javits.

The CHAIRMAN. The committee will come to order.

#### OPENING STATEMENT

The committee is continuing this morning its hearings on proposals relating to the ending of the war in Southeast Asia. This morning the committee will hear testimony from Mr. John Kerry, and, if he has any associates, we will be glad to hear from them. These are men who have fought in this unfortunate war in Vietnam. I believe they deserve to be heard and listened to by the Congress and by the officials in the executive branch and by the public generally. You have a perspective that those in the Government who make our Nation's policy do not always have and I am sure that your testimony today will be helpful to the committee in its consideration of the proposals before us.

I would like to add simply on my own account that I regret very much the action of the Supreme Court in denying the veterans the right to use the Mall. [Applause.]

I regret that. It seems to me to be but another instance of an insensitivity of our Government to the tragic effects of this war upon our people.

I want also to congratulate Mr. Kerry, you, and your associates upon the restraint that you have shown, certainly in the hearing the other day when there were a great many of your people here. I think you conducted yourselves in a most commendable manner throughout this week. Whenever people gather there is always a tendency for some of the more emotional ones to do things which are even against their own interests. I think you deserve much of the credit because I understand you are one of the leaders of this group.

I have joined with some of my colleagues, specifically Senator Hart, in an effort to try to change the attitude of our Government toward your efforts in bringing to this committee and to the country your views about the war.

I personally don't know of any group which would have both a greater justification for doing it and also a more accurate view of the effect of the war. As you know, there has grown up in this town a feeling that it is extremely difficult to get accurate information about the war and I don't know a better source than you and your associates. So we are very pleased to have you and your associates, Mr. Kerry.

At the beginning if you would give to the reporter your full name and a brief biography so that the record will show who you are.

Senator JAVITS. Mr. Chairman, I was down there to the veterans' camp yesterday and saw the New York group and I would like to say I am very proud of the deportment and general attitude of the group.

I hope it continues. I have joined in the Hart resolution, too. As a lawyer I hope you will find it possible to comply with the order even though, like the chairman, I am unhappy about it. I think it is our job to see that you are suitably set up as an alternative so that you can do what you came here to do. I welcome the fact that you came and what you are doing.

[Applause.]

The CHAIRMAN. You may proceed, Mr. Kerry.

#### STATEMENT OF JOHN KERRY, VIETNAM VETERANS AGAINST THE WAR

Mr. KERRY. Thank you very much, Senator Fulbright, Senator Javits, Senator Symington, Senator Pell. I would like to say for the record, and also for the men behind me who are also wearing the uniforms and their medals, that my sitting here is really symbolic. I am not here as John Kerry. I am here as one member of the group of 1,000, which is a small representation of a very much larger group of veterans in this country, and were it possible for all of them to sit at this table they would be here and have the same kind of testimony.

I would simply like to speak in very general terms. I apologize if my statement is general because I received notification yesterday you would hear me and I am afraid because of the injunction I was up most of the night and haven't had a great deal of chance to prepare.

#### WINTER SOLDIER INVESTIGATION

I would like to talk, representing all those veterans, and say that several months ago in Detroit, we had an investigation at which over 150 honorably discharged and many very highly decorated veterans testified to war crimes committed in Southeast Asia, not isolated incidents but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command.

It is impossible to describe to you exactly what did happen in Detroit, the emotions in the room, the feelings of the men who were reliving their experiences in Vietnam, but they did. They relived the absolute horror of what this country, in a sense, made them do.

They told the stories at times they had personally raped, cut off ears, cut off heads, taped wires from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, razed villages in fashion reminiscent of Genghis Khan, shot cattle and dogs for fun, poisoned food stocks, and generally ravaged the countryside of South Vietnam in addition to the normal ravage of war, and the normal and very particular ravaging which is done by the applied bombing power of this country.

We call this investigation the ''Winter Soldier Investigation.'' The term ''Winter Soldier'' is a play on words of Thomas Paine in 1776 when he spoke of the Sunshine Patriot and summertime soldiers who deserted at Valley Forge because the going was rough.

We who have come here to Washington have come here because we feel we have to be winter soldiers now. We could come back to this country; we could be quiet; we could hold our silence; we could not tell what went on in Vietnam, but we feel because of what threatens this country, the fact that the crimes threaten it, not reds, and not redcoats but the crimes which we are committing that threaten it, that we have to speak out.

#### FEELINGS OF MEN COMING BACK FROM VIETNAM

I would like to talk to you a little bit about what the result is of the feelings these men carry with them after coming back from Vietnam. The country doesn't know it yet, but it has created a monster, a monster in the form of millions of men who have been taught to deal and to trade in violence, and who are given the chance to die for the biggest nothing in history; men who have returned with a sense of anger and a sense of betrayal which no one has yet grasped.

As a veteran and one who feels this anger, I would like to talk about it. We are angry because we feel we have been used in the worst fashion by the administration of this country.

In 1970 at West Point, Vice President Agnew said ''some glamorize the criminal misfits of society while our best men die in Asian rice paddies to preserve the freedom which most of those misfits abuse,'' and this was used as a rallying point for our effort in Vietnam.

But for us, as boys in Asia whom the country was supposed to support, his statement is a terrible distortion from which we can only draw a very deep sense of revulsion. Hence the anger of some of the men who are here in Washington today. It is a distortion because we in no way consider ourselves the best men of this country; because those he calls misfits were standing up for us in a way that nobody else in this country dared to, because so many who have died would have returned to this country to join the misfits in their efforts to ask for an immediate withdrawal from South Vietnam, because so many of those best men have returned as quadriplegics and amputees, and they lie forgotten in Veterans' Administration hospitals in this country which fly the flag which so many have chosen as their own personal symbol. And we cannot consider ourselves America's best men when we are ashamed of and hated what we were called on to do in Southeast Asia.

In our opinion, and from our experience, there is nothing in South Vietnam, nothing

which could happen that realistically threatens the United States of America. And to attempt to justify the loss of one American life in Vietnam, Cambodia, or Laos by linking such loss to the preservation of freedom, which those misfits supposedly abuse, is to us the height of criminal hypocrisy, and it is that kind of hypocrisy which we feel has torn this country apart.

We are probably much more angry than that and I don't want to go into the foreign policy aspects because I am outclassed here. I know that all of you talk about every possible alternative of getting out of Vietnam. We understand that. We know you have considered the seriousness of the aspects to the utmost level and I am not going to try to dwell on that, but I want to relate to you the feeling that many of the men who have returned to this country express because we are probably angriest about all that we were told about Vietnam and about the mystical war against communism.

WHAT WAS FOUND AND LEARNED IN VIETNAM

We found that not only was it a civil war, an effort by a people who had for years been seeking their liberation from any colonial influence whatsoever, but also five found that the Vietnamese whom we had enthusiastically molded after our own image were hard put to take up the fight against the threat we were supposedly saving them from.

We found most people didn't even know the difference between communism and democracy. They only wanted to work in rice paddies without helicopters strafing them and bombs with napalm burning their villages and tearing their country apart. They wanted everything to do with the war, particularly with this foreign presence of the United States of America, to leave them alone in peace, and they practiced the art of survival by siding with whichever military force was present at a particular time, be it Vietcong, North Vietnamese, or American.

We found also that all too often American men were dying in those rice paddies for want of support from their allies. We saw first hand how money from American taxes was used for a corrupt dictatorial regime. We saw that many people in this country had a one-sided idea of who was kept free by our flag, as blacks provided the highest percentage of casualties. We saw Vietnam ravaged equally by American bombs as well as by search and destroy missions, as well as by Vietcong terrorism, and yet we listened while this country tried to blame all of the havoc on the Vietcong.

We rationalized destroying villages in order to save them. We saw America lose her sense of morality as she accepted very coolly a My Lai and refused to give up the image of American soldiers who hand out chocolate bars and chewing gum.

We learned the meaning of free fire zones, shooting anything that moves, and we watched while America placed a cheapness on the lives of orientals.

We watched the U.S. falsification of body counts, in fact the glorification of body counts. We listened while month after month we were told the back of the enemy was about to break. We fought using weapons against ''oriental human beings,'' with quotation marks around that. We fought using weapons against those people which I do not believe this country would dream of using were we fighting in the European theater or let us say a non-third-world people theater, and so we watched while men charged up hills because a general said that hill has to be taken, and after losing one platoon or two platoons they marched away to leave the high for the reoccupation by the North Vietnamese because we watched pride allow the most unimportant of battles to be blown into extravaganzas, because we couldn't lose and we couldn't retreat, and because it didn't matter how many American bodies were lost to prove that point. And so there were Hamburger Hills and Khe Sanhs and Hill 881's and Fire Base 6's and so, many others.

VIETNAMIZATION

Now we are told that the men who fought there must watch quietly while American lives are lost so that we can exercise the incredible arrogance of Vietnamizing the Vietnamese.

Each day——

[Applause.]

The CHAIRMAN. I hope you won't interrupt. He is making a very significant statement. Let him proceed.

Mr. KERRY. Each day to facilitate the process by which the United States washes her hands of Vietnam someone has to give up his life so that the United States doesn't have to admit something that the entire world already knows, so that we can't say that we have made a mistake. Someone has to die so that President Nixon won't be, and these are his words, ''the first President to lose a war.''

We are asking Americans to think about that because how do you ask a man to be the last man to die in Vietnam? How do you ask a man to be the last man to die for a mistake? But we are trying to do that, and we are doing it with thousands of rationalizations, and if you read carefully the President's last speech to the people of this country, you can see that he says, and says clearly:

But the issue, gentlemen, the issue is communism, and the question is whether or not we will leave that country to the Communists or whether or not we will try to give it hope to be a free people.

But the point is they are not a free people now under us. They are not a free people, and we cannot fight communism all over the world, and I think we should have learned that lesson by now.

RETURNING VETERANS ARE NOT REALLY WANTED

But the problem of veterans goes beyond this personal problem, because you think about a poster in this country with a picture of Uncle Sam and the picture says ''I want you.'' And a young man comes out of high school and says, ''That is fine: I am going to serve my country.'' And he goes to Vietnam and he shoots and he kills and he does his job or maybe he doesn't kill, maybe he just goes and he comes back, and when he gets back to this country he finds that he isn't really wanted, because the largest unemployment figure in the country—it varies depending on who you get it from, the VA Administration 15 percent, various other sources 22 percent. But the largest corps of unemployed in this country are veterans of this war, and of those veterans 33 percent of the unemployed are black. That means 1 out of every 10 of the Nation's unemployed is a veteran of Vietnam.

The hospitals across the country won't, or can't meet their demands. It is not a question of not trying. They don't have the appropriations. A man recently died after he had a tracheotomy in California, not because of the operation but because there weren't enough personnel to clean the mucous out of his tube and he suffocated to death.

Another young man just died in a New York VA hospital the other day. A friend of mine was lying in a bed two beds away and tried to help him, but he couldn't. He rang a bell and there was nobody there to service that man and so he died of convulsions.

I understand 57 percent of all those entering the VA hospitals talk about suicide. Some 27 percent have tried, and they try because they come back to this country and they have to face what they did in Vietnam, and then they come back and find the indifference of a country that doesn't really care, that doesn't really care.

LACK OF MORAL INDIGNATION IN UNITED STATES

Suddenly we are faced with a very sickening situation in this country, because there is no moral indignation and, if there is, it comes from people who are almost exhausted by their past indignations, and I know that many of them are sitting in front of me. The country seems to have lain down and shrugged off something as serious as Laos, just as we calmly shrugged off the loss of 700,000 lives in Pakistan, the so-called greatest disaster of all times.

But we are here as veterans to say we think we are in the midst of the greatest disaster of all times now because they are still dying over there, and not just Americans, Vietnamese, and we are rationalizing leaving that country so that those people can go on killing each other for years to come.

Americans seem to have accepted the idea that the war is winding down, at least for Americans, and they have also allowed the bodies which were once used by a President for statistics to prove that we were winning that war, to be used as evidence against a man who followed orders and who interpreted those orders no differently than hundreds of other men in Vietnam.

We veterans can only look with amazement on the fact that this country has been unable to see there is absolutely no difference between ground troops and a helicopter crew, and yet people have accepted a differentiation fed them by the administration.

No ground troops are in Laos, so it is all right to kill Laotians by remote control. But believe me the helicopter crews fill the same body bags and they wreak the same kind of damage on the Vietnamese and Laotian countryside as anybody else and the President is talking about allowing that to go on for many years to come. One can only ask if we will really be satisfied only when the troops march into Hanoi.

REQUEST FOR ACTION BY CONGRESS

We are asking here in Washington for some action, action from the Congress of the United States of America which has the power to raise and maintain armies, and which by the Constitution also has the power to declare war.

We have come here, not to the President, because we believe that this body can be responsive to the will of the people, and we believe that the will of the people says that we should be out of Vietnam now.

EXTENT OF PROBLEM OF VIETNAM WAR

We are here in Washington also to say that the problem of this war is not just a question of war and diplomacy. It is part and parcel of everything that we are trying as human beings to communicate to people in this country, the question of racism, which is rampant in the military, and so many other questions also, the use of weapons, the hypocrisy in our taking umbrage in the Geneva Conventions and using that as justification for a continuation of this war, when we are more guilty than any other body of violations of those Geneva Conventions, in the use of free fire zones, harassment interdiction fire, search and destroy missions, the bombings, the torture of prisoners, the killing of prisoners, accepted policy by many units in South Vietnam. That is what we are trying to say. It is part and parcel of everything.

An American Indian friend of mine who lives in the Indian Nation of Alcatraz put it

to me very succinctly. He told me how as a boy on an Indian reservation he had watched television and he used to cheer the cowboys when they came in and shot the Indians, and then suddenly one day he stopped in Vietnam and he said ''My God, I am doing to these people the very same thing that was done to my people.'' And he stopped. And that is what we are trying to say, that we think this thing has to end.

WHERE IS THE LEADERSHIP?

We are also here to ask, and we are here to ask vehemently, where are the leaders of our country? Where is the leadership? We are here to ask where are McNamara, Rostow, Bundy, Gilpatric and so many others. Where are they now that we, the men whom they sent off to war, have returned? These are commanders who have deserted their troops, and there is no more serious crime in the law of war. The Army says they never leave their wounded.

The Marines say they never leave even their dead. These men have left all the casualties and retreated behind a pious shield of public rectitude. They have left the real stuff of their reputations bleaching behind them in the sun in this country.

ADMINISTRATION'S ATTEMPT TO DISOWN VETERANS

Finally, this administration has done us the ultimate dishonor. They have attempted to disown us and the sacrifice we made for this country. In their blindness and fear they have tried to deny that we are veterans or that we served in Nam. We do not need their testimony. Our own scars and stumps of limbs are witnesses enough for others and for ourselves.

We wish that a merciful God could wipe away our own memories of that service as easily as this administration has wiped their memories of us. But all that they have done and all that they can do by this denial is to make more clear than ever our own determination to undertake one last mission, to search out and destroy the last vestige of this barbaric war, to pacify our own hearts, to conquer the hate and the fear that have driven this country these last 10 years and more, and so when, in 30 years from now, our brothers go down the street without a leg, without an arm, or a face, and small boys ask why, we will be able to say ''Vietnam'' and not mean a desert, not a filthy obscene memory but mean instead the place where America finally turned and where soldiers like us helped it in the turning.

Thank you. [Applause.]

The CHAIRMAN. Mr. Kerry, it is quite evident from that demonstration that you are speaking not only for yourself but for all your associates, as you properly said in the beginning.

COMMENDATION OF WITNESS

You said you wished to communicate. I can't imagine anyone communicating more eloquently than you did. I think it is extremely helpful and beneficial to the committee and the country to have you make such a statement.

You said you had been awake all night. I can see that you spent that time very well indeed. [Laughter.]

Perhaps that was the better part, better that you should be awake than otherwise.

PROPOSALS BEFORE COMMITTEE

You have said that the question before this committee and the Congress is really how to end the war. The resolutions about which we have been hearing testimony during the past several days, the sponsors of which are some members of this committee, are seeking the most practical way that we can find and, I believe, to do it at the earliest opportunity that we can. That is the purpose of these hearings and that is why you were brought here.

You have been very eloquent about the reasons why we should proceed as quickly as possible. Are you familiar with some of the proposals before this committee?

Mr. KERRY. Yes, I am, Senator.

The CHAIRMAN. Do you support or do you have any particular views about any one of them you wish to give the committee?

Mr. KERRY. My feeling, Senator, is undoubtedly this Congress, and I don't mean to sound pessimistic, but I do not believe that this Congress will, in fact, end the war as we would like to, which is immediately and unilaterally and, therefore, if I were to speak I would say we would set a date and the date obviously would be the earliest possible date. But I would like to say, in answering that, that I do not believe it is necessary to stall any longer. I have been to Paris. I have talked with both delegations at the peace talks, that is to say the Democratic Republic of Vietnam and the Provisional Revolutionary Government and of all eight of Madam Binh's points it has been stated time and time again, and was stated by Senator Vance Hartke when he returned from Paris, and it has been stated by many other officials of this Government, if the United States were to set a date for withdrawal the prisoners of war would be returned.

I think this negates very clearly the argument of the President that we have to maintain a presence in Vietnam, to use as a negotiating block for the return of those prisoners. The setting of a date will accomplish that.

As to the argument concerning the danger to our troops were we to withdraw or state that we would, they have also said many times in conjunction with that statement that all of our troops, the moment we set a date, will be given safe conduct out of Vietnam. The only other important point is that we allow the South Vietnamese people to determine their own future and that ostensibly is what we have been fighting for anyway.

I would, therefore, submit that the most expedient means of getting out of South Vietnam would be for the President of the United States to declare a cease-fire, to stop this blind commitment to a dictatorial regime, the Thieu-Ky-Khiem regime, accept a coalition regime which would represent all the political forces of the country which is in fact what a representative government is supposed to do and which is in fact what this Government here in this country purports to do, and pull the troops out without losing one more American, and still further without losing the South Vietnamese.

DESIRE TO DISENGAGE FROM VIETNAM

The CHAIRMAN. You seem to feel that there is still some doubt about the desire to disengage. I don't believe that is true. I believe there has been a tremendous change in the attitude of the people. As reflected in the Congress, they do wish to disengage and to bring the war to an end as soon as we can.

QUESTION IS HOW TO DISENGAGE

The question before us is how to do it. What is the best means that is most effective, taking into consideration the circumstances with which all governments are burdened? We have a precedent in this same country. The French had an experience, perhaps not traumatic as ours has been, but nevertheless they did make up their minds in the spring of 1954 and within a few weeks did bring it to a close. Some of us have thought that this is a precedent, from which we could learn, for ending such a war. I have personally advocated that this is the best procedure. It is a traditional rather classic procedure of how to end a war that could be called a stalemate, that neither side apparently has the capacity to end by military victory, and which apparently is going to go on for a long time. Speaking only for myself, this seems the more reasonable procedure.

I realize you want it immediately, but I think that procedure was about as immediate as any by which a country has ever succeeded in ending such a conflict or a similar conflict. Would that not appeal to you?

Mr. KERRY. Well, Senator, frankly it does not appeal to me if American men have to continue to die when they don't have to, particularly when it seems the Government of this country is more concerned with the legality of where men sleep than it is with the legality of where they drop bombs. [Applause.]

The CHAIRMAN. In the case of the French when they made up their mind to take the matter up at the conference in Geneva, they did. The first thing they did was to arrange a ceasefire and the killing did cease. Then it took only, I think, two or three weeks to tidy up all the details regarding the withdrawal. Actually when they made up their mind to stop the war, they did have a ceasefire which is what you are recommending as the first step.

Mr. KERRY. Yes, sir; that is correct.

The CHAIRMAN. It did not drag on. They didn't continue to fight. They stopped the fighting by agreement when they went to Geneva and all the countries then directly involved participated in that agreement.

I don't wish to press you on the details. It is for the committee to determine the best means, but you have given most eloquently the reasons why we should proceed as early as we can. That is, of course, the purpose of the hearing.

Mr. KERRY. Senator, if I may interject. I think that what we are trying to say is we do have a method. We believe we do have a plan, and that plan is that if this body were by some means either to permit a special referendum in this country so that the country itself might decide and therefore avoid this recrimination which people constantly refer to or if they couldn't do that, at least do it through immediate legislation which would state there would be an immediate ceasefire and we would be willing to undertake negotiations for a coalition government. But at the present moment that is not going to happen, so we are talking about men continuing to die for nothing and I think there is a tremendous moral question here which the Congress of the United States is ignoring.

The CHAIRMAN. The Congress cannot directly under our system negotiate a ceasefire or anything of this kind. Under our constitutional system we can advise the President. We have to persuade the President of the urgency of taking this action. Now we have certain ways in which to proceed. We can, of course, express ourselves in a resolution or we can pass an act which directly affects appropriations which is the most concrete positive way the Congress can express itself.

But Congress has no capacity under our system to go out and negotiate a cease-fire. We have to persuade the Executive to do this for the country.

EXTRAORDINARY RESPONSE DEMANDED BY EXTRAORDINARY QUESTION

Mr. KERRY. Mr. Chairman, I realize that full well as a study of political science. I realize that we cannot negotiate treaties and I realize that even my visits in Paris, precedents had been set by Senator McCarthy and others, in a sense are on the borderline of private individuals negotiating, et cetera. I understand these things. But what I am saying is that I believe that there is a mood in this country which I know you are aware of and you have been one of the strongest critics of this war for the longest time. But I

think if we can talk in this legislative body about filibustering for porkbarrel programs, then we should start now to talk about filibustering for the saving of lives and of our country. [Applause.]

And this, Mr. Chairman, is what we are trying to convey.

I understand. I really am aware that there are a tremendous number of difficulties in trying to persuade the Executive to move at this time. I believe they are committed. I don't believe we can. But I hope that we are not going to have to wait until 1972 to have this decision made. And what I am suggesting is that I think this is an extraordinary enough question so that it demands an extraordinary response, and if we can't respond extraordinarily to this problem then I doubt very seriously as men on each that we will be able to respond to the other serious questions which face us. I think we have to start to consider that. This is what I am trying to say.

If this body could perhaps call for a referendum in the country or if we could perhaps move now for a vote in 3 weeks, I think the people of this country would rise up and back that. I am not saying a vote nationwide. I am talking about a vote here in Congress to cut off the funds, and a vote to perhaps pass a resolution calling on the Supreme Court to rule on the constitutionality of the war, and to do the things that uphold those things which we pretend to be. That is what we are asking. I don't think we can turn our backs on that any longer, Senator.

The CHAIRMAN. Senator Symington?

WITNESS' SERVICE DECORATIONS

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Kerry, please move your microphone. You have a Silver Star; have you not?

Mr. KERRY. Yes, I do.

Senator SYMINGTON. And a Purple Heart?

Mr. KERRY. Yes, I do.

Senator SYMINGTON. How many clusters?

Mr. KERRY. Two clusters.

Senator SYMINGTON. So you have been wounded three times.

Mr. KERRY. Yes, sir.

Senator SYMINGTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Aiken. [Applause.]

NORTH VIETNAMESE AND VC ATTITUDE TOWARD DEFINITE WITHDRAWAL DATE

Senator AIKEN. Mr. Kerry, the Defense Department seems to feel that if we set a definite date for withdrawal when our forces get down to a certain level, they would be seriously in danger by the North Vietnamese and the Vietcong. Do you believe that the North Vietnamese would undertake to prevent our withdrawal from the country and attack the troops that remain there?

Mr. KERRY. Well, Senator, if I may answer you directly I believe we are running that danger with the present course of withdrawal because the President has neglected to state to this country, exactly what his response will be when we have reached the point that we do have, let us say, 50,000 support troops in Vietnam.

Senator AIKEN. I am not telling you what I think. I am telling you what the Department says.

Mr. KERRY. Yes Sir; I understand that.

Senator AIKEN. Do you believe the North Vietnamese would seriously undertake, to impede our complete withdrawal?

Mr. KERRY. No, I do not believe that the North Vietnamese would and it has been clearly indicated at the Paris peace talks they would not.

Senator AIKEN. Do you think they might help carry the bags for us? [Laughter.]

Mr. KERRY. I would say they would be more prone to do that than the Army of the South Vietnamese. [Laughter.] [Applause.]

Senator AIKEN. I think your answer is ahead of my question. [Laughter.]

SAIGON GOVERNMENT'S ATTITUDE TOWARD COMPLETE WITHDRAWAL DATE

I was going to ask you next what the attitude of the Saigon government would be if we announced that we were going to withdraw our troops, say, by October 1st, and be completely out of there—air, sea, land—leaving them on their own. What do you think would be the attitude of the Saigon government under those circumstances?

Mr. KERRY. Well, I think if we were to replace the Thieu-Ky-Khiem regime and offer these men sanctuary somewhere, which I think this Government has an obligation to do since we created that government and supported it all along. I think there would not be any problems. The number two man at the Saigon talks to Ambassador Lam was asked by the Concerned Laymen, who visited with them in Paris last month, how long they felt they could survive if the United States— would pull out and his answer was 1 week. So I think clearly we do have to face this question. But I think, having done what we have done to that country, we have an obligation to offer sanctuary to the perhaps 2,000, 3,000 people who might face, and obviously they would, we understand that, might face political assassination something, else. But my feeling is that those 3,000 who may have to leave that country

ATTITUDE OF SOUTH VIETNAMESE ARMY AND PEOPLE TOWARD WITHDRAWAL

Senator AIKEN. I think your 3,000 estimate might be a little low because we had to help 800,000 find sanctuary from North Vietnam after the French lost at Dienbienphu. But assuming that we resettle the members of the Saigon government, who would undoubtedly be in danger, in some other area, what do you think would be the attitude of the large, well-armed South Vietnamese army and the South Vietnamese people? Would they be happy to have us withdraw or what?

Mr. KERRY. Well, Senator, this obviously is the most difficult question of all, but I think that at this point the United States is not really in a position to consider the happiness of those people as pertains to the army in our withdrawal. We have to consider the happiness of the people as pertains to the life which they will be able to lead in the next few years.

If we don't withdraw, if we maintain a Korean-type presence in South Vietnam, say 50,000 troops or something, with strategic bombing raids from Guam and from Japan and from Thailand dropping these 15,000 pound fragmentation bombs on them, et cetera, in the next few years, then what you will have is a people who are continually oppressed, who are continually at warfare, and whose problems will not at all be solved because they will not have any kind of representation.

The war will continue. So what I am saying is that yes, there will be some recrimination but far, far less than the 200,000 a year who are murdered by the United States of America, and we can't go around President Kennedy said this many times. He said that the United States simply can't right every wrong, that we can't solve the problems of the other 94 percent of mankind. We didn't go into East Pakistan; we didn't go into Czechoslovakia. Why then should we feel that we now have the power to solve the internal political struggles of this country?

We have to let them solve their problems while we solve ours and help other people in an altruistic fashion commensurate with our capacity. But we have extended that capacity; we have exhausted that capacity, Senator. So I think the question is really moot.

Senator AIKEN. I might say I asked those questions several years ago, rather ineffectively. But what I would like to know now is if we, as we complete our withdrawal and, say, get down to 10,000, 20,000, 30,000 or even 50,000 troops there, would there be any effort on the part of the South Vietnamese government or the South Vietnamese army, in your opinion, to impede their withdrawal?

Mr. KERRY. No. I don't think so, Senator.

Senator AIKEN. I don't see why North Vietnam should object.

Mr. KERRY. I don't for the simple reason, I used to talk with officers about their—we asked them, and one officer took great pleasure in playing with me in the sense that he would say, ''Well, you know you Americans, you come over here for 1 year and you can afford, you know, you go to Hong Kong for R. & R. and if you are a good boy you get another R. & R. or something you know. You can afford to charge bunkers, but I have to try and be here for 30 years and stay alive.'' And I think that that really is the governing principle by which those people are now living and have been allowed to live because of our mistake. So that when we in fact state, let us say, that we will have a ceasefire or have a coalition government, most of the 2 million men you often hear quoted under arms, most of whom are regional popular reconnaissance forces, which is to say militia, and a very poor militia at that, will simply lay down their arms, if they haven't done so already, and not fight. And I think you will find they will respond to whatever government evolves which answers their needs, and those needs quite simply are to be fed, to bury their dead in plots where their ancestors lived, to be allowed to extend their culture, to try and exist as human beings. And I think that is what will happen.

I can cite many, many instances, sir, as in combat when these men refused to fight with us, when they shot with their guns over in this area like this and their heads turned facing the other way. When we were taken under fire we Americans, supposedly fighting with them, and pinned down in a ditch, and I was in the Navy and this was pretty unconventional, but when we were pinned down in a ditch recovering bodies or something and they refused to come in and help us, point blank refused. I don't believe they want to fight, sir.

OBLIGATION TO FURNISH ECONOMIC ASSISTANCE

Senator AIKEN. Do you think we are under obligation to furnish them with extensive economic assistance?

Mr. KERRY. Yes, sir. I think we have a very definite obligation to make extensive reparations to the people of Indochina.

Senator AIKEN. I think that is all.

The CHAIRMAN. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

As the witness knows, I have a very high personal regard for him and hope before his life ends he will be a colleague of ours in this body.

GROWTH OF OPPOSITION TO WAR

This war was really just as wrong, immoral, and unrelated to our national interests 5 years ago as it is today, and I must say I agree with you. I think it is rather poor taste for the architects of this war to now be sitting as they are in quite sacrosanct intellectual glass houses.

I think that this committee, and particularly Chairman Fulbright, deserve a huge debt of gratitude from you and everyone of your men who are here because when he conducted hearings some years ago when we were fighting in Vietnam. At that time the word ''peace'' was a dirty word. It was tied in with ''appeasement'' and Nervous Nellies and that sort of thing. Chairman Fulbright and this committee really took public opinion at that time and turned it around and made ''peace'' a respectable word and produced the

climate that produced President Johnson's abdication.

The problem is that the majority of the people in the Congress still don't agree with the view that you and we have. As the chairman pointed out, and as you know as a student of political science, whenever we wanted to end this war, we could have ended this war if the majority of us had used the power of the purse strings. That was just as true 5 years ago as it is today.

I don't think it is a question of guts. We didn't have the desire to do that and I am not sure the majority has the desire to do that yet. Whenever we want to as a Congress, we could do it. We can't start an action, but we can force an action with the purse strings.

I think it is wonderful you veterans have come down here as a cutting edge of public opinion because you again make this have more respect and I hope you succeed and prevail on the majority of the Congress.

VOTING OF VETERANS AND NONVETERANS CONCERNING VIETNAM WAR

It is interesting, speaking of veterans and speaking of statistics, that the press has never picked up and concentrated on quite interesting votes in the past. In those votes you find the majority of hawks, were usually nonveterans and the majority of doves were usually veterans. Specifically, of those who voted in favor of the Hatfield-McGovern end-the-war amendment in the last session of the Congress 79 percent were veterans with actual military service. Of those voting against the amendment, only 36 percent were veterans.

Now on the sponsors of the Cooper-Church amendment you will find very much the same statistics. Eighty-two percent were veterans as compared to 71 percent of the Senate as a whole being veterans. So I would hope what you are doing will have an effect on the Congress.

OBLIGATION TO SOUTH VIETNAMESE. ALLIES

I have two questions I would like to ask you. First, I was very much struck by your concern with asylum because now I see public opinion starting to swing and Congress passing legislation. Before they wouldn't get out at all; now they are talking about getting out yesterday. When it comes to looking after the people who would be killed if we left or badly ruined, I would hope you would develop your thinking a little bit to make sure that American public opinion, which now wants to get out, also bears in mind that when we depart we have an obligation to these people. I hope you will keep to that point.

ACTIONS OF LIEUTENANT CALLEY

Finally, in connection with Lieutenant Calley, which is a very emotional issue in this country, I was struck by your passing reference to that incident.

Wouldn't you agree with me though that what he did in herding old men, women and children into a trench and then shooting them was a little bit beyond the perimeter of even what has been going on in this war and that that action should be discouraged. There are other actions not that extreme that have gone on and have been permitted. If we had not taken action or cognizance of it, it would have been even worse. It would have indicated we encouraged this kind of action.

Mr. KERRY. My feeling, Senator, on Lieutenant Calley is what he did quite obviously was a horrible, horrible, horrible thing and I have no bone to pick with the fact that he was prosecuted. But I think that in this question you have to separate guilt from responsibility, and I think clearly the responsibility for what has happened there lies elsewhere.

I think it lies with the men who designed free fire zones. I think it lies with the men who encouraged body counts. I think it lies in large part with this country, which allows a young child before he reaches the age of 14 to see 12,500 deaths on television, which glorifies the John Wayne syndrome, which puts out fighting man comic books on the stands, which allows us in training to do calisthenics to four counts, on the fourth count of which we stand up and shout ''kill'' in unison, which has posters in barracks in this country with a crucified Vietnamese, blood on him, and underneath it says ''kill the gook,'' and I think that clearly the responsibility for all of this is what has produced this horrible abberation.

Now, I think if you are going to try Lieutenant Calley then you must at the same time, if this country is going to demand respect for the law, you must at the same time try all those other people who have responsibility, and any aversion that we may have to the verdict as veterans is not to say that Calley should be freed, not to say that he is innocent, but to say that you can't just take him alone, and that would be my response to that.

Senator PELL. I agree with you. The guilt is shared by many, many, many of us, including the leaders of the get-out-now school. But in this regard if we had not tried him, I think we would be much more criticized and should be criticized. I would think the same fate would probably befall him as befell either Sergeant or Lieutenant Schwarz of West Virginia who was tried for life for the same offense and is out on a 9 months commuted sentence. By the same token I would hope the quality of mercy would be exercised in this regard for a young man who was not equipped for the job and ran amuck. But I think public opinion should think this through. We who have taken this position find ourselves very much in the minority.

Mr. KERRY. I understand that, Senator, but I think it is a very difficult thing for the public to think through faced with the facts. The fact that 18 other people indicted for the very same crime were freed and the fact among those were generals and colonels. I mean this simply is not justice. That is all. It is just not justice.

Senator PELL. I guess it is the revolutionary adage. When you see the whites of their eyes you are more guilty. This seems to be our morality as has been pointed out. If you drop a bomb from a plane, you don't see the whites of their eyes.

I agree with you with the body count. It is like a Scottish nobleman saying, ''How many grouse were caught on the moor.'' Four or five years ago those of us who criticized were more criticized.

Thank you for being here and I wish you all success. [Applause.]

The CHAIRMAN. Senator from New Jersey.

Senator CASE. Thank you, Mr. Chairman.

STRATEGIC IMPLICATIONS OF VIETNAM WAR

Mr. Kerry, thank you too for coming You have made more than clear something that I think always has been true: that the war never had any justification in terms of Indochina itself. I wish you would take this question a little further and touch on the larger strategic implications. It is in these larger strategic implications, if anywhere, that may be found justification for our involvement. As you know, the President said the other day that it is easy to get out and to end the war immediately.

The question is to get out and leave a reasonable chance for lasting peace. We have to look at this because the American people are going to see the issue in the terms he has defined it. I would be glad to have your comment on this matter, although I won't press you to discuss it because in a sense you have already said this is not your area.

Mr. KERRY. I do want to. I want to very much.

Senator CASE. And I would be very glad to have you do it.

Mr. KERRY. Thank you, sir. I would like to very much.

In my opinion what we are trying to do, as the President talks about getting out with a semblance of honor is simply whitewashing ourselves. On the question of getting out with some semblance for peace, as a man who has fought here, I am dying to say that this policy has no chance for peace. You don't have a chance for peace when you arm the people of another country and tell them they can fight a war. That is not peace; that is fighting a war; that is continuing a war. That is even criminal in the sense that this country, if we are really worried about recrimination, is going to have to some day face up to the fact that we convinced a certain number of people, perhaps hundreds of thousands, perhaps there will be several million, that they could stand up to something which they couldn't and ultimately will face the recrimination of the fact that their lives in addition to all the lives at this point, will be on our conscience. I don't think it is a question of peace at all. What we are doing is very, very hypocritical in our withdrawal, and we really should face up to that.

Senator CASE. May I press you just a little further or at least raise the question on which I would ask you to comment.

Mr. KERRY. I wish you would, please.

INDOCHINA AND QUESTION OF WORLD PEACE

Senator CASE. I think your answer was related still to the question of Indochina, but I think the President has tried to tie in Indochina with the question of world peace.

Mr. KERRY. I would like to discuss that.

It is my opinion that the United States is still reacting in very much the 1945 mood and postwar cold-war period when we reacted to the forces which were at work in World-War II and came out of it with this paranoia, about the Russians and how the world was going to be divided up between the super powers, and the foreign policy of John Foster Dulles which was responsible for the creation of the SEATO treaty, which was, in fact, a direct reaction to this so called Communist monolith: And I think we are reacting under cold-war precepts which are no longer applicable.

I say that because so long as we have the kind of strike force we have, and I am not party to the secret statistics which you gentlemen have here, but as long as we have the ones which we of the public know we have, I think we have a strike force of such capability and I think we have a strike force simply in our Polaris submarines, in the 62 or some Polaris submarines, which are constantly roaming around under the sea. And I know as a Navy man the underwater detection is the hardest kind in the world, and they have not perfected it, that we have the ability to destroy the human race. Why do we have to, therefore, consider and keep considering threats?

At any time that an actual threat is posed to this country or to the security and freedom I will be one of the first people to pick up a gun and defend it, but right now we are reacting with paranoia to this question of peace and the people taking over the world. I think if we are ever going to get down to the question of dropping those bombs most of us in my generation simply don't want to be alive afterwards because of the kind of world that it would be with mutations and the genetic probabilities of freaks and everything else.

Therefore, I think it is ridiculous to assume we have to play this power game based

on total warfare. I think there will be guerrilla wars and I think we must have a capability to fight those. And we may have to fight them somewhere based on legitimate threats, but we must learn; in this country, how to define those threats and that is what I would say to this question of world peace. I think it is bogus, totally artificial. There is no threat. The Communists are not about to take over our McDonald hamburger stands. [Laughter.]

Senator, I will say this. I think that politically, historically, the one thing that people try to do, that society is structured on as a whole, is an attempt to satisfy their felt needs, and you can satisfy those needs with almost any kind of political structure, giving it one name or the other. In this name it is democratic; in others it is communism, in, others it is benevolent dictatorship. As long as those needs are satisfied, that structure will exist.

But when you start to neglect those needs, people will start to demand a new structure, and that, to me, is the only threat that this country faces now, because we are not responding to the needs and we are not responding to them because we work on these old cold-war precepts and because we have not woken up to realizing what is happening in the United States of America.

Senator CASE. I thank you very much. I wanted you to have a chance to respond to the question of Indochina in a large context.

Mr. Chairman, I have just one further thing to do. Senator Javits had to go to the floor on important business, and he asked me to express his regret that he couldn't stay and also that if he had stayed he would have limited his participation to agreement with everything Senator Symington said. [Applause.]

BACKGROUND OF VIETNAM WAR

The CHAIRMAN. Mr. Kerry, I have one other aspect of this I would like to explore for a moment. I recognize you and your associates, putting it on a personal point of view, feeling the seriousness and the tragedy of the experience in Vietnam. But I am disturbed very much by the possibility that your generation may become or is perhaps already in the process of becoming disillusioned with our whole country, with our system of government. There was much said about it. You didn't say it, but others have said this. I wonder if we could explore for a moment the background of this war.

It has seemed to me that its origin was essentially a mistake in judgment, beginning with our support of the French as a colonial power, which, I believe, is the only time our country has ever done that. Always our sympathies has been with the colony. If you will recall, we urged the British to get out of Egypt and India, and we urged, many thought too vigorously, the Dutch prematurely to get out of Indonesia. I think there was much criticism that we acted prematurely in urging the Belgians to get out of the Congo. In any case, the support of the French to maintain their power was a departure from our traditional attitude toward colonial powers because of our own history.

It started in a relatively small way by our support of the French. Then one thing led to another. But these were not decisions, I believe, that involved evil motives. They were political judgments which at that time were justified by the conditions in the world. You have already referred to the fact that after World War II there was great apprehension, and I think properly. The apprehension was justified by the events, especially from Stalin's regime. There was apprehension that he would be able, and if he could he would impose his regime by force on all of Western Europe which could have created an extremely difficult situation which would amount to what you said a moment ago. You said if our country was really threatened, you would have no hesitancy in taking up a gun. So I think, in trying to evaluate the course of our involvement in this war, we have to take all of this into consideration. It was not a sign of any moral degradation or of bad motives. They were simply political judgments as to where our interest really was.

In retrospect I think we can say that our interest was not in supporting the French, that it was not in intervening, and it was not in undoing the Geneva Accords by the creation of SEATO, but that is all history. I am not saying this in order to try to lay the blame on anyone, but to get a perspective of our present situation, and hopefully to help, if I can, you and others not to be too disillusioned and not to lose faith in the capacity of our institutions to respond to the public welfare. I believe what you and your associates are doing today certainly contributes to that, by the fact that you have taken the trouble to think these things through, and to come here. I know it is not very pleasant to do the things you have done.

While I wouldn't presume to compare my own experience, I have taken a great deal of criticism since I myself in 1965 took issue with the then President Johnson over his policies. I did what I could within my particular role in the Government to persuade both President Johnson and subsequent political leaders that this was not in the interests of our country. I did this, not because I thought they were evil men inherently or they were morally misguided, but their political judgment was wrong. All of us, of course, know that as fallible human beings we all make errors of judgment.

POSSIBILITY OF MAKING U.S. INSTITUTIONS WORK EFFECTIVELY

I think it is helpful to try to put it in perspective and not lose confidence in the basically good motives and purposes of this country. I believe in the possibility of making our institutions work effectively. I think they can be made responsive to the welfare of the people and to proper judgments. I only throw this out because I have a feeling that because of the unusual horror that has developed from this war too many people may lose confidence in our system as a whole. I know of no better system for a country as large as this, with 200-plus millions of people. No other country comparable to it in history has ever made a democratic system work.

They have all become dictatorships when they have achieved the size and complexity of this country. Only smaller countries really have made a democratic system work at all.

So I only wish to throw it out hopefully that, in spite of the tragic experiences of you and so many other people and the deaths of so many people, this system is not beyond recall and with the assistance of people like yourself and the younger generation we can get back on the track, and can make this system operate effectively.

I know that the idea of working within the system has been used so much, and many people have lost confidence that it can be done. They wish to destroy the system, to start all over, but I don't think in the history of human experience that those destructions of systems work. They usually destroy everything good as well as bad, and you have an awful lot of doing to recreate the good part and to get started again.

So I am very hopeful that the younger generation—and I am certainly getting at the end of my generation because I have been here an awfully long time—but that you younger people can find it possible to accept the system and try to make it work because I can't at the moment think of a better one given the conditions that we have in this country and the great complexity and diversity.

I really believe if we can stop this war—I certainly expect to do everything I can. I have done all I can with all my limitations. I am sure many people have thought I could do bettor, but I did all that I was capable of doing and what wisdom I may have has been applied to it. I hope that you and your colleagues will feel the same way or at least you will accept the structure of the system and try to make it work. I can see no better alternative to offer in its place.

If I thought there was one, I would certainly propose it or try.

CAN BASIC SYSTEM BE MADE TO WORK?

Have you yourself arrived at the point where you believe that basic structural changes must be brought about in our system or do you believe it can be made to work?

Mr. KERRY. I don't think I would be here if I didn't believe that it can be made to work, but I would have to say, and one of the traits of my generation now is that people don't pretend to speak for other people in it, and I can only speak as an individual about it, but I would say that I have certainly been frustrated in the past months, very, very seriously frustrated. I have gone to businessmen all over this country asking for money for fees, and met with a varying range of comments, ranging from ''You can't sell war crimes'' to, ''War crimes are a glut on the market'' or to ''well, you know we are tired now, we have tried, we can't do anything.'' So I have seen unresponsiveness on the racial question in this country. I see an unwillingness on the part of too many of the members of this body to respond, to take gutsy stands, to face questions other than their own reelection, to make a profile of courage, and I am—although still with faith—very, very, very full of doubt, and I am not going to quit. But I think that unless we can respond on as a great a question as the war, I seriously question how we are going to find the kind of response needed to meet questions such as poverty and hunger and questions such as birth control and so many of the things that face our society today from low income housing to schooling, to recent reaction to the Supreme Court's decision on busing.

But I will say that I think we are going to keep trying. I also agree with you, Senator. I don't see another system other than democracy, but democracy has to remain responsive. When it does not, you create the possibilities for all kinds of other systems to supplant it, and that very possibility, I think, is beginning to exist in this country.

The CHAIRMAN. That is why I ask you that. The feeling that it cannot be made responsive comes not so much from what you have said but from many different sources. I can assure you I have been frustrated too. We have lost most of our major efforts. That is we have not succeeded in getting enough votes, but there has been a very marked increase, I think, in the realization of the seriousness of the war. I think you have to keep in perspective, as I say, the size and complexity of the country itself and the difficulties of communication. This war is so far removed. The very fact, as you have said, you do not believe what happens there to be in the vital interests of this country, has from the beginning caused many people to think it wasn't so important.

GRADUAL DEVELOPMENT OF CONCERN ABOUT VIETNAM WAR

In the beginning, back in the times that I mentioned when we first supported the

French and throughout the 1950's up until the 1960's, this whole matter was not very much on the minds of anybody in the Congress. We were more preoccupied with what was going on in Western Europe, the fear, particularly during Stalin's time, that lie might be able to subjugate all of Western Europe, which would have been a very serious challenge to us. This grew up almost as a peripheral matter without anyone taking too much notice until the 1960's. The major time when the Congress, I think, really became concerned about the significance of the war was really not before 1965, the big escalation. It was a very minor sideshow in all the things in which this country was involved until February of 1965. That was when it became a matter that, you might say, warranted and compelled the attention of the country. It has been a gradual development of our realization of just what we were into.

As I said before, I think this came about not because of bad motives but by very serious errors in political judgment as to where our interest lies and what should be done about it.

I am only saying this Hopefully to at least try to enlist your consideration, of the view that in a country of this kind I don't believe there is a better alternative from a structural point of view. I think the structure of our Government is sound.

To go back to my own State certainly, leaving out now the war, its affairs are being well managed. The people are, as you may say, maybe too indifferent to this.

Mr. KERRY. As it does in Massachusetts, too.

The CHAIRMAN. I have often thought they were too indifferent to it, but they have responded to the arguments as to where our interest lies quite well, at least from my personal experience. Otherwise I would not be here. But I think there is a gradual recognition of this.

WAR'S INTERFERENCE WITH DEALING WITH OTHER PROBLEMS

I also feel that if we could finish the war completely within the reasonably near future, as some of the proposals before this committee are designed to do if we can pass them, I think the country can right itself and get back on the track, in a reasonably quick time, dealing with the problems you mentioned. We are aware and conscious of all of them.

The thing that has inhibited us in doing things about what ,you mention has been the war. It has been the principal obstacle to dealing with these other problems with which you are very concerned, as, I think, the Congress is. Always we are faced with the demands of the war itself. Do you realize that this country has put well over $1,000 billion into military affairs since World War II?

I think it now approaches $1,500 billion. It is a sum so large no one can comprehend it, but I don't think outside of this war issue there is anything fundamentally wrong with the system that cannot be righted.

If we can give our resources to those developments, I don't have any doubt myself that it can be done. Whether it will be done or not is a matter of will. It is a matter of conviction of the various people who are involved, including the younger generation.

In that connection, I may say, the recent enactment of the right of all people from 18 years up to vote is at least a step in the direction where you and your generation can have an effect.

I hope that you won't lose faith in it. I hope you will use your talents after the war is over, and it surely will be over, to then attack these other problems and to make the system work.

I believe it can be made to work.

Do you have anything else you would like to say?

Mr. KERRY. Would you like me to respond at all, sir?

The CHAIRMAN. If you care to.

Mr. KERRY. Well, my feeling is that if you are talking about the ideal structure of this country as it is written down in the Constitution, then you or I would not differ at all. Yes, that is an ideal structure.

DEVELOPMENTS IN UNITED STATES REQUIRING FUNDAMENTAL CHANGES

What has developed in this country, however, at this point is something quite different and that does require some fundamental changes. I do agree with you that what happened in Vietnam was not the product of evil men seeking evil goals. It was misguided principles and judgments and other things.

However, at some point you have to stop playing the game. At some point you have to say, ''All right we did make a mistake.'' At some point the basic human values have to come back into this system and at this moment we are so built up within it by these outside structures, other interests, for instance, government by vested power which, in fact, you and I really know it is. When a minority body comes down here to Washington with a bill, those bodies which have the funds and the ability to lobby are those which generally get it passed. If you wanted to pass a health care medical bill, which we have finally perhaps gotten to this year, we may, but in past years the AMA has been able to come down here and squash them. The American Legion has successfully prevented people like Vietnam Veterans against the War from getting their programs through the Veterans' Administration. Those bodies in existence have tremendous power.

There is one other body that has tremendous power in this country, which is a favorite topic of Vice President Agnew and I would take some agreement with him. That would be the fourth estate. The press. I think the very reason that we veterans are here today is the result partially of our inability to get our story out through the legitimate channels.

That is to say, for instance, I held a press conference here in Washington, D.C., some weeks ago with General Shoup, with General Hester, with the mother of a prisoner of war, the wife of a man who was killed, the mother of a soldier who was killed, and with a bilateral amputee, all representing the so-called silent majority, the silent so-called majority which the President used to perpetuate the war, and because it was a press conference and an antiwar conference and people simply exposing ideas we had no electronic media there.

I called the media afterward and asked them why and the answer was, from one of the networks, it doesn't have to be identified, ''because, sir, news business is really partly entertainment business visually, you see, and a press conference like that is not visual.''

Of course, we don't have the position of power to get our ideas out, I said, ''If I take-some crippled veterans down to the White House and we chain ourselves to the gates, will we get coverage?'' ''Oh, yes, we will cover that.''

So you are reduced to a position where the only way you can get your ideas out is to stage events, because had we not staged the events with all due respect, Senator, and I really appreciate the fact that I am here obviously, and I know you are committed to this, but with all due respect I probably wouldn't be sitting at this table. You see this is the problem.

It goes beyond that. We really have a constitutional crisis in this country right now. The Constitution under test, and we are failing. We are failing clearly because the power of the Executive has became exorbitant, because Congress has not wanted to exercise its own power, and so that is going to require some very fundamental changes.

So the system itself on paper, no, it is a question of making it work, and in that I would agree with you, and I think that things are changing in a sense. I think the victory of the ABM was a tremendous boost.

The CHAIRMAN. SST.

Mr. KERRY. SST, excuse me.

The CHAIRMAN. I hope the ABM.

[Applause.]

Mr. KERRY. Wrong system.

I think the fact that certain individuals are in Congress today, particularly in the House, who several years ago could never have been. I would cite Representative Dellums and Congresswoman Abzug and Congressman Drinan and people like this. I think this is a terribly encouraging sign, and I think if nothing more, and this is really sad poetic justice, if nothing more, this war when it is over, will ultimately probably have done more to awaken the conscience of this country than any other similar thing. It may in fact be the thing that will set us on the right road.

I earnestly hope so and I join you in that.

But meanwhile, I think we still need that extraordinary response to the problem that exists and I hope that we will get it.

IMPACT OF VIETNAM WAR AND OTHERS ON CONSTITUTIONAL BALANCE

The CHAIRMAN. I am glad to hear you say that. I have the same feeling. But you must remember we have been through nearly 30 years of warfare or cold war or crises which I think have upset the balance, as you say, in our constitutional system. Senator Javits has introduced a bill with regard to the war powers in an effort to reestablish what we believe to be the constitutional system in which you say you have confidence. I introduced and we passed a commitments resolution. There are a number of others. I won't relate them all, but they are all designed to try to bring back into proper relationship the various elements in our Government. This effort is being made.

I think the culprit is the war itself. The fact we had been at war, not just the Vietnam war but others too, diverted the attention of our people from our domestic concerns and certainly eroded the role of the Congress. Under the impact of this and other wars we have allowed this distortion to develop. If we can end the war, there is no good reason why it cannot be corrected.

REPRESENTATION OF CONSTITUENCIES

You mentioned some new faces in the Congress. After all, all these people get here because of the support back home, as you know. They are simply representative of their constituents. You do accept that, I believe.

Mr. KERRY. Partially, not totally.

The CHAIRMAN. Why not?

Mr. KERRY. As someone who ran for office for 3½ weeks, I am aware of many of the problems involved, and in many places, you can take certain districts in New York City, the structure is such that people can't really run and represent necessarily the people. People often don't care. The apathy is so great that they believe they are being represented when in fact they are not. I think that you and I could run through a list of people in this body itself and find many who are there through the powers of the office itself as opposed to the fact they are truly representing the people. It is very easy to give the illusion of representing the people

through the frank privileges which allow you to send back what you are doing here in Congress. Congressman insert so often.

You know, they gave a speech for the Polish and they gave a speech for the Irish and they gave a speech for this, and actually handed the paper in to the clerk and the clerk submits it for the record and a copy of the record goes home and people say, ''Hey, he really is doing something for me.'' But he isn't.

The CHAIRMAN. Well——

Mr. KERRY. Senator, we also know prior to this past year the House used to meet in the Committee of the Whole and the Committee of the Whole would make the votes, and votes not of record and people would file through, and important legislation was decided then, and after the vote came out and after people made their hacks and cuts, and the porkbarrel came out, the vote was reported and gave them an easy out and they could say ''Well, I voted against this.'' And actually they voted for it all the time in the committee.

Some of us know that this is going on. So I would say there are problems with it. Again I come back and say they are not insoluble. They can be solved, but they can only be solved by demanding leadership, the same kind of leadership that we have seen in some countries during war time. That seems to be the few times we get it. If we could get that kind because I think we are in a constant war against ourselves and I would like to see that come—they should demand it of each other if we can demand it of people.

The CHAIRMAN. Take the two cases of what goes on in the House about the secret votes. That is not a structural aspect of our Government. That is a regulation or whatever you call it of the procedures in the House itself.

NECESSITY OF INFORMED ELECTORATE

Fundamentally you said that the people can bamboozle their constituents; they can fool them. Of course, that is quite true of any system of a representative nature. The solution to that is to inform the electorate itself to the extent that they recognize a fraud or a phony when they have one. This is not easy to do, but it is fundamental in a democracy. If you believe in a democratic system, the electorate who elect the representatives have to have sufficient capacity for discrimination. They have to be able to tell the difference between a phony, someone who simply puts pieces in the record, and someone who actually does something, so that they can recognize it in an election, if they are interested.

Now if they are apathetic, as you say they are apathetic, and don't care, then democracy cannot work if they continue to be apathetic and don't care who represents them. This comes back to a fundamental question of education through all different resources, not only the formal education but the use of the media and other means to educate them. Our Founding Fathers recognized that you couldn't have a democracy without an informed electorate. It comes back to the informing of the electorate; doesn't it? That is not a structural deficiency in our system. You are dealing now with the deficiencies of human nature, the failure of their education and their capacity for discrimination in the selection of their representatives.

I recognize this is difficult. All countries have had this same problem and so long as they have a representative system this has to be met. But there is no reason why it cannot be met.

A structural change does not affect the capacity of the electorate to choose good representatives; does it?

COST OF ELECTION CAMPAIGNS

Mr. KERRY. Well, no, sir; except for the fact that to run for representative in any populated area costs about $50,000. Many people simply don't have that available, and. in order to. get it inevitably wind up with their hands tied.

The CHAIRMAN. That is a common statement, but we had an example during this last year of a man being elected because he walked through Florida with a minimum of money. As he became attractive to the people he may have received more, but he started without money. You are familiar with Mr. Chiles.

Mr. KERRY. Yes, I am familiar. I understand it.

The CHAIRMAN. I know in my own state, our Governor started without any money or with just himself and came from nowhere and defeated a Rockefeller. So it is not true that you have to have a lot of money to get elected. If you have the other things that it takes, personality, the determination and the intelligence, it is still possible. ''There were other examples, but those are well known. I don't think it is correct to say you have to have a lot of money. It helps, of course. It makes it easier and all that, but it isn't essential. I think you can cite many examples where that is true.

ESSENTIAL QUESTION WILL BE RESPONSE TO VIETNAM ISSUE

Mr. KERRY. Senator, I would basically agree with what you are saying and obviously we could find exceptions to parts of everything everywhere and I understand really the essential question is going to be the response to the issue of Vietnam.

The CHAIRMAN. I agree with that. I can assure you that this committee and, certainly, I are going to do everything we can. That is what these hearings are about. It is lust by coincidence you came to Washington in the very midst of them. We only opened these hearings on Tuesday of this week. I personally believe that the great majority of all the people of this country are in accord with your desire, and certainly mine, to get the war over at the earliest possible moment. All we are concerned with at the moment is the best procedure to bring that about, the procedure to persuade the President to take the steps that will bring that about. I for one have more hope now than I had at any time in the last 6 years because of several things you have mentioned. I think there is a very good chance that it will be brought about in the. reasonably near future.

COMMENDATION OF VIETNAM VETERANS AGAINST THE WAR

I think you and your associates have contributed a great deal in the actions you have taken. As I said in the beginning, the fact that you have shown both great conviction and patience about this matter and at the same time conducted yourself in the most commendable manner has been the most effective demonstration, if I may use that word. Although you have demonstrated in the sense that has become disapproved of in some circles, I think you have demonstrated in the most proper way and the most effective way to bring about the results that you wish and I believe you have made a great contribution.

I apologize. I am not trying to lecture you about our Government. I have just been disturbed, not so much by you as by other things that have happened, that the younger generation has lost faith in our system. I don't think it is correct. I think the paranoia to which you referred has been true. It arose at a time when there was reason for it perhaps, but we have long since gone out of that time, and I think your idea of timing is correct. But I congratulate you and thank you very much for coming. [Applause.]

Senator Symington would like to ask a question.

Senator SYMINGTON. Yes. Mr. Kerry I had to leave because we are marking up the selective service bill in the Armed Services Committee. But I will read the record.

ATTITUDE OF SERVICEMEN TOWARD CONGRESSIONAL OPPOSITION TO WAR

The staff has a group of questions here, four of which I would ask. Over the years members of this committee who spoke out in opposition to the war were often accused of stabbing our boys in the back. What, in your opinion, is the attitude of servicemen in Vietnam about congressional opposition to the war?

Mr. KERRY. If I could answer that, it is very difficult, Senator, because I just know, I don't want to get into the game of saying I represent everybody over there, but let me try to say, as straightforwardly as I can, we had an advertisement, ran full page, to show you what the troops read. It ran in Playboy and the response to it within two and a half weeks from Vietnam was 1,200 members. We received initially about 50 to 80 letters a day from troops there. We now receive about 20 letters a day from troops arriving at our New York office. Some of these letters—and I wanted to bring some down, I didn't know we were going to be testifying here and I can make them available to you—are very, very moving, some of them written by hospital corpsmen on things, on casualty report sheets which say, you know, ''Get us out of here.'' ''You are the only hope we have got.'' ''You have got to get us back; it is crazy.'' We received recently 80 members of the 101st Airborne signed up in one letter. Forty members from a helicopter assault squadron, crash and rescue mission signed up in another one.

I think they are expressing, some of these troops, solidarity with us, right now by wearing black arm bands and Vietnam Veterans Against the War buttons. They want to come out and I think they are looking at the people who want to try to get them out as a help.

However, I do recognize there are some men who are in the military for life. The job in the military is to fight wars. When they have a war to fight, they are just as happy in a sense, and I am sure that these men feel they are being stabbed in the back. But, at the same time, I think to most of them the realization of the emptiness, the hollowness, the absurdity of Vietnam has finally hit home, and I feel if they did come home the recrimination would certainly not come from the right, from the military. I don't think there would be that problem.

Senator SYMINGTON. Thank you.

Has the fact Congress has never passed a declaration of war undermined the morale of U.S. servicemen in Vietnam, to the best of your knowledge?

Mr. KERRY. Yes; it has clearly and to a great, great extent.

USE OF DRUGS BY U.S. SERVICEMEN IN VIETNAM

Senator SYMINGTON. There have been many reports of widespread use of drugs by U.S. servicemen in Vietnam. I might add I was in Europe last week and the growth of that problem was confirmed on direct questioning of people in the military. How serious is the problem and to what do you attribute it?

Mr. KERRY. The problem is extremely serious. It is serious in very many different ways. I believe two Congressmen today broke a story. I can't remember their names. There were 35,000 or some men, heroin addicts that were back.

The problem exists for a number of reasons, not the least of which is the emptiness. It is the only way to get through it. A lot of guys, 60, 80 percent stay stoned 24 hours a day just to get through the Vietnam——

Senator SYMINGTON. You say 60 to 80 percent.

Mr. KERRY. Sixty to 80 percent is the figure used that try something, let's say, at one point. Of that I couldn't give you a figure of habitual smokers, let's say, of pot, and I certainly couldn't begin to say how many are hard drug addicts, but I do know that the problem for the returning veteran is acute because we have, let's say, a veteran picks up a $12 habit in Saigon. He comes back to this country and the moment he steps off an airplane that same habit costs him some $90 to support. With the state of the economy, he can't get a job. He doesn't earn money. He turns criminal or just finds his normal sources and in a sense drops out.

The alienation of the war, the emptiness of back and forth, all combined adds to this. There is no real drug rehabilitation program. I know the VA hospital in New York City has 20 beds allocated for drug addicts; 168 men are on the waiting list, and I really don't know what a drug addict does on the waiting list.

And just recently the same hospital gave three wards to New York University for research purposes.

It is very, very widespread. It is a very serious problem. I think that this Congress should undertake to investigate the sources because I heard many implications of Madam Ky and others being involved in the traffic and I think there are some very serious things here at stake.

Senator SYMINGTON. In the press there was a woman reporter. I think her name was Emerson. In any case she stated she bought drugs six or nine times openly, heroin, in a 15-mile walk from Saigon. The article had a picture of a child with a parasol and a parrot. She said this child was one of the people from whom she had bought, herself, these drugs and that the cost of the heroin was from $3 to $6.

If we are over there, in effect, protecting the Thieu-Ky government, why is it that this type and character of sale of drugs to anybody, including our own servicemen, can't be controlled?

Mr. KERRY. It is not controllable in this country. Why should it be controllable in that country?

Senator SYMINGTON. It isn't quite that open in this country, do you think?

Mr. KERRY. It depends on where you are. [Applause.]

Senator SYMINGTON. We are talking about heroin, not pot, or LSD.

Mr. KERRY. I understand that, but if you walk up 116th Street in Harlem I am sure somebody can help you out pretty fast. [Laughter.]

ACCURACY OF INFORMATION THROUGH OFFICIAL MILITARY CHANNELS

Senator SYMINGTON. Mr. Kerry, from your experience in Vietnam do you think it is possible for the President or Congress to get accurate and undistorted information through official military channels.

(Shouts of ''No.'' from the audience.)

Mr. KERRY. I don't know——

Senator SYMINGTON. I am beginning to think you have some supporters here.

Mr. KERRY. I don't know where they came from, sir, maybe Vietnam.

I had direct experience with that. Senator, I had direct experience with that and I can recall often sending in the spot reports which we made after each mission and including the GDA, gunfire damage assessments, in which we would say, maybe 15 sampans sunk or whatever it was. And I often read about my own missions in the Stars and Stripes and the very mission we had been on had been doubled in figures and tripled in figures.

The intelligence missions themselves are based on very, very flimsy information. Several friends of mine were intelligence officers and I think you should have them in sometime to testify. Once in Saigon I was visiting this friend of mine and he gave me a complete rundown on how the entire intelligence system should be re-set up on all of its problems, namely, that you give a young guy a certain amount of money, he goes out, sets up his own contacts under the table, gets intelligence, comes in. It is not reliable; everybody is feeding each other double intelligence, and I think that is what comes back to this country.

I also think men in the military, sir, as do men in many other things, have a tendency to report what they want to report and see what they want to see. And this is a very serious thing because I know on several visits—Secretary Laird came to Vietnam once and they staged an entire invasion for him. When the initial force at Dang Tam, it was the 9th Infantry when it was still there—when the initial recon platoon went out and met with resistance, they changed the entire operation the night before and sent them down into the South China Seas so they would not run into resistance and the Secretary would have a chance to see how smoothly the war was going.

I know General Wheeler came over at one point and a major in Saigon escorted him around. General Wheeler went out to the field and saw 12 pacification leaders and asked about 10 of them how things were going and they all said, ''It is really going pretty badly.'' The 11th one said, ''It couldn't be better, General. We are really doing the thing here to win the war.'' And the General said, ''I am finally glad to find somebody who knows what he is talking about.'' (Laughter.)

This is the kind of problem that you have. I think that the intelligence which finally reaches the White House does have serious problems with it in that I think you know full well, I know certainly from my experience, I served as aide to an admiral in my last days in the Navy before I was discharged, and I have seen exactly what the response is up the echelon, the chain of command, and how things get distorted and people say to the man above him what is needed to be said, to keep everybody happy, and so I don't—I think the entire thing is distorted.

It is just a rambling answer.

Senator SYMINGTON. How do you think this could be changed?

Mr. KERRY. I have never really given that aspect of it all that much thought. I wish I had this intelligence officer with me. He is a very intelligent young man.

REPORTING OF VIETNAM WAR IN THE PRESS

Senator SYMINGTON. There has been considerable criticism of the war's reporting by the press and news media. What are your thoughts on that?

Mr. KERRY. On that I could definitely comment. I think the press has been extremely negligent in reporting. At one point and at the same time they have not been able to report because the Government of this country has not allowed them to. I went to Saigon to try to report. We were running missions in the Mekong Delta. We were running raids through these rivers on an operation called Sealord and we thought it was absurd.

We didn't have helicopter cover often. We seldom had jet aircraft cover. We were out of artillery range. We would go in with two quarter-inch aluminum hull boats and get shot at and never secure territory or anything except to quote Admiral Zumwalt to show the American flag and prove to the Vietcong they don't own the rivers. We found they did own them with 60 percent casualties and we thought this was absurd.

I went to Saigon and told this to a member of the news bureau there and I said, ''Look, you have got to tell the American people this story.'' The response was, ''Well, I can't write that kind of thing. I can't criticize that much because if I do I would lose my accreditation, and we have to be very careful about just how much we say and when.''

We are holding a press conference today, as a matter of fact, at the National Press Building—it might be going on at this minute—in which public information officers who are members of our group, and former Army reporters, are going to testify to direct orders of censorship in which they had to take out certain pictures, phrases they couldn't use and so on down the line and, in fact, the information they gave newsmen and directions they gave newsmen when an operation was going on when the military didn't want the press informed on what was going on they would offer them transportation to go someplace else, there is something else happened and they would fly a guy 55 miles from where the operation was. So the war has not been reported correctly.

I know from a reporter of Time—showed the massacre of 150 Cambodians, these were South Vietnamese troops that did it, but there were American advisers present and he couldn't even get other newsmen to get it out let alone his own magazine, which doesn't need to be named here. So it is a terrible problem, and I think that really it is a question of the Government allowing free ideas to be exchanged and if it is going to fight a war then fight it correctly. The only people who can prevent My Lais are the press and if there is something to hide perhaps we shouldn't be there in the first place.

Senator SYMINGTON. Thank you, Mr. Chairman.

[Applause.]

REQUEST FOR LETTERS SENT TO VIETNAM VETERANS AGAINST WAR

The CHAIRMAN. With regard to the letters you have mentioned, I wondered about them. I have received a great many letters, but usually particularly in those from Vietnam, the men would say that they would not like me to use them or use their names for fear of retaliation. Of course, I respected their request. If you have those letters, it might be interesting, if you would like to, and if the writer has no objection, to submit them for the record which would be for the information of the committee.

CHANGING MOOD OF TROOPS IN VIETNAM

Mr. KERRY. Senator, I would like to add a comment on that. You see the mood is changing over there and a search and destroy mission is a search and avoid mission, and troops don't—you know, like that revolt that took place that was mentioned in the New York Times when they refused to go in after a piece of dead machinery, because it didn't have any value. They are making their own judgments.

There is a GI movement in this country now as well as over there, and soon these people, these men, who are prescribing wars for these young men to fight are going to find out they are going to have to find some other men to fight them because we are going to change prescriptions. They are going to have to change doctors, because we are not going to fight for them. That is what they are going to realize. There is now a more militant attitude even within the military itself, among these soldiers evidenced by the advertisements recently in the New York Times in which members of the First Air Cavalry publicly signed up and said, ''We would march on the 24th if we could be there, but we can't because we are in Vietnam.'' Those men are subject obviously to some kind of discipline, but people are beginning to be willing to submit to that. And I would just say, yes, I would like to enter the letters in testimony when I can get hold of

them and I think you are going to see this will be a continuing thing.

(As of the date of publication the information referred to had not been received.)

The CHAIRMAN. If you would like to we can incorporate some of them in the record.

DOCUMENTARY ENTITLED ''THE SELLING OF THE PENTAGON''

This is inspired by your reply to the Senator from Missouri's question. Did you happen to see a documentary called, ''The Selling of the Pentagon''?

Mr. KERRY. Yes, I did. I thought it was the most powerful and persuasive and helpful documentary in recent years.

The CHAIRMAN. But you know what happened to CBS? They have been pilloried by the——

Mr. KERRY. They are doing all right.

The CHAIRMAN. You think they can defend themselves?

Mr. KERRY. I think they have; yes sir. I think the public opinion in this country, believes that, ''The Selling of the Pentagon.'' I was a public information officer before I went to Vietnam, and I know that those things were just the way they said because I conducted several of those tours on a ship, and I have seen my own men wait hours until people got away, and I have seen cooks put on special uniforms for them.

I have seen good food come out for the visitors and everything else. It really happens.

The CHAIRMAN. The Senator from New York has returned. Would he care to ask a question?

RESOLUTION CONCERNING VIETNAM VETERANS' ENCAMPMENT

Senator JAVITS. I don't want to delay either the witness or the committee. Senator Case was tied up on the floor on your resolution on the encampment and the expected occurred, of course. It has gone to the calendar.

Senator SYMINGTON. If you will yield, Senator. I have to preside at 1 o'clock. I thank you for your testimony.

Mr. KERRY. Thank you, Senator. [Applause.]

Senator JAVITS. It has gone to the calendar but I think the point has been very well made by, I think, the total number of sponsors. There were some 27 Senators.

WITNESS' CREDENTIALS

Senator Case was kind enough to express my view. I wish to associate myself with the statement Senator Symington made when I was here as to your credentials. That is what we always think about with a witness and your credentials couldn't be higher.

The moral and morale issues you have raised will have to be finally acted upon by the committee. I think it always fires us to a deeper sense of emergency and dedication when we hear from a young man like yourself in what we know to be the reflection of the attitude of so many others who have served in a way which the American people so clearly understand. It is not as effective unless you have those credentials. The kind you have.

The only other thing I would like to add is this:

EVALUATION OF TESTIMONY

I hope you will understand me and I think you will agree with me. Your testimony about what you know and what you see, how you feel and how your colleagues feel, is entitled to the highest standing and priority. When it comes to the bits and pieces of information, you know, like you heard that Madam Ky is associated with the sale of narcotics or some other guy got a good meal, I hope you will understand as Senators and evaluators of testimony we have to take that in the context of many other things, but I couldn't think of anybody whose testimony I would rather have and act on from the point of view of what this is doing to our young men we are sending over there, how they feel about it, what the impact is on the conscience of a country, what the impact is on even the future of the military services from the point of view of the men who served, than your own.

Thank you very much.

Mr. KERRY. Thank you, Senator. [Applause.]

The CHAIRMAN. Mr. Kerry, I am sure you can sense the committee members appreciate very much your coming. Do you have anything further to say before we recess?

EXPRESSION OF APPRECIATION

Mr. KERRY. No, sir; I would just like to say on behalf of the Vietnam Veterans Against the War that we do appreciate the efforts made by the Senators to put that resolution on the floor, to help us, help us in their offices in the event we were arrested and particularly for the chance to express the thoughts that I have put forward today. I appreciate it.

The CHAIRMAN. You have certainly done a remarkable job of it. I can't imagine their having selected a better representative or spokesman.

Thank you very much. [Applause.]

(Whereupon, at 1 p.m. the committee was adjourned subject to the call of the Chair.)

## IN RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. BALDWIN. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th 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 intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because of a constituent of mine who has a primary immune deficiency disease called selective antipolysaccharide antibody deficiency syndrome. Linda Keegan, like so many primary immune deficiency patients was not diagnosed until adulthood. Linda spent a great part of her life winding her way through the health-care system, suffering from recurrent sinus and ear infections, sinus surgery, and the mid-life onset of asthma. She felt that virtually nobody with a medical degree of any sort was willing to understand or believe that she was unable to resist infections in the same way that most people do. She spent her life being sick and on antibiotics. Finally, one morning in an urgent care unit, a physician's assistant listened to her medical history, and said ''there might be something wrong with your immune system.'' Linda took it upon herself to research the immune system on the Internet, and eventually met an immunologist who diagnosed her correctly, in her mid-40's.

Linda is eligible for IGIV therapy, but so far a daily dose of two antibiotics is preventing sinus and ear infections, and her asthma symptoms have become sporadic, rather than chronic. She knows that someday she might have to depend on IGIV, but for now she is trying to make good lifestyle choices and keep a positive attitude. One way Linda has done this is by becoming a volunteer peer contact for the Immune Deficiency Foundation. In my home State of Wisconsin, Linda provides information and support to other PIDD patients or parents who have children with PIDD.

Linda is not unique with the delay in diagnosis of her 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 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 19th 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.

## IN RECOGNITION OF MIKE HEALY ON HIS SERVICE TO THE BAY AREA RAPID TRANSIT DISTRICT

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mrs. TAUSCHER. Mr. Speaker, on behalf of the members of the San Francisco Bay Area Congressional Delegation, including Representatives STARK, PELOSI, MILLER, LEE, LANTOS, LOFGREN, HONDA, ESHOO, POMBO, WOOLSEY and THOMPSON, I rise to pay tribute to Mike Healy, Department Manager of Media and Public Affairs for the Bay Area Rapid Transit (BART) District. For his steadfast commitment and dedication as the face and voice of BART, even before the system carried a single passenger, we would like to thank Mike Healy and wish him well in his retirement. His thirty-two years of energetic leadership at BART have helped shape one of the largest and most vital mass transit systems in the United States for the better, for all of those who call the San Francisco Bay Area home.

Born in South Bend, Indiana, Mike Healy was raised in Los Angeles and graduated from the University of Southern California with a Bachelor's Degree in Journalism and Telecommunications. Though initially more interested in writing screenplays for movie studios during his early career, it was transportation that was destined to attract and retain his attention.

When BART first hired Mike Healy, he was told his tenure there would most likely end before six months had passed. Instead, Mike Healy has worked for six different general

managers and many more elected directors since he first began work for the system in 1971.

During Mike Healy's tenure at the transit district, directing media and public affairs, BART has gone from serving 17,000 passengers daily to more than 300,000. As the service added more patrons and more trains, the need to communicate quickly and effectively with the public and media took on added significance. Reaching such a large and complex audience was at times a monumental task, but one to which Mike Healy never faltered. Indeed, his calm professionalism serves as a model for public relations to countless transit systems throughout the nation.

He is most often remembered for his striking performance during the 1989 Loma Prieta earthquake. It was, as has been said, BART's ''shining hour.'' BART was shown to be indispensable to the region. When the Bay Bridge failed, BART was there. And Mike Healy's reassuring voice told an uncertain public that BART would be there to help the Bay Area move past the wide reaching natural disaster. He was right.

Mike Healy has contributed his energy to serving the people in so many ways. He has served on the Board of Directors of the Oakland Visitors and Conventions Authority and has worked with the American Public Transportation Association (APTA) as Chair of its National Public Affairs and Community Relations Committee.

It has been our great pleasure to have worked with Mike Healy over the years on transit issues affecting our great region. He has been a supportive colleague and a good friend. We wish him and his wife, Joan, best wishes in their future endeavors together.

Mike Healy has made a singularly unique and constructive impact upon the lives of those who live, work, play in and visit the communities of the Bay Area. He has been an invaluable servant to the public. It is with honor that we commend Mike Healy for his 32 years of service and for his contribution in making travel easier for millions of people in one of the most populous metropolitan areas in America.

## HONORING THE CAMELOT NEIGHBORHOOD WATCH PROGRAM

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the Camelot Neighborhood Watch Program (CNWP) of Fairfax County, Virginia.

In the 25 years since its inception, the CNWP has achieved great success, helping lower the general crime rate in its community. As former Fairfax County Supervisor from the Mason District, I can personally attest to the program's accomplishment.

The CNWP boasts the largest number of volunteers in Northern Virginia. These volunteers selflessly have committed themselves to informing local police of suspicious activities. While it is financially and logistically impossible to place a police officer on every street corner, the CNWP has provided Fairfax County with an effective alternative. CNWP volunteers have become the eyes and ears of local police, deterring crime and saving taxpayers millions of dollars.

Those who take the time to cast a watchful eye on their surroundings ensure a safer, friendlier place to live. Through committed neighborhood watch, CNWP participants have proven that community involvement can make a difference.

It is important to note that the CNWP has embraced neighborhood diversity. Participants have bridged culture and language gaps in the name of collective security. By recognizing shared community values, the CNWP has facilitated improved understanding and relations between individuals from a variety of backgrounds.

One of the greatest assets of the CNWP is its ability to bring neighbors together. In that spirit I am proud to recognize: Mr. Paul Cevey, CNWP founder and Coordinator for the first 12 years; Mr. Dave Shonerd, his successor who for the next 11 years continued to mold the program into the great success it is today; and Mr. Frank Vajda, who continues the great CNWP tradition.

Years of CNWP success have merited several notable accolades. The Fairfax County Mason District Police Department has recognized the CNWP as one of the most effective crime reduction units in the county. The Virginia Crime Prevention Association has recognized the CNWP as the Best Neighborhood Watch in Virginia.

The CNWP is the oldest, continuously active Neighborhood Watch in the United States. This highly accomplished neighborhood program serves as an impressive model for other organizations across the nation.

Mr. Speaker, in closing, I would like to thank the Camelot Neighborhood Watch Program for 25 years of dedicated service to its community. Programs like the CNWP are vital in our efforts to combat crime. I call upon my colleagues to join me in applauding the CNWP's past accomplishments and in wishing the program continued success in the many years to come.

## HONORING CHARLES AND MARJORIE BENTON

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Charles and Marjorie Benton for their selfless commitment to our community. I am particularly proud to congratulate Charles and Marjorie for winning the 2004 Distinguished Grantmaker Award at the annual conference of the Council on Foundations.

After fifty years of marriage, Charles and Marjorie are both widely recognized as active members of the community and continue to support and contribute to the many causes important to them. Charles chairs the Benton Foundation and Marjorie acts as a trustee. They are the first couple in the history of the Council on Foundations to be honored.

Marjorie co-founded the Chicago Foundation for Woman, the Woman's Issues Network and The Peace Museum. She has also served as a delegate to the United Nations special sessions on disarmament in the 1970s and then as U.S. Ambassador to the United Nations Children's Fund.

In addition, Marjorie chaired the board of Save the Children, which advocates women, children and development in countries around the world. She is also the first woman to serve on the boards of the Bernard Van Leer Foundation and the Van Leer Group Foundation in the Netherlands.

She also chaired the Council on Foundations board from 1994 to 1996.

One of Marjorie's most recent activities is co-founding the local Chicago Global Donor Network, which involves the local community in contributing to international humanitarian projects.

Marjorie continues to work hard to raise millions of dollars a year for social change and progress. She goes out of her way to include donors in the fundraising process, making them active participants in each cause.

Family has also been a priority to the Bentons. Their daughter, Adrianne Furniss, has taken over running the local family business. Their middle son, Craig, owns a recycling business in Ireland and is a strong advocate for environmental preservation. Their youngest son Scott is in the landscaping business. They are also the proud grandparents of four.

Mr. Speaker, I join with the fifth district and entire Chicago community in congratulating my friends, Charles and Marjorie Benton on receiving the 2004 Distinguished Grantmaker Award, and wish them and her extended family, all the happiness in the future.

## HONORING THE WINNERS OF THE SIXTH ANNUAL ENERGY CHALLENGE

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. UDALL of Colorado. Mr. Speaker, today I rise to honor the winners of the sixth annual Energy Challenge which took place April 4 at Winter Park, Colorado. Fourteen teams of engineering students from colleges and universities across the country competed for awards for designing, constructing and racing snowboards constructed entirely from paper. The winning team was Miami University with a total score of 88.8. The team's board measured 83 percent paper fiber.

The Energy Challenge is sponsored by the U.S. Department of Energy's National Renewable Energy Laboratory, the American Forest and Paper Association, and Institute of Paper Science and Technology at Georgia Tech. It is designed to help the pulp and paper industry, one of the most energy intensive industries in the U.S., reach the goal of creating an energy efficient manufacturing process by the year 2020.

The contest rules required the snowboards to be made of at least 80 percent paper fiber. The total score was based on factors such as best snowboard performance, gross weight, materials composition, board volume, compressive strength, aesthetics, novelty of design, and written reports. The teams also participated in a slalom race that included rollers and a rail slide.

The winning Miami University team members included: Margaret Huseman, Den Van

Lear, Colleen O'Donnell, Michael Loufman and Joel Hahn. The team engineered their snowboard with materials such as chemical wood fiber, corrugated board and liner board. They cleverly used a Formica finish, which has 75 percent paper content, on the bottom of the board to improve its gliding ability on the snow. The second place winner was the Savannah College of Art and Design and Pasadena City College finished third overall.

The Congressional Ski and Snowboard Caucus sees the Energy Challenge as a great example of how public-private partnerships can bring together ideas like energy efficiency, outdoor recreation and fitness in order to create a more sustainable and healthy world. The caucus is interested in promoting skiing and snowboarding to encourage fitness and create an appreciation for the environment. The Energy Challenge demonstrates that through greater use of renewable materials, we can create jobs, protect the environment, and make our nation more energy independent.

Mr. Speaker, I urge my colleagues to join me in congratulating these teams and honoring their creativity and innovation.

## TRIBUTE TO LINCOLN UNIVERSITY ON THE OCCASION OF THEIR 150TH ANNIVERSARY

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Lincoln University, a fine institution of higher learning that will celebrate its 150th anniversary on May 6, 2004.

Lincoln University was established in Pennsylvania in 1854 as the nation's first Historically Black College and University (HBCU). During its first 100 years of existence, Lincoln graduated twenty percent of America's African American physicians and more than ten percent of the country's African American attorneys. Currently, Lincoln is one of the nation's largest producers of African Americans with baccalaureate degrees in the physical sciences, computer and information sciences, and biological and life sciences.

Lincoln University has produced top leaders who have gone on to make major contributions in the civil rights movement, the independence movements in Africa and the global information society. Among the more visible graduates of Lincoln are: Supreme Court Justice Thurgood Marshall '30; poet and playwright Langston Hughes '29; the first president of Ghana, Kwame Nkrumah '39; and the first African American female rear admiral in the U.S. Navy, Lillian Fishburne '71.

Lincoln University also has the unique distinction of having graduates who went on to found U.S or Foreign Universities. The list of universities include South Carolina State University; Livingston College (North Carolina); Albany State University (Georgia) and Texas Southern University.

Mr. Speaker, this remarkable institution of higher learning has helped develop some of the best minds in the world. Their commitment to excellence in education is to be commended. For this reason, I ask that my colleagues join me in honoring this fine institution on the occasion of its 150th anniversary.

## TRIBUTE TO SENIOR CORPORAL VERNA L. DURDEN

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. FROST. Mr. Speaker, I rise today to commemorate Dallas Senior CPL Verna L. Durden for her years of service and commitment to the Dallas community as a Dallas Police officer.

CPL Verna L. Durden, who retired last month after 36 years of dedicated service, began her career with the Dallas Police Department during an evolving era. She became the second African American woman on the Dallas Police force in 1972, a time period when women on the force were still required to wear dresses and high heels. In 1979, she swore in Police Chief Glen D. King, becoming the first woman in the nation to perform this important duty. During her 36-year tenure, CPL Verna Durden swore in over 4,000 Dallas police officers, earned 68 commendations, and received four certificates of merit.

Corporal Durden, who has fought her own personal battle with cancer, plans to continue serving her community through volunteer work with the American Cancer Society. CPL Verna Durden's personal qualities and pioneering career has set an example for young women throughout the Dallas community to follow.

Mr. Speaker, I honor CPL Verna L. Durden for her years of commitment and continuing contributions to the Dallas community.

## TRIBUTE TO REVEREND HANS CHRISTEN MAMEN

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LANTOS. Mr. Speaker, I rise today to honor Reverend Hans Christen Mamen, an extraordinary and remarkable individual, who turned 85 on April 20th, and whose courage, humanity and unselfishness saved Jews during the Nazi occupation of Norway during World War II. Risking his own life, Reverend Mamen guided Jews and other refugees into safety to Sweden.

Reverend Mamen's life reads like a storybook. Born in 1919 on a small farm in Vogelland, outside of Oslo, Norway, he was the sixth of eight children. His parents, Hans Christen and Marie Louise, raised him and his siblings with strong Christian values and a profound respect for others. At the tender age of 13, he decided to study theology—in hopes of becoming a priest. In 1939, he started his studies at the Norwegian Lutheran School of Theology ("Menighets Fakultetet").

Sorrowfully, in 1939, dark clouds began encasing Europe. Hitler, elected to office in 1933, unveiled his true identity when German forces first moved into Rhineland (1936), and then occupied Czechoslovakia (1939). Shortly thereafter, the Soviet Union invaded Finland. Hans Christen, who was 20 at the time, felt it was his duty and obligation to do something. He volunteered for the Norwegian Red Cross, serving as an ambulance driver in Finland. On April 6th, just weeks after returning to Norway, Hans Christen married his childhood sweetheart Ruth. Three days later the Nazi's invaded and occupied Norway.

While continuing his studies at the Norwegian Lutheran School of Theology, Hans Christen opted to get involved with the Norwegian Resistance. On October 26, 1942, the Nazi's began gathering, arresting, and deporting Jews to German concentration camps. Disgusted with the inhumane Nazi philosophy and ideology, Hans Christen Mamen helped Jews by guiding them to safety in Sweden.

After completing theology school, Hans Christen Mamen was ordained and served a various parishes throughout Norway. In 1959, he and his family of five children moved to Inwood, Iowa, as a part of his Lutheran exchange. When Dr. Martin Luther King was awarded the Nobel Peace Price, Hans Christen welcomed Dr. King on behalf of the Norwegian Church. His meeting with Dr. King remains one of the most unforgettable memories of Hans Christen.

In recognition for his heroism, the State of Israel in 2001 bestowed upon Hans Christen Mamen—as the only Norwegian—honorary citizenship of Israel. He has also received several awards and medals for his courageous deeds during the war.

Today, nearly 60 years after World War II, Hans Christen is still going strong—determined to persevere. His unequivocal thirst for knowledge has continued to increase throughout his life. And as a result, he has remarkably contributed to more than 40 books and over 300 articles.

Mr. Speaker, I ask my colleagues to join me in honoring a great humanitarian, who continues to inspire, guide, and lead by displaying tremendous beliefs, compassion, and generosity for his fellow human brethren.

## RECOGNITION OF NATIONAL MINORITY CANCER AWARENESS

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. BALDWIN. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 18–24, 2004 as National Minority Cancer Awareness Week. This national campaign, initiated by Congress in 1987, seeks to heighten awareness of the unequal cancer burden borne by racial and ethnic minority populations and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer, a disproportionate burden of cancer continues to fall on specific populations. African Americans have the highest death rate for all cancers. Cancer is the leading cause of death for Asian American women. And even when controlling for income level, African American, American Indian, Alaska native, Asian American, and Pacific Islander men have a lower 5–year survival rate than non-Hispanic white males.

In my state of Wisconsin in 2003, 25,800 new cancer cases were diagnosed and 10,800 people in my community died from cancer. Once these statistics are analyzed, I believe we will find that a disproportionately high burden of these cancer deaths will be borne by minority populations. The future health of Wisconsin—and of America as a whole—depends

on our success in improving the health of minority and other medically underserved populations.

I am a proud cosponsor of H.R. 918, the Patient Navigator, Outreach, and Chronic Prevention Act. This legislation would set up patient navigator systems, which would provide patients with a trained navigator "buddy" from their own community, who speaks their own language, and who will act as their advocate in navigating the health care system. This program would do wonders to increase awareness of programs and services in minority communities, and provide an opportunity to empower impacted communities in the fight against cancer.

By passing legislation like H.R. 918 and lending support to National Minority Cancer Awareness Week, we can reduce and ultimately eliminate the disparate burden of cancer and other diseases on minority and medically underserved communities. I urge my colleagues to support both of these important initiatives.

## CLEAN WATER ON EARTH DAY

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mrs. TAUSCHER. Mr. Speaker, I rise this afternoon to recognize Earth Day and discuss the clean water challenges facing America. Over the last three decades our nation has made significant progress in addressing the pollution of lakes, streams, rivers and estuaries. However, these crucial gains in water quality are in jeopardy of being lost. The wastewater treatment facilities that have been the cornerstone of the Clean Water Act's success are now in need of critical upgrades and the resources for this environmental imperative are no where to be found.

The Government Accounting Office, the Environmental Protection Agency and the Water Infrastructure Network have all found a wastewater infrastructure funding gap in excess of $500 billion, over the next 20 years. These assessments come at a time when we continue to reduce the federal commitment to clean water infrastructure. The FY 2005 Administration budget calls for less than $2 billion in federal investment for both wastewater and drinking water infrastructure. This declining investment in America's clean water comes at a time when we are providing nearly $4 billion to Iraq for water infrastructure.

The time has come for our nation to rededicate itself to the importance of clean water and the infrastructure which makes it possible. It is time for Congress and the Administration to give serious consideration to making significant new investments in clean water infrastructure. We have dedicated funding sources to support our highway, aviation, and navigation infrastructure and it is now incumbent upon us to find similar funding support our nation's most critical infrastructure—water infrastructure.

Mr. Speaker, I have introduced legislation to reauthorize the Clean Water State Revolving Fund in the last three Congresses that would increase the federal investment in clean water infrastructure ten-fold. This investment would help clean our environment and help our economy by producing thousands of new, good paying jobs. Unfortunately, this year's version of this important legislation is being held up over ideological issues that have nothing to do with cleaning up the environment or providing future Americans and our habitats with clean, safe water.

I call on my colleagues this Earth Day to reflect on the importance of water in our daily lives and provide the infrastructure that makes clean water possible with funding that it requires.

## COMMEMORATING THE 50TH ANNIVERSARY OF THE MOUNT VERNON-LEE CHAMBER OF COMMERCE

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. TOM DAVIS of Virginia. Mr. Speaker, Mr. MORAN and I rise today to commemorate the 50th anniversary of the Mount Vernon-Lee Chamber of Commerce (MVLCC) located in Fairfax County, Virginia.

Since 1954, the MVLCC has provided dedicated service to southeast Fairfax County, working tirelessly to promote business development and success. The chamber has effectively created an environment in which both well-established and new businesses can thrive. With regard to public policy, the MVLCC has powerfully advocated local business priorities, working with local, state, and federal officials on economic, transportation, and public safety issues.

In addition, the MVLCC plays an active role in local tourism, providing helpful information on hotels, restaurants, and points of interests to visitors in the area. Recently, the chamber contributed greatly to the community-based efforts responsible for bringing the National Museum of the United States Army to Fort Belvoir, Virginia.

Over the years, the MVLCC has demonstrated great commitment to the entire Mt. Vernon-Lee area. Having recognized the importance of education to a strong community, the MVLCC grants scholarships to six graduating high school students each year. The MVLCC and its members run a weekly Meals on Wheels delivery route to provide warm and friendly meals to home-bound members of the community.

Since its inception in 1954, the MVLCC has proven an invaluable asset to the Mt. Vernon-Lee community, helping make southeastern Fairfax County a great place to live, learn, work, do business, and visit. We greatly appreciate the chamber's notable contributions to Northern Virginia.

Mr. Speaker, in closing, we would like to commend and congratulate the MVLCC on fifty years of success. They have served the interests of both their members and their community well, truly meriting recognition. We call upon our colleagues to join us in applauding the MVLCC's past accomplishments and in wishing the chamber continued success in the many years to come.

## HONORING LANE TECH HIGH SCHOOL

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Lane Tech High School of Chicago for its achievement on winning the third place title in the citywide Academic Decathlon and the fourth place position at the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories including: art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all ten events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's "America: The Growth of a Nation" theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Lane Tech High School has demonstrated its ability to shine among the best and brightest of Chicago's academic community.

As finalists in the citywide Academic Decathlon, the nine students from Lane Tech High School went on to compete in the Illinois Academic Decathlon, participating in the semifinals of one of the most prestigious high school academic competitions in the United States.

I commend each of our Lane Tech competitors: Carlos Becerril, Moiz Bhai, Rosa Alamo, Jennifer Brown, Jason Thomas, Kristin Stein, Abdulmajid Umer, Linda Ta, Xenia Basarab, Dessislavia Harizanova, Sheraz Khan, Lenny Soez Ocasio and Peter Porok.

Reaching this level of competition is a tremendous achievement and deserves special recognition. Lane Tech students set the standard for scholastic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Lane Tech High School on its achievement. I wish the Academic Decathlon winners the best of luck and continued success as their education continues. I am very proud of these young and future leaders of tomorrow. It is my privilege to represent them in the U.S. Congress.

## TRIBUTE TO COOPERATION IN RESTORATION OF DAMAGED PUBLIC LANDS

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. UDALL of Colorado. Mr. Speaker, the public lands are the property of all the American people, and we all have a stake in their condition. That's why it's encouraging to see various groups working together to remedy problems on those lands.

Just last week, for example, members of the Longmont-based Trailridge Runners Four-Wheel Drive Club joined Sierra Clubbers, other environmentalists, and U.S. Forest Service employees to help restore a degraded meadow in the Lefthand Canyon area of the Arapaho-Roosevelt National Forest, in Colorado. Volunteers helped grade and reseed areas of the meadow that have been eroded by four-wheeling activities. The impetus for this was a $250,000 grant procured by the four-wheel group.

Their efforts drew the attention of the Daily Camera in Boulder, which praised them in an editorial that rightly noted the "The land doesn't care if we're Democrats or Republicans, recreationalists or preservationists, bird watchers or mountain bikers. And no matter how gingerly we tread, all who use public lands contribute to the impacts. And coming together to help heal the land beats pointing fingers any day."

I join in congratulating this exemplary cooperative effort. For the benefit of our colleagues, I am attaching the full text of the Camera's editorial.

[From the Boulder, Colorado Daily Camera, Apr. 21, 2004]

SEEDS OF COOPERATION

LAND IS THE BENEFICIARY OF VOLUNTEER EFFORTS

Especially when budgets are tight at the local, state and federal levels, our public lands can use all the help they can get.

So it's nice to know that volunteers are so often willing to invest their own sweat, time and scraped knuckles in personal stewardship when public money isn't there. They can't fill all the gaps, but every bit helps.

And it's even better when disparate groups—even antagonists—can all agree that whatever their differences, it's the land that matters. That was the case Saturday, when members of the Longmont-based Trailridge Runners Four-Wheel Drive Club joined Sierra Clubbers, other environmentalists, and U.S. Forest Service employees to help restore a degraded meadow in Lefthand Canyon.

The impetus for this laudable cooperation was a $250,000 grant procured by the four-wheel group. Volunteers helped grade and reseed areas of the meadow that have been eroded by four-wheeling activities.

Groups that often come under fire for most environmental degradation—though the culprits are usually a small minority—increasingly recognize the value of reaching out and caring for the land. In this case, it's four-wheelers, but on Boulder Open Space, dog advocates routinely hold mass poop baggings, and a group of trail runners last fall pitched in a remarkable 180 hours of trail work in exchange for permission to hold a grueling race up Mt. Sanitas.

The land doesn't care if we're Democrats or Republicans, recreationalists or preservationists, bird watchers or mountain bikers. And no matter how gingerly we tread, all who use public lands contribute to the impacts. And coming together to help heal the land beats pointing fingers any day.

## TRIBUTE TO ELYSE LEON

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Elyse Leon, a remarkable woman who has dedicated the past three years of her life to the restoration of the Bronx River, which is vital to my congressional district.

Elyse began working for the restoration of the Bronx River on March 21, 2001, while a student at New York University. After graduating with a double major in Spanish and Psychology, she became a full time Bronx River Outreach Coordinator for the New York City Department of Parks and Recreation and the Bronx River Alliance. Elyse has been an outstanding ambassador for the Bronx River. Working with residents, colleagues and more than 70 partner organizations of the Bronx River Alliance, as well as with the board, teams and staff of the Alliance, Elyse has found multiple ways to involve people in the Bronx River renaissance, whether by planting, cleaning, biking, paddling, walking, planning or dancing. In all of these activities and more, Elyse has a talent for making people feel welcome.

For three years Elyse has successfully organized two very important annual events; the Bronx River Flotilla and the Golden Ball Celebration. These two events, which I have attended, draw a large number of supporters to the river to celebrate its restoration. In addition, Elyse could be found at innumerable community meetings, outdoor events, and Bronx River Alliance gatherings, encouraging people to get involved with the Bronx River and its greenway. She also produced a biweekly e-mail newsletter and other publications, such as the recent Safety Guide to River Park, which reached thousands of people.

Mr. Speaker, the restoration of the Bronx River has been one my top priorities as a Member of both the New York Assembly and the U.S. House of Representatives. Rejuvenating its greenway and corridor will provide recreational, educational and economic resources for the communities through which the river flows. Such an important project could not have been undertaken without the participation of dedicated and resourceful individuals like Elyse Leon.

I ask that my colleagues join me in honoring Ms. Elyse Leon for her years of service as Outreach Coordinator for the Bronx River Alliance and in wishing her well in all her future endeavors.

## CONGRATULATING DR. RON ANDERSON

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. FROST. Mr. Speaker, I rise today to congratulate Dr. Ron Anderson, president and chief executive officer of Parkland Health & Hospital System in Dallas, Texas, for receiving the American Hospital Association's 2004 Award of Honor.

During his tenure with Parkland Hospital in Dallas, Dr. Anderson has displayed outstanding leadership capabilities through his exemplary efforts to serve the health care needs of a densely populated city. As a result of Dr. Anderson's dedication and strong commitment to improving health policies and social initiatives, Parkland Hospital has gained the respect and praise as a national model for all public hospitals around the country.

As a devoted doctor, Dr. Anderson strives to improve the quality of care every patient receives when they go to Parkland Hospital. Through his tireless efforts to revolutionize Parkland Hospital in Dallas, and his passion for medicine, Dr. Anderson is well deserving of the American Hospital Association's 2004 Award of Honor. He deserves special recognition and praise for his direction and hard work.

Mr. Speaker, I am pleased to congratulate Dr. Anderson on his prestigious award and his significant accomplishment. Parkland Health & Hospital System in Dallas has greatly benefited from the dedication and leadership skills Dr. Anderson has shown as president and CEO. I know my colleagues will join me today in honoring Dr. Anderson, as we wish him continued success in his future endeavors.

## A TRIBUTE TO TRYGVE LIE

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Trygve Lie, the first Secretary General of the United Nations. Mr. Lie was more than an outstanding citizen of Norway and public official, he was truly the beacon of light and bedrock of peace for which the world yearned in the aftermath of World War II.

Trygve Lie was born in Oslo, Norway on July 16, 1896. After being elected a local Labor Party president at the age of 16, Lie's course in politics was set. Following his graduation from the Oslo University Law School in 1919, he was appointed Administration Secretary for the Norwegian Labor Party. He subsequently became a legal advisor to the Trade Union Federations, where Lie honed his skills at conflict resolution and negotiation.

Trygve Lie's distinguished career in government saw him appointed to several different ministerial positions, but none more career defining than his time spent as Minister of Foreign Affairs. After the German invasion of Norway, Mr. Lie's triumph in saving his country's merchant fleet led to his appointment as Foreign Affairs Minister while the Norwegian government fled to England. This position would prove to be a seminal moment in Lie's career, and would elevate his profile internationally.

As Norway's Foreign Minister, Lie was an outspoken advocate of international cooperation and a more level political playing field, while remaining acutely aware of the responsibilities inherent to the then-current world powers.

Mr. Lie attended the U.N. Conference on International Organizations as Head of the Norwegian Delegation in April of 1945, where he also served as Chairman of Commission III, which was responsible for drafting the Security Council provisions of the U.N. Charter. Lie's diplomatic skills and shining abilities as an expert negotiator led to his near-unanimous election as the first Secretary-General of the United Nations in February 1946.

In his new position, Trygve Lie faced the unenviable task of uniting a world that had been torn apart by the destruction, devastation, and hatred of World War II. Despite the

onset of the Cold War and innumerable other set-backs, Mr. Lie held true to his beliefs in the U.N. Charter, the need for peace, and the importance of building a new world order. Though his new position granted him a great deal of oversight and authority, Lie's vision of the U.N. remained one of a body that would primarily act as a mediator for the world's conflict and friction.

During his time as U.N. Secretary-General, Trygve Lie established his post as one of honor and dignity that held an internationally recognized sphere of influence. His rise to the top position in the U.N. illustrated as much about Lie's professionalism and diplomacy as did his decision to step down in April 1953. Upon realization that his departure could better facilitate peace in Korea and therefore help restore international harmony, he graciously offered his resignation. His sacrifice for the greater good is seldom seen. Trygve Lie was an outstanding contributor to his native Norway and to the international community at large. His success in transitioning the global society away from a period of seemingly irreparable damage created a legacy of peace and hope that should be both commended and emulated.

## COMMEMORATING THE 25TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MOORE. Mr. Speaker, twenty-five years ago this April the Taiwan Relations Act was signed into law. For the last quarter of a century, there has been relative peace and tranquility in the Taiwan Strait—thanks in large part to the enactment of the Taiwan Relations Act, which spells out the extent of our commitment to Taiwan in the event of an armed invasion from the People's Republic of China against Taiwan.

Today the people of Taiwan enjoy freedom and prosperity. In the years ahead, I am confident that the relationship between the U.S. and Taiwan will only grow stronger as we continue to build on common principles, including freedom, democracy and human rights.

On the eve of the 25th anniversary of the TRA, I commend the foresight and wisdom of my colleagues and former colleagues in Congress for having written this landmark piece of legislation, which has benefited both the people of Taiwan and people of the United States. Today I urge my colleagues to join me in celebrating the strong tradition of cooperation and friendship between the United States and Taiwan. I look forward to the continuation of a relationship that will last for the next twenty-five years and beyond.

## CONGRATULATE ELLWOOD CITY AREA PUBLIC LIBRARY

### HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Ellwood City Area Public Library in Ellwood City, Pennsylvania for their week long celebration commemorating their 90th anniversary starting April 26, 2004. It is an honor to represent such a steadfast facility within the Fourth Congressional District of Pennsylvania.

For the past nine decades the Ellwood City Area Public Library has provided the residents of Ellwood City with a useful, high-quality institute. The success of the library is often attributed to its ability to constantly adapt to the changing times—always providing the citizens of Ellwood City with the most up-to-date resources available. Now the Ellwood City Area Public Library offers over 45,000 items, ranging from large-print books and magazines to audio and videotapes. Furthermore, the library offers computers for free public internet access and a variety of children's programming. The 90th anniversary celebration is not only a festival to celebrate all the past accomplishments of the library but also to focus on the success that are sure to come in the future.

I ask that all of my colleagues in the House of Representatives join me in honoring this institution in my district. The Ellwood City Area Public library has provided an invaluable service to the community for 90 years and, undoubtedly, the next 90 years will be just as successful.

## HONORING THE 432ND CIVIL AFFAIRS BATTALION

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House the brave members of the 432nd Civil Affairs Battalion, who today return home from a 14–month deployment overseas.

Northeastern Wisconsin is often called ''the land of legends'' for our fabled football team—the Green Bay Packers. The gridiron leadership of men like Vince Lombardi, Curly Lambeau and Ray Nitschke helped make Green Bay synonymous with strength, courage and triumph. But, it's not our heroes of the playing field that make our area truly legendary—it's the men and women in uniform who put their lives on the line to defend freedom.

Under the most dangerous conditions, the brave troops of the 432nd served 14 intense months overseas, striving to rebuild an Iraq ravaged by tyranny, war and strife. They fought to rebuild schools, reactivate power grids, train police, and so much more. They knew well that all their hard work and they themselves were under constant threat of attack. But, because of their commitment and unwavering devotion to the cause of freedom, this nation reborn can continue to move toward a brighter, more peaceful future.

Our war in Iraq is obviously not finished. But, even with the ongoing challenges, Americans can take comfort in the fact that some of our finest countrymen carry the torch of liberty in Iraq. The proud men and women of the 432nd carried this torch for 14 months, traveling far from here and from their loved ones, putting their lives on hold to fight for democracy and freedom. Today, they are home with us again, and my constituents and I couldn't be happier.

Mr. Speaker, I am honored to be able to thank the soldiers of the 432nd Civil Affairs Battalion on behalf of myself, my family, the state of Wisconsin and the people of a grateful nation. It is my distinct pleasure and privilege to serve them and their families in Congress. They, along with all our servicemen and women, deserve our continued praise, support and gratitude. They are our genuine heroes.

## TRIBUTE TO RABBI MICHAEL MELCHIOR

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Rabbi Michael Melchior, a distinguished member of the Knesset. Rabbi Michael Melchior was born in 1954 in Denmark. He received his rabbinical ordination from Yeshivat Hakotel in Jerusalem. Rabbi Melchior comes from a long line of Scandinavian rabbis, and has served as rabbi of a Jerusalem congregation since 1986. He also has held the title of Chief Rabbi of Norway since 1980.

Since 1996, Rabbi Melchior has been the chairman of Meimad, a modern-Orthodox party, which in 1999 became a faction of One Israel. He was elected to the Knesset in May 1999. From August 1999 until March 2001, Melchior served as Minister in the Office of the Prime Minister, responsible for Diaspora and social affairs. Michael Melchior served as Deputy Minister of Foreign Affairs from March 2001 until October 2002.

Rabbi Melchior has a passionate interest in the improvement of Israeli society. To this end, he established many programs that deal with the narrowing of gaps in the society between rich and poor, Arab and Jew, secular and religious. Rabbi Melchior has eloquently advocated for an Israel that allows Israelis to feel a strong sense of Jewish identity without pressure or coercion. He has won appreciation both in Israel and abroad for his tireless work for tolerance, democracy and peace. Furthermore, he is universally recognized, from the Israeli Knesset to the international stage, as a figure of vision, conciliation, and peace.

Mr. Speaker, Rabbi Melchior was part of a very unique group of religious leaders at a summit meeting in Alexandria, in January 2002, which resulted in the historic Alexandria Declaration and initiated the Alexandria process, in which mainstream religious leaders of the Holy Land gave legitimacy for the first time to a religiously authorized peace process. Over the past 2 years the Alexandria process has created positive waves in Israel, Palestine, and throughout the entire Arab world.

Among Rabbi Melchior's many awards are the Norwegian Nobel Institute's Prize for Tolerance and Bridge-Building, and Yeshivat Hakotel's Award for Work in the Diaspora Rabbinate. Rabbi Melchior has written numerous articles published in the Israeli and foreign press.

Mr. Speaker, Rabbi Melchior's passionate commitment to a comprehensive and lasting peace reveals true leadership and I urge my colleagues to join me in honoring him today.

## COMMEMORATION OF THE 34TH EARTH DAY

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. COSTELLO. Mr. Speaker, today the United States commemorates the 34th Earth Day. In celebration of the Nation's commitment to a healthy environment, I urge my colleagues to devote sufficient resources and attention to providing safe and clean water for all Americans. The Congress must expand its efforts to provide communities with the resources and tools necessary to meet our enormous clean water challenges. I ask Members to join me in making an Earth Day commitment to support significant, long-term, sustainable funding for our Nation's water and wastewater infrastructure.

This Nation has realized significant environmental improvements over the last three decades. Yet, the United States Environmental Protection Agency (EPA) reports that some 40 percent of our Nation's assessed lakes, rivers, streams, and estuaries are still too impaired for their designated uses such as fishing, swimming, or as a drinking water supply source. Discharges from aging and failing sewage systems, urban storm water and other sources continue to pose serious threats to our Nation's waters, endangering not only public health, but also the fishing and recreation industries.

Population growth and development place additional stress on the Nation's water infrastructure and its ability to sustain hard-won water quality gains. EPA itself stated that without significant new investment in wastewater infrastructure, the gains of the past 30 years will be lost. Maintaining clean, safe water remains one of our greatest national and global challenges and responsibilities.

EPA's Clean Water and Drinking Water Infrastructure Gap Analysis found that there is a gap in excess of $400 billion between current spending and projected needs for water and wastewater infrastructure over the next 20 years. It is critical that the Federal government do its part in partnership with state and local governments in order to avert the pending water infrastructure crisis. That is why the Committee on Transportation and Infrastructure supports expanded funding for addressing water quality needs.

Unfortunately, the current Administration seeks to reduce the Federal commitment to water and wastewater infrastructure. The President's budget for fiscal year 2005 cuts funding by $815 million, even as the need for funding increases. The cuts are indefensible, and imperil the Nation's ability to maintain water quality, let alone improve it.

In celebration of this Earth Day, I encourage all Members of the House to support legislation aimed at investing in the improvement of water quality in our Nation's lakes, rivers, streams and estuaries.

## RECOGNIZING NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

### HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. JENKINS. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th 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.

I am familiar with primary immune deficiencies because of a young man in my district, Matt Seals, who was born with an extremely rare PIDD called X-linked Agammaglobulinemia (XLA), a genetic disorder that prevents his body from producing B-cell antibodies that protect him from infections. Matt experienced 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 is 9.2 years.

Those who remain undiagnosed may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical to raise awareness about these illnesses with the general public and health care community. I want to commend the Immune Deficiency Foundation for its leadership in the areas of education and support, and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week.

## TRIBUTE TO DR. JERAULD D. FERRITTO, JR.

### HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to extend my congratulations to Dr. Jerauld D. Ferritto, Jr., a successful and respected podiatrist from my district, upon the completion of his tenure as President of the American Podiatric Medical Association.

Following in the footsteps of his father, Dr. Ferritto began his podiatric career at the Ohio College of Podiatric Medicine, Cleveland, Ohio, in 1972. In 1977 he established a practice in Grove City, Ohio.

Dr. Ferritto's unwavering integrity, trailblazing spirit, and energetic quest to expand recognition for the field of podiatric medicine serve as a role model for countless young practitioners of that fine profession. His credentials include Board Certification by the American Board of Podiatric Surgery and by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine. He is generous in his giving, and has served the profession in a myriad of ways, including tenure on the Council on Podiatric Medical Education and Medicare's Region V Carrier Advisory Committee.

It is my honor to represent a constituent whose leadership helps ensure the continued mobility and independence of our citizens through the delivery of medically necessary and appropriate foot and ankle care.

## TRIBUTE TO DR. C. DOUGLAS PARKS

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. KIRK. Mr. Speaker, I would like to congratulate Dr. 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, Dr. 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 Dr. 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, because he believes that the learning environment has no boundaries.

I would like to extend my thanks to Dr. Parks for being such a positive influence in District 102, and wish him all the best in his future endeavors.

## TRIBUTE TO MRS. LYNDON JOHNSON

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. FROST. Mr. Speaker, I rise today to honor Mrs. Lyndon "Lady Bird" Johnson, Texas' first First Lady, who has impacted the lives of many with her selfless contributions.

Mrs. Lady Bird Johnson has created a living legacy through her tireless efforts throughout her lifetime. During her years in the White House, Mrs. Johnson was an important advisor to her husband, and a passionate advocate for numerous causes. She served as honorary chairman of the National Head Start Program. She also devoted her time as First Lady advancing the cause of women in government, holding special luncheons for women of achievement, and suggesting women for top official posts.

While in Washington, she promoted the growth and protection of the country's national parks, and the planting of wildflowers on the nation's highways. Upon returning to Texas, she established the National Wildflower Research Center in Austin. In 1998, its name was changed to "The Lady Bird Johnson

Wildflower Research Center,'' as a tribute to her ardent devotion to the preservation of the nation's wildlife. In honor of her many contributions to society Mrs. Johnson has received the Presidential Medal of Freedom, the highest civilian award from the United States.

Mrs. Lady Bird Johnson is soon to be honored by the Bluebonnet Trails Community Mental Health and Mental Retardation Center for her assistance in the public health sector. Her passionate support for the passage of the Civil Rights Act of 1964, the legislation creating Medicare and Medicaid, and the Community Health Centers Act of 1965 created a solid foundation for our nation's public health system.

Mr. Speaker, I honor Mrs. Lady Bird Johnson for her years of commitment and continuing contributions to people, places and beliefs of this nation.

## TRIBUTE TO PEGGY A. DZIERZAWSKI

### HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. KNOLLENBERG. Mr. Speaker, today I commend Peggy A. Dzierzawski of Troy, Michigan, on the occasion of her thirty year anniversary in the accounting profession. Ms. Dzierzawski has a long and notable career as a public servant in Michigan. I have known Peggy for many years now. Her good nature, dedication, and enthusiasm for her work are extraordinary. She is a trusted and dedicated individual who has much to be proud of on this milestone in her career.

Peggy has truly distinguished herself through her work for the Michigan Association of Certified Public Accountants (MACPA) and its nearly 16,000 CPAs and affiliated professionals in Michigan. As President and CEO since 1997, she rose to the MACPA's top position after working in each of its departments. Her tenure is filled with laudable accomplishments, including helping to protect and assist the citizens of Michigan by overhauling the state's public accountancy statute.

Peggy attended Oakland University in Rochester, Michigan, and the Institute for Organizational Management at the University of Notre Dame where she earned the prestigious national Certified Association Executive (CAE) designation from the American Society of Association Executives in 1995.

It should be noted that Peggy has long been active in many professional and community organizations, on both the national and local level. She is a member of the American Institute of Certified Public Accountants, and is Past Chairman of the Michigan Society of Association Executives (MSAE). In fact, she was the first award recipient of the MSAE's Strategic Association Leader Award in 2002. Moreover, Peggy is a member of the American Society of Association Executives and Meeting Planner (Professionals) International, as well as a Board member of Junior Achievement of Southeastern Michigan.

Mr. Speaker, I congratulate Peggy A. Dzierzawski for her many years of service and devotion to the accounting profession and community as a whole. I am glad to have known Peggy these many years and I wish her, her husband Ron, and all of her family, my heartfelt congratulations on this day.

## THE CASE OF IGOR SUTYAGIN

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SMITH of New Jersey. Mr. Speaker, I draw to the attention of my colleagues the plight of Russian scientist Dr. Igor Sutyagin. On April 5th of this year, he was convicted of espionage by a closed court and sentenced to 15 years of labor camp. Sutyagin's attorneys have filed an appeal with the Russian Supreme Court.

As part of project initiated in 1997, Dr. Sutyagin was commissioned by the Institute of USA and Canada Studies, a prominent think tank in Moscow, to conduct research on civilian-military relations in Russia and eleven other Eastern European countries. As described by its initiators, this project was designed to provide the new post-Soviet democracies with Western expertise in military reform and to help civilian governments gain oversight over their militaries. The research was conducted through interviews with military and civilian government officials and was supplemented by open sources such as newspaper articles. At no time were researchers privy to, or expected to use classified materials. Military officials of the countries participating in this project were informed prior to the beginning of the research.

Despite the transparency of the research conducted, Dr. Sutyagin was arrested in October 1999 by the Russian Federal Security Office and charged with espionage, specifically passing information to a British organization allegedly associated with British intelligence. A thorough search conducted by the FSB in the home and office of Dr. Sutyagin produced no evidence of any classified documents. At the end of the day, the FSB concluded that the research conducted by Dr. Sutyagin did not use classified material, but that his conclusions were so accurate he must have used classified documents to reach them . . . a rather unique approach to scientific inquiry and national security.

As Ludmilla Alexeyev, chairperson of the Moscow Helsinki Group, put it so succinctly, ''The FSB tends to make up spies.''

Dr. Sutyagin spent the last four and a half years in jail under investigation. In March 2001, the case went to court, but the judge found insufficient grounds for conviction. However, as occurs frequently in these ''spy'' cases, the prosecution got another bite of the apple. The FSB was allowed to begin the investigation anew, and, with a reputedly more compliant judge presiding, the second trial opened on March 15 of this year.

The Washington Post of November 12, 2001 compared this case to a bad parody of Kafka: ''The FSB wants Russians to know that it has the ability to jail anyone who somehow displeases the authorities, regardless of evidence or the law.''

Mr. Speaker, it would be presumptuous of me, from the halls of Congress, to make a blanket judgment as to Dr. Sutyagin's innocence or guilt. However, I would point out that even the director of his institute, who was not sympathetic to Sutyagin's work with foreigners, confirmed that he did not have access to classified information. Sutyagin was paid for newspaper clippings, he told the press. Moreover, it is instructive that even Sutyagin's detractors in the security services, as quoted in the media after the trial, did not claim that he possessed or passed to foreign sources classified material. His only crime, in the words of the former U.S. Defense Attache in Russia, was that ''he had a passion for navies and he liked to talk to foreigners.''

Mr. Speaker, as Chairman of the Helsinki Commission, I have watched Russia move from an authoritarian police state under communist rule to a sovereign nation with democratically elected leadership and many of the civil liberties that we in our country take for granted. I have encouraged these positive trends and have been encouraged by them. But the Sutyagin case is a sobering reminder that the free flow of information, a principle encoded in many international agreements, remains vulnerable to the whims of the security apparatus in today's Russia.

I hope the Russian Supreme Court will review this case with the utmost care.

## REMEMBERING THE ARMENIAN GENOCIDE

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. LEE. Mr. Speaker, I join my colleagues in recognition of one of the great tragedies of the 20th Century, the Armenian Genocide.

The Armenian Genocide occurred between 1915 and 1916. On April 24, 1915, it began when Armenian leaders were rounded up, deported and murdered. One and a half million Armenians were murdered and hundreds of thousands of others displaced and deported.

Today, we must reflect on those whose lives were taken as a result of the Genocide. Many political leaders, scholars, and professional organizations are becoming proactive in making sure everyone acknowledges and remembers this devastating event to the Armenian population.

This genocide is another significant example of the injustice, torture, pain, and death that grows out of intolerance, cruelty, and hatred.

There are still a great number of survivors of the genocide in America and many of their children and grandchildren reside throughout the country.

On this day we join them in remembering and acknowledging the heinous act that victimized their families. If we let such atrocities be forgotten, then we are in danger of letting them be repeated.

## COMMEMORATING THE 50TH ANNIVERSARY OF THE SALK POLIO VACCINE FIELD TRIALS

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SKELTON. Mr. Speaker, on April 26, 2004, we will commemorate the 50th anniversary of the Polio Field Trials. This day holds

great significance for the American people and for our global community, for on April 26, 1954, on the grounds of Franklin Sherman Elementary School in McLean, Virginia, the first dose of the Salk Polio Vaccine was administered as part of the National Field Trial Program. In the months that followed, more than 1,800,000 school children, America's ''Polio Pioneers,'' participated in these trials. It was the largest peacetime volunteer mobilization in United States history, and it represents a remarkable act of collective courage and citizenship by the youngsters and adults who participated.

The crusade against poliomyelitis began at Warm Springs, Georgia, a spa where Franklin Delano Roosevelt first traveled in 1924, seeking the therapeutic effects of the warm spring waters. Other polio victims followed, and in 1926, Roosevelt purchased the entire property establishing the ''Warm Springs Foundation'' with former law partner Basil O'Connor. As the polio epidemic spread, in 1938, this Foundation grew into the National Foundation for Infantile Paralysis, emphasizing the nationwide significance and non-partisan character of the polio crusade. Believing that people could solve any problem if they worked together, Roosevelt appealed to the masses for financial help—asking the country to send their dimes directly to the White House, thus coining the phrase described by Comedian Eddie Cantor, ''March of Dimes''.

Over the next 17 years, the National Foundation focused on funding research to develop a vaccine against polio. While researchers worked tirelessly in their labs, volunteers helped polio victims and their families around the country. For a number of years, I served as the Lafayette County, Missouri, March of Dimes Secretary, helping to coordinate volunteer and fundraising efforts in my home area.

In 1948, with funding from the Foundation, Dr. Jonas Salk was able to grow the three known types of polio virus in his lab and eventually develop an experimental killed virus vaccine. In 1952, Salk tested the vaccine on children who'd already recovered from polio as well as himself and his family. The results were amazing. No one became inflicted with the disease as all volunteers had produced the needed antibodies.

In April 1954, nationwide testing of the vaccine began. The results of the field trials were clear. Statistics showed that the Salk vaccine was 80 to 90 percent effective in preventing polio. In the next four years, 450 million doses of the vaccine were administered, making it a standard fixture among childhood immunizations. As a result, in 1979, the National Foundation for Infantile Paralysis officially changed its name to the March of Dimes.

Mr. Speaker, I ask all of my colleagues to join me today in commemorating April 26, 2004, as the 50th Anniversary of the Salk Polio Vaccine field trials and a day that truly holds great significance for the world.

## DRUG INDUSTRY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. STARK. Mr. Speaker, I rise today because, once again, the drug industry has lied to the American people in another desperate attempt to justify their outrageously high profits. While this fact should shock no one—indeed, it has become routine—we must not let their ridiculous propaganda go unchallenged.

On Wednesday, April 7, speaking on C–SPAN's Washington Journal, Pfizer CEO Hank McKinnell told listeners that Pfizer spends only two percent of its revenue on advertising for prescription drugs. Even under the most optimistic projections, that's just fuzzy math.

In 2003, total advertising expenses for Pfizer were a whopping $2.962 billion. That's 6.55 percent of the company's revenue, over three times the amount cited by Mr. McKinnell. Moreover, a report from Families USA, Profiting from Pain: Where Prescription Drug Dollars Go, which was based on a review of industry annual financial reports submitted to the SEC, found that Pfizer spent 35 percent of its revenue on marketing and promotion, and only 15 percent on research development (and 24 percent on profit). That same study found that Pfizer spent 8 percent more of its revenue on marketing than the average of all companies reviewed.

Not only does Pfizer and the drug industry lie about the amount of money they spend on ads, but the ads also mislead consumers about the advertised drugs themselves. According to one advertising executive with significant experience with DTC ads, the purpose of advertising is not to educate consumer, but rather ''to identify the emotions we can tap into to get that customer to take the desired course of action.'' Moreover, in a survey of 1,872 people who viewed drug advertisements, 70 percent said they had learned little or nothing more about the conditions the drug is supposed to treat, and over half said they learned little or nothing more about the drug being advertised. Very few ads informed viewers of how successful the treatment is, what alternative treatments are available, how long a patient needs to take the drug, or attempts to correct common misconceptions about the disease the drug treats. Predictably, a strong majority of doctors—75 percent—said that the ads caused patients to think that advertised drugs work better than they do.

These ads have contributed to the skyrocketing cost of prescription drugs. In fact, a 2000 study showed that nearly half of the increased spending on pharmaceuticals was attributable to the fifty most advertised prescription drugs.

Americans have been clamoring for lower prescription drug prices, yet all the drug companies have offered them is a string of excuses, empty promises, and outright lies. Mr. Speaker, Americans deserve better.

## COMMEMORATION OF THE LIFE AND LEGACY OF CESAR ESTRADA CHAVEZ

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GRIJALVA. Mr. Speaker, today we must take a moment to commemorate the life and legacy of a national leader Cesar Estrada Chavez. It is an honor for me to have this opportunity to discuss the life of this man. Cesar E Chavez was born and died in the district that I represent, in Yuma and San Luis, Arizona. Today would have been his 77th birthday.

The celebration of his life is a legacy that he leaves with us; however, upholding a chronological, biographical statement of the life of Cesar E Chavez would not embrace the essence of what he stood for in life or the expectations and opportunities he left for others. I stand before you to honor a man, not for what material wealth he accumulated or positions he held, rather for his pursuit for justice.

For me to make Cesar E Chavez bigger than life and to describe him as a hero would be offensive to him. He was a man that did not want to be bigger than life. He was human and stayed that way but his beliefs and way of life are the future and the legacy that he left all of us to uphold. Cesar E Chavez, cofounder, along with Dolores Huerta, of the United Farm Workers' Union, initiated a historic struggle for labor unions, grassroot efforts, and mobilization to show power of the people.

The United Farm Workers' Union and the tactics that Cesar E Chavez incorporated for justice changed the face of activism and consumerism. His non-violence and popular education approach made the country recognize that renouncing a system of injustice was the right of all Americans. He reminded us then, and now, of our role to seek humanity and justice; and to be aware of our decisions in life from minor accountability, like where to buy basic home products, to protecting our soldiers and looking for effective non-violence approaches as an alternative to war.

Through the influence of Cesar E Chavez and the UFW, the face of labor unions in this country was changed. The awareness of strikes, went beyond the bargaining table for basic rights such as just pay and benefits. Strikes become a responsibility for all consumers to demand justice and peace of mind to the consumer and the employer that the employee was respected in all aspects. The union struggle also became more inclusive in fighting for justice in this country, going beyond the calls for labor rights to include human rights, immigrant rights, and civil rights. Labor unions across the country are currently among the leaders of creating coalitions and developing the grass roots community to strengthen representation for all Americans.

The concept of grass roots and the belief in the power of the people was strengthened through the works of Cesar E Chavez. The leading energy/influence in providing a voice for the masses was simply stated in three words iSí, se puede!, which roughly translates to yes, it can be done. A simple phrase that Cesar E Chavez coined, but like his life and legacy a powerful action that cannot be measured. This assurance in people and the ability of communities and movements resonates throughout our great Nation today. iSí, se puede! is an attitude and way of life for change, hope, and our constituency, especially our youth.

Cesar E Chavez, although a Latino, did not limit the group he strived for to an ethnicity. He understood the need to be inclusive in his service to others in the plight for justice. The legacy he leaves us is to uphold his approach to life and to educate our youth for future generations on his teachings of non-violence, justice, and equity for all. I challenge my colleagues to remember Cesar E Chavez not

only for his history, but also for his approach to life and the example he left us.

## GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

SPEECH OF

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2004*

Mr. BACA. Mr. Speaker, I rise in support of the Guardsmen and Reservists Financial Relief Act of 2003.

This bill allows military reservists or national guardsmen to make withdrawals from their retirement plans without incurring penalties.

Unfortunately, this bill is a short-term fix for a larger problem.

Why hasn't the Administration and Congress done more to help reservists and soldiers in Iraq?

Our brave men and women are fighting and dying in Iraq. Their families are struggling to get by.

We need to help our soldiers.

We can start by giving targeted pay raises. We can give meaningful tax relief for military families, not tax cuts for the rich that President Bush supports.

We can make sure they receive the benefits and healthcare that they have more than earned!

We can make sure that our veterans, those brave Americans who already gave so much for this country are also taken care of.

Over 500,000 veteran's benefits claims are still pending in the VA. My bill, H.R. 1264, will help reduce this backlog of claims. This is the type of help our soldiers and veterans need!

Our reservists, soldiers, and veterans deserve our help! Let's not keep them waiting any longer!

Congress has to put its money where its mouth is when it comes to taking care of those who help protect this nation. We have no other choice.

## EXPLANATORY STATEMENT ON H.R. 4062

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MANZULLO. Mr. Speaker, on March 31, 2004, the House took up consideration and passed H.R. 4062, a bipartisan bill to resolve problems associated with the restrictions imposed by the Small Business Administration on loans made pursuant to §7(a) of the Small Business Act. The bill was then passed by the Senate and signed into law by the President. Since the bill was taken directly to the floor, no committee report accompanies the bill. As Chairman and on behalf of the Ranking Democratic Member, NYDIA M. VELÁZQUEZ, I am submitting for insertion into the RECORD, the attached explanation of the bill by its sponsors. We would expect the Administrator, in implementing the provisions of H.R. 4062, to accord the enclosed explanation the same weight in divining congressional intent that the Administrator would give to a committee report on a bill that first went through a mark-up prior to floor consideration.

JOINT EXPLANATORY STATEMENT ON H.R. 4062

Filed by Chairman MANZULLO for himself and Ranking Democratic Member VELÁZQUEZ

Section 1. Additional Temporary Extension of Authorization

Temporary authorizations are needed to ensure continued operation of certain programs authorized by the Small Business Act and Small Business Investment Act of 1958. This section extends those programs while the House and Senate work out their differences on a broader reauthorization package.

Section 2. Extension of Certain Fee Authorizations

The qualified state and local development company (referred to in this statement as ''certified development company'' or ''CDC'') program authorized by Title V of the Small Business Investment Act of 1958 operates on fees charged by the Administrator to lenders. Those fees need to be reauthorized to prevent the program from ceasing operation. Given the complexity of the financing arrangements loans made pursuant to Title V, CDCs and small businesses need sufficient time to develop the appropriate financing packages and submit applications to the Administrator. To accommodate the needs of lenders and borrowers under Title V, the sponsors determined that an extension of the fee authorization through the end of the fiscal year would be appropriate. Furthermore, the sponsors believe that if the recent problems in the loan programs authorized by 7(a) of the Small Business Act were resolved through the end of this fiscal year, equity demands that CDCs be able to operate unencumbered for the same period.

Section 3. Fiscal Year 2004 Purchase and Guarantee Authority under Title III of the Small Business Investment Act of 1958

The Small Business Investment Company (''SBIC'') program operates without the use of appropriated funds. Fees and profits are used to cover the cost of the program, including coverage of losses in investment portfolios. While the sponsors believe that the fees authorized for the purchase of securities and debentures would allow the program to continue full operation without modification to the authorization levels, clarification to ensure that the program could continue operations was an appropriate course of action. To avoid any possible confusion or action by the Administrator to curtail the operation of the program, the sponsors extended the authorizations for both the purchase of participating securities and guarantees of debentures at FY 2003 levels for the rest of the fiscal year.

Section 4. Combination Financing

For a number of years, the Administrator authorized the use of so-called piggyback financing when using the loan program authorized by 7(a) of the Small Business Act. The Administrator defines ''piggyback financing'' as a situation in which ''one or more lender(s) provides more than one loan(s) to a single borrower at or about the same time, financing the same or similar purpose, and where the SBA guarantees the loan secured with a junior lien position.'' Small Business Administration, Standard Operating Procedure 50–10(4)(E), at 20. Furthermore, the Administrator notes that the determination of ''piggyback financing'' requires an assessment of both the lien position and the commonality of purpose. Id.

Earlier in the year, the Administrator, presumably pursuant to the authority set forth in §7(a)(24) of the Small Business Act, made certain policy changes to the operation of the guaranteed loan program. In particular, the Administrator prohibited the use of piggyback financing.

The sponsors believe that ''piggyback financing'' plays a valuable role in the provision of capital to small businesses. This is particularly the case for small businesses requiring larger loans in cyclical sectors of the economy. The financing technique is quite similar to that statutorily authorized in Title V of the Small Business Investment Act of 1958.

Section 4 creates, for the rest of fiscal year 2004, a temporary combination-financing program by adding a new paragraph (31) to §7 of the Small Business Act. The provisions sunset at the end of the fiscal year, i.e., at the end of the day on September 30, 2004.

The sponsors adopted the more formal language ''combination financing'' rather than the term ''piggyback financing.'' The sponsors define ''combination financing'' as a loan consisting of both a commercial loan and a guaranteed loan. A commercial loan is defined as one that has no portion guaranteed by the government. The sponsors intend the term ''combination financing'' to have the same characteristics as ''piggyback financing'' as that term is used in the Small Business Administration's Standard Operating Procedure already cited in this statement.

The authorization of combination financing is limited to those situations in which the small business concern (borrower) obtains both a guaranteed loan pursuant to §7(a) of the Small Business Act and a commercial loan. Again the sponsors intend that the provision should operate in a manner similar to the Small Business Administration's determination that the commercial and guaranteed loans are obtained for the same or similar purposes and the loans are originated and disbursed (in whole or in part) at about the same time.

To ensure that the public fisc is protected even when the Administrator's lien is subordinate to the commercial loan, the sponsors restricted the size of the combination loan to that of the guaranteed loan. In other words, there is a one-to-one ratio between the commercial and guaranteed loans. While the commercial loan cannot exceed the size of the guaranteed loan, the sponsors do not intend to prevent a commercial loan from being smaller than the guaranteed loan.

The sponsors authorize the commercial loan may be made by the lender that is making the guaranteed loan. However, the sponsors also permit the commercial loan to be made by a different lender as long as the loans meet the simultaneity of time and purpose already limned. In addition, the sponsors also authorize lenders designated as ''Preferred Lenders'' by the Administrator to make the commercial loan in such combination financings.

The sponsors also authorize lenders designated as ''Preferred Lenders'' by the Administrator to make the commercial loan in combination financings. In order to expedite the processing of combination financings in these circumstances, it is the sponsors' intent that the Administrator process applications for combination financings submitted by such ''Preferred Lenders'' through the Preferred Lenders Program Processing Center.

The sponsors explicitly authorize the commercial loan to be secured by a lien senior to that of the guaranteed loan. Nothing in this provision prevents the Administrator from continuing or discontinuing this practice after September 30, 2004 unless directed otherwise by statute.

In normal commercial transactions, lenders that take a subordinated lien position on

an asset are compensated for the additional risk through additional upfront fees or by a higher interest rate. The Administrator did not require any additional payments or modification of applicable interest rates for taking a junior position in its ''piggyback financing.'' Section 4 requires the Administrator to charge an upfront fee equal to 0.7 percent of the amount of the commercial loan as reimbursement for the risk associated with taking a subordinate lien position. The sponsors expect that the lender that is benefiting from senior lien position to pay the fee.

While lenders pay all fees charged pursuant to §7(a) of the Small Business Act, some fees are recoverable from borrowers. Lenders may obtain reimbursement of the upfront fees mandated by §7(a)(18) of the Small Business Act from borrowers but are prohibited from recovering from borrowers the annual ongoing fee mandated by §7(a)(23) of the Small Business Act. Since the ultimate beneficiary of the combination financing as authorized by this section is the bank making the commercial loan, the sponsors determined that the lender should be prohibited from recovering that fee and imposed the restriction set forth in §7(a)(23)(B) of the Small Business Act on the payment of the commercial loan fee. The cross-reference to the provision in §7(a)(23) ensures that the lender will be unable to recoup the 0.7 percent from the borrower.

The Administrator had procedures in place for combination financing (styled in the Standard Operating Procedures as ''piggyback financing'') on October 1, 2003, and the Administrator processed combination loan financings in the normal course of business on October 1, 2003. To ensure that the Administrator accept and process combination financing loan applications, the sponsors imposed a requirement that the Administrator must process those loan applications as those loans were processed under the ''piggyback financing'' procedures in effect on October 1, 2003.

The sponsors did not believe that it would be prudent to mandate the issuance of regulations to implement a temporary program, which will sunset in about six months. In fact, the sponsors were concerned that the promulgation process would be sufficiently lengthy and the program would sunset before any regulations were in place. The sponsors recognized that the Administrator would be approving combination financings under the rubric of ''piggyback financings'' in accordance with already extant standard operating procedures. The sponsors believe that these provisions are adequate for immediate issuance of combination financing loans. The sponsors therefore authorize the Administrator to use the standards already in existence upon enactment without the necessity of formal rulemaking. The provision has the additional benefit that industry is well aware of the procedures and standards for business eligibility in the standard operating procedures.

The sponsors recognize that additional standards may be necessary to determine business loan eligibility under this section. The sponsors authorize the Administrator to adopt such additional standards as may be necessary (in order to reduce risk to the government and increase transparency to the private sector) so long as those standards do not unreasonably restrict the availability of combination financing as was available prior to the issuance of any additional standards. Thus, the sponsors expect that the Administrator will make reasonable decisions that may in some ways restrict the availability of combination financing. However, standards that prohibit or reduce by a significant number the combination financings made after the adoption of additional standards would not be within the intention of the sponsors. The sponsors do not expect any new standards adopted by the Administrator to impose significant restrictions on combination financings. The 0.7 percent fee sufficiently compensates the Administrator for the additional risk. Any additional standards should focus on the procedures for processing combination financings or resolving situations that are not adequately addressed under current procedures for ''piggyback financing.''

Section 5. Loan Guarantee Fees

In late December of 2003 and early January of 2004, the Administrator, in part pursuant to the Anti-Deficiency Act, temporarily ceased lending under the loan program established pursuant to §7(a) of the Small Business Act. Shortly after the Administrator halted lending, funds were reallocated enabling the program, but with a mandatory loan cap of $750,000.

This restriction continues to impede the ability of small businesses to obtain capital, expand their businesses, and create jobs. The sponsors recognized the need to reopen the program to its fully authorized levels ($2 million loan maximum with a guarantee up to $1 million). Two options were available for doing this. The first would require additional appropriations. The second would be to raise fees associated with the lending program authorized by §7(a) of the Small Business Act. The sponsors were not sanguine about the prospect of obtaining additional appropriations for fiscal year 2004. So the sponsors reluctantly turned to the second option.

The approach adopted by the sponsors raise, through the end of fiscal year 2004, the annual ongoing fee charged to lenders. The reduction was reauthorized in Pub. L. No. 107–100. The statutory fee is currently set at a 0.5 percent but was reduced temporarily, to encourage the creation of new jobs, in the last reauthorization bill to 0.25 percent. Section 5 raises that level from 0.25 percent to 0.36 percent. The sponsors also eliminate the authority of lenders to retain 0.25 percent of the ongoing fee for loans of less than $150,000. According to the Administrator and the Office of Management and Budget, these fee changes, along with other temporary modifications, raise sufficient funds to operate a guaranteed loan program at a $12.55 billion level without any restrictions on combination financing or caps on loan size.

Section 6. Express Loan Provisions

Section 7(a)(25)(B) authorizes the Administrator to create pilot loan programs. In exercising that authority, the Administrator created an ''Express Loan Pilot Program.'' The program authorizes lenders to use their own forms in submitting requests to the Administrator for the issuance of guarantees. Two significant restrictions are imposed by the ''Express Loan Pilot Program;'' the guarantee cannot exceed 50 percent of the loan and the maximum loan amount is $250,000.

According to the Administrator and the Office of Management and Budget, expansion of the ''Express Loan Pilot Program'' to authorize lenders to make loans up to the statutory maximum of $2 million would contribute to a significant reduction in the subsidy rate. The sponsors adopted this concept to ensure that sufficient funds were made available to reopen the program at expected loan volumes.

Section 6 defines the term express lender as a lender authorized to participate in the ''Express Loan Pilot Program.'' The sponsors do not intend that the Administrator need change any of the requirements for designation as an express lender but is authorized to do so.

Section 6 defines an ''Express Loan'' as one in which the lender utilizes, to the maximum extent practicable, its own analyses of credit and forms. The sponsors fully expect that the conditions under which express loans are made will not vary significantly from those conditions that currently exist under the ''Express Loan Pilot Program.'' However, the sponsors recognize that the Administrator may want to impose some additional conditions on the use of forms or analyses for larger express loans. Nothing in H.R. 4062 prohibits the Administrator from imposing these additional requirements.

Section 6 codifies the existing concept of the Administrator's ''Express Loan Pilot Program.'' In other words, the pilot program is one in which lenders utilize their own forms and get a guarantee of no more than 50 percent.

Subsection 6(b) restricts the program, including the increased loan amount, to those lenders designated as express lenders by the Administrator. Designation as an express lender does not limit the lender to making express loans if the lender has been authorized to make other types of loans pursuant to §7(a) of the Small Business Act. Although a lender may only seek status as an express lender, this subsection was included to ensure that the Administrator not limit the ability of an express lender to seek other lending authority from the Administrator. Nor is the Administrator permitted to change its standards for designating an express lender in a manner that only authorizes the lender to make express loans. To the extent that the lending institution wishes to offer a full range of loan products authorized by § 7(a) and is otherwise qualified to do so, the Administrator shall not restrict that ability on the lender's status as an express lender.

Subsection 6(c) prohibits the Administrator from revoking the designation of any lender as an express lender that was so designated at the time of enactment. This prohibition does not apply if the Administrator finds the express lender to have violated laws or regulations or the Administrator modifies the requirements for designation in a way that the express lender cannot meet those standards. The sponsors do not expect that the Administrator will impose new requirements for express lenders that prohibit them from making loans under other loan programs authorized by the Small Business Act for which they have approval from the Administrator.

Subsection 6(d) temporarily expands the Express Loan Pilot Program to $2 million. After September 30, 2004, the sponsors expect the Administrator to operate the Express Loan Pilot Program according to the standards that were in effect prior to the enactment. Since the Administrator had the authority to modify or alter the pilot program prior to the enactment of this Act, nothing in the Act restricts the Administrator from taking appropriate regulatory action with respect to the program after the authority vested in this Act terminates.

The President's FY 2005 budget request for the Small Business Administration did not include any funding for the loan programs authorized by §7(a) of the Small Business Act. Administrator Barreto testified at a full Committee hearing that the loan programs should be self-funding with a subsidy rate of zero and, as a result, the §7(a) lending programs would be on the same footing as the CDC and SBIC programs. Administrator Barreto's suggested mechanism for achieving a zero subsidy rate was through a mandatory expansion of the Express Loan Pilot Program to incorporate almost all smaller loans (initially all loans under $250,000 but in subsequent years could increase if needed to maintain a zero subsidy rate). The mandatory nature of the proposal did not garner

much acceptance among members of the House or Senate Small Business Committees.

Given Administrator Barreto's stated preference for resolving the funding crisis associated with the §7(a) lending programs through an expansion of express loans, the sponsors are concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business Act. As such, the sponsors determined that it was appropriate to impose certain restrictions on the Administrator's operation of the expanded Express Loan Pilot Program in order to prevent actions that unnecessarily and unduly favor express lending.

Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Subsection 6(e) does not limit the restrictions imposed on the Administrator's regulatory discretion to those matters that would require notification pursuant to §7(a)(24) of the Small Business Act.

The most significant restriction is that the Administrator cannot take any action that directly forces a lender to make an express loan for any level. Thus, if a lender wishes to make an express loan for $1.5 million dollars and is a designated express lender, the lender may do so. If the same lender is qualified to make other types of loans and wants to make a $1.5 million dollar loan at a 75 percent guarantee, the Administrator may take no action that forces the lender to select the 50 percent guarantee over the 75 percent guarantee.

One mechanism for demonstrating favoritism is to impose conditions on loan programs other than express loans that have the effect of coercing lenders to make express loans. Paragraph (2) of subsection 6(e) ensures that the Administrator imposes like terms and conditions on both express and other lending programs authorized by §7(a) of the Small Business Act. The sponsors intend that this requirement apply to all of the terms and conditions of loans made pursuant to §7(a) of the Small Business Act, including collateral and the likelihood of repayment standards.

Even if the terms and conditions on the loans are identical, the Administrator has other mechanisms for demonstrating favoritism of express lenders over other types of Administrator-designated lenders. For example, the Administrator could delay processing of 75 percent guarantee loans, i.e., loans other than express loans, such that lenders would, for all practical terms, be required to do express loans. Thus, paragraph (3) of subsection 6(e) prevents the Administrator from making any personnel changes or altering the application of resources (be it personnel, equipment, or funding) that increases the loan processing and disbursement times for all loans authorized by §7(a) of the Small Business Act as those were in effect on October l, 2003. For example, if the time for disbursement of an express loan was five days and the time for disbursement of a 75 percent guaranteed loan was seven days, the Administrator may take no action that increases the relative disparity between the express loan and the 75 percent guarantee loan. Nothing in this subsection shall be interpreted to prevent the Administrator from improving the overall processing, approval, or disbursement rates of all loans except that any such improvements must affect all lenders and all lending programs operating pursuant to §7(a) of the Small Business Act in an identical manner.

To ensure that the sponsors' intent is clear that the expansion of the express loan is optional and the Administrator shall take no action that has the practical effect of making it mandatory, the sponsors incorporated a catchall requirement that the Administrator not take action to create incentives that would favor express loans over other types of loans. The sponsors believe that the determination of the appropriate nature of a loan should not be made by regulatory fiat but by the sound judgment of lenders, borrowers, and the Administrator's commercial loan officers.

The dramatic expansion of the express loan program, even on a temporary basis, may shed dramatic light on the purposes for which such loans are made. That information will be critical in resolving, on a long-term basis, the funding issues associated with the §7(a) lending programs. Therefore, the sponsors requested, to the extent practicable, monthly reports on the types and purposes for express loans made in excess of the current pilot program cap of $250,000.

Subsection 6(g) terminates the effectiveness of various subsections after September 30, 2004. Subsection (d) has its own internal sunset provision. No sunset is made on subsection (a), as it simply codifies existing practice of the Administrator with respect to definitions related to express loans. Nothing in subsection (g) is intended by the sponsors to constitute a permanent change in any program authorized pursuant to §7(a) of the Small Business Act.

Section 7. FY 2004 Deferred Participation Standards

As already noted, the sponsors are concerned that regulatory or other administrative changes in loan programs could have the practical implication of forcing lenders to make express loans. The sponsors determined that by freezing all terms and conditions of loans as they existed on October l, 2003 would be a sound means of deterring favoritism for express lending. The sponsors intend this provision to require, upon enactment, the lifting of the cap on loans made pursuant to §7(a) of the Small Business Act that are currently in place. Section (7) does permit the Administrator to modify those terms and conditions if needed to ensure continued operation of the program within the amounts appropriated. Although the sponsors, based on assertions by the Office of Management and Budget, believe that the Administrator will have sufficient funds through the end of the fiscal year to operate without any regulatory restraints, the sponsors do not want to prevent the Administrator from taking actions needed to prevent violations of the Anti-Deficiency Act. In other words, the sponsors fully expect the terms and conditions of October 1, 2003 to apply unless unusual and very unexpected consequences occur. Should such changes be necessary, nothing in H.R. 4062 repeals, either implicitly or explicitly, the notification requirements set forth in §7(a)(24).

Section 8. Temporary Increase in Loan Limit

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the loan programs authorized by §7(a) of the Small Business Act often are inadequate. If these manufacturers and high technology companies are investing to increase their productivity, the job creation requirements of Title V of the Small Business Investment Act may make it difficult, if not impossible, to obtain that type of financing. Therefore, the sponsors determined that it would be appropriate to temporarily increase the amount of the loan guarantee from $1 million to $1.5 million. No additional changes were made in the overall statutory cap of a gross $2 million loan. The sponsors did not believe that was necessary because any additional gaps in financing can be addressed using combination financing, under the terms of this Act. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of $1 million. Thus, on the amount of the guarantee between $1 million and $1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

## IN RECOGNITION OF THE 1ST BATTALION, 69TH INFANTRY OF THE NEW YORK NATIONAL GUARD

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mrs. MALONEY. Mr. Speaker, I rise to recognize the soldiers of the 1st Battalion, 69th Infantry of the New York National Guard, who are currently preparing to serve their country in Iraq. Additionally, I would like to extend my appreciation and gratitude to all of our brave National Guard and Reserve soldiers, whose time, energy and sacrifice do so much to ensure the safety of our nation and fellow citizens.

Today's National Guard soldiers are part of a rich tradition in American life that stretches back to the Revolutionary War. At that time, our Founding Fathers placed the country's security in the hands of citizen-soldiers who organized and trained in their home states. The members of our current National Guard, in addition to demonstrating leadership in private enterprise, public service and a variety of other professions, must also be ready to put their ordinary lives "on hold"—often at a moment's notice—to serve their country.

The 1st Battalion, 69th Infantry has a distinguished history in both battle and disaster response. As part of the Irish Brigade during the Civil War, the 69th Infantry was famous for its tenacity on the battlefield and earned its nickname, "The Fighting 69th," from Confederate General Robert E. Lee. The 69th also took part in the Spanish-American War, World War I and World War II, where its soldiers fought in the battles of Makin, Saipan and Okinawa.

The regiment was initially formed by Irish-American residents of New York City; through the years, the unit has taken great pride in being a reflection of New York and its immigrant population. Today, the Battalion is an incredibly diverse group whose common goal is the protection of the American people.

The Fighting 69th are infantry soldiers—the "guns on the ground"—whose mission is to engage and destroy enemy forces in close combat. Upon deployment to Iraq, the Battalion will likely be asked to perform highly difficult and dangerous assignments. Despite the challenges that these men and women will likely encounter, their spirit and resolve is remarkable. Indeed, they are ready and eager to serve their country.

The Battalion has also mobilized during emergencies in their home state of New York. The Battalion Commander, Lt. Col. Geoffrey Slack, informs me that the Fighting 69th was

the first National Guard unit to arrive on the scene following the attacks of September 11, 2001. In the hours after the attacks, the Battalion assisted medical teams treating the wounded and helped significantly in rescue and recovery operations. The Battalion worked through the night and into the morning of September 12th, when they were directed to secure the perimeter around Ground Zero. This mission continued for the next 315 days. During this time, Battalion soldiers were also deployed to secure the bridges and tunnels leading to and from Manhattan. Additionally, the unit's armory was the initial support center for family members of World Trade Center victims.

In closing, I ask that my colleagues also recognize and honor the tremendous courage of Lt. Gerard Baptiste, a Fighting 69th soldier who died on September 11th while on duty as a New York City Firefighter. Lt. Baptiste gave his life to help rescue those who were trapped in the north tower of the World Trade Center. I hope that Lt. Baptiste's friends, family and fellow soldiers will accept my sincere condolences for their loss.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to the 1st Battalion, 69th Infantry of the New York National Guard. All Americans should be grateful for the dedication demonstrated every day by both the men and women of the Fighting 69th and all of the brave soldiers serving in National Guard and Reserve units throughout our nation.

## HONORING THE LIFE OF MR. AMOS CROOMS, JR.

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. KILPATRICK. Mr. Speaker, I rise today to honor the life of Mr. Amos Crooms, Jr., who passed away February 15, 2004.

Mr. Crooms spent most of his adult life in public service and his selfless dedication is an inspiration for us all. He enlisted in the Navy in 1959 and was assigned to the USS *Topeka* when it was deployed to respond to the Cuban Missile Crisis in 1962.

After Mr. Crooms' honorable discharge from the Navy in 1963 he returned to Detroit and joined the Detroit Police Department in 1967. He served on the front line of law enforcement by working in the newly created mini-stations on narcotics, undercover operations, and recruiting. As one of Detroit's finest, he received many citations for his 26 years of service.

Mr. Crooms' dedication to public service has inspired many of his family members and friends to pursue careers in public service. His devotion to his country, family, and the city of Detroit will be remembered, and the city is a better place for his contributions to the community.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mr. Amos Crooms, Jr, and express my deepest condolences to his family and to all who knew and loved him.

## IN RECOGNITION OF MINORITY CANCER AWARENESS WEEK

### HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. DAVIS of Florida. Mr. Speaker, this week is National Minority Cancer Awareness Week. This national campaign was initiated by Congress in 1987 to heighten awareness of the unequal hardship of cancer borne by racial and ethnic minority populations and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer a disproportionate burden of cancer continues to plague a number of populations. For instance:

African-American men have the highest rate of prostate cancer in the world and the lowest rate of survival. The head of the American Cancer Society, Charles J. McDonald, MD, says: "Black men in America are 1.5 times more likely to develop prostate cancer and are 2 to 3 times more likely to die of the disease than white men."

Cancer is the leading cause of death for Asian American women.

Even controlling for poverty level, African American, American Indian, Alaskan Native, Asian American and Pacific Islander men all have a lower 5–year survival rate than non-Hispanic white males.

The consequences of inadequate access to preventive services and early detection are that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment, as well as the odds of survival, are decreased.

The American Cancer Society urges more education about all forms of cancer and stronger involvement of community grassroots organizations, particularly in underserved minority communities, to engage in advocacy and in education and patient support initiatives.

I urge us all to heed the recommendations of the American Cancer Society because the future of America as a whole will be influenced substantially by our success in improving the health of minorities and other medically underserved populations.

## INTRODUCTION OF A BILL TO EXTEND THE FARM CREDIT ACT OF 1971 TO THE FISHING INDUSTRY

### HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LoBIONDO. Mr. Speaker, the Farm Credit Act of 1971 allows the Farm Credit Administration to oversee and regulate banks and associations to provide long-term and short-term credit and financial services to farmers, ranchers, producers, and commercial fishermen in all 50 States and the Commonwealth of Puerto Rico. In many parts of the country, Farm Credit is an important and significant lender to the farming and commercial fishing industry. Over one-fourth of the total credit used by farmers and fishermen derives from the FCA through a network of Farm Credit Banks, Federal Land Banks, Production Credit Associations, and Banks for Cooperatives.

Under the current law, Farm Credit institutions are also authorized to finance individuals furnishing farm-related services related to their operating needs including custom fertilizers, irrigation installation, and land leveling services. It has been brought to my attention by a local Farm Credit institution in my District that a similar authorization to provide credit and financial services for individuals furnishing services to producers and harvesters of aquatic products does not exist. As a result of this limitation, Farm Credit institutions are not authorized to finance businesses such as boat repair shops, net makers, ice suppliers, or dock operations that provide necessary services for commercial fisherman.

This omission in the Farm Credit Act means that Farm Credit institutions cannot serve the commercial fishing industry in the same manner that they currently serve the farming industry. The Farm Credit Act clearly states that it includes fishermen, but then does not go on to include those who support the industry in the same way it includes those that support the farming industry.

An amendment is needed to the Farm Credit Act to authorize Farm Credit institutions to serve businesses that provide services related to the operating needs of producers and harvesters of aquatic products. This bill would extend the Farm Credit Act to numerous commercial fishing industry providers such as boat repair shops and dock operators that provide the necessary business needs to these fishermen.

I urge my colleagues in the House to support this legislation.

## REINTRODUCTION OF LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the bipartisan Local Law Enforcement Hate Crimes Prevention Act of 2003, along with Representatives PELOSI, SKELTON, FRANK, BALDWIN, ROS-LEHTINEN, KOLBE, FOLEY, SHAYS, and more than 170 other original cosponsors.

There is no more important time in the history of this Nation, since the civil rights era, to pass legislation that sanctions hate violence. The FBI has reported a dramatic increase in hate motivated violence since the September 11 terrorist attacks which has sent a wave of fear through our immigrant communities. While the overall crime rate has grown by approximately 2 percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase.

Although it is unclear how many of the 2001 reported hate crimes were directed at individuals in the aftermath of the September 11 terrorist attacks, we do know that the number of reported "anti-Islamic" crimes increased from 28 in 2000 to 481 in 2001, which represents an increase of over 1600 percent. In addition, the number of hate crimes directed at individuals on the basis of their national origin/ethnicity more than doubled—from 911 in 2000 to

2,098 in 2001. Racial bias again represented the largest percentage of bias-motivated incidents (44.9 percent), followed by Ethnic/National Origin Bias (21.6 percent), Religious Bias (18.8 percent), Sexual Orientation Bias (14.3 percent), and Disability Bias (0.4 percent).

While many of these crimes do and should get prosecuted at the State and local levels, many do not. Current law limits Federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit Federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that four States have no hate crime laws on the books, and another 21 States have extremely weak hate crimes laws.

If enacted, this legislation would give the Federal Government the jurisdictional tools necessary to assist local law enforcement in fighting the scourge of hate violence. In instances where State and local governments do not have the capacity to prosecute such crimes, the legislation creates a Federal backstop—the ability for the local U.S. attorney to ensure that justice will be done, deterring hate violence regardless of whether the victim happened to be engaged in a ''federally protected'' activity. And even in those cases, Federal prosecution can only proceed if approved by the Attorney General.

The gruesome, hateful murders of James Byrd and Matthew Shepard remain symbols of the incidence of hate violence that have only worsened since their deaths. Hate crimes do not only visit unspeakable violence on the immediate victims, but also send a message of a desired apartheid that its sponsors want to violently enforce.

The Local Law Enforcement Hate Crimes Prevention Act of 2004 is a constructive and measured response to a problem that continues to plague our Nation—violence motivated by prejudice. Our primary desire here is to ensure that these crimes get prosecuted by State and local governments more effectively. That's why the bill authorizes funds to support State investigative and prosecutorial efforts. The bill is not and should not be treated as a partisan exercise. As a Congress, we should be in unanimous agreement that there will be ''zero-tolerance'' for the hate. This bill takes the first step in that direction.

## ON THE 40TH ANNIVERSARY OF THE FOUNDING OF CALVARY CATHEDRAL INTERNATIONAL, THE 50TH ANNIVERSARY OF PASTOR BOB NICHOLS' MINISTRY, AND THE 50TH WEDDING ANNIVERSARY OF PASTOR AND MRS. NICHOLS

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding church, an outstanding pastor and a great couple in my district. On Sunday, April 18, 2004 Calvary Cathedral International celebrates the 40th anniversary of its founding by Pastor Bob Nichols and his wife, Joy. On this day, Pastor Nichols also celebrates his 50th anniversary in full time ministry and the upcoming 50th wedding anniversary of Pastor Nichols and Joy.

Through Calvary Cathedral, Pastor Nichols and Joy touch the lives of thousands of people not only in Fort Worth, but throughout the world. With integrity and outstanding character, Pastor Nichols and Joy daily help the less fortunate and hungry, as well as the many people who make up their congregation.

To appreciate the high esteem in which Calvary Cathedral and Pastor and Mrs. Nichols are held today, one must understand the humble beginnings from which they come.

In 1964, after 10 years in full time ministry, God called Pastor Nichols to start a church where all faiths were welcome and members of the church could grow in faith. With no members or financial resources, Pastor Nichols started Calvary Cathedral in an old post office building. By 1976, Calvary Cathedral had grown to the point that the congregation purchased a historic, 2,000-seat church on the banks of the Trinity River. That site was home to Calvary until it was destroyed by a tornado on March 28, 2000. In 2001, Calvary elected to purchase the Midtown Church of Christ facility. The existing facilities and property, as well as the construction of a new facility for the Calvary Christian Academy, is enabling Pastor Nichols, Joy and the congregation to reach out to even more people.

As pastor and president of Calvary Cathedral International, Pastor Nichols administers a wide range of ministries that includes the Calvary Christian Academy, the Calvary Day Care, Calvary Cathedral International Bible School, the Calvary daily Faith, Hope and Love radio show, the Calvary jail and prison ministry, the Stitches central city outreach program and a foreign missionary outreach. Through Lighthouse Television, Ltd., Pastor Nichols reaches out with his message to residents of Uganda. Not only does Pastor Nichols use the blessing of Calvary Cathedral to reach out to people, he is renowned for his stewardship to other ministers, which has earned him the title ''Pastor to Pastors.''

Pastor Nichols and Joy demonstrated their deep faith and their trust in God to carry forth during the Tornado of 2000 by being positive about the tragedy that struck the church and the Fort Worth community that day. They used the disaster to instill hope and trust among church members and Fort Worth residents, alike.

Mr. Speaker, it is my honor to recognize a church that has contributed so much to not only Fort Worth, but to the world. And it is my honor to praise the leadership and compassion that Pastor Nichols and his wife Joy have exhibited during their 40 years of ministry at Calvary Cathedral International.

## INVESTING IN OUR INFRASTRUCTURE

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. DUNCAN. Mr. Speaker, I rise today to express my strong support for investment in the infrastructure that provides our citizens with clean and safe water. Our Nation's communities are facing enormous needs in their effort to safeguard human health and the environment and to comply with Federal environmental mandates. The wastewater investment needs in our cities, counties, towns and townships are far greater than the amount of money now being made available at the local, state, and federal levels. The GAO, the EPA and the Water Infrastructure Network have all found shortfalls in wastewater infrastructure funding over the next 20 years in the hundreds of billions of dollars.

It is critical for the federal government to do more to help meet these needs. Local ratepayers already pay 90 percent of the burden and face rising water and sewer rates every year. The federal government must once again become a partner with local and state governments to provide the necessary funds to protect our watersheds and citizens.

Additional investment in the Nation's water and sewer systems also creates jobs for Americans. For every $1 billion spent on water and wastewater construction, 42,000 jobs are created. Billions of dollars are needed to help keep our water infrastructure strong and sound. The President requested $3.7 billion for water and sewer projects in Iraq, highlighting its critical importance to a working society. Yet we are neglecting our own wastewater systems here at home.

We should not allow another Earth Day to pass without making a firm commitment to our citizens and our communities. The federal government must become a full partner and provide its share of the billions of dollars that are needed to safeguard the integrity of our Nation's water and wastewater infrastructure.

## RECOGNIZING THE 100TH ANNIVERSARY OF THE INDEPENDENT OIL PRODUCERS' AGENCY

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. THOMAS. Mr. Speaker, I rise today to recognize the 100th anniversary of the Independent Oil Producers' Agency IOPA, which IOPA will be celebrating on April 30. Specifically, I want to congratulate them for all that they have accomplished and to wish them well as they begin their second century.

Many people do not realize the incredible amount of oil and natural gas production in the State of California and particularly Kern County, which I represent. The magnitude of California's production is apparent when one considers that in 2002, California's 210 active fields and 47,135 wells produced 289.5 million barrels of oil, more than every state but Louisiana, Texas, and Alaska. It is also apparent when one considers that over 26.8 billion barrels of oil have been extracted from California wells and that California's estimated oil reserves are 3.7 billion barrels. In addition, in 2002, California's 1,232 natural gas wells produced 366 billion cubic feet of natural gas, and California's cumulative natural gas production is 37.1 trillion cubic feet. It is hardly an overstatement to say that California's energy production has been and is vital to the American economy.

However, none of this incredible production would have been realized without the hard

work, ingenuity, dedication, and sacrifice of the men and women of IOPA. IOPA was formed in 1904, in the wake of the discovery of vast amounts of crude oil and natural gas beneath the rugged terrain of the southern San Joaquin Valley, including Kern County. IOPA was formed to ensure that smaller producers, many of them families, received a fair market price for the oil they produced, as can be seen in its mission statement: ''It is the mission of the Independent Oil Producers'' Agency to secure equitable prices for its members' crude oil and to serve these members at the government, business, and industry levels in matters relating to advocacy, legislative, and regulatory affairs.''

Utilizing the proven powers of a cooperative marketing agency, IOPA has succeeded in achieving its objective. During the past century, as it served its members, IOPA has also served our nation by providing a steady domestic source of oil during wars, shortages, and embargos. It is also important to note, and I appreciate the fact that, IOPA and its members have given back to the community by supporting youth activities, education, scholarships, museums, and hospitals. Accordingly, I trust that my colleagues will join me in congratulating IOPA upon their 100th anniversary.

## INTRODUCTION OF THE EFFECTER ACT ''EFFICIENT ENERGY THROUGH CERTIFIED TECHNOLOGIES AND ELECTRICITY RELIABILITY ACT OF 2004''

### HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. CUNNINGHAM. Mr. Speaker, I rise today as our country celebrates Earth Day to introduce the Efficient Energy Through Certified Technologies and Electricity Reliability EFFECTER Act of 2004. I am joined in this effort by a substantial and diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, my Chairman Mr. LEWIS of California, Mr. MATSUI of California, as well as Senator SNOWE of Maine and Senator FEINSTEIN of California. This bill is a more developed version of the EFFECT Act that Mr. MARKEY and I introduced in March 2003.

With the President's Energy Plan currently stalled in the other body, we believe that this bill can deliver on one of the less controversial issues when it comes to energy policy—energy efficiency. I support the President's Energy Plan and voted in favor of H.R. 6 when it came before this body for final passage. Unfortunately, politics has prevented this fine legislation from implementing a desperately needed energy policy in this country.

My constituents in San Diego suffered through the Energy Crisis during the summer of 2001. The aftershocks of the rolling blackouts and outrageously high energy prices are still being felt. Gas prices in California are currently the highest in the country at over $2.50 per gallon. The entire Eastern seaboard suffered through a major blackout last August, also suffering the consequences of needing the comprehensive energy policy of H.R. 6. We risk another major blackout and continually soaring fuel prices if we choose to wait for the politicking to end and H.R. 6 to be implemented. My constituents, the American people need solutions now. I am introducing this bill in an effort to pass a portion of our long-term energy plan that can produce results now.

In our legislation introduced last year, Congressman MARKEY and I created legislation that would give builders and consumers a reason to construct housing and purchase equipment that not only saves the consumer money in the long run, but also helps save energy. We have taken this idea and have put it into this bill along with other cost-saving provisions. This legislation offers tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The incentives will reduce peak power demand, which can diffuse the risk of blackouts and high electricity prices. Peak power shortages cost California $15 billion in 2000 alone.

These tax incentives are performance based, not cost based. One dollar of federal tax incentives for energy efficiency offered today will not be paid until January–April 2005, but manufacturers will respond to the incentives by investing in production facilities for more efficient products immediately. This will promote the creation of competitive markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future.

This bill will have the government lead by example by cutting our own energy bills by upgrading our building energy efficiency standards and purchase specifications, and reauthorizing Federal Energy Savings Performance Contracts, which allow private companies to partner with the government for mutually beneficial cost-effective energy savings. Finally, it includes mandatory electricity reliability requirements that address directly the failures that caused the blackout of 2003.

This bill increases the security and reliability of the electric grid, while reducing natural gas and electricity prices by cutting the demand for natural gas and electricity in the near term, as well as in the longer term. Grid security is improved by adopting mandatory standards for operation.

The EFFECTER Act seeks to address two key power supply issues—electric reliability and natural gas prices. Reducing peak electric demand not only eases pressure on the electric grid but also reduces utility demand for natural gas, a major factor that has led to higher prices. Over the next ten years, this legislation can produce natural gas savings of over 3.3 quads annually—over 12 percent of total gas use; and peak electricity savings of 145,000 megawatts—equivalent to 350 new power plants of 400 MW capacity.

Mr. Speaker, as we celebrate Earth Day, please join me in supporting the EFFECTER Act which will help reduce energy needs and provide for a cleaner environment. Let's respond to our country's desperate needs today, before we have another energy crisis.

## TRIBUTE TO ANNA B. ''PEG'' JACOBI

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my long-time friend, Anna B. ''Peg'' Jacobi, a resident of the Borough of Tuckerton for more than a half century.

Peg served as Tuckerton's Mayor from 1994 to 1998, after retiring from 36 years of public service. She served as Tuckerton Borough registrar, and secretary for the Board of Health, tax collector, treasurer and executive director of the Tuckerton Municipal Utilities Authority. She was also a member of the Pinelands Regional Board of Education for a decade.

A charter member of both the Tuckerton Historical Society and the Tuckerton Seaport, Peg was the first president of the New Jersey Association of Rural Water and Watershed Utilities, and is currently president of Rural Water. She is also the current chairman of the Ocean County Utilities Authority, the Ocean County Board of Social Services, the Board of the Southern Ocean County Hospital Foundation, and finance chair of the Lutheran Church of the Holy Spirit and Ocean County Girl Scout Council, where she originated the community Christmas Tree on Lake Pohatcong.

Married for 48 years to the late Egbert M. ''Jake'' Jacobi, Peg is the mother of four, grandmother of two, and great-grandmother of two fine boys.

It has been a pleasure and a privilege working with Peg Jacobi through the years, and I am proud to recognize her for her many, many contributions to her community, county and State. I am proud, too, to call her my friend.

## DISEASE KNOWN AS CUSHING'S SYNDROME

### HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise to recognize Americans suffering from a rare and debilitating disease known as Cushing's syndrome. Named after Dr. Harvey Williams Cushing, the early 20th century surgeon who discovered the disease, Cushing's is a hormonal disorder that affects only 5 to 10 adults for every million each year. Symptoms range from obesity to high blood pressure, and if left untreated may result in infertility and even death.

Unfortunately, like most other rare illnesses, Cushing's patients are often mis-diagnosed, delaying important treatment options. This was the plight of my constituent, Jayne Kerns of Spotsylvania, Virginia. Suffering from many of the typical symptoms of the disease, Mrs. Kerns went undiagnosed through frequent physician visits and medical testing for over a year until an educated medical observation brought appropriate treatment.

I bring Mrs. Kerns' story to your attention, Mr. Speaker, to raise public and medical awareness about the Cushing's syndrome, a serious and often elusive disease. Educating

Americans about Cushing's, its symptoms and treatment options, is an opportunity to save lives.

## TRIBUTE TO UNITED STATES MARINE CORPS STAFF SERGEANT DENNIS W. HAMMOND

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to United States Marine Corps Staff Sergeant Dennis W. Hammond who was captured by the Viet Cong on February 8, 1968 and died in a Prisoner of War camp in March, 1970. Staff Sergeant Hammond was one of several American POWs who were held at a camp in Quang Nam Province numbered ST18. He attempted escape with the other POWs in the spring of 1968 and was shot in the leg by Montagnards in a nearby village. After 36 long years, the Department of Defense has positively identified Staff Sergeant Hammond's remains and will lay him to rest with full military honors in Bremond, Texas on May 22, 2004.

Staff Sergeant Hammond's story was brought to my attention by a patriotic and thoughtful newspaper reporter for the Gloucester County Times named Jim Six. Mr. Six has collected more than 400 dog tags from Vietnam and has spent over ten years trying to return these identification tags to their rightful owner or next of kin. As part of this statement, I am submitting three columns published by Jim Six to be included as part of the RECORD.

[From the Gloucester County Times, Feb. 4, 2004]

MARINE'S LENGTHY JOURNEY NEARS END

(By Jim Six)

They found him! After 36 years, U.S. Marine Sgt. Dennis Wayne Hammond is on his way home from Vietnam.

You may remember a story I wrote back in 2001. I have more than 400 dog tags that I gave a friend a hundred bucks to buy from a street vender in Vietnam in 1993. The dog tags may or may not have belonged to American servicemen. The jury is still out on that.

But one of the dog tags matched a real person.

Denny Hammond was captured by the Viet Cong on Feb. 8, 1968, almost exactly 36 years ago. He was shot trying to escape and never quite recovered. By March 1970, the once-strapping Marine weighed about 89 pounds. He died, some say, while reciting the military oath of allegiance.

Previous efforts by the U.S. government to find Denny's body had been unsuccessful. In 1995, a former POW who had helped bury Denny was able to lead searchers to the grave, but it was empty.

On Jan. 20, 2001, in Mexia, Texas, I handed Carlene Tackitt a dog tag bearing the name of her brother, Denny Hammond. Carlene's mother, Opal, had died in 1981, out of her mind with grief for the son who had been captured in the jungles of Vietnam. Before Carlene's dad died, he said it was probably the not knowing that had killed Opal, the not knowing where her boy was.

My visit to Mexia was brief, just long enough to be the recipient of Carlene's Texas hospitality and to hand her a donated jewelry box containing that old dog tag.

She clasped that little piece of metal tightly, not wanting to let go of something that might have been her brother's. ''Keep that next to me . . . I ain't never giving that up,'' Carlene said back then. ''You don't know how much we appreciate this. You have no idea.''

The story about the dog tag and the man it might have belonged to was probably one of the most important things I have written. Denny Hammond, for some reason, became part of my life. I have a POW bracelet with his name on it. His high school graduation picture is somewhere on my desk at home. I have an ancient arrowhead Denny's nephew gave me. I think about Denny Hammond a lot.

Last week, Carlene Tackitt was notified by the government that her brother's remains had been located and were now in Hawaii. I got the news Sunday in an e-mail from Carlene's daughter-in-law. ''We wanted you to know this because you had played a part in finding a piece of him and thought you might want to know how his story ends finally . . . his family has gotten the peace we need.'' When I got the news, I cried, then wanted to smoke a cigar, drink some champagne, dance, sing. I hope to talk to Carlene soon. Dennis Wayne Hammond's long journey is almost at an end. He will be buried in Texas, next to his mother and father, sometime in March. Boy, I'd like to be there for that.

[From the Gloucester County Times, Apr. 6, 2004]

MARINE'S JOURNEY HOME NEARS END

(By Jim Six)

The U.S. contacted Carlene Tackitt earlier this year to tell her they finally had her brother's remains. Marine Corps Staff Sgt. Dennis W. Hammond was captured by the Viet Cong on Feb. 8, 1968 and died in a Prisoner of War camp in March, 1970.

I've been anxiously awaiting news of how they finally found Denny's remains. As it turns out, the U.S. may have had Denny's remains for almost 20 years.

A team went to Carlene's house in Mexia, Texas, Saturday—a full-dress Marine, a DNA expert, someone from mortuary services. Carlene chose to bury her brother in Bremond, Texas, rather than Arlington, because Bremond is where his parents, Opal and Ernest, are buried.

Having given Carlene what we think was her brother's dog tag in January, 2001, it was pretty exciting news when I got word on Feb. 1 that they'd identified Denny's body. I thought he might have been one of four GIs whose remains had been found in north central Vietnam in mid-January. It seems I was wrong about that.

''Daddy was probably right,'' Carlene said when she called me Monday. Back in 1985, the government believed they had found Denny's body. Somebody changed their mind, though, and announced the remains they had found were really too small to be those of a Caucasian and were probably those of a Montagnard tribesman. Carlene's father didn't quite buy that story and thought those remains probably really were his son's.

Finally, modern technology caught up with Dennis Hammond. Carlene gave the government a DNA sample two years ago. Recently, they told her Saturday, they started rechecking more than 860 boxes of remains from Vietnam. They showed her a picture of bones they believe are her brother's. They made a DNA match through a tooth.

Carlene signed a paper Saturday saying she accepts the proof and believes these particular remains are those of her brother, Dennis.

When I wrote about this in February, several people contacted me immediately to offer to pay my way to the funeral. Others, when it appeared Carlene might be responsible for some costs of a funeral in Texas, agreed to make up any difference. I'll let you know later who those folks are. She's asking the government to pay for an airplane ticket so her other brother, Willie, can make it out to Bremond from Detroit for the funeral. Carlene's the oldest. Willie is next. Denny was the baby—he was only 23 when he died in the jungles of Vietnam.

When she sets the date, a Marine will be assigned to guard Dennis Hammond's casket 24 hours a day as it travels from Hawaii to Bremond, Texas. There will be a full-tilt military funeral, complete with 21-gun salute.

My pal, Gene Lillie, himself a Marine Corps Vietnam veteran, has already mailed Carlene his POW bracelet that bears Denny's name. I'm still wearing mine. I figure I'll give it to Carlene in person—at the funeral.

I plan to be there when Dennis Hammond's long journey home finally ends.

[From the Gloucester County Times, Apr. 20, 2004]

MARINE'S CHARISMA TOUCHING MANY

(By Jim Six)

How does a Marine who died in Vietnam more than 34 years ago wind up affecting the lives of so many people, many of whom never knew him in life? It's a mystery, so far.

On Saturday, May 22, I'll be attending the funeral of Dennis W. Hammond, a Texas boy by way of Detroit who joined the Marines, served two tours in Vietnam, was captured by the Vietcong in 1968 and died in a POW camp in 1970.

I got drawn into his life, and death, when I was able to present one of his dog tags to his sister, Carlene Tackitt, in Mexia, Texas in 2001. Dennis' parents, Ernest and Opal, are buried nearby in Bremond, Texas. After all these years, Dennis is coming home. His remains—possibly found in the mid to late 1980s but only recently identified thanks to DNA testing—will be returned to Texas.

Mike ''Tiny'' Readinger served with Dennis in 1968 in a Combined Action Program unit that lived and worked among the Vietnamese. Dennis was ending his second tour in the country, had just a couple weeks left until he'd go home.

Dennis went out with a hastily assembled rescue team to help an ambushed unit. They were overrun by something like 300 Vietcong fighters. Most were killed, only one or two escaped and a couple, including Dennis, were captured.

Dennis tried to escape, got shot, was beaten and nearly starved by his captors. In March 1970, he died, weighing something like 89 pounds, They say he was reciting the military oath of allegiance, more probably the military Code of Conduct, when he died.

Mike found out about Dennis' recovery only a few days ago. His voice cracks when he tells about starting to read the e-mail. He had to get up and go out into his backyard for a while before getting his wife to read the rest of the message. He read it several times after that.

Andy Anderson is a school teacher in Fort Worth who ''adopted'' Dennis Hammond after getting a POW bracelet bearing his name. Anderson is so involved with Dennis, he has had his students write about the POW every year on Feb. 8. Anderson usually felt quite depressed on Feb. 8 each year. This year, he didn't and, in retrospect, wonders whether he subconsciously knew Dennis Hammond had been found and was on his way home.

Marty Eddy spent 17 years heading the Michigan POW/MIA Committee and, because Dennis had enlisted in Detroit, has followed his amazing story. She never met Dennis,

but has a friend who went through boot camp with Hammond.

Now comes the funeral. We'll all meet—his sister from Texas, his brother from Detroit, the comrade-in-arms from Indiana, the teacher from Fort Worth, the woman and boot camp pal from Michigan, the journalist from Gloucester County.

Maybe then I'll find a clue to this incredible mystery, to the charisma of this remarkable hero who died never knowing how much he'd affect lives of family, friends and complete strangers.

## TRIBUTE TO DR. TYREE WEIDER

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Tyree Weider who is celebrating her 10th anniversary as President of Los Angeles Valley College. She is a remarkable woman whose accomplishments are extraordinary.

Dr. Weider was raised in South Central Los Angeles. She attended local public schools and began her career path as a student at Compton Community College. She completed her Bachelor's degree in sociology at California State University Northridge and earned a Master's degree in Educational Psychology. A few years later, she received her Doctorate degree in Higher Education Administration from the University of California Los Angeles.

Early in her career, Dr. Weider worked as an Employment Counselor for the State Employment Service in Compton, South Central Los Angeles, and Pacoima. She also worked as a therapist in adult outpatient mental health. She then moved to Los Angeles Mission College to serve as Dean of Student Affairs and was later appointed Dean of Academic Affairs. She was then selected as the Director of Educational Programs for the Los Angeles Community College District. In 1989, she began working at Los Angeles Valley College as the Vice President of Academic Affairs. In 1995, Dr. Weider became the President of the College.

Since becoming President, Dr. Weider has taken significant steps to revitalize the campus to benefit students and the community at large. Under her guidance, the college has begun developing plans for the construction of five new educational buildings and major renovations to several campus facilities. Dr. Weider has also forged innovative partnerships with various businesses and organizations in the community to provide students an opportunity to perform community outreach and become involved in public service.

Over the years, Dr. Weider has proven to be a tireless leader for numerous community-based agencies and organizations. For example, she is currently a member of the California Community College CEO Board of Directors and a member of the advisory committee of the Auto Club of Southern California. She has also served on the Board of Directors for Northridge Hospital Medical Center, Universal City Tomorrow, the Economic Alliance of the San Fernando Valley, Catholic Healthcare West and Temple Ahavat Shalom.

Dr. Weider's hard work and leadership deserves acknowledgement. Recently she received the 2004 Pioneer Women Award. In March 2002, she was recognized as one of the most outstanding residents in the San Fernando Valley. In 1998, the Speaker of the Assembly bestowed upon her the San Fernando Valley's Woman of the Year Award. Her achievements are legion and recognition is well deserved.

Mr. Speaker, I ask my colleagues to join me in honoring and congratulating Dr. Weider for all of her wonderful accomplishments and her unyielding commitment to education and public service.

## COMMEMORATION OF THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 89th anniversary of one of history's most terrible tragedies, the Armenian Genocide.

On April 24, 1915, 300 Armenian leaders, intellectuals and professionals were rounded up in Constantinople, deported and killed, under orders from the Young Turk government. This was the beginning of a campaign of terror resulting in the deaths of 1.5 million Armenians and the deportation of more than 500,000.

The government of the Ottoman Empire justified this policy by claiming it was necessary to suppress revolts being launched by Armenians as a consequence of the ongoing military operations of World War I. This assertion was patently denied by survivors and witnesses. United States Ambassador to the Ottoman Empire Henry Morganthau reported at that time, "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

Not content with perpetrating this atrocity, the Young Turks denied a genocide had taken place. Generations have since been raised denying this tragedy. Such denials are refuted by the archival documents and first-hand accounts found in such recent scholarly works as Peter Balakian's The Burning Tigris and Samantha Power's A Problem From Hell. Director Atom Egoyan presented the horror of the siege of Van in his film Ararat, which was based, in part, on the memoirs of Clarence Ussher, an American physician and missionary working in Turkey at the time.

In Detroit and its surrounding suburbs live one of the largest Armenian-American communities in the United States, many of whom are the children and grandchildren of survivors or actual survivors themselves. This weekend, I will be attending a commemoration ceremony at St. John's Armenian Church in Southfield, Michigan, in which some of these individuals will be in attendance. To those who suggest that this ruthless genocide of a people and culture did not happen, I ask, what further testimony could the world possibly want?

Mr. Speaker, for myself and my constituents, I rise today to urge those who deny this genocide to accept it as fact. Only then can we move forward and stop these atrocities from repeating themselves over and over again.

## H.R. 1799—THE GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. SANCHEZ of California. I would like to express my strong support for H.R. 1779, the Guardsmen and Reservists Financial Relief Act of 2003. This bill would allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period.

It is now more important than ever to work to mitigate the financial hardship we are placing on our reservists. At the outset of Operation Iraqi Freedom, both the White House and Department of Defense spoke of swiftly achieving victory in Iraq and bringing our servicemembers home within a few short months.

Despite the valorous efforts of our military personnel, it is clear that we are facing a very different picture. According to DOD, stabilizing and ultimately winning the peace in Iraq will require the mobilization of at least 100,000 to 150,000 reserve component personnel annually for the next several years. Reserve component personnel comprise nearly 40 percent of our current force, whereas they only comprised 2.0 percent of the initial force used in the invasion.

In light of the tragic upsurge in violence over the last month, 20,000 soldiers recently learned that their year-long deployments to Iraq had been extended for an additional 3 months. Nearly one-fourth are reservists.

It is apparent that our success in Iraq and Afghanistan, and in the broader war on terrorism, is dependent on the continued commitment of our reservists. And I don't think we are doing enough right now to ensure that they are being adequately compensated for their sacrifice.

According to GAO, nearly 41 percent of reservists are impacted by a pay discrepancy between his or her military and civilian salary. This is taking its toll. Not only are families racking up credit card debt, falling behind on bills, and losing businesses, but many are grappling with not re-enlisting when their service is up.

And the fear of financial hardship may be hurting recruiting efforts. In 2003, every active and reserve component achieved its recruiting goals except the Army National Guard, which fell short of its recruiting goal by 7,798 (12.6 percent).

We must begin to alleviate the financial burden on reservists, and I believe this bill is an important step in the right direction. However, it is not enough. Simply allowing our reservists to raid their retirement is not the answer.

We must provide better re-enlistment bonuses, we must secure the extension of TRICARE benefits, we must secure the continuation of hazardous duty pay and family separation allowance, and we must continue to push for pay raises for our military families.

In short, we must do everything in our power to compensate our guardsmen and reservists for their unprecedented sacrifice.

## INTRODUCING CASSANDRA TAMEZ'S ESSAY INTO THE CONGRESSIONAL RECORD

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. PAUL. Mr. Speaker, I am pleased to enter into the CONGRESSIONAL RECORD the following essay by Miss Cassandra Tamez, a high school student who resides in my Congressional district. Miss Tamez's essay, entitled "My Commitment to America's Future," earned her a Voice of Democracy Scholarship award from the Veterans of Foreign Wars. I am very proud of Miss Tamez's efforts and I wish her well in her future endeavors.

"MY COMMITMENT TO AMERICA'S FUTURE"

(By Cassandra Tamez)

When I think of the word "commitment," an image of my school's athletic teams pops into my mind. I think of what the coaches used to say during their pep talks before a game, "There's no question about it, we're going to win tonight. I have seen the effort put in by this team . . . We have determination; we have dedication; and we have commitment." My teammates and I would get really "pumped up." We were ready to go out there and win. Looking back now, though, I do not think that as individuals we were truly committed, because commitment is not merely an effort for one game but for every practice and every game.

I think commitment is doing something, whether you have the ability to or not, and sticking with it. Commitment is following through every single day. Commitment is focusing solely on the one thing that you commit yourself to. Commitment is binding yourself to something. It is a pledge.

So with all this in mind I ask myself, what is my commitment to America's future? Should I recycle or join a beautification committee to preserve America? Should I donate money to foundations that help kids? Or perhaps I could pledge my time to hospitals or nursing homes to help the sick people of America . . .

Most people would probably think that my efforts in any of these would make little difference. After all, I am only one person, a speck of sand on a beach.

Recycling . . . Yes, collecting cans and glass bottles would be a Tremendous help. My mother recycles. I went with her one day to help her put all our old newspapers in the recycling bin. I started thinking. How many people are there in the world, billions? Out of all these people, how many recycle? I laughed to myself, probably not that many. My mom was definitely wasting her time.

Donating money . . . I am not rich. How could the amount of money that I give even help one person with cancer or in need of help? I have seen programs on T.V. that talk about saving the life of a child by just donating 88 cents a day. Then I began thinking about how much it costs for me to eat for just one day. I estimated that my food alone costs eight to fifteen dollars. How could a child survive on 88 cents a day? Is it possible?

Pledging my time . . . I used to do volunteer work in a nursing home. I would go there every day during the summer and try and help out however I could. However, I remember this one day that something really horrible happened. I was walking down the hall when all of a sudden this lady started screaming. I looked around, waiting for someone to come running and help her. I waited for about ten seconds, but no one came. I ran towards the nurses' station to see if anyone was on their way. Three of them were just standing there. I knew they could hear the woman screaming . . . I wanted to tell them something, but was it my place? I returned to the woman screaming instead. As soon as I walked in the room she said, "Help me, Honey. Please, it's my leg. I need to move it." I moved forward to help her, but then I hesitated. What if her legs were not supposed to be moved? Could I hurt her if I moved them? By this time I was getting frantic. I told her I would go get someone to help and ran out. I took five steps out the door, and a nurse was standing there, calmly writing on a piece of paper. "Um, I think that lady needs some help", I told her. She looked up in annoyance and shouted to another nurse that she needed something for "The Screamer." I stood there for a moment in shock. They acted as if this woman were just a nuisance. At that moment I felt hatred; clearly that woman was in pain. I did not know what was wrong with her, and I could not help her. There was no point in my being there.

Taking all of my experiences into consideration, I think this is exactly how many other people think; they feel helpless and insignificant. They feel too small to make any real difference in the world. And then I came across this poem by Edward Everette Hale. He said,

I am only one,
But still I am one.
I cannot do everything
But still I can do something.
And because I cannot do everything
I will not refuse to do
The something that I can do.

I have to admit that this poem has inspired me. Because even though I am but one speck of sand on a beach, I know that I am a solid and firm speck, and that there are other specs like me that compose the sand. I am one of many who may carry the optimistic attitude of commitment to America. Once again, I think back to my efforts of recycling, donating money, and pledging my time, and realize that they were not futile efforts at all. When I recycled, I know it was probably only thirty newspapers out of trillions in the world, but what if I recycled once a month? That would be 360 newspapers a year for a lifetime. I might save a beautiful tree or even more. As for donating money, well 88 cents a day from me might not feed a child, but if only nine more people in my state donate 88 cents, then that child has a total of $8.80, my estimate of money needed for a day. Now, as far as pledging my time goes, I do not think my time spent in the nursing home was a complete waste. I did help one patient who was in pain.

So once again, what is my commitment to America's future? My commitment is to "play to my strengths." My commitment is to do my best. Like the patriotic commercials on television say, "We, the children, are America's future," and every bit we can do helps.

## TRIBUTE TO VIOLA PITTS

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. FROST. Mr. Speaker, I rise today to commemorate the late Viola Pitts, an African American leader who made a tremendous impact in the lives of many throughout the North Texas community.

Mrs. Viola Pitts, a native born Texan, spent the vast majority of her life in the heart of Como, a historically black neighborhood in west Fort Worth. Her vigorous efforts to strengthen the voter turn out amongst African Americans, earned her the title of "unofficial mayor of Como." Mrs. Pitts' determination, tenacity and honesty earned her the respect of many top elected public officials in North Texas.

Mrs. Pitts, who was never afraid to confront an issue, worked tirelessly to ensure that the Como community received proper funding for their community center, elementary school, and neighborhood streets. Her selfless contribution to the Como area were recognized and honored in 2000, when Tarrant County officials renamed the new medical clinic to JPS Health Center—Viola M. Pitts/Como.

Mrs. Viola Pitts was truly a civic minded individual who helped make the Fort Worth community a better place to live by simply being active and involved. Hopefully, through her memory we can all continue to draw on these same personal qualities that so many of us have come to respect and admire.

Mr. Speaker, I honor Mrs. Viola Pitts for her lifelong contributions and commitment to the residents of the Fort Worth community.

## HONORING SELMA F. BARTLETT

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. PORTER. Mr. Speaker, it is with great pleasure that I stand here today and honor an individual that has been dedicated to her community for over 50 years. Selma F. Bartlett has been a resident of Henderson Nevada since 1954, when she began working as a banker. In 1958 Selma became one of Nevada's first female bank officers, in which she served in many capacities.

Selma Bartlett has given of her time freely and without reserve to the many business and civic organizations surrounding her in Southern Nevada. She has helped Henderson, Nevada to become what it is today through her service and dedication to the people there. Through continually striving for the progress, success, and growth of Henderson through her support of educational needs within the community, she has been able to win many friends and the respect that only those like her can achieve. Her example will be a lasting one in which all will be able to look to for the future. Children will have the opportunity to attend a school named after Selma in which her example will be a lasting impression upon those that attend the school.

Mr. Speaker, I congratulate Selma Bartlett on her successes and on her dedication to her fellow neighbors and colleagues. I know that she will continue to give to those in her community and I sincerely hope that those around her will see her as an example and learn from her teachings.

## PERSONAL EXPLANATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 118, 119, 120, had I been present I would have voted "yes."

## PAYING TRIBUTE TO THE GORNICK FAMILY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a dedicated family that has provided a tremendous service to the Pueblo community for many years. Rose and Jack Gornick, the original founders of the Gornick Furniture Store, and their sons Jack Jr. and Gene, and now Jack's grandsons Ken and Scott have devoted their time to helping Pueblo citizens improve the decor of their homes. I would like to join my colleagues here today in recognizing their longstanding generosity and creative endeavors before this body of Congress.

What initially began in 1928 as a small but successful grocery store on Northern avenue, has transitioned into a blossoming and prosperous furniture store that has kept generations of customers coming back to furnish their homes. The Gornick family has devoted over eighty years of long hours in the store and at trade shows, taking risks to find the cutting-edge pieces of furniture that will lure customers into their store. Despite the tough years during World War II in the grocery business, and the immense amount of devotion that goes into the furniture business, the family has maintained their Slovenian tradition, which prides itself on providing the customers innovative items with high quality. The family has been able to watch their combined hobby and business interests bear fruit as childhood friends grew up to become loyal customers.

Mr. Speaker it is a privilege to honor the Gornick Family for their many years of dedication to the Pueblo community. They are lucky to inherit and pass along to future generations a wonderful business that gives people a reason to come home to peaceful and relaxing locales that offer salvation from the hectic pace of today's modern world. The Gornick family is truly a gem in the Pueblo community that I hope will long endure as an example of amiable citizens that inspire future generations to work hard and to achieve their dreams. I wish them all the best in their future endeavors, and I thank them for their service.

## RECOGNIZING LANKENAU HOSPITAL

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GERLACH. Mr. Speaker, I rise today to recognize Lankenau Hospital on the 50th anniversary of its move to Wynnewood, Pennsylvania and for its 50 years of dedication and service to the Wynnewood community.

Established in 1860, Lankenau Hospital is an acute care teaching hospital with an affiliated medical research center on its campus. In 1953, Lankenau moved to its present location in Wynnewood, Pennsylvania where it continues its contribution to the overall quality of life in communities throughout the entire Delaware Valley.

Lankenau Hospital is known for its pioneering vision in the field of medicine. Its specialties include: a heart center, a neonatal intensive care unit, accredited sleep medicine services and a cancer center. Lankenau Hospital offered the first cobalt radiation unit in the Philadelphia area and the fourth in the country. It opened the first hospital-based health education museum in the country, while also creating the first suburban kidney transplant program (now in its tenth year) and the area's first suburban heart failure and transplant program which recently performed its first transplant on a patient from Philadelphia.

Above all, Lankenau Hospital has a history of an outstanding medical staff, including physicians who are internationally-recognized innovators in the treatment of cancer, heart disease, kidney disease, and other disorders. For example, it was a Lankenau physician who developed the first digital hearing aid. The Hospital is proud to have served hundreds of thousands of patients during the past 50 years in Wynnewood. The community has benefited greatly from the outstanding contributions of Lankenau Hospital and its staff and area citizens, look forward to a bright future of medical achievement and service.

Mr. Speaker, I ask that my colleagues join me today in recognizing Lankenau Hospital for its 50 years of exemplary service to the Wynnewood community and the Commonwealth of Pennsylvania.

## RECOGNIZING SPECIALIST ENRIQUE ALVARADO

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize U.S. Army Specialist Enrique Alvarado, a resident of the 28th district of Texas and, most importantly, a returning hero from Operation Iraqi Freedom.

Specialist Alvarado grew up in Villa Coronado on San Antonio's Southside and graduated from Southside High School in 1993. In 1999, Specialist Alvarado enlisted in the US Army and was assigned as a Cavalry Scout in Iraq with the Scout Platoon of the 2nd Battalion 7th Infantry Regiment, 3rd Infantry Division based in Fort Stewart, Georgia.

In Operation Iraqi Freedom, Alvarado served courageously with his fellow soldiers of the 3rd Infantry Division who, along with its supporting units, was awarded the Presidential Unit Citation. During Operation Iraqi Freedom, the division defeated or destroyed four Republican Guard Divisions, one Iraqi Regular Army Division, three Special Republican Guard Brigades, and thousands of paramilitary forces.

Individually, Specialist Alvarado received an Army Commendation Medal (ARCOM) for his service in Iraqi Freedom and a Certificate for Order of the Golden Spur. Specialist Alvarado has also been nominated for the prestigious Soldiers Medal for rescuing a fellow soldier in Iraq.

Specialist Alvarado now resides in San Antonio and serves in the Garrison Headquarters at Fort Sam Houston. He has been happily married for six years and has three children.

Specialist Alvarado served and continues to serve our country valiantly. Mr. Speaker, it is my great honor to recognize him today.

## TRIBUTE TO REVEREND LACY R. HARWELL SR.

### HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Reverend Lacy R. Harwell Sr., a man who faithfully dedicated his life to serving his family, his congregation, his community and his country.

The City of St. Petersburg was blessed with Rev. Harwell's talents starting in 1969 when he came to serve as senior pastor at Maximo Presbyterian Church. For a quarter of a century, Rev. Harwell guided his congregation and ministered to the poor and downtrodden.

Rev. Harwell worked to establish substance abuse programs in the community. As a member of the board of Bayfront Medical Center, he fought for better health care services for the poor.

As St. Petersburg struggled with racial conflicts, Rev. Harwell worked to unify the community. In the 1970s, after the Pinellas County School Board ordered the busing of school children to further integrate public schools, Rev. Harwell, who served on the School Board's Bi-racial Committee, called a special meeting of his congregation to encourage parents to support public education and to refrain from pulling their students out of the schools.

Rev. Harwell ministered to his community in countless other ways. He was a chaplain and student government adviser at the University of Florida, a charter member of the Community Alliance, and he served on the boards of trustees for Eckerd College, St. Petersburg Junior College and the Presbytery of Southwest Florida. In 1986, the local chapter of the National Conference of Christians and Jews honored Rev. Harwell for his "strong commitment to interfaith service and community involvement."

Before entering the ministry, Rev. Harwell served his country in the U.S. Coast Guard and then as a chaplain in the U.S. Naval Reserve. By the time he retired as a Captain in 1986, he had earned the USNR American Defense Medal, Armed Forces Reserve Medal, and the USCG Commendation Medal.

The citizens of St. Petersburg, as well as Philadelphia, where Rev. Harwell had also ministered, were very fortunate to have him as a devoted servant. On behalf of our community, I would like to extend my deepest sympathies to Rev. Harwell's family.

## PAYING TRIBUTE TO THE DENT FAMILY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a dedicated family that has been servicing the cars of residents in the Pueblo, Colorado community for many years. James Dent and his sons Dan, Josh and Roland Dent along with brother-in-law Dave Humphries, have devoted their time to providing a valuable customer service. I would like to join my colleagues here today in recognizing their generosity and longstanding commitment before this body of Congress.

For over fifty years, the Dent Brothers service station at the corner of Abriendo Avenue and Lincoln Street in Pueblo have given their customers a true full service visit, including cleaning the windows, checking the oil and tires—not to mention pumping the gas. The dedication and warmth of the Dent Family has kept generations of loyal customers coming back to their station. The Dent family has devoted over fifty years of long hours at the station despite inclement weather conditions and the occasional customer mishap or prank. The immense amount of devotion that goes into the family business has helped to send all twelve children through Catholic schools with the money earned from the store.

Mr. Speaker it is an honor to recognize the Dent Family for their many years of dedication and commitment to their community. They are lucky to inherit and pass along such a wonderful business to future family members. The Dent family is a wonderful part of the Pueblo community, and they serve as an example of hard work to inspire future generations. I wish them all the best in their future endeavors and I thank them for their service.

## RECOGNIZING THE MONTGOMERY COUNTY-NORRISTOWN PUBLIC LIBRARY

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GERLACH. Mr. Speaker, I rise today to recognize the Montgomery County-Norristown Public Library on its 210th anniversary.

The Montgomery County-Norristown Public Library was founded in 1793 as the ''Norristown Library Company'' by 90 families residing in Lower Merion, Norriton, Plymouth, Providence, Whitemarch, Whitpain, and Worcester Townships in Pennsylvania. The Library was formally incorporated in 1796. One of the signers of the Library's new charter was Pennsylvania Supreme Court Justice Thomas McKean, who was one of the original signers of the Declaration of Independence.

The first library building was constructed in 1824 on land given by the Pawling family members, who were among the Library's founders. The cost of construction was $153.43.

From 1898 through 1937, the Royersford Free Public Library, the Conshohocken Free Public Library, the Schwenksville Library, and the McCann Library were founded and all went on to eventually become branches of the Montgomery County-Norristown Public Library.

In 1942, the Library officially changed its name to the Norristown Public Library with the financial backing of the Norristown Borough Council. The name was changed again in 1968 when it merged with the Montgomery County Free Library. The Library was then given its present title of the Montgomery County-Norristown Public Library.

In addition to the Library's impressive growth throughout the years, the Library has a history of contribution to the community. The Library established the Backyard Library Van program, along with launching programs like the ''Mini-Bookmobile'' for senior citizens, and ''Books-Go-Round,'' a bookmobile for children in day care.

In 2001, the ''Books and Me'' program began at the Library under a grant from the Institute of Museum and Library Services under the provisions of the Library Services and Technology Act administered by the Commonwealth of Pennsylvania.

Mr. Speaker, I ask that my colleagues join me today in recognizing the Montgomery County-Norristown Public Library for its exemplary service to the Montgomery County community and the Commonwealth of Pennsylvania.

## RECOGNIZING LIEUTENANT COLONEL (RETIRED) CONSUELO CASTILLO KICKBUSCH

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Lieutenant Colonel (Retired) Consuelo Castillo Kickbusch for her efforts to motivate and encourage youth across the country. I am especially proud of her work with the U.S. Army's Yo Soy El Army Tour.

Born and raised in Laredo, Texas, LTC Kickbusch overcame the challenges of poverty to become the highest-ranking Hispanic woman in the Combat Support Field of the United States Army. LTC Kickbusch earned many decorations during her service, including the Legion of Merit, the National Defense Service Medal, Meritorious Service Medal (four times), and the Army Achievement Medal (twice).

In 1996, LTC Kickbusch retired from the U.S. Army after 22 years of service. She moved to San Antonio and founded Educational Achievement Services, Inc. (EAS). Through EAS, LTC Kickbusch has realized her dream of impacting others and serves as a motivational speaker to audiences ranging from corporations like IBM to children living in some of the roughest neighborhoods in the country.

LTC Kickbusch encourages all of her audiences to perform to the best of their abilities, give back to their families and communities, and to never give up hope. LTC Kickbusch also promotes among her corporate clients the value diversity brings to the workplace.

Her ability to connect to audiences and deliver these important messages has earned LTC Kickbusch numerous awards, such as the Latina Leadership Excellence Award from the US Army and Hispanic Magazine and the 2002 Women at their Best Award from Saturn and Glamour. Recently, Hispanic Business named LTC Kickbusch in their list of the 100 Most Influential Hispanics in America.

For the past three years, LTC Kickbusch has traveled the country speaking to youth through the Yo Soy El Army National Motivational Youth Tour. This program reaches out to Hispanic youth who face many of the challenges encountered by LTC Kickbusch growing up in Laredo. LTC Kickbusch offers them a positive role model who can identify with the everyday struggles these young people face. She offers a message that promotes leadership, determination, and integrity.

Mr. Speaker, I am proud to represent such a hard-working, dedicated individual as LTC Kickbusch. The immeasurable impact she has made on our nation's youth deserves the highest praise.

## TRIBUTE TO CIRCUIT JUDGE ROBERT J. SIMMS

### HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Circuit Judge Robert J. Simms, a dedicated public servant, whose sudden death has left his Hillsborough County colleagues and our entire community in shock and mourning.

Judge Simms presided over a host of high-profile civil, criminal and family law cases during his time on the bench, but whether the cases were closely watched or obscure, Judge Simms always strived to do his best and skillfully upheld the highest standards of justice.

A University of South Florida and Stetson College of Law graduate, Judge Simms worked as a prosecutor for the Pinellas-Pasco and Hillsborough State Attorney offices, then as a criminal defense lawyer before being elected in 1990. He had been reelected to the bench in 2002.

Judge Simms served both on the Judicial Liaison Committee for the Hillsborough County Bar Association and as an adjunct professor for the paralegal program at Hillsborough Community College. However, Judge Simms' colleagues will remember him best for his patient, unassuming and kind demeanor on and off the bench. He was a judge's judge and a powerful example to all who knew him.

On behalf of the Hillsborough County community, I would like to extend my deepest sympathies to Judge Simms' family. His dedication to service and justice will leave a lasting impression on our community and those who strive to serve justice as well as he did.

## PAYING TRIBUTE TO JACK OTT

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a dedicated forester and Korean War veteran from

Mancos, Colorado. Jack Ott has devoted the majority of his life to preserving our nation's forests. His enthusiasm spirals throughout the community, as he encourages others to respect their environment. I would like to join my colleagues here today in recognizing Jack's tremendous service to the Mancos community.

Jack has recently been recognized by the San Juan Chapter of the Society of American Foresters for his fifty year membership in the organization. After graduating from Michigan State University in 1952, he joined the U.S. Forest Service, spending thirty years in the Rocky Mountain Region. Jack began his service to this nation in the Korean War and today is a life member of the Veterans of Foreign Wars and National Rifle Association. He is also an active member of the community, serving as the Treasurer of the Mancos Masonic Lodge and a dynamic member of the Mancos United Methodist Church.

Mr. Speaker, Jack Ott is a dedicated individual who uses his talent to enrich the lives of members of his Mancos community. Jack has demonstrated a love for forestry that resonates in his compassionate and selfless service to his town. Jack's enthusiasm and commitment to this nation certainly deserves the recognition of this body of Congress and this nation. I wish him all the best in his future endeavors.

## RECOGNIZING THE NURSES OF MONTGOMERY HOSPITAL ON THE OCCASION OF NATIONAL NURSES WEEK

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GERLACH. Mr. Speaker, I rise today to commend the hard-working nurses of Montgomery Hospital in Norristown, Pennsylvania in anticipation of the upcoming National Nurses Week from May 6–12, 2004.

Though National Nurses Week gives us an opportunity to celebrate all nurses in this country, particularly those serving in the armed forces, I want to specially recognize the nursing staff and nursing leadership of Montgomery Hospital in Norristown, Pennsylvania. Their tireless commitment to providing quality care is exemplary and I want to say ''thank you'' on behalf of the people of the Norristown area and Montgomery County, Pennsylvania.

Outside of Philadelphia, Montgomery Hospital is the oldest general hospital in Southeastern Pennsylvania. The original hospital was located in a vacant school at Powell and Basin Streets in Norristown. Originally named ''Charity Hospital of Montgomery County,'' the Hospital opened its doors on January 1, 1891 with a staff of just six. Today, Montgomery Hospital Medical Center occupies two city blocks in the heart of Norristown. It is Norristown's largest private sector employer with over 1,300 individuals on staff. The entire staff at Montgomery Hospital, including its nurses, remains committed to providing the highest quality of care to all their patients.

As Montgomery Hospital has changed, so has the nursing profession. Nurses today require more and more training and education. Their jobs are also much more specialized. In fact, 49 states now allow advanced practice nurses to prescribe medications. In the future, as our healthcare systems continue to evolve, I am certain the nursing profession will as well. One thing is clear, nurses will play a vital role in the future of healthcare in America.

Today, there are nearly 2.7 million registered nurses in the United States. These nurses are working every day to save lives and maintain the health of millions of Americans. As a profession, they are one of the most respected and admired for their hard work and commitment to their fellow citizens.

Mr. Speaker, National Nurses Week is an appropriate way to honor the work of all our nation's nurses and I urge my colleagues to join me in this regard. And to the dedicated nurses at Montgomery Hospital, I say thank you for your efforts.

## CELEBRATING EARTH DAY 2004

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. RODRIGUEZ. Mr. Speaker, I rise to today to acknowledge today, April 22, as Earth Day 2004. It is a day for Americans to recognize our responsibility to protect our environment and enhance our quality of life. Our air, water, land and other natural resources sustain human life, and it is our duty as stewards of this planet to safeguard these resources for us and for future generations.

With the growth of eco-tourism, environmental protection and economic growth can both advance together. Protecting sensitive land not only preserves our natural heritage but enhances the value of surrounding areas and our quality of life. In South Texas I have helped protect numerous natural resources that grace this region. I secured funding to expand the Lower Rio Grande Valley National Wildlife Refugee and the Texas World Birding Center in Roma, Texas, and I continue to lead and support efforts to complete the Missions Trail in San Antonio and the Camino Real de los Tejas National Historic Trail. In addition, I have supported legislation such as the Yellowstone Protection Act and the National Forest Roadless Area Conservation Act to protect our precious national lands. Protecting these valuable resources is important, contributes to a healthy ecosystem, and provides enjoyment and recreation to hundreds of thousands of visitors annually.

I encourage every Texan to take a moment today to appreciate the natural beauty of our state and also to consider taking actions that can decrease pollution. Simple actions such as recycling, car-pooling, and turning off the television when no one is watching can contribute to large pollution reductions. Working with the entire community, individuals can help reduce pollution in Texas. Decreasing pollution levels can improve the lives of Texans and all Americans by reducing the number of pollution induced illnesses, such as asthma and cancer. Put simply, lowering pollution saves lives and increases economic productivity.

As a nation, we are moving in the right direction. Pollution levels have greatly decreased since the first Earth Day in 1970, and we continue to achieve greater pollution control. I will continue fighting to reduce pollution and to protect our natural resources while building for a bright economic future. I believe that environmentalists and businesses can unite to develop strategies that can respect our health, ecosystem, and promote economic growth, and I look forward to achieving that goal.

## TRIBUTE TO BUSTER AGLIANO

### HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Buster Agliano, an Ybor City icon, who recently lost his battle with cancer.

Buster was a well loved fixture in the Ybor community. His family-owned seafood market, S. Agliano and Sons Fish Co., remained open for business long after other shops had abandoned the Latin Quarter to make way for bars and nightclubs. The market, founded in 1915 by Buster's grandfather, had since turned its focus to wholesale business, but Buster always kept the front case stocked for his loyal customers, and he will be fondly remembered for offering his seafood on credit to those facing hard times. Buster could have sold his business for a hefty profit long ago, but Buster would never have sold out his customers and community to cash in for himself.

Buster's fish market was equally well known for the political debates that played out in the front of the shop. Everyone who was anyone in Tampa's political scene would join in Buster's informal gatherings to talk shop. In Tampa's political world, Buster was enormously respected as a source of advice and counsel, and as a result, local politicians always sought his support.

Buster was easy to love and easy to respect. His warmth always shone through his generosity, his love of family, his dedication to serving his community and his persistent positive attitude. I am honored to have called Buster my friend.

On behalf of the entire Tampa Bay community, I extend my deepest sympathies to Buster's family. Buster's legacy in Ybor City and in our hearts will not be forgotten. He was one of a kind, and everyone who called Buster his or her friend is a better person for having known him.

## PAYING TRIBUTE TO GARY THOMAS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Gary Thomas on his recent retirement from the Daily Sentinel in Grand Junction, Colorado after nearly forty years of service as a prepress worker. His behind the scenes efforts have helped to ensure the high quality that Grand Junction residents have come to expect from their newspaper, and it is my privilege to pay tribute to his outstanding career today.

During his career, which began in the days when operating a press was truly dangerous work, Gary has seen many changes, including

four different publishers. Gary's dedication to the paper was most prevalent when the Sentinel burned down in 1974. To ensure the paper was still delivered on time he drove daily to Glenwood Springs to print the paper between shifts clearing the rubble from the fire. After 14 years as a pressman, Gary moved to the camera department, preparing photos for printing. His hard work and skills helped establish the Sentinel's reputation for superb color photography.

Mr. Speaker, I am honored to bring the career of Gary Thomas to the attention of this body of Congress and this Nation. I would like to congratulate him on an outstanding career. His tireless work has been crucial in ensuring the quality of the Daily Sentinel, and I would like to wish him the best in his retirement.

## CYPRUS SETTLEMENT

### HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MEEHAN. Mr. Speaker, I rise today to express my strong support for a just, lasting, and comprehensive settlement on Cyprus that protects the rights of Turkish and Greek Cypriots alike.

As the people of Cyprus head to the polls on April 24th to vote on the settlement plan put forth by United Nations Secretary General Kofi Annan, I am concerned that numerous provisions in the proposal fail to uphold the fundamental rights of the Greek Cypriot community.

Since Turkey's invasion and illegal occupation of northern Cyprus in 1974, the government of Cyprus has vigorously pursued efforts to reunify the island through an equitable and viable settlement. While the Turkish Cypriot government under the leadership of Rauf Denktash has repeatedly stonewalled negotiations, the commitment of Greek-Cypriots to a unified Cyprus has been unwavering.

The Annan plan, which was originally drafted by the Secretary General in November of 2002, has undergone five major revisions to accommodate the demands of Mr. Denktash. I'm concerned that the proposal sacrifices too many of the Greek Cypriots' needs in return for Mr. Denktash's acquiescence.

The Annan plan would authorize Turkish troops to remain in Cyprus indefinitely, threatening the security and stability of the island. While the number of troops would gradually decrease to 650 over a period of 14 years, their continuing presence and intervention rights would prevent Cyprus from achieving full sovereignty.

I am also concerned that the Annan plan would continue to allow Turkish settlers to illegally occupy northern Cyprus. Numerous U.N. Security Council resolutions have called for the withdrawal of all Turkish settlers from Cyprus, yet the Annan plan would permit 45,000 settlers to receive automatic citizenship rights within the United Cyprus Republic and additional settlers to remain on the island as permanent residents.

Moreover, the Annan plan imposes tough restrictions on the right of displaced Greek-Cypriots to return to their homes. The agreement would prohibit Greek-Cypriots from accounting for more than eighteen percent of the population of the Turkish Cypriot Constituent State for the first nineteen years, or until Turkey accedes to the European Union, even though it is their native soil. These Greek-Cypriots would not have the right to vote for representatives in the federal Senate, further denying fundamental rights to many citizens.

Finally, the Annan plan fails to adequately compensate displaced Greek-Cypriots for the loss of their property. According to the plan, 90 percent of the compensation from the federal State would be paid for by Greek-Cypriots, meaning that Greek-Cypriot taxpayers are forced to pay for the loss of their own property.

The Annan plan is a positive starting point on the path toward a negotiated settlement, but it is not an ending point. In order for a solution to the Cyprus problem to succeed, the rights of both parties must be equally guaranteed.

## TRIBUTE TO PATRICK J. EIDING

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. BRADY of Pennsylvania. Mr. Speaker, it is my privilege to highlight the accomplishments of a Philadelphia labor legend, Mr. Patrick J. Eiding. Mr. Eiding is President of the Philadelphia Council of the AFL–CIO and a representative of the working man and woman. He has effectively and consistently fought for the rights of the great citizens of Philadelphia.

Mr. Eiding rose through the ranks of leadership throughout his career, holding positions such as President of the Asbestos Workers Middle Atlantic States Conference and President of the Mechanical Trades Council in Philadelphia and New Jersey. He currently serves as an official for both the Pennsylvania and Philadelphia Building Trades Councils, as well as the Pennsylvania AFL–CIO.

Mr. Eiding represents the interests of working families through his involvement on numerous labor boards and commissions. He cochairs the Philadelphia Area Labor Management and serves as Commissioner for the Philadelphia Housing Authority and the Philadelphia Planning Commission. He is a member of the Executive Committee for the Philadelphia Workforce Investment Board and sits on the Board of Directors for organizations such as the United Way of Southeastern Pennsylvania and the Multiple Sclerosis Society.

Since being elected President of the Philadelphia Council AFL–CIO, Mr. Eiding has spread the message of the working family, cohosting the weekly ''Labor to Neighbor'' radio show whose goal is to educate listeners on the issues affecting the current working family and to voice the needs and opinions of the community.

I ask you and my other distinguished colleagues to join me in commending Mr. Patrick Eiding for his career of service and dedication to the working families of Pennsylvania's First Congressional District.

## PAYING TRIBUTE TO SHAWNA VALDEZ

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise today to recognize Shawna Valdez for her selfless dedication to the community of Dolores, Colorado, and congratulate her on being recognized by the Dolores Chamber of Commerce as their 2004 Citizen of the Year. The award is presented to an individual who has shown an outstanding commitment to the Dolores community, and Shawna could not be a more worthy recipient. It is a privilege to pay tribute to Shawna for her well-deserved award, and her ongoing efforts to better her community.

A lifelong resident of Dolores, Shawna participates in a vast array of civic functions in her community. A past president of the Dolores Chamber of Commerce, she currently serves as a member of their board of directors. She also serves on the board of the Community Center, the McPhee Lake Planning Committee, and is a member of the Dolores Library Board. Dolores is also an active member of the local Methodist Church and Dolores Rotary Club, and is a past member of the local school Accountability Committee and the Booster Club. Her enthusiasm for taking part in these organizations comes from the joy she receives in giving back to the community she loves.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Shawna Valdez before this body of Congress and this Nation. Her efforts to strengthen her community are truly remarkable, and the recognition she received from the Dolores Chamber of Commerce as their 2004 Citizen of the Year is a well-deserved testament to her tireless efforts. I sincerely thank Shawna for her service, and wish her the best in her future endeavors.

## HONORING THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

### HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MEEHAN. Mr. Speaker, I rise to commemorate the 89th anniversary of the Armenian Genocide, in which 1.5 million Armenian men, women, and children were brutally massacred by the Ottoman Turk regime. The Armenian Genocide was one of the darkest tragedies in human history, one that must never be forgotten.

On April 24, 1915, nearly three hundred Armenian intellectuals and political leaders were rounded up, deported and executed under the orders of the Ottoman Turk Regime, marking the beginning of the first genocide of the 20th century. Later that day, 5,000 more Armenians were slaughtered in their homes and on the streets. For 5 years, the brutal regime carried out the systematic destruction of the Armenian people through forced labor, concentration camps, and death marches, until millions were dead or exiled.

As we look back on the bloodshed and atrocities committed against the Armenian people, we must recognize the event for the genocide that it was. As Henry Morgenthau, Sr., the former Ambassador to the Ottoman Empire stated, ''I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

To deny this truth is to tarnish the memories of the millions of Armenians who lost their lives to ethnic cleansing. As a member of the Congressional Armenian Caucus, I have joined my colleagues in sending a letter to President Bush urging him to acknowledge the Armenian Genocide during his April 24th commemoration address. By drawing attention to the legacy of this genocide, we can strengthen our resolve to prevent future human tragedies of this kind.

I am proud to represent a large and vibrant Armenian community in the Fifth Congressional District of Massachusetts. Every year, survivors and their descendants make public and vivid the hidden details of the Armenian Genocide as they participate in commemoration ceremonies across the Merrimack Valley. In my hometown of Lowell, the Armenian-American Veterans Honor Guard will lead a procession to City Hall for a flag raising ceremony in recognition of the 89th anniversary of the genocide. The commemoration offers participants an opportunity to remind the world of the tragedy that befell Armenians of the Ottoman Empire.

I am honored to add my voice to those of my colleagues today in commemorating the Armenian Genocide. We will never forget the truth.

## TRIBUTE TO MR. WILLIAM GALBRAITH

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a respected member of the Philadelphia community. Mr. William Galbraith recently turned 90 years young.

Mr. Galbraith celebrated his 90th birthday this April 14, 2004. He has led an exemplary life filled with admirable achievements. Whether it be graduating from the Philadelphia College of Textiles and Science or becoming the head of a carpet mill, Mr. Galbraith has been an exemplary figure for our great city.

This nonagenarian wisely has continued to show a real zest for life. Until recently, Mr. Galbraith remained an avid golfer, skier, and tennis player. He has traveled extensively including a trip to China to teach workers how to use mill equipment.

Married to Anna, Mr. Galbraith's family includes his nephew Clyde Galbraith and his niece Joyce Burke. I am quite sure his entire family is very proud of his numerous accomplishments.

Along with her family and friends, I ask that you and my other distinguished colleagues join me in congratulating Mr. William Galbraith during his 90th birthday celebration.

## PAYING TRIBUTE TO TIMOTHY LEACH

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you today to pay tribute to the life of Timothy Brooks Leach of Aspen, Colorado, who passed away recently from injuries sustained in a skiing accident at the age of 27. Tim was a man deeply devoted to his family, and his job as a psychotherapist. His kindness, intelligence and work ethic, along with his strong desire to help others, gained him the reputation as a respected professional. His loss at such a young age will be deeply felt by his family and the community of Aspen.

Tim, a native of Charlottesville, Virginia, earned his bachelor's degree from the University of Virginia in 1998, and subsequently earned his master's from Virginia Commonwealth University in 2000. After earning his degree, he worked as a counselor for Commonwealth Catholic Charities in Richmond.

In 2002, Tim and his wife Amy moved to Aspen. Tim eagerly took on a variety of challenging counseling positions: opening Leach and Leach Psychotherapy with his mother Clare, taking a position on the emergency-crisis counseling team at Aspen Counseling Services, and leading DUI classes and other rehabilitative programs. Despite his workload, Tim always managed to devote time to his beloved family.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation and pay tribute to the life and memory of Timothy Brooks Leach. He dedicated his life to his family, to the service of his community, and to his profession. His passing is a great loss to the town of Aspen and the State of Colorado. My thoughts are with his loved ones during this difficult time of bereavement.

## A MESSAGE TO THE PEOPLE OF CYPRUS

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, I rise today to speak about the upcoming elections on the Annan Plan in Cyprus to be held on Saturday April 24, 2004.

I wish to make it clear that there should be no pressure on the outcome of these elections. If the Greek or Turkish Cypriots reject the Annan Plan, then negotiations will ultimately continue. This vote will not be the last chance to have a reunited Cyprus.

The goal of the process must be to attain a just and lasting solution, not a rushed solution. I know the people of Cyprus are being made to feel that this is the only way to achieve a solution, but that is not true. This is the way to achieve a pressured solution. In the end, it may be too much to ask that concerns that have been unresolved for 30 years be effectively settled in a process that lasted less than 3 months.

I encourage each and every eligible Cypriot voter to cast a free ballot on Saturday. Please vote for your beliefs, not the beliefs of others. The great privilege of free and fair elections is that they are just that, free and fair. Vote freely and for what you think is fair. If that is 'no', do not believe that this is the end of negotiations. They will continue, because a lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon, now or ever.

Mr. Speaker, I myself have very serious reservations about the Annan Plan that I have expressed in writing to both General Secretary Annan and Secretary Colin Powell. I ask unanimous consent that these letters be introduced into the RECORD immediately following my remarks.

Regardless of my personal reservations, it is the people of Cyprus who will vote on Saturday. I hope every Cypriot realizes that they need to vote for what they believe. They must understand that, while we are interested in the outcome, there can be no pressure on them. We will accept any outcome so long as the elections are free and fair.

Have no fear, people of Cyprus, your friends will never abandon you.

U.S. CONGRESS,
*Washington, DC, March 23, 2004.*

Hon. COLIN L. POWELL,
*Secretary of State, U.S. Department of State, Washington, DC.*

DEAR SECRETARY POWELL: We want to thank you for your active engagement in the issues and negotiations that concern the reunification of the Republic of Cyprus. As you know, negotiations between the Greek and Turkish Cypriots are currently being conducted under the framework outlined by UN Secretary General Kofi Annan on February 13, 2004.

While we applaud both Greek and Turkish Cypriots for agreeing to negotiate the important issues affecting the future of a reunited Cyprus, we believe the timeframe outlined by the Annan Plan is too compressed. Under the Annan Plan, there is a deadline for the people of Cyprus to vote on a referendum concerning the future of Cyprus on April 20, 2004.

As you know, the people of Cyprus have been struggling with issues related to the division and reunification of Cyprus for 30 years. It is difficult for us to believe that concerns that have been unresolved for 30 years can be effectively and permanently settled in negotiations that are scheduled to be completed in less than three months.

It is our belief that a solution should come through comprehensive negotiations that do not force the citizens of Cyprus to vote on a referendum that may be perceived as an ultimatum. It is also our firm belief that the people of Cyprus will not approve any plan they are pressured to accept.

It is in the best interest of a permanent, peaceful solution for Cyprus that the important negotiations between Greek and Turkish Cypriots be given an adequate amount of time to decide these issues. Mr. Secretary, we respectfully request that you use your influence to ensure that the people of Cyprus are given a longer, more appropriate, schedule in order to ensure that all issues affecting the reunification of Cyprus are settled to the satisfaction of all concerned. The reunification of Cyprus should be settled through comprehensive negotiations that do not impose an arbitrary time constraint on the affected parties.

We appreciate the support that you have provided to the efforts of the UN Secretary General in resuming the Cyprus talks and your personal commitment and involvement in the process. We urge you to continue to

use your diplomatic abilities for reaching a just, functional and viable settlement in Cyprus.

Sincerely,

LINCOLN DIAZ-BALART.
ILEANA ROS-LEHTINEN.
MARIO DIAZ-BALART.

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U.S. CONGRESS,
*Washington, DC, March 19, 2004.*

Hon. COLIN POWELL,
*Secretary of State, Department of State, Washington, DC.*

DEAR SECRETARY POWELL: We are writing to express our concerns on certain key issues, which are currently being discussed under the auspices of the United Nations (UN) as part of the Annan plan, for the reunification of Cyprus.

It is with great satisfaction that we learned of the resumption of the direct UN sponsored Cyprus talks. The commitment of the parties to negotiate within a specific time framework and on the basis of the Annan plan with the aim of reuniting the island before May 1, 2004, is of immense importance. It is our sincere wish and hope that Cyprus will join the European Union as a reunited country.

There are certain provisions in the current Annan plan that could render it unworkable and should be revised. We feel that the United States must help the UN reach a fair and viable agreement that will lead to a strong endorsement by the people of Cyprus. We must secure for the people of Cyprus a democratic system of governance based on the rule of law and the ideals that guide our own democracy.

It is our firm belief that in order to achieve this goal the Administration must promote, within the framework of the Cyprus talks, the following proposals:

(1) It is absolutely necessary that all legal obligations of the guarantor powers (Turkey, Greece, UK), including the security aspects, be in place prior to the two simultaneous referenda that will be held on April 20 by the two communities in Cyprus. In addition, all federal laws and no national agreements have to be completed and agreed before the referenda. The people of Cyprus must have a completed accord to consider so they fully understand what they are voting to approve our disapprove. Furthermore, the federal government of the United Cyprus Republic will have to be able to function immediately and effectively after the new state of affairs is established. It is, therefore, essential that the final accord be readily implemented and self-executing.

(2) The Annan plan proposes a highly complicated system for resolving property issues that may force rightful owners to give up their property rights. It is essential that the agreed system for resolving property issues be consistent with the European Convention on Human Rights and international law.

(3) The agreed number of settlers from Turkey that will remain in Cyprus must be clearly defined. This number should be as low as possible and a fair immigration structure should be developed.

(4) During the transitional period, the land that will be returned to the Greek Cypriot side must come under the control of the United Nations so that the process of retuning this land and the resettlement of the refugees will be irreversible.

(5) The Annan plan calls for the full demilitarization of both, Greek-Cypriot and Turkish-Cypriot sides, so it makes no sense for troops from Greece and Turkey to remain in Cyprus indefinitely. The U.S. should insist that security arrangements in Cyprus be enhanced through an enlarged UN force mandated by the UN Security Council.

The achievement of a genuine resolution to the Cyprus issue is in the interest of the United States and should therefore be energetically pursued. As you have stated, a lasting peace will benefit the people of Cyprus, Greece, and Turkey and at the same time serves American interests in the region. The division of Cyprus and its people must come to an end once and for all. A comprehensive settlement appears possible and Cyprus, a good friend and strong ally of the United States, deserves a bright future as a reunited country in the European Union. The United States should help to make this happen.

We appreciate the support that you have provided to the efforts of the UN Secretary General in resuming the Cyprus talks and your personal commitment and involvement in the process. We urge the administration to continue to use all its diplomatic leverage for reaching a just, functional and viable settlement in Cyprus.

Sincerely yours,

MICHAEL BILIRAKIS,
CAROLYN MALONEY,
ILEANA ROS-LEHTINEN,
LINCOLN DIAZ-BALART,
ROBERT MENENDEZ,
GEORGE RADANOVICH,
*Members of Congress.*

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U.S. CONGRESS,
*Washington, DC, March 19, 2004.*

Hon. KOFI ANNAN,
*Secretary General, United Nations, New York, NY.*

DEAR SECRETARY ANNAN: We are writing to express our concerns on certain key issues which are currently being discussed under the auspices of the United Nations (UN) as part of the Annan plan for the reunification of Cyprus.

It is with great satisfaction that we learned of the resumption of the direct UN sponsored Cyprus talks. The commitment of the parties to negotiate within a specific time framework and on the basis of the Annan plan with the aim of reuniting the island before May 1, 2004, is of immense importance. It is our sincere wish and hope that Cyprus will join the European Union as a reunited country.

There are certain provisions in the current Annan plan that could render it unworkable and should be revised. We feel that reaching a fair and viable agreement will lead to a strong endorsement by the people of Cyprus. We must secure for the people of Cyprus a democratic system of governance based on the rule of law and the ideals that guide our own democracy.

It is our firm belief that in order to achieve this goal your office must promote, within the framework of the Cyprus talks, the following proposals:

(1) It is absolutely necessary that all legal obligations of the guarantor powers (Turkey, Greece, UK), including the security aspects, be in place prior to the two simultaneous referenda that will be held on April 20 by the two communities in Cyprus. In addition, all federal laws and international agreements have to be completed and agreed before the referenda. The people of Cyprus must have a completed accord to consider so they fully understand what they are voting to approve or disapprove. Furthermore, the federal government of the United Cyprus Republic will have to be able to function immediately and effectively after the new state of affairs is established. It is, therefore, essential that the final accord be readily implemented and self-executing.

(2) The Annan plan proposes a highly complicated system for resolving property issues that may force rightful owners to give up their property rights. It is essential that the agreed system for resolving property issues be consistent with the European Convention on Human Rights and international law.

(3) The agreed number of settlers from Turkey that will remain in Cyprus must be clearly defined. This number should be as low as possible and a fair immigration structure should be developed.

(4) During the transitional period, the land that will be returned to the Greek Cypriot side must come under the control of the United Nations so that the process of returning this land and the resettlement of the refugees will be irreversible.

(5) The Annan plan calls for the full demilitarization of both, Greek-Cypriot and Turkish-Cypriot sides, so it makes no sense for troops from Greece and Turkey to remain in Cyprus indefinitely. We believe that security arrangements in Cyprus be enhanced through an enlarged UN force mandated by the UN Security Council.

This historic opportunity for solving the Cyprus issue must be energetically pursued. We believe that a lasting peace will benefit the people of Cyprus, Greece, and Turkey. The division of Cyprus and its people must come to an end once and for all. A comprehensive settlement appears possible and Cyprus deserves a bright future as a reunited country in the European Union.

We appreciate your efforts in the resumption of the Cyprus talks. We also welcome your personal commitment and involvement in the process. We are sure that you are committed to reaching a just, functional and viable settlement in Cyprus.

Sincerely yours,

MICHAEL BILIRAKIS,
CAROLYN MALONEY,
ILEANA ROS-LEHTINEN,
LINCOLN DIAZ-BALART,
ROBERT MENENDEZ,
GEORGE RADANOVICH,
*Members of Congress.*

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## ON THE PASSING OF JUDGE JOHN R. PERRY

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. DINGELL. Mr. Speaker, I rise today with heartfelt sadness to acknowledge the death of a great public servant to the State of Michigan. On April 12, 2004, Judge John R. Perry was killed by a hit-and-run driver while walking home. John Perry was known for his passion for the law and for the legal process and for the enthusiasm and commitment he brought to his family and his community.

Judge Perry was born in Wyandotte, MI on January 11, 1931. He earned his law degree from the University of Detroit School of Law in 1958 and since then he has never looked back, embarking on a 24-year career as an attorney and serving as a mentor to many young lawyers as they worked their way through the course of their legal profession. In 1982, Mr. Perry was appointed to the 36th District Court bench and served for 12 years as an executive presiding judge in the court's environmental, criminal, and traffic and ordinance divisions. Judge Perry was a great friend to the district court, often lending a hand to younger judges who joined the court.

While John was known in part for his legal career, he was also known for his compassion, his involvement in the community and his friendship to many of us. John was a good husband and father and I extend my deepest sympathy to his wife, Suzanne, his two sons,

John and James, his daughter Julie Mulligan, his stepdaughter, Barbara Evans, his stepson James Madigan and his seven grandchildren.

Mr. Speaker, the State of Michigan lost one of its most important leaders; his family has lost a father and husband and many have lost a friend. It is with great sadness that we acknowledge his passing but is also my honor to acknowledge the important contributions he has made throughout his life. I will miss his friendship and the State of Michigan will miss his wisdom and service on the bench.

## IN RECOGNITION OF CECIL O. SEWELL, JR.

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Cecil O. Sewell, Jr., who on April 25, 2004 will celebrate his 50th year in the ministry.

Pastor Sewell was born on August 12, 1936, and was called to the ministry in April of 1954. He continued serving as a minister while he attended college and divinity school. He graduated from Samford University in Birmingham, Alabama, in 1958, and went on to graduate studies at the University of Alabama. He then attended Divinity School at Houston Baptist University, where he graduated in 1982.

Pastor Sewell has been pastor to six churches. He has gone on missions and done evangelism in twelve states and eight foreign countries, including three missions to Romania and six missions to Brazil. He has served on numerous state and national convention committees and as Trustee of the Baptist Health System. One of the most telling things about Cecil Sewell is that he has been an interim pastor for four churches in his most recent years, having retired from the ministry and been called back to service on these four occasions. He is now interim pastor of First Baptist Church in Saks, Alabama.

I am so very proud to salute Cecil O. Sewell, Jr., for his 50 years of ministry, and appreciate the House's attention today in observance of his ministry.

## HONORING MICHAEL SCHOPP

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. CLAY. Mr. Speaker, I rise today to honor fifteen year old Michael Schopp, from Creve Coeur, Missouri. In a ceremony honoring his achievement on May 2, 2004, Mr. Schopp will receive the Eagle Scout Award. This award is the highest advancement rank a young man may earn in scouting.

To earn his Eagle Scout Award, Mr. Schopp designed, planned and supervised the construction and landscaping of a planter and two dugout benches for the Ballwin Athletic Association baseball fields where he played ball for several years.

Mr. Schopp began his scouting experience as a Cub Scout in elementary school and has been a member of Troop 631, sponsored by St. Mark Presbyterian Church in Ballwin, Missouri, since March 2000. Mr. Schopp's dedication to the values of scouting and his leadership ability are demonstrated in his many scouting activities over the years: he has served his Boy Scout Troop as Patrol Leader and Assistant Patrol Leader, and is currently one of the leaders of his troop as a member of the Executive Patrol and as Assistant Senior Patrol Leader. Mr. Schopp participated in the Junior Leader Training Camp and also attended three Boy Scout High Adventure Camps: Northern Tier in Ely, MN; Sea Base in FL; and OKPIL Winter Camp in MN.

I congratulate Mr. Schopp for his success in earning his Eagle Scout Award. First awarded in 1912, the rigorous standards are demonstrated in the fact that only 4 percent of Boy Scouts across America earn this prestigious award. I also commend his peers, members of his troop, coaches, teachers and parents for their support and encouragement that has helped him succeed.

Mr. Speaker. It is with great privilege that I recognize Michael Schopp today before Congress. I applaud him for his success and extend best wishes for all of his future endeavors. I urge my colleagues to join me in honoring Michael Schopp.

## IN RECOGNITION OF THE 18TH ANNIVERSARY OF NATIONAL MINORITY CANCER AWARENESS WEEK

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the 18th annual National Minority Cancer Awareness Week and to address an issue that is of grave concern to thousands of Americans. Cancer is the second leading cause of death among Americans, responsible for one of every four deaths. In 2004, over 560,000 Americans—or more than 1,500 people a day—will die of cancer. Over 18 million new cases of cancer have been diagnosed since 1990, and about 1.4 million new cases will be diagnosed in 2004 alone. I am sure that each of us has either lost a family member or close loved one to this dreadful disease or know of someone who has suffered such a loss.

In 1971, President Nixon and Congress declared an all out war on cancer. Since then, national investment in cancer research and programs have reaped remarkable returns, including a 57 percent decline in cancer mortality rates. Unfortunately, cancer still remains the number two killer in America, just behind heart disease. And despite all the progress that has been made in the battle against cancer, this disease doe not affect all races equally. The burden of cancer continues to fall on communities of color. Mr. Speaker, African Americans are more likely to die of cancer than people of any other racial or ethnic group. From 1996 through 2000, the average annual death rate per 100,000 people for all cancers combined was 257 for African Americans, 199 for whites, 138 for Hispanics, 138 for Native Americans/Alaska Natives, and 125 for Asians/Pacific Islanders. In fact, my state of Maryland ranks 12th in cancer mortality rates among the 50 states and the District of Columbia. Between 1996 and 2000, African Americans in Maryland outpaced the national average on every leading cancer mortality index: lung cancer (68.7 per 100,000 persons), colorectal cancer (30.6 per 100,000 persons), breast cancer (35.5 per 100,000 persons), and prostate cancer (75.6 per 100,000 persons). It is estimated that 25,310 new cancer cases will be diagnosed in Maryland, and 10,430 members of my community will die from this disease in 2004.

To make these numbers real, on a national basis if you are a black man in the United States and contract prostate cancer, you have a 73.0 percent mortality rate versus the national average of 32.9 percent. If you are an African American woman and contract breast cancer, you have a higher mortality rate, 35.5 percent versus the national average of 27.7 percent. I am sure like me many of you find these statistics truly shocking.

According to the American Cancer Society, the primary cause of disparities in cancer between African Americans and the general population is poverty. Biological or inherited characteristics are less important than socioeconomic factors in explaining differences in cancer incidence and mortality among major racial and ethnic populations in the United States. As a result, many economically challenged racial and ethnic minorities lack access to high quality health care. The major consequences of inadequate access to preventive services and early detention are that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment, as well as the odds of survival, are decreased. The future health of America as a whole will be substantially influenced by our success in improving the health of minority and other medically underserved populations.

Mr. Speaker, this year marks the 18th annual National Minority Cancer Awareness Week, a national campaign initiated by Congress in 1987 to heighten awareness of the unequal cancer burden borne by racial and ethnic minority populations and other medically underserved communities. This week incorporates the theme ''Cancer is a Burden, Finding Help Shouldn't Be''. The goal is to increase the nation's awareness of the programs and services available in minority communities and to provide an opportunity to engage impacted communities in the fight against cancer. This week also provides an important opportunity to commend those working tireless in my district and in communities across this nation to improve the quality of life for all Americans.

Mr. Speaker, on this 18th anniversary of National Minority Cancer Awareness Week, I urge my colleagues to make cancer research and the eradication of this terrible disease a national priority. Cancer research saves lives. We must maintain the pace of cancer research by increasing the budget of the National Institutes of Health at least 8.5 percent for fiscal year 2005. Unfortunately, the Administration's FY 2005 budget proposal only calls for a 2.6 percent increase, where an 8 percent increase is needed; thereby falling behind inflation and far short of what is required to sustain the current pace of discovery.

Mr. Speaker, we must also address the national nursing shortage. Nurses serve on the

front-line in the battle against cancer, providing critical patient care services and also helping conduct cancer research through clinical trials. This complex and multifaceted chronic disease demands an adequate supply of trained, educated, and experienced nurses. As such, we must adequately fund the Nurse Reinvestment Act and other nursing workforce programs.

Finally, Mr. Speaker, advances in cancer prevention, detection and treatment over the past several decades have increased longevity and improved the quality of life for many people. Once again, however, not all segments of the U.S. population have benefited equally. A strong investment in the National Center for Minority Health and Health Disparities (NCMHHD) will expand our knowledge about health disparities and target initiatives geared to reduce, and ultimately eliminate, the disparate burden of cancer and other diseases on minority and medically underserved communities. The Healthcare Equality and Accountability Act of 2003, H.R. 3459, introduced by the Congressional Black Caucus, Congressional Hispanic Caucus and the Asian-Pacific Caucus, would help enable community-based organizations to increase detection and screening efforts; would establish guidelines for treatment modalities for minorities; and would provide additional funding for cancers that impact minorities more adversely, such as prostate and breast cancer.

Mr. Speaker, I urge this body to use the 18th anniversary of National Minority Cancer Awareness Week to renew its commitment to the eradication of this devastating disease. Together, we can reduce and ultimately eliminate the disparate burden of cancer and other diseases on minority and medically underserved communities.

## RENEWING THE ASSAULT WEAPONS BAN

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LANGEVIN. Mr. Speaker, today I rise in strong support of renewal of the Assault Weapons Ban. In 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act, which banned the manufacture and importation of many semiautomatic assault weapons. This law is set to expire on September 13, 2004, just 144 days away.

In 1995, the FBI reported that trace requests for assault weapons declined 20 percent only one year after enactment of the ban. Since enactment, criminals are using these guns less frequently, and innocent lives are saved every day as a result.

I am proud to join 108 of my colleagues as a cosponsor of H.R. 2038, the Assault Weapons Ban and Law Enforcement Protection Act. This vital legislation will permanently extend the 1994 Act and help keep these weapons out of our country and away from criminals.

If we allow the assault weapons ban to expire, our streets will again be flooded with an arsenal of Uzis and AK–47s—guns which are responsible for pre-ban killings such as the Stockton Schoolyard Massacre and a shooting at the CIA Headquarters.

Twenty percent of police officers killed in the line of duty today are shot using these banned assault weapons. This number is sure to increase if these weapons are more readily available. The weapons banned under current law pose too great a risk to the general public, and especially law enforcement officers, to be legalized. For this reason, the International Association of Chiefs of Police and the Fraternal Order of Police both support extending the ban.

In addition to this important measure, I have introduced two other pieces of legislation to cut down on shooting deaths. Approximately 1 percent of the nation's gun stores are the source of 57 percent of the firearms traced to crimes. H.R. 1540, the Crackdown on Deadbeat Dealers Act, would increase the ability of the Bureau of Alcohol, Tobacco, Firearms and Explosives to investigate record-keeping compliance among these delinquent gun dealers. The second bill is H.R. 821, the Accidental Shooting Prevention Act, which requires chamber load indicators on handguns, allowing gun owners to quickly recognize if their weapons are loaded. I encourage my colleagues to cosponsor these two bills and help reduce the number of gun deaths in America without infringing on the rights of lawful gun owners.

The three pieces of legislation I have mentioned do not unreasonably restrict law-abiding citizens from using appropriate firearms for sporting purposes or self-protection. Rather, sensible gun control prevents firearms from getting into the wrong hands.

My colleagues in the House and Senate must understand how important it is that we continue this ban on assault weapons to prevent parents and children from suffering life-altering senseless violence should these guns again become legal.

## WILLIAM A. BOOTHE, M.D., REACHES 50,000

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. BURGESS. Mr. Speaker, I rise today to congratulate William A. Boothe, M.D. on his successful completion of 50,000 laser vision correction procedures. Dr. Boothe, a benchmark of success and a pioneer in his field, has certainly set the standard for which his colleagues will aspire.

For years, Dr. William Boothe has administered a state-of-the-art refractive surgical procedure called Laser In-Situ Keratomileusis (LASIK) which requires much experience and extensive research. Dr. Boothe, second to none, is one of the first surgeons in the country with the necessary talent required to use the technologically advanced equipment required in LASIK procedures.

As a member of several professional organizations, with an impressive educational background and years of experience, Dr. William Boothe has provided a better quality of life for all who receive this surgery under his care. I place great confidence in Dr. Boothe. He will continue to lead the corrective eye surgery profession for years to come.

I congratulate Dr. Boothe for his lasting dedication and selfless efforts in helping correct people's vision. Best wishes to Dr. Boothe and his staff in their future endeavors.

## 150TH ANNIVERSARY OF THE VILLAGE OF YOUNGSTOWN, NY

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 150th anniversary of the Village of Youngstown, New York.

The Village of Youngstown is a small village that has evolved with the times, but whose residents have never lost touch with their roots. Its history resembles that of many of the small towns on which our Nation was built. The area began to grow after the American forces took over Historic Old Fort Niagara. Many tradesmen and shopkeepers came to the area during the War of 1812 to provide needed supplies and services to the Fort, which sits at the edge of the village. The village was the site of many major battles during the War of 1812 and was also a major shipping port in the 1800's.

The village was named for John Young who originally came from across the river in Canada. One hundred fifty years ago, the Village of Youngstown was officially incorporated in Niagara County, on the shores of the mighty Niagara River and Lake Ontario.

The village sits on beautiful, fertile Western New York land which is renowned for its sailing regattas and year round sportfishery. The surrounding area is home to many of New York's famous apple orchards. Youngstown is an internationally designated important Bird Area.

With a population of nearly 2,000 people, Youngstown is a close-knit community where everyone is a neighbor. Most people know each other, and even if you are not well acquainted, faces smile with recognition and greetings are exchanged with warmth. Friendly inquiries are made when there has been an experience with pain—or joy. Anytime a neighbor is suffering from ill health or some loss, the community is there to help, to lighten the burden, and to express its loving concern. Beyond the village's long and distinguished history, Youngstown is simply a place residents are proud to raise a family.

Mr. Speaker, on the occasion of the Village of Youngstown's 150th birthday, I unite with its residents to celebrate their accomplishments and contributions to Niagara County, our state, and our Nation.

## RECOGNITION OF THE 25TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF ALAMEDA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the 25th Anniversary of the League of Women Voters of Alameda, California. The League of Women Voters of Alameda became a fully approved Local League in September 1978. The founders of the League established the organization based on their belief that our Nation's democracy depends on an informed and participative citizenry.

The Alameda League has made significant contributions to the City of Alameda, as well

as Alameda County, the State of California, and the Nation by supporting sound government initiatives, providing voter education on ballot measures, conducting candidate's forums, and registering voters.

The Alameda League continues to be an active participant in local and regional civic committees and has taken action in addressing city, state and national issues through careful study. The League reviews issues and takes positions that enhance the quality of the city of Alameda such as clean air and water, education, libraries, civic safety preparation, housing planning and development, and open space. Additionally, the Alameda League provides neutral observers to monitor the activities of the city council, school board and other boards and commissions within the City of Alameda.

I congratulate the Alameda League of Women Voters for their commitment to public service. The organization, over the last 25 years, has provided valuable contributions to Alameda, California. I applaud their dedication to making sure their local, State, and Federal government is close to the public's pulse as they continue to reach out to the citizenry through education and civic participation.

## HONORING KENNETH CLARK LOGGINS

### HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LARSEN of Washington. Mr. Speaker:

Whereas Kenneth Clark Loggins was born in Everett, Washington, on January 7, 1948 and is now professionally known as Kenny Loggins; and

Whereas Kenny Loggins has become one of the most world-renowned singers/songwriters and guitarists of his time; and

Whereas Kenny Loggins has enjoyed a music career that has spanned more than three decades; and

Whereas Kenny Loggins has sold over 20 million albums worldwide; and, he has attained 12 Platinum Plus albums and 14 Gold albums; and

Whereas the music of Kenny Loggins has spanned many genres, earning both the respect of his peers and a widely-diverse fan base; and

Whereas Kenny Loggins has earned a reputation of historical importance in the field of film music for his creative contribution to movie soundtracks; and

Whereas Kenny Loggins is active in environmental and social projects; and

Whereas Kenny Loggins tirelessly gives his time, talents, and resources to benefit these organizatons and his community; and

Whereas Kenny Loggins is well respected and admired throughout the entertainment industry for his enormous impact on the world of music; and

Whereas Kenny Loggins is loved and appreciated by his family, friends, and devoted fans; and

Whereas in the month of August of 2000, Kenny Loggins was the first recipient of the Hollywood Film Festival's Outstanding Achievement in Songwriting Award; and in that same month, he also received a Star on the Hollywood Walk of Fame; and

Whereas in August 2003, Kenny Loggins' fans launched a year-long Celebration in tribute to the longevity of his outstanding music career; and

Whereas the United States Congress now wishes to recognize Kenny Loggins for his many accomplishments.

Whereas it is the overwhelming consensus of all concerned parties that Kenny Loggins is much deserving of this honor.

Therefore, I, RICK LARSEN, Member of the Congress representing the Second Congressional District of Washington State, do hereby hold up Kenny Loggins for great honor and recognition and declare the month of August to be Kenny Loggins Appreciation Month.

In witness whereof, I have hereunto set my hand and caused the seal of the United States Congress to be affixed this 22nd day of April 2004.

## HONORING CLEVELAND READS VOLUNTEER OF THE YEAR WILMA CHRISTIAN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Wilma Christian and every volunteer who participated this past year in Cleveland Reads, bringing hope and possibility through the gift of literacy to countless children and adults—thereby changing their lives forever. I also rise in recognition of Cleveland Reads Volunteer of the Year Nominees: Andy Everidge; Anne Gannon; Edna Goodwin; Stephanie Hiedman; Reid Isaac; Kristen Monchak; and Elaine Thiery.

Established in 1987, Cleveland Reads, a non-profit organization, has consistently worked to draw individuals, businesses and agencies into their, volunteer literacy projects and campaign. Mrs. Christian, seventy-seven years young, consistently reflects a joyous, caring and enthusiastic attitude throughout her busy days in service to others.

Every Monday through Friday for the past three years, Mrs. Christian volunteers mornings as an Experience Corps Tutor at Marion-Sterling Elementary School, then volunteers her lunch hour to prepare and serve meals to disabled residents of the Golden Age Center. Then remarkably, she heads back to Marion-Sterling School for three more hours of tutoring. All the while, her levels of enthusiasm and energy remain as expansive as her love and concern for others.

Mr. Speaker, please join me in honoring every Volunteer of the Year Award nominee, especially, Mrs. Wilma Christian, as she is named the Volunteer of the Year by Cleveland Reads. Mrs. Christian's patience, kindness and concern for our children and our elderly offers them strength, hope and a promise of a better tomorrow, where none existed before. By giving of her time and talent to the children at Marian-Sterling Elementary School, Mrs. Christian empowers them daily with the priceless tool of literacy, which leads to understanding and offers these children the self-confidence to dream and to achieve. By raising up the life of a child, Mrs. Christian raises up our entire community.

## INTRODUCTION OF THE CONGRESSIONAL SCIENCE COMPETITION RESOLUTION

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SCHIFF. Mr. Speaker, today, along with 35 of my House colleagues, I introduce bipartisan legislation to authorize the Congressional Science Competition. This legislation will allow Members the opportunity to conduct academic competitions in the sciences among high school students in their Congressional Districts.

Pre-college science and mathematics education is one of the most important factors affecting the nation's scientific literacy and awareness, as well as the future supply of America's scientific and technological personnel. Unfortunately, indicators of the performance of United States students in pre-college science and math education indicate a need for improvement, including the need to increase student interest in science.

In 2000, the National Center for Education Statistics, NCES, released its most recent National Assessment of Educational Progress, NAEP, on the Sciences. As a division of the United States Department of Education, the NCES has, since 1969, issued National Assessments on subjects such as reading, mathematics, history and civics.

Unfortunately, the 2000 Science Assessment found that from 1996, the first year a Science Assessment was completed, to 2000, proficiency in the sciences by America's 12th graders declined. Using a scale of 0–300, America's 12th graders scored 147, with 47 percent of students testing below a basic knowledge in the sciences. Only 34 percent of students showed a basic knowledge and even more discouraging, only 16 percent of students tested at or above a proficient knowledge in the sciences.

Coupled with these declining scores and declining interest in the sciences from pre-college students, enrollment in graduate science and engineering programs over the last decade has not kept pace with foreign student enrollment in these same programs. According to a report released by the National Science Foundation, enrollment in graduate science and engineering programs by United States citizens and permanent residents from 1993 to 2001 declined by over 10 percent from just over 330,000 students to 296,000 students. However, at the same time, enrollment in these same programs by foreign students living in the United States with temporary visas rose by over 26 percent from just over 105,000 in 1993 to approximately 133,000 in 2001.

Global competition and rapid advances in science and technology increasingly require a national workforce that is more scientifically and technically proficient and Congress must take action to support the need to develop national expertise in the areas of science and engineering.

Americans have been responsible for some of the most fantastic scientific discoveries. From Thomas Edison's work with electricity, Dr. Jonas Salk's discovery of the Polio vaccine, to the development of the personal computer and the Internet, Americans and their

discoveries have changed the world in remarkable and unmistakable ways. Even today, America's space program is coordinating our most sophisticated space exploration effort ever. The Mars Rover program is a tremendous scientific success developed by NASA's best and brightest scientists.

Yet if academic indicators are correct, America will face a vast drain of scientific knowledge and ambition in the near future and we must begin to ask ourselves where we will find America's next Dr. Salk or the talent to develop America's future missions in space.

Congress has a clear interest in ensuring that America's great scientific past and present continues into the future. The Congressional Science Competition is an effective way for Congress to demonstrate leadership in promoting scientific education as a national priority, to show support for the process of scientific inquiry, and to foster enthusiasm for science. I urge all of my Colleagues to join me in cosponsoring this legislation and in doing so, indicate their support for making science education and interest a national priority.

## TRIBUTE TO DR. STUART D. COOK

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. PAYNE. Mr. Speaker, it is with a great deal of respect that I rise to acknowledge the accomplishments made by Dr. Stuart D. Cook during his tenure as president of the University of Medicine and Dentistry of New Jersey (UMDNJ). As Dr. Cook steps down from the presidency after six years, the Concerned Citizens at UMDNJ and the UMDNJ-University Hospital are proud of the contributions he has made to this institute of excellence.

During his presidency, Dr. Cook partnered with the Board of Trustees at UMDNJ, faculty, staff and students to create a compelling vision for the future. Through his efforts, federal research support to UMDNJ more than doubled over the past five years. Over the past four years, the university's funding from the National Institutes of Health has increased at a faster rate than the average for all schools and universities in the nation. The National Science Foundation, in its most recent rankings of research universities across the nation, ranks UMDNJ as the number one research university in New Jersey as measured by federal research expenditures and 71st out of the top 100 research universities in the country. This marks the university's highest ever ranking.

Under Dr. Cook's leadership, the university is in the midst of a $535 million statewide capital construction program to upgrade existing space and provide new space for scientists and clinicians. On the Newark campus, which is in the heart of the 10th Congressional District, the University Behavioral Health Sciences Building and the International Center for Public Health have been completed. Additionally, construction of the UMDNJ-New Jersey Medical School-University Hospital Cancer Center and a second Ambulatory Care Center are underway. Construction of a new clinical building for the UMDNJ-New Jersey Dental School will be completed in the first quarter of next year. On the Piscataway campus, a new building housing a research tower for UMDNJ-Robert Wood Johnson Medical School and UMDNJ-School of Public Health was opened. In New Brunswick, the steel structure for the Child Health Institute was completed and the new wing of Cancer Institute of New Jersey facility will open in early 2005. On the Stratford campus, the University Doctors Pavilion is open and construction is underway for a new wing of the Science Building.

Complementing these outstanding efforts, other initiatives include, the establishment of a University Professorship Program which has to date, named 15 researchers to the faculty. This program significantly increased the overhead revenues to the University as the researchers brought with them more than $7.5 million in federal funding. The University also created a program that is unique in the nation—the Master Educators Guild—which recognizes teaching excellence. The Guild now has 48 faculty members. Through collaboration with other colleges and universities throughout the state, a school of public health emerged. As a result of this effort and Dr. Cook's leadership, the School of Public Health established the Institute for the Elimination of Health Disparities.

Mr. Speaker, as he returns to the faculty at UMDNJ-New Jersey Medical School to continue his clinical practice and research in multiple sclerosis, I urge my colleagues to commend Dr. Cook for all that he has done in his years as president of UMDNJ.

## HAPPY 50TH WEDDING ANNIVERSARY, HENRY AND BARBARA WIRSTSHAFTER

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor two very extraordinary Americans who are celebrating their 50th wedding anniversary—Henry and Barbara Wirstschafter.

Henry and Barbara are a joy to know. Perky, humorous, and filled with the spirit of life, the two share their love and their youthful spirit with their four children: Gary, Joy, Robert and Greg, and their six grandchildren.

For many years, the two have participated in the life of the community. Henry and Barbara met back in 1953, and were married in June of 1954 in McGee, Arkansas. Since that time they have had the opportunity to tour the country. They even saw the world come together when they volunteered for the 1984 Olympic Games in Los Angeles.

In addition, they recognize the special needs of the community. Henry and Barbara have been loyal and dedicated in helping the less fortunate. They assist the hungry with their involvement with Meals on Wheels, and they assist the poor by providing families with affordable housing units. Their loyalty and dedication to assisting others is a true virtue.

Surely their secret to a long happy life together is to be warm, outgoing, motivated, optimistic, and to be of service to others. For Henry and Barbara, their marriage has been filled with many wonderful memories. All who know Henry and Barbara have been charmed by their presence. Happy 50th wedding anniversary, and best wishes.

## IN MEMORY OF WILLIAM MAURER

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MURTHA. Mr. Speaker, it is with great sadness that I share with my colleagues the news that a distinguished Veteran and longtime friend, Bill Maurer, has passed away. I submit the following announcement:

William W. ''Bill'' Maurer, 72, of Fort Collins died Tuesday, April 13, 2004, at Poudre Valley Hospital. He passed peacefully with his family members at his side.

While in the Wyoming National Guard he rose from the rank of private to sergeant first class and was ultimately commissioned as a second lieutenant in 1953. He was called to active duty in the, Army in mid 1953 and attended the Artillery Basic Officers Course at Fort Sill, Okla., and then joined the 37th Infantry Division at Fort Polk, La.

He married Joyce Marie Huntzinger in Douglas on Dec. 28, 1953. They were blessed with two children, Deborah Ruth and David William. During their marriage, Bill and Joyce traveled to many duty assignments around the world with tours of duty in Fort Polk, La.; Fort Sill, Okla.; Fort Riley, Kan.; Germany; Fort Leavenworth, Kan.; and Washington, D.C. During his military career Bill commanded the 5th Battalion, 29th Artillery in the Republic of Vietnam and the 1st Infantry Division Artillery at Fort Riley. He also was a graduate of the Army Command and General Staff College and the U.S. Army War College. During his military career he served in many high-level positions that included tours of duty as an Army liaison officer to the U.S. Senate, deputy chief of legislative liaison, Office, Secretary of the Army and deputy secretary of defense -legislative affairs. He retired from the Army on June 30, 1979, with more than 30 years of service at the rank of brigadier general. His military decorations include the Silver Star, one OLC; Legion of Merit, one OLC; Defense Superior Service Medal, the Soldiers Medal, the Bronze Star Medal for valor, one OLC; the Purple Heart medal, one OLC; the Meritorious Service Medal, two OLC; the Air Medal for valor, 12 OLC; and the Army Commendation Medal, three OLC, and numerous foreign and service awards.

After his retirement he joined Chrysler Corporation as director of the Washington office of the Chrysler Defense subsidiary. In 1981 Chrysler Defense was purchased by General Dynamics Corporation, he assumed new duties in the General Dynamics Washington Corporate Office as manager of legislative affairs. In 1984 he was promoted to corporate director of legislative affairs and later became corporate vice president for congressional relations in 1991. He retired from General Dynamics in March 1994, and Bill and Joyce relocated to their retirement home in Fort Collins, where he still remained active as a consultant to General Dynamics.

He was a 43-year member of the American Legion, a life member of the Retired Officers Association, the Reserve Officers Association and the Army War College Alumni Association.

Bill was a generous, caring man who will be missed by all who knew him. He was a wonderful husband, father and grandfather.

Bill is survived by his daughter, Debbie Prentiss; his son-in-law, Paul; grandsons, Jason and Steven Prentiss of Fort Collins; his son, David Maurer of Fort Collins; and his brother, Richard C. Maurer of Manassas, Va.

Bill was preceded in death by his beloved wife, Joyce of 48 years; and his parents, Richard and Lenore Maurer.

## INTRODUCTION OF BIA REFORM LEGISLATION

### HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SIMMONS. Mr. Speaker, I rise today on behalf of the entire Connecticut House delegation to introduce legislation to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes.

Today's legislation seeks to codify in statute the seven mandatory criteria for the recognition of Indian tribes and to end the ''revolving door'' exemption that allows former BIA officials to represent and lobby on behalf of groups seeking recognition immediately after they leave the federal government.

The Connecticut congressional delegation recently met with Interior Secretary Gale Norton. At that meeting, I raised the two issues contained in this legislation. With regard to putting the seven criteria in statute, Secretary Norton said that she had no ''immediate objection to it.'' When asked about ending the ''revolving door'' exemption, she responded even more favorably, saying that since coming to the Interior Department she had been ''troubled by it.'' Mr. Speaker, I am encouraged that we have found common ground with Secretary Norton on these two key issues and I'm hopeful that our delegation can work with her and the BIA to pass this bill.

Tribes need to be granted the federal status they deserve and accorded their sovereign rights, but the determination to acknowledge such tribes cannot and should not be made unless these groups clearly meet all seven of the criteria. To ensure these standards are met, my legislation would codify each of these seven criteria, ensuring that ''federal acknowledgement or recognition shall not be granted to an Indian tribe unless the Indian tribe has met all of the criteria listed.'' This law will provide an equitable process to groups that clearly meet all seven tests, while preventing claims from groups that fall short of one of these standards. No longer will the BIA be able to pick and choose among these criteria to find in favor of a petitioner.

What's more, Mr. Speaker, my legislation would end the so-called ''revolving door'' exemption that allows former BIA officials to immediately begin representing petitioning groups before their former colleagues and employer. When members of Congress or other members of the executive branch leave government service for the private sector they must refrain from lobbying for one year. It is unfair to have one particular agency exempted from this law. Moreover, it is particularly troublesome that this agency enjoys such an exemption given the significant role that money, gambling, and political influence have come to play in recognition decisions.

Mr. Speaker, I urge all members to support these two much-needed reforms to the BIA to make our Indian recognition process more transparent and more equitable for all parties involved.

## HONORING WALLA WALLA COUNTY'S 150TH BIRTHDAY

### HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. NETHERCUTT. Mr. Speaker, today I come before the House of Representatives to pay tribute to Walla Walla County on its 150th birthday. Nestled in the valley of the Blue Mountains, Walla Walla County anchors the southern end of the 5th Congressional District of Washington State.

During their exploration of the Louisiana Purchase, Meriwether Lewis and William Clark passed through Walla Walla County on the Nez Perce trail on their return trip East. In the 1800s, numerous settlements, forts, and trading posts were established in the region by fur-traders. The Walla Walla Valley was also home to a diverse Native American population including the Walla Walla, Yakama, Nez Perce, Umatilla and Cayuse tribes. In fact, the name Walla Walla is of Indian origin and means ''many waters.''

The 1st Washington Territorial Legislature created Walla Walla County on April 25, 1854. After the Washington Territory was established in 1853, Walla Walla County was established a year later and stretched from the crest of the Cascades to the crest of the Rockies, an area now represented by 13 congressional districts. Today, Walla Walla County is home to many wonderful towns, including Walla Walla, Waitsburg, Prescott, Burbank, Dixie, Touchet, Lowden, Wallula, and College Place.

Walla Walla is known for its gorgeous scenery, expansive farmlands, miles of beautiful forests, and historic cityscape. Although the area is famous for its sweet onions, Walla Walla farms produce vast amounts of wheat, barley, apples, asparagus, alfalfa, carrots, cherries, corn, garbanzo beans, and green peas. More recently, Walla Walla has become one of the fastest growing wine producing regions in the country.

Walla Walla County is a wonderful place to live. It offers year-round cultural events including theater, musical performances, art displays, and wonderful festivals. The county is also home to three institutions of higher learning: Walla Walla College, Walla Walla Community College, and Whitman College, all of which add greatly to the vitality of the area. The city of Walla Walla is also home to what Sunset magazine named as the ''Best Main Street in the West.''

If you haven't made vacation plans or visited Walla Walla and its surrounding area before, this is surely the time to come to Washington and join us in celebrating Walla Walla County's 150th birthday. Walla Walla County is one of the most beautiful places in America, and I am proud to say I represent this area and the people who call it home.

## THE PRESERVING ACCESS TO AFFORDABLE DRUGS ACT

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MENENDEZ. Mr. Speaker, today I am proud to be joining Senator CORZINE and my Democratic Colleagues from New Jersey in introducing the Preserving Access to Affordable Drugs Act to preserve the drug benefits that millions of seniors in our country currently enjoy. Unfortunately, the misguided Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which was recently signed into law, threatens to reduce or eliminate the prescription drug benefits that millions of seniors across the country already have. Based on these and other detrimental provisions in the new law, which seniors continue to oppose vehemently, we should simply repeal the entire bill outright. But in the meantime, the bill I'm introducing today highlights the most egregious loss of benefits that seniors will suffer under the new law, and provides mechanisms to ''hold harmless'' those seniors who already have good drug coverage.

The Congressional Budget Office has estimated that as many as 1.7 million retirees could lose their employer-based prescription drug benefits as a result of the new Medicare prescription drug benefit. Also as a result of the new law, hundreds of thousands of seniors currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private Medicare drug plan. Approximately 6 million seniors who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which is more generous and has greater access to a variety of drugs. And, despite the fact that the new Medicare law has huge gaps in coverage, seniors who choose to enroll in the new drug benefit will be prohibited from purchasing Medigap coverage to pay for prescription drugs not covered by the new Medicare benefit.

In my home state of New Jersey, alone, 94,000 retirees will lose their employer-based prescription drug benefits. More than 150,000 low-income seniors in New Jersey who are dually eligible for, and enrolled in, both Medicare and Medicaid will lose access to the Medicaid drug benefits they currently rely on. And 220,000 New Jersey seniors who are currently enrolled in Pharmaceutical Assistance for the Aged and Disabled (PAAD) and Senior Gold, the state's pharmacy assistance programs for the aged and disabled, will face disruption in coverage and will likely receive less drug coverage than they currently receive.

It is my view—and based on what I have heard in town hall meetings in my district, the view of an overwhelming majority of seniors in this country—that no senior should be made worse off by the new Medicare law.

The legislation I'm introducing today will:

Preserve employer-based retiree prescription drug coverage by allowing employer expenditures on drug costs to count toward the out-of-pocket threshold of $3,600. By not counting toward the catastrophic cap any costs covered by employer-provided retiree benefits, those employers that maintain their retiree health benefits would see their retirees

receive less of a Medicare subsidy than a beneficiary without employer-provided benefits. Without this fix, approximately 94,000 New Jersey seniors and 1.7 million retirees nationwide will likely lose their employer-based drug coverage.

Enable states, if they choose, to administer the Medicare prescription drug benefit through their existing state pharmacy assistance program. This means that my home state of New Jersey could continue to provide prescription drug benefits to seniors through the very successful and popular existing PAAD and Senior Gold programs. As a result, these seniors will not have to enroll in the less-generous Medicare drug program, will be able to remain in PAAD and Senior Gold, and will experience no disruption in coverage.

Ensure that states can provide supplemental Medicaid prescription drug coverage to complement the Medicare drug benefit to seniors who are dually eligible for Medicare and Medicaid. Currently in New Jersey, 152,000 low-income seniors and disabled individuals who are Medicare eligible receive 100% of their drug coverage through the state Medicaid program. The Medicare bill replaces Medicaid coverage with more limited drug coverage and prohibits states from wrapping around the Medicare benefit with Medicaid coverage. This bill will enable states to completely wrap around through the Medicaid program.

Restore Medicare beneficiaries' ability to purchase supplemental drug coverage through the Medigap program. Under the new law, those who participate in the new Part D drug benefit are prohibited from purchasing supplemental drug coverage through the Medigap program.

Eliminate the premium support (Medicare privatization) demonstration program. This is particularly important for Gloucester, Camden, Burlington and Salem counties in southern New Jersey, which currently meet the qualifications to be selected to participate in this program.

Simply stated, a Medicare prescription drug benefit that chips away at the generous drug coverage that some seniors already enjoy is hardly a benefit at all. The new Medicare law is bad for seniors and should be repealed; but in the meantime, at the very least, we must do no harm. That's exactly what this bill intends to do.

## HONORING FRANCES PRESTON FOR HER MUSIC INDUSTRY ACCOMPLISHMENTS

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. GORDON. Mr. Speaker, I rise today to recognize a good friend, Frances W. Preston, or her nearly 50 years of commitment and service to the music industry, spending the last 18 years as president and chief operating officer of BMI, a powerful organization of songwriters and publishers. She will retire in September.

Frances is widely regarded as one of the music industry's most influential executives. Fortune magazine, for example, called her a ''powerhouse'' in the business. During her tenure as president of BMI, which represents more than 300,000 songwriters and composers in all musical genres, Frances helped the organization triple its revenues. Last year, BMI distributed $533 million in royalties to songwriters and composers.

Frances has helped shape copyright-protection legislation both here in the U.S. and abroad. Her business acumen and commitment to the music industry have garnered her the utmost respect. An outstanding advocate for the artists who write songs and compose music, she has helped me better understand music-industry issues during my tenure here in the House of Representatives. I sincerely have appreciated her friendship and candid advice over the years.

Despite her busy and hectic schedule, Frances took part in numerous civic organizations and charities. And she never forgot her Tennessee roots. Instrumental in helping country music become a mainstream entertainment venue, Frances began her career at country radio station WSM in Nashville, Tennessee, and was inducted into the Country Music Hall of Fame in 1992. Her service to the industry has been truly remarkable. I congratulate her for her dedication to the industry and wish her well in future endeavors.

## HONORING EILEEN DAVIS UPON HER RETIREMENT

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Eileen Davis upon her retirement after 15 years of service to the citizens of the City of Livonia.

Eileen Davis began her service to the citizens of Livonia in 1989 when she accepted the full time Clerk I position. Over the next 15 years she was promoted twice to the positions of Clerk II and Elections Record Clerk. During this time, she processed rezoning and waiver use petitions, handled the recording of easements and deeds, processed absentee ballot applications, tabulated ballots on election nights, inputted payroll data and supervised the conducting of elections within the City. For a period of 12 years, she was a stellar help to the Livonia City Clerk, Joan McCotter.

Her husband, Donald, and daughters, Lynette and Deanna, should be extremely proud of the undeniable mark she has left on the community. We at home will sorely miss and always benefit from her dedication and leadership.

Mr. Speaker, I extend my sincere appreciation to Mrs. Eileen Davis, upon her retirement after 15 years in the. Livonia City Clerk's Office, for her fine service to our country.

## RECOGNIZING ASIAN AMERICAN HERITAGE MONTH, THE EAST SAN GABRIEL VALLEY JAPANESE COMMUNITY CENTER, AND THE CONTRIBUTION OF JAPANESE AMERICANS IN WORLD WAR II

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. SOLIS. Mr. Speaker, I stand to recognize the 100th Infantry Battalion, 442nd Regimental Combat Team, Military Intelligence Service, 522nd Field Artillery Battalion, 232nd Combat Engineer Company, 1399th Engineering Construction Battalion, and the many Japanese American men and women who bravely served our country during World War II. I also would like to recognize the leadership of the East San Gabriel Valley Japanese Community Center for organizing the Cherry Blossom Festival in West Covina, CA in honor of Asian American Heritage Month and in honor of the contribution Japanese Americans have made to the United States of America.

As the U.S. entered World War II in late 1941, many living during that period, including the government, questioned the loyalty of Japanese Americans to the United States. Sadly, thousands of Japanese Americans were heavily scrutinized and sent to live in confinement at concentration camps throughout the duration of the war. Additionally, the U.S. government would not enlist soldiers of Japanese descent into its military, due to its growing distrust of Japan. It was not until February 1, 1943, that the U.S. reversed its decision on enlisting Japanese Americans to the armed forces, as one of the first Japanese American infantry divisions known as the 442nd Regimental Combat Team was formed.

Despite their questioned patriotism, many Japanese Americans proudly demonstrated their loyalty to the U.S. by volunteering to defend their adopted country. As loyal American soldiers, they did everything necessary to assist the United States during the war. Whether it be fighting enemies in war-torn Europe, providing the U.S. military with invaluable human intelligence, or engineering and constructing military bridges with unmatched skill, Japanese Americans helped turn the tide of World War II and helped lead the United States to victory in the mid 1940s.

Although not well received by many Americans after the war and sometimes sadly forgotten in today's history books, Japanese Americans serving in World War II should and will always be remembered for their exceptional and invaluable contribution to the well being of our country. As evident in today's Cherry Blossom Festival in West Covina and throughout the nation, these unsung heroes will never be forgotten and will always share a place in American history. They have and will continue to exemplify the excellence in American leadership today.

## RECOGNIZING NATIONAL MINORITY CANCER AWARENESS WEEK

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to join my colleagues in recognizing the 18th National Minority Cancer Awareness Week.

We continue to make great strides in the fight against cancer. As a member of the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee, I was pleased to hear from Dr. Elias Zerhouni, the director of the National Institutes of Health, just this morning. Dr. Zerhouni and Dr. Von Eschenbach, the director of the National Cancer Institute, spoke about the enormous strides that are being made in cancer research. There are now 10 million cancer survivors in the U.S. compared to 3 million in 1971. Death rates from the four most common cancers—lung, breast, prostate, and colorectal—continue to decline.

However, cancer continues to take a significant toll in the U.S. This year, 1.3 million Americans will be diagnosed with cancer and, unfortunately, 556,000 are expected to die. Cancer remains the number two killer in the U.S.

I am particularly dismayed to see that the benefits of the research—the breakthroughs that have been made in terms of prevention and treatment—are not being enjoyed by all communities equally. Sadly, minority communities continue to bear a disproportionate burden of cancer cases.

We know the consequences of such health disparities, and we know that many of them stem from inadequate access by our minority communities to preventative services and early detection. Minorities also have a lower survival rate. Clearly, these will continue to be significant issues that need to be addressed by the National Cancer Institute and the National Center for Minority Health and Health Disparities.

I was very pleased to visit this week with constituents from my congressional district representing One Voice Against Cancer. My constituents included Ivonne DeCorra from Huntington Park and Julie Fleshman from Los Angeles, who is also the executive director of the Pancreatic Cancer Action Network. Another visitor, Michele Perry, knows the heartache of cancer first hand. Having lost her mother to cancer at a young age, Michele was herself diagnosed in 2000. Her personal trials however, have driven her to become an advocate for cancer research and patient programs so that she, her daughter, and countless other will never have to feel the heartache of cancer again.

It is that type of dedication and commitment—stemming from sometimes tragic personal experiences—that have made One Voice Against Cancer an effective voice in advocating for adequate funding for cancer research, prevention and treatment. I and my colleagues heard their message this week, and despite difficult budget circumstances, we will continue the fight against cancer.

The future health of America as a whole will be influenced substantially by our success in improving the health of minority and other medically underserved populations. By increasing awareness of programs and services in minority communities, we can provide an opportunity to engage these communities in the fight against cancer.

That was the message of One Voice Against Cancer this week, incorporated in their theme—''Cancer is a Burden. Finding Help Shouldn't Be.'' And that is the message that my colleagues and I must act on as we recognize National Minority Cancer Awareness Week and continue the fight against cancer.

## PRESERVING ENVIRONMENTALLY SENSITIVE LAND

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. KIRK. Mr. Speaker, today I introduced legislation authorizing the Secretary of the Navy to transfer ownership of environmentally sensitive land at the former Fort Sheridan, Illinois, to a nonprofit organization whose mission is to preserve the environment. This bill will preserve some of the last remaining pristine wilderness along the lakeshore north of Chicago for generations to come.

The bluffs, ravines, and beachfront at Fort Sheridan are a treasure that deserves to be protected. Preserving this land as a park will benefit not only the people of the surrounding communities, but the hundreds of military families who make their home at the Fort. The Secretary of the Navy, Gordon England, is committed to making the Navy a good steward of the environment and he understands the responsibilities associated with control of large parcels of government-owned land. This bill not only will ensure the preservation of the land, it also relieves the Navy of the responsibility for maintaining property that has no military value.

As urban sprawl and development pushes outward from our cities, our military bases are quickly becoming some of the last wide open, wild spaces. This encroachment pushes countless species onto these bases, making it even more important to conserve these critical ecosystems. I will continue working to find practical ways to protect and preserve the environment and critical habitats in the Great Lakes.

## TRIBUTE TO DONALD ROLLERT

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to one of my constituents, Donald Rollert, a veteran and dedicated civil servant who recently retired from the U.S. Government Printing Office.

Donald Rollert was born in Colorado, grew up in Kansas, and graduated from the Coast Guard Academy. During the Second World War, he served as an officer on an LST in the South Pacific and was subsequently stationed in Italy. Before returning to the United States and civilian life, Don married his wife Myriam in Trieste, Italy. He did post-graduate work at Columbia University and worked for several companies as an engineer. While working at Mergenthaler Linotype Corporation in the 1960's, he assumed responsibility for developing one of the first electronic composition systems. When Don came to the Government Printing Office, he continued developing composition software. He is the author of the GPO's current composition program, Microcomp, which is producing the CONGRESSIONAL RECORD, bills, hearings, and many other government publications including the Federal Register and related publications. As the author of Microcomp, Don Rollert is largely responsible for the GPO's success in the modern publishing world. His hard work, determination, and decision making over the years have made GPO a leader in modern publishing technologies.

A recently published book about the men and women who have served in WWII refers to those people as the ''greatest generation.'' Don Rollert is and deserves to be a member of the greatest generation. Retiring at the age of 82, Don looks forward to spending more time with his wife, children, and grandchildren. He also looks forward to having more time for building models of early sailing ships, traveling, and working at his computer.

I join with his many colleagues and friends in wishing Don Rollert a long and happy retirement.

## IN MEMORY OF COL. AARON BANK

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of the passing of Colonel (Retired) Aaron Bank earlier this month.

Colonel Bank, who was known as ''the father of the United States Army's Special Forces'' for his role in creating the unconventional warfare units that became known as the Green Berets, died of natural causes on April 1 at his home in Dana Point, CA. He was 101.

Colonel Bank, a native of New York City and fluent in both French and German, entered the Army in 1939. During World War II, he volunteered for the extremely hazardous duty of working behind enemy lines with the French Resistance and guerrilla forces as a member of the famous Jedburgh Teams. Often posing as civilians, he and his three-man team helped organize a guerrilla force of up to 2,000 men and women and led them on numerous hit-and-run missions throughout Nazi-occupied France.

Colonel Bank remained in the Army after the war and became an advocate for special operations units that could do the type of work carried out by the O.S.S. While serving with a combat unit in the Korean War in 1951, he was called back to Washington to work on the creation of guerrilla-style units within the United States Army. COL Bank's personal diligence was rewarded when the Army approved the special operations concept, and the 10th Special Forces Group (Airborne) was subsequently activated on June 19, 1952, under his personal leadership.

Special Forces, who first gained prominence while serving in Vietnam with their distinctive

green berets, are today deployed throughout the world working side-by-side with indigenous forces to combat global terrorism. America has such a capability because of this one man's vision and undaunted drive for excellence.

Mr. Speaker, our Special Operations Forces are among the best warriors this country has ever produced, and Colonel Aaron Bank stood at the forefront of that group. I am sure my fellow Members will join me in extending heartfelt condolences to his family, and in recognizing this great American for the service he offered his country. He was truly the quiet professional.

## COMMEMORATING YOM HASHOAH

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. WAXMAN. Mr. Speaker, I rise to commemorate Yom HaShoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered during World War II.

I join my colleagues in mourning the innocent lives and vibrant communities destroyed by Nazis while the world shamefully stood by, and call upon all of us to redouble our efforts to combat resurgent anti-Semitism and intolerance around the world.

As we observe the anniversary of the Warsaw ghetto uprising, when a brave cadre of fighters battled a Nazi siege to liquidate the community's last remaining Jews, we must also pay tribute to survivors who continue today to battle the traumatic horrors of their past.

I would like to take this opportunity to recognize Café Europa, a social service and Holocaust survivors advocacy group of Jewish Family Services of Los Angeles, which marked its 16th anniversary this week in a Yom HaShoah ceremony at Mount Sinai Memorial Park in Hollywood Hills.

Café Europa, like other groups across the country, has played a key role in making sure that Holocaust survivors have the social support and resources they need to overcome their haunting suffering and live out their years in peace.

We all have a responsibility to make sure the atrocities they witnessed are not forgotten and never again repeated. While we have come very far in combating Holocaust denial and racial hatred against Jews, new and difficult challenges unfortunately remain ahead.

There is a terrible climate of anti-Semitism growing worldwide. In European and Arab countries, there has been a dramatic rise of anti-Semitism and Holocaust denial fomenting violent attacks against Jews and exacerbating tensions in the Middle East. It is incumbent upon the United States to speak out, raise awareness, and call for action.

While the State Department annual country reports on human rights and religious freedom have attempted to track anti-Semitism the results have been woefully inadequate. For example, the 2003 State Department Country Report on the United Arab Emirates mistakenly characterizes the closure of the Zayed Centre for Coordination and Follow-up as a form of censorship instead of commending the UAE government for taking action to shut down an institution widely criticized for promoting vehemently anti-Semitic symposia, speakers, and materials.

At a time when blood libels, canards like the Protocols of the Elders of Zion, and other anti-Semitic conspiracy theories are being broadcast on Arabic television channels, the United States must be more vigilant in its stance on this issue. We cannot allow governments afraid or unwilling to confront the blight of anti-Semitism to turn a blind eye and permit defamation to be accepted as freedom of speech.

Today, we must resound the words "never again" to the community of nations whose failure to take action against hatred and incitement against Jews quickly turned to devastation and murder a mere half century ago.

## REMEMBER YOM HASHOAH

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. CROWLEY. Mr. Speaker, I rise today to join people around the world to remember Yom HaShoah. Remembrance of victims of the Holocaust is an indispensable and enduring task. We all must honor and identify with the victims.

The most horrifying extent of anti-Semitism took place during the Nazi and Fascist reign in Europe. Jewish people were beaten, discriminated, and deported to concentration camps where they had to suffer from hard labor and medical experiments or were executed in gas chambers. This most horrible form of anti-Semitism took the lives of more than six million people, and the Jewish fate must never be forgotten. Indeed, we must ensure that the seeds of anti-Semitism are never sown again in Europe or elsewhere in the world.

And although we are currently in the sixth decade after the end of the Holocaust, the fight against anti-Semitism is far from over. Quite the contrary, new hatred against Jews can be witnessed in Europe, the Caucasus, and Central Asia. Nazi slogans are shouted in the streets of Germany, synagogues are burnt, and Jews are beaten up. This kind of hatred has already brought catastrophe to the Jewish people. Remembrance of the past is therefore essential as it helps focus attention on current and future threats to the Jewish people.

Remembrance must, however, go beyond intellectual insight and historical facts and should also include an emotional understanding, as far as this is possible. Only then are people ready to develop an attitude of zero-tolerance against anti-Semitism and discrimination in general.

## NATIONAL COMMEMORATION OF THE DAYS OF REMEMBRANCE

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LANTOS. Mr. Speaker, today in the great rotunda of the Capitol Building, the annual Days of Remembrance ceremony was held to remind us of the victims of the Holocaust and again commit ourselves that such a horror shall never again take place. It was my great privilege to join other Members of Congress and leaders in lighting one of the six candles in memory of the six million victims of the Holocaust.

The focus of today's commemoration was particularly meaningful for me, Mr. Speaker, because this year marks the 60th anniversary of the Holocaust in Hungary. In March of 1944, Nazi German troops occupied Hungary. Hungary had been an ally of Hitler, but as Germany began to fall back before the advancing Soviet army, the German high command was uncertain about Hungary's loyalty. Germany occupied Hungary, established a puppet regime in Budapest, and Adolf Eichmann was sent to Hungary to oversee the elimination of Hungary's entire Jewish population.

As the Germans began to move against Hungary's population, the United States took action to help preserve the Jewish population. The U.S. War Refugee Board was established in January 1944. On March 25, 1944—less than a week after German troops occupied Hungary—President Franklin D. Roosevelt called for the rescue of the Jewish population in Hungary: "In the name of justice and humanity let all freedom loving people rally to this righteous undertaking."

Mr. Speaker, at the request and through the involvement of the U.S. War Refugee Board, Swedish businessman Raoul Wallenberg was given diplomatic status and sent by his government to Budapest. He and his Swedish colleagues, including Per Anger, helped protect tens of thousands of Hungarian Jews from being deported to Auschwitz by distributing protective Swedish passports or travel papers. With funds provided by the United States he also rented apartment blocks and declared them protected Swedish diplomatic enclaves, and he was able to protect numerous Jews in these buildings.

Carl Lutz, a Swiss diplomat, also issued certificates of emigration that placed thousands of Jews in Budapest under Swiss protection. Italian businessman Giorgio Perlasca, posing as a Spanish diplomat, issued forged Spanish visas and established under his "authority" safe houses, including one for Jewish children. Many other diplomats, including the Portuguese diplomat Branquinho, were active in saving lives.

Mr. Speaker, I was one of those fortunate individuals who were able to find refuge in one of the Wallenberg safe houses after I successfully escaped from a forced labor camp north of Budapest. Most of the members of my family and a large portion of my wife Annette's family were killed during that dark period.

When Soviet military forces liberated Budapest in January and February 1945, more than 100,000 Jews were still alive in the city because of the efforts of Wallenberg, Lutz, Perlasca, and other diplomats and individuals. There are many individuals alive today—as well as our children and grandchildren—because of the work of these individuals and the efforts of the United States War Refugee Board.

Mr. Speaker, as we mark the 60th anniversary of the Holocaust in Hungary, I urge my colleagues to join me in this solemn remembrance. At the same time, I urge all of us to recommit ourselves to fighting against the evils that led to the Holocaust—anti-Semitism, racism, bigotry, and intolerance. Unfortunately,

as we have seen too often lately, these precursors to violence and the murder of innocents have not been eradicated. We have seen a resurgence of anti-Semitism in many places in Europe. We have seen religious extremists in the Middle East and elsewhere carrying out horrendous atrocities against others in the misused name of their God. We have seen ethnic differences lead to genocide in Africa—a tragic event whose 10th anniversary we marked just a few days ago.

Mr. Speaker, let us recommit ourselves to fight against the intolerance and bigotry that led to the Holocaust and that continues to produce such suffering and tragedy in our world. Let us recommit ourselves to respect for individual differences and to fight for human rights.

## HOLOCAUST REMEMBRANCE DAY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. DELAURO. Mr. Speaker, today marks the national commemoration of Holocaust Remembrance Day. Today the Congress will stop to remember the six million Jews murdered in the Holocaust. That dark time in history taught us lessons which we must always remember, and which must guide our future. We know the depths to which humanity can descend; we know how millions of people can embrace evil; and we know that it must never happen again.

Indeed, from that terrible moment in history, the world took up a battle cry against bigotry and hatred: ''Never again.'' As the world's only superpower, it is our responsibility to make that statement an element of our foreign policy. The United States must be ever vigilant in preventing genocide, as we did in Kosovo. We must be willing to stand up quickly and forcefully to the ideology of hate, wherever we find it.

We must be vigilant at home, as well. This vigilance requires us to tell the story of the Holocaust to each other and to our children. We owe nothing less to the survivors and to the brave men who fought to liberate the Ghettos and the death camps. We also owe this debt to the men and women who, in the midst of Holocaust, stood out as some of humanity's brightest lights: Raoul Wallenberg and Per Anger provided nearly 100,000 Hungarian Jews with fake passports and other tools to escape Nazi persecution. Oskar Schindler's employment of Polish Jews spared thousands from death. In Denmark, entire fishing communities helped ferry almost 90 percent of Denmark's Jews to safety in Sweden. These stories must be told.

On this day when the Congress stops to remember the six million people slaughtered in the Holocaust, I hope that we also recall these incredible stories of courage and of the good that humanity can achieve, even in the midst of unspeakable horror.

## DAY OF REMEMBRANCE FOR THE HEROES AND MARTYRS OF THE HOLOCAUST

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. ACKERMAN. Mr. Speaker, I rise to call the attention of the House to the Day of Remembrance for the Heroes and Martyrs of the Holocaust. Today is the National Commemoration day, and the Rotunda of the Capitol again will serve as the focal point of America's obligation to remember. Sadly, the Holocaust is not old news, even though the last camp was liberated in 1945, even though the last victim was killed in 1945, even though the Nazi regime fell in 1945.

Unfortunately Mr. Speaker, the Holocaust is a current event. It is not then, it is now. It is today, it is this moment. Today in America, Holocaust survivors are still struggling to win back their lost property and overdue compensation. Today in Europe, on the same streets the Nazis declared Judenrein—Jew-free—Jews are again being attacked and assaulted. Today around the world, newspapers and media outlets are spewing vicious, venomous anti-Semitic lies and incitement. Today in other countries, ethnic cleansing is taking place. Today, intolerance, xenophobia, racism, and anti-Semitism are realities in our world, and we cannot ignore this fact.

Our obligation as a nation which has adopted the ethos of ''Never Again,'' at a very bare minimum, is to remember. Our national commitment to remember the Holocaust is worth reflecting on and is something we can be proud of as long as we remain vigilant and aware of the unique nature of this tragedy in human history.

The American people's commitment is embodied in the U.S. Holocaust Memorial Museum and its ongoing mission. The American public also gives generously to non-profit groups that develop and share Holocaust education programs around the country. And most importantly, the United States remains an active and vocal supporter of universal human rights and guardian against the continued risk of genocide. There is, unfortunately, a justification for this activity beyond good heartedness.

The shame of this country's refusal to either admit Jewish refugees from Nazi persecution or even to bomb the railway lines to the concentration camps will forever remain a blackmark on our national honor. While this loathsome chapter of our national history cannot be unwritten, we can and must pursue policies that ensure such tragedies never occur again. Refugees continue to deserve the protection and assistance of the United States, and we must never be afraid to intervene to prevent genocide or ethnic cleansing.

We must also continue to build and strengthen the bonds of friendship and support between this nation and the State of Israel, which emerged out of the ashes of the Holocaust. While much of the world quibbles over, or disputes entirely, the right of the Jewish people to establish a state in their historic homeland, the United States has never for a moment doubted the rightness and morality of this enterprise or questioned the right of the Jewish people to have a state of their own. Indeed, many of those states which either assisted the Nazis in the liquidation of their Jewish populations, or simply sat by quietly as the Nazis fulfilled their vicious agenda, are today among Israel's most vigorous critics.

By contrast, the United States is, and I hope always will be, Israel's closest ally and friend in the international community. I am proud of America's support for Israel, and I think it is no coincidence that the United States and this Congress do so much answer the call of memory the Holocaust demands.

Today in the Capitol we recall the stark facts of the Holocaust: that in the years between 1933 and 1945, a modern, cultured, Western nation transformed from a democracy into a dictatorship; that this dictatorship initiated a war not only against the nations of Europe, but against the Jewish people; that to fulfill the mandate of genocide Nazi Germany established ghettos, special military killing units, a bureaucracy to manage the construction and operation of the concentration camps, slave labor camps and extermination camps, and a transportation system to bring Europe's Jews to their doom; and that at the end of the Nazis' regime, their campaign of persecution and annihilation had systematically murdered some 6,000,000 innocent Jews.

Mr. Speaker, we must remember this. To ignore the Holocaust is to risk its repetition and to clear a path for deniers and bigots and their agenda of hate. The Holocaust must be remembered. As a moral nation, we can do no less.

## COMMEMORATION OF HOLOCAUST REMEMBRANCE DAY

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. HOLDEN. Mr. Speaker, I rise today as we join together at the United States Capitol to observe the national commemoration of Holocaust Remembrance Day.

Also known as Yom HaShoah, a Hebrew term for ''The Holocaust,'' this is an internationally recognized day set aside each year to remember the victims of the Holocaust and to remind each of us what can happen when bigotry and hatred are not confronted.

The Holocaust's magnitude of destruction with more than 12 million deaths—6 million Jews, including 1.5 million children (more than ⅔ of European Jewry) and 6 million others—challenges comprehension. Studying the Holocaust presents a framework of many relevant moral issues. The Holocaust illustrates the consequences of prejudice, racism and stereotyping on a society. It forces us to examine the responsibilities of citizenship and confront the powerful ramifications of indifference and inaction. The Holocaust also shows us how a combination of events and attitudes can erode a society's democratic values.

As we commemorate Holocaust Remembrance Day, we must acknowledge that anti-Semitism and other dangers still exist. Acts of anti-Semitism in countries throughout the world, including some of the world's strongest democracies, have increased significantly in frequency and scope over the last several years. During the first 3 months of 2004, there were numerous instances of anti-Semitic violence around the world. For instance:

In Australia, poison was used to ignite, and burn anti-Semitic slogans into, the lawns of the Parliament House in the state of Tasmania;

In St. Petersburg, Russia, vandals desecrated approximately 50 gravestones in a Jewish cemetery, painting the stones with swastikas and anti-Semitic graffiti;

In Toulon, France, a Jewish synagogue and community center were set on fire;

And just 4 weeks ago in Toronto, Canada, vandals attacked a Jewish school, a Jewish cemetery, and area synagogues, painting swastikas and anti-Semitic slogans on the walls of a synagogue and on residential property in a nearby, predominantly Jewish, neighborhood.

Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses throughout the Arab region.

The sharp rise in anti-Semitic violence has caused international organizations such as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism. The OSCE will again convene a conference dedicated to addressing the problem of anti-Semitism on April 28–29, 2004, in Berlin, with the United States delegation to be led by former Mayor of New York City Ed Koch.

Mr. Speaker, I am proud of the manner in which Congress has consistently supported efforts to address the rise in anti-Semitic violence. In that spirit we must ensure the United States Government remains strongly committed to supporting international efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations. It is in this spirit that we can truly say, ''Never Again.''

## ON THE OCCASION OF HOLOCAUST REMEMBRANCE DAY

### HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues to commemorate Yom Ha-Shoah, Holocaust Remembrance Day, which memorializes the 6 million Jews murdered by the Nazis during World War II.

We mourn the innocent lives and vibrant communities destroyed while the world shamefully stood silent. We encourage the advancement of Holocaust education and we must continue the battle against resurgent anti-Semitism and intolerance around the world.

We must also do more to stop the steady stream of hatred. The dramatic rise of anti-Semitic attacks and Holocaust denials in Europe and in Arab countries is unacceptable.

We shall never forget the horrific crimes of murder and destruction committed by the Nazis. We firmly commit ourselves to ensuring that future generations shall never be forced to endure the suffering, humiliation, and ultimate death experienced by the victims of the Holocaust. We commit ourselves—as a country and as human beings—to never allow the pleas of those in need to ever again go unanswered.

We recommit ourselves to stand against anti-Semitism, discrimination, and intolerance in all forms—at home and abroad. As we reflect upon the murder of 6 million innocent Jewish men, women and children, and the systematic destruction of families and vibrant communities, we reestablish our determination to confront the past, and our dedication to perpetuating the memory of those who suffered.

We shall never forget.

## HOLOCAUST REMEMBRANCE DAY

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. BACA. Mr. Speaker, I rise today to remember the tragic horror of the Holocaust. The memory of the six million Jews murdered by the Nazis must never be forgotten.

Yom Ha Shoah, Holocaust Martyrs' and Heroes' Remembrance Day, stands as the day when people all over the world remember the inhuman actions of Nazis and the righteous actions of heroes.

Six million people were murdered in concentration camps, in homes, on the street, and in the ghettos.

Their lives were lost and all that is left are memories and mementos.

We must remember the lives of those who perished during the Holocaust. We must teach the children of the horror and terror that can happen when the world turns the other way and refuses to notice hatred and bigotry, racism and anti-Semitism.

When I visited Israel and Yad va Shem, I remember walking into the Hall of Remembrance and seeing the single memorial flame casting light in the dark room.

The memorial light always burns never forgetting what took place during the Holocaust.

It is this light that I think of when I hear that Temple Emanu-El in San Bernardino held an interfaith ceremony commemorating the Holocaust.

But commemoration should not end with Holocaust Remembrance Day. Throughout the year, whenever we see the injustice of anti-Semitism and the injustice of racism we need to remember the Holocaust and speak out.

All over Europe, the Middle East and North America, anti-Semitic acts occur with disheartening frequency. We must speak out against these attacks. We must speak out against the stereotypes and anti-Semitic forgeries seen on the Internet and in the foreign press. We must speak out against all racist and bigoted actions.

We must be vigilant, so that we can say that the Holocaust will never happen again.

## HOLOCAUST REMEMBRANCE DAY

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyr's and Heroes Remembrance Day. I join the people of Israel and those around the world to memorialize the 6 million Jews who were murdered by the Nazis during World War II.

In 1933, there were over 9 million European Jews. By 1945, close to two out of every three had been killed as part of the Nazi's Final Solution. European cities have never recovered the diversity and way of life they had prior to the war. The Jewish people killed were teachers, lawyers, doctors, musicians, parents, and children. These innocents were killed because they were Jewish and targeted for no other reason, they were no different from you or I.

There are few Holocaust survivors alive and it is important for them to share their stories and educate people about the Holocaust, here and abroad. Over 50 years have passed since the Holocaust but anti-Semitism still exists. There has been an upsurge of anti-Semitism overseas and it must stop before there are further extreme acts.

We must also remember the others who were murdered for being different. Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny for no specific reason except they were different.

The Holocaust was not an accident. It was a planned attempted extermination. Individuals, organizations and governments made choices that not only legalized discrimination but also allowed prejudice, hatred, and ultimately, mass murder to occur. As a global society we must work to ensure something like this does not occur again.

We will never forget.

## SO THAT THE WORLD WILL NEVER FORGET: REMEMBERING THE VICTIMS OF THE HOLOCAUST

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MEEK of Florida. Mr. Speaker, today I rise to join with my community and my colleagues to recognize Yom HaShoah, the day established to remember the state-sponsored persecution and murder of approximately six million Jews by the Nazi regime and its collaborators.

Yom HaShoah, the Hebrew word for destruction, is the term used to describe the war that swept up the souls of six million Jews between 1938 and 1945. A war in which unspeakable atrocities were perpetrated against a defenseless and blameless people, whose only ''crime'' was their religious beliefs.

Men and women, young and old alike, perished at the hands of the Nazis and their allies. Every year, on Yom HaShoah, we remember the martyrs who perished in the camps, in the ghettos, and in the gas chambers.

It has been 60 years since the Holocaust. To survivors, and those who lost friends and family members, it remains real and ever-present. But to many people, who did not directly experience the Holocaust or have a connection to those who did, 60 years makes the Holocaust seem like ancient history.

It is for this reason that we meet here today, for the world must never forget the unspeakable horror of the Holocaust. Every person has a responsibility to fight against ignorance, intolerance and prejudice in all its forms.

So let us rededicate ourselves as we commemorate this day of Yom HaShoah, so that the memories of the Jewish victims of the Holocaust can live on for eternity and that a tragedy like this will never happen on the face of the earth again.

## HOLOCAUST MARTYRS' AND HEROES' REMEMBRANCE DAY

### HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. SANDLIN. Mr. Speaker, last Sunday, April 18, 2004, the people of the world memorialized Yom HaShoah—a special day of remembrance honoring the martyrs and heroes of the Holocaust. Holocaust Remembrance Day is a day that has been set aside to remember the victims of the Holocaust and to remind each of us what can happen when bigotry and hatred are not confronted.

Mr. Speaker, I am humbled as I rise today with my colleagues to honor the memories and the lives of the more than 6 million victims of Nazi hatred and aggression during the pogrom known to us as the Holocaust. I am also humbled to stand in this cathedral of freedom and honor the lives of the many heroes who fought so bravely against unimaginable odds to defeat a genocidal madman.

More than 60 years ago, Adolf Hitler and his Nazi regime set out to eradicate European Jewry. So committed were they to the accomplishment of this goal, their so-called ''Final Solution,'' that even in the waning days of World War II, when defeat was imminent, the Germans continued rounding up Jews all over Europe and sending them to their deaths.

Mr. Speaker, driven by a radical and uncompromising anti-Semitic ideology, the Nazis redoubled their efforts to reach every last Jew before the war ended. They were in a rush; time was running out. Depleting sorely-needed resources from the war effort, German forces swept across Europe, assembling and annihilating community after community, individual after individual, from their homes, ghettos and hiding places.

Mr. Speaker, during the last year of the war in Europe, German defeat was all but accomplished, and yet their hatred and bigotry survived and thrived. Consequently, the Nazis murdered more than 700,000 Jews in the last full year of the war, including most of the Jews of the last large community in Europe, Hungary. In one of the most efficient deportation and murder operations of the Holocaust, the Nazi and Hungarian regimes deported 437,000 Jews to Auschwitz-Birkenau in just eight weeks, and killed tens of thousands more later that year.

Six decades have passed since Allied troops liberated the labor and death camps, and yet the memory of the horrors perpetrated against the Jewish people is seared into the collective conscious of the world. However, Mr. Speaker, sadly, we cannot undo history, and we cannot reverse the atrocities carried out by a barbarous German regime.

What remains for us is to honor and preserve the memories and lives of both the victims and the survivors of the Holocaust. Out of the great tragedy of the Holocaust emerges a tremendous object lesson for humanity: hatred and bigotry can never be taken for granted or left unchecked. We must never forget.

Mr. Speaker, memory is critical—our own and that of the victims of unprecedented evil and suffering. The Holocaust is an era we must remember not only because of the dead; it is too late for them. Not only because of the survivors; it may even be too late for them. Preserving memory is a solemn responsibility, aimed at saving men and women from apathy to evil, if not from evil itself. We must never forget.

Mr. Speaker, sixty years ago, much of the world overlooked the deadly plight of an entire people until it was almost too late. We have a sacred obligation—in order to truly keep faith with the principles upon which our great nation was founded—to remain vigilant, to remember the horrors of the past, to learn from them, and to protect against them for all eternity. We must never forget.

Mr. Speaker, Nobel laureate and Holocaust survivor, Elie Wiesel, perhaps summed it up best when he said, ''to remain silent and indifferent is the greatest sin of all.'' As Americans, we must heed his call and embrace his challenge. We must never forget.

## COMMEMORATION OF YOM HASHOAH, AND UPCOMING OSCE CONFERENCE ON ANTI-SEMITISM

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. CARDIN. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered by the Nazis during their campaign of genocide in World War II. We mourn the innocent lives lost and vibrant communities destroyed while the world shamefully stood silent, and honor those heroes of the Warsaw Ghetto who faced certain death when they refused to submit to the Nazi's planned extermination of their community.

To this day, Mr. Speaker, many European countries have failed to right the past wrongs of the Holocaust by failing to adequately redress the wrongful confiscation of property by the Nazi and communist regimes. These seizures took place over decades; they were part of the modus operandi of repressive, totalitarian regimes; and they affected millions of people. The passage of time, border changes, and population shifts are only a few of the things that make the wrongful property seizures of the past such difficult problems to address today.

While I recognize that many obstacles stand in the way of righting these past wrongs, I do not believe that these challenges make property restitution or compensation impossible. On the contrary, I believe much more should have been done—and can still be done now-while our elderly Holocaust survivors are still living.

Today I also want to sound the alarm about a disturbing trend that Jews face today: a rising tide of anti-Semitism throughout the world.

I serve as the Ranking Member of the Commission on Security and Cooperation in Europe (CSCE), commonly known as the Helsinki Commission. Later today I will travel to Europe as part of the U.S. Delegation to several meetings of the Organization for Security and Cooperation in Europe (OSCE), a fifty-five national regional security organization which includes Europe, Central Asia, and North America. The Helsinki Commission has held multiple hearings on this issue, and the House and Senate have adopted resolutions strongly condemning this rising tide of anti-Semitism, as has the OSCE Parliamentary Assembly.

As part of my upcoming Helsinki Commission trip, I will travel to Warsaw, Krakow, and then to the death camps at Auschwitz, to see firsthand the remains of the factories of intolerance, hate, and death. From there I will travel to an OSCE Conference on Anti-Semitism, which will also be attended by Secretary of State Colin Powell. I will then return to the United States, where I will host a group of constituents at the U.S. Holocaust Memorial Museum in Washington.

The Berlin Conference will be instrumental in the battle against anti-Semitism, as elected officials, government leaders and executives of non-governmental organizations come together to discuss how to fight this destructive evil. Anti-Semitism still afflicts societies throughout the world, including the United States. While we have made some progress in moving governments to respond through public denunciations and vigorous law enforcement, there is much more we can do to confront and combat anti-Semitism. The Conference will specifically address the roles of governments, civil society, education and the media in combating prejudice and in promoting tolerance.

As we commemorate Yom Hashoah, let us honor the memory of those who perished in the Holocaust by pledging to fight intolerance, hate crimes, and violence in our community and around the world. We shall never be silent again.

## HOLOCAUST REMEMBRANCE

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to pay tribute to the 6 million Jews who perished at the hands of the Nazis during the Holocaust. Today in the nation's Capitol, we gather to pay our respects with our Days of Remembrance ceremony. My district, the 9th Congressional District of Illinois, is home to a large number of survivors of the Nazi death camps, and this day holds deep meaning for those individuals and the entire Jewish community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. And while we respect the right of every person to be heard, the hateful displays throughout the world that are directed at the Jewish people remind us that ''Never Again'' is not a guarantee, but a promise that we must uphold through education, dialogue, and determination. It reminds us that we must continue

to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

''Never Again'' also means that we must combat hate and genocide wherever it exists. We must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable and that it take action to prevent unwarranted human misery.

We recently marked the ten year anniversary of the Genocide in Rwanda, a horrific period in recent history. The world, including the United States, allowed for the brutal murder of 800,000 Tutsis in just 100 days of barbaric killings. President Clinton has cited the Rwandan genocide as one of his worst regrets.

In my Congressional district last weekend, the Cambodian Association of Illinois held a groundbreaking ceremony for the first Killing Fields Memorial Museum in the United States.

While we must honor those who were lost during the Holocaust and other past genocides by carrying on and living honorable and productive lives, the most important thing we can do to honor lives lost in the past is to refuse to repeat the same mistakes today that allowed for those atrocities to occur in the past.

Today, as we mark the Holocaust and honor the lives that were lost in the world's worst murder case, and, as we reflect on other past genocides, history appears, shamefully, to be repeating itself.

Today, in the Sudan, civilians are being systematically murdered, raped and brutalized by the government and other forces. We will likely witness the loss of hundreds of thousands of innocent lives in the coming weeks if the world stands idly by and does nothing to intervene.

Some in this body may feel some comfort in pointing to the fact that a hearing has been held or that they were willing to sign a letter or cosponsor a non-binding resolution expressing concern. Those are important steps to take to put the Congress on record, but unfortunately, they will not save lives. The situation in Sudan is a human rights emergency, one that demands immediate action, not just words from the United States and the international community. ''Never Again'' means making tough decisions to preserve human life.

While President Bush has acknowledged the situation in Sudan and has expressed concern, he has not taken action to address it. Phone calls and press statements do not constitute action. Today, I call on President Bush in the name of human dignity and compassion to honor those who were lost in years past while the world watched in silence, to exert true leadership and take action to stop the killing in the Sudan.

Each one of us has a responsibility to condemn the senseless killing that is taking place and to demand that our great nation lead the world in bringing the bloodshed to an end.

## RECOGNIZING HOLOCAUST COMMEMORATION CEREMONY

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LARSON of Connecticut. Mr. Speaker, I rise to honor the millions of Jews who perished in the Holocaust and extend my support to today's annual Days of Remembrance ceremony at the U.S. Capitol.

The Days of Remembrance ceremony, along with the creation of the United States Holocaust Memorial Museum, were established by Congress to permanently honor these victims. The lasting legacy of the museum and today's annual ceremony is not only to remember those who perished, but also to educate the world about human rights.

The 2004 Days of Remembrance asks us to pay tribute to the memory of the Jews of Hungary, who were deported 60 years ago in the final stages of World War II, and to honor those courageous individuals as well as the few organizations and countries who attempted to rescue them.

When I served in the Connecticut Senate as Senate President Pro Tempore, I had the great honor of presiding over the Days of Remembrance for 8 years. These ceremonies were incredibly moving. They inspired all in attendance to reflect on how such tremendous horror could happen in a civilized world. Every memorial candle lit by survivors and their family members was a testament that the eternal flame of life may flicker and dim, but it can never be extinguished.

One family in particular that understands this painful moment in history all too well is that of my colleague from Connecticut Senator JOE LIEBERMAN. Senator LIEBERMAN's wife Hadassah, is the daughter of Auschwitz death camp survivors. Although her father, Rabbi Samuel Freilich, has died, he bravely confronted his memories of Auschwitz by writing the book, The Coldest Winter.

Hadassah Lieberman was part of the U.S. delegation who attended the ceremony to mark the 50th anniversary of the liberation of Auschwitz. I can't possibly begin to know what that trip must have meant to her. Yet, I do know that her courage to travel to this place of horrible evil, and the courage of every survivor and their families, is truly remarkable.

This year's Days of Remembrance theme is ''For Justice and Humanity.'' Sadly, thousands around the world have not found justice from the crimes against humanity that they have endured.

A United Nations Commission on Human Rights statement issued yesterday indicates that human rights violations around the world are far from eliminated. The Commission agreed to assist countries that have recently experienced violence or are still combating insurgencies, such as Afghanistan, Nepal, Timor-Leste, Cambodia, Haiti, Burundi, Somalia, the Democratic Republic of the Congo, Chad, Liberia, Somalia and Sierra Leone.

Today's ceremony is a critical reminder that the fight against repression and violence is a difficult battle. Yet, it also reminds us that while the capacity to hate does exist in this world, an equally potent capacity for hope, for courage and for justice also exists.

## RECOGNIZING HOLOCAUST REMEMBRANCE DAY

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. LANGEVIN. Mr. Speaker, I rise to honor the millions who lost their lives during the Holocaust as we observe Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day.

Yom Hashoah commemorates the April and May 1943 Warsaw Ghetto uprising. Led by 23-year-old Mordecai Anielewicz, 750 Jewish resistance fighters battled heavily armed German troops and police attempting to deport the surviving ghetto inhabitants to concentration camps. In an appeal to the world community to end the atrocities of the Holocaust, the fighters wrote, ''A battle is being waged for your freedom as well as ours. For you and our human, civic, and national honor and dignity.'' Unfortunately, their call went largely unanswered. While the fighters were able to hold out for nearly a month, the German firepower was too much. In the end, more than 56,000 Jews were captured, 7,000 were shot, and the remainder were deported to concentration camps.

Between the years of 1941 and 1945, more than 12 million innocent civilians were murdered in the Holocaust, including 6 million Jews. These people were singled out not because of any wrongdoing, but rather because of their families' religion or where they were born.

Nearly 60 years after the end of this attempt to exterminate an entire religion, anti-Semitism, racism, and xenophobia continue to plague humanity. People are discriminated against and even targeted for violence simply because of where they were born or who their ancestors are. Every day, this occurs not only in Europe, the Middle East, and North Africa, but also here in America. Now more than ever, we all must work to understand those of different cultures, races, and religions. Mutual respect for differences will lead to the end of hostilities, and only then will the opportunity for world peace exist.

As philosopher George Santayana said, ''Those who cannot remember the past are condemned to repeat it.'' I encourage my constituents to take this opportunity to visit the Rhode Island Holocaust Memorial Museum, speak to a Holocaust survivor, or read a book by Eli Wiesel. I solemnly remember and honor all of those who lost their lives in the Holocaust, and I will do all in my power to ensure that similar atrocities never occur again.

## HOLOCAUST REMEMBRANCE DAY

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. ENGEL. Mr. Speaker, I rise in honor of this Holocaust Remembrance Day, Yom HaShoah, to remember both the best and the worst of humanity. Six million Jews and millions of others were rounded up, tortured, and murdered, by the Nazis 6 decades ago. The martyrs of these indescribably vicious and inhumane deeds will never be forgotten, neither their deaths nor the principles for which they stood. We remember those who were too weak to defend themselves, who were brutally slaughtered in death camps. We remember those like Anne Frank who battled to preserve their humanity in their own unique way. We remember those who fought back, like the brave men and women who rose up against the Nazis in the Warsaw ghetto 60 years ago.

Yet, nearly 6 decades after the Holocaust concluded, Anti-Semitism still exists as the scourge of the world. The Anti-Defamation League has found that in 2003 more than 1500 Anti-Semitic incidents occurred in the United States alone. Holocaust museums were the victims of arson and community centers defaced with swastikas. Tombs of Jews around the world, from Argentina to France, have been damaged and disgraced. For years we have spoken about this unacceptable situation, but we must reinforce our words with actions. As George Washington wrote in a letter to the Jewish Community of Newport, Rhode Island 204 years ago, the Government of the United States must always give ''to bigotry no sanction.''

As it did 60 years ago, the best of humanity must not stand silent but respond. Too small is our world to allow discrimination, bigotry and intolerance to thrive in any corner of it, let alone in the United States of America. Let this day of memorial strengthen our resolve to ensure that tolerance and coexistence will never be defeated by those who wish us harm.

## IN OBSERVANCE OF HOLOCAUST REMEMBRANCE DAY

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. MATSUI. Mr. Speaker, I rise today to join the international community in reflecting on the appalling events of the Holocaust and honoring the victims of this horrific tragedy by observing Holocaust Remembrance Day. On this day in 1943, the brave Jewish men and women of the Warsaw ghetto revolted against their Nazi captors in what was, unfortunately, a doomed battle. Yet their courage in the face of incredible odds showed the world the strength of the human spirit against oppression, prejudice, and racism.

The sheer magnitude of the destruction and loss of life during the Holocaust is beyond comprehension. Over 12 million people lost their lives—more than 6 million of which were Jewish. In some cases, entire Jewish families and communities were wiped out.

Unfortunately, the struggle against anti-Semitism continues today, as recent reports indicate an increase in violence against the Jewish community around the world. Remembrance Day serves as a reminder that we must never forget the appalling tragedy of the Holocaust—and that the struggle against prejudice has not yet ended.

Today, we rededicate ourselves to fighting intolerance, racism and apathy so that future generations do not experience the suffering, terror and ultimate death endured by the victims of the Holocaust. We must strive to understand these horrific events and work together as an international community to never again remain silent and indifferent in the face of others' oppression.

## HOLOCAUST REMEMBRANCE DAY

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2004*

Mr. WEXLER. Mr. Speaker, today, we mourn for the 6 million whose innocent lives were taken simply because they were Jews. Today, we honor the survivors of the Holocaust whose deep wounds will never heal. And today, we recognize the families of the fallen, whose lies were forever marred by irreparable loss and pain.

As we join together to pay tribute to those whose lives were tragically cut short, it is our moral obligation and duty to confer the lessons of the Holocaust I'dor v'dor—from one generation to the next. We must use Holocaust education as a shield, guarding future societies from incitement, ignorance and hate. Now, more than ever, as anti-Semitism increase both in Europe and throughout the globe, we must remember the horrors of the past to ensure that they may never happen again.

It is in this spirit that I join my colleagues in Congress in honoring the 6 million whose lives have been lost, but whose memories will forever live on.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed S. 2329, Crime Victims' Rights Act.**

**The House passed H.R. 2844, Continuity in Representation Act of 2003.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S4237–S4335***

**Measures Introduced:** Twelve bills were introduced, as follows: S. 2334–2345. **Pages S4300–01**

**Measures Reported:**

H. Con. Res. 328, Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

S. Res. 310, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. 2270, to amend the Sherman Act to make oil-producing and exporting cartels illegal. **Page S4300**

**Measures Passed:**

***Crime Victims' Rights:*** By 96 yeas to 1 nay (Vote No. 70), Senate passed S. 2329, to protect crime victims' rights, after agreeing to the following amendment proposed thereto: **Pages S4260–80**

Kyl/Feinstein Amendment No. 3047, of a technical nature. **Pages S4278–80**

**Asbestos Litigation:** Senate continued 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 S4247–60**

During consideration of this measure today, Senate also took the following action:

By 50 yeas to 47 nays (Vote No. 69), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to the consideration of the bill. **Page S4257**

**Internet Tax Non-Discrimination Act:** Senate began consideration of the motion to proceed to consideration of S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act. **Page S4333**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, pursuant to the order of today, a vote on cloture will occur at 5:30 p.m., on Monday, April 26, 2004. **Page S4333**

**Message From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report prepared by the National Science Board entitled "Science and Engineering Indicators—2004"; which was referred to the Committee on Commerce, Science, and Transportation. (PM–75) **Page S4299**

**Messages From the House:** **Page S4299**

**Measures Referred:** **Page S4299**

**Measures Placed on Calendar:** **Page S4333**

**Measures Read First Time:** **Page S4299**

**Executive Communications:** **Pages S4299–S4300**

**Additional Cosponsors:** **Pages S4301**

**Statements on Introduced Bills/Resolutions:** **Pages S4302–32**

**Additional Statements:** **Pages S4294–99**

**Amendments Submitted:** **Page S4332**

**Authority for Committees to Meet:** **Pages S4332–33**

**Privilege of the Floor:** **Page S4333**

**Record Votes:** Two record votes were taken today. (Total—70)

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 7:04 p.m., until 1 p.m., on Monday, April 26, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4333.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: FAA

*Committee on Appropriations:* Subcommittee on Transportation, Treasury and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Federal Aviation Administration, after receiving testimony from Marion C. Blakey, Administrator, Federal Aviation Administration, and Kenneth M. Mead, Inspector General, both of the Department of Transportation.

## OCEAN POLICY REPORT

*Committee on Appropriations:* Committee concluded a hearing to examine the U.S. Commission on Ocean Policy Report, which provides a blueprint for a coordinated, comprehensive national ocean policy for the 21st century, including 200 action-oriented recommendations concerning ocean and coastal-related issues, after receiving testimony from Admiral James D. Watkins, USN (Ret.), Chairman, U.S. Commission on Ocean Policy, who was accompanied by several of his associates.

## OCEAN POLICY

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine U.S. Commission on Ocean Policy Report, focusing on broad range ocean and coastal-related issues for the 21st Century, after receiving testimony from Representatives Farr and Ehlers; and Admiral James D. Watkins, USN (Ret.), Chairman, and Robert Ballard, Marc J. Hershman, Christopher Koch, Edward B. Rasmuson, Andrew A. Rosenberg, and Paul A. Sandifer, each a Commissioner, all of the U.S. Commission on Ocean Policy.

## IRAQ TRANSITION

*Committee on Foreign Relations:* Committee concluded hearings to examine obstacles and opportunities regarding the Iraq transition, focusing on the Administration's plans for the transition to Iraqi sovereignty, after receiving testimony from Marc Grossman, Under Secretary of State for Political Affairs, and Francis J. Ricciardone, Jr., Coordinator, Iraq Transition Team, both of the Department of State; Peter W. Rodman, Assistant Secretary for International Security Affairs, and Lieutenant General Claude Kicklighter (Ret.), Transition Chief, Coalition Provisional Authority, both of the Department of Defense; and Andrew S. Natsios, Administrator, United States Agency for International Development.

## NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Lauren Moriarty, of Hawaii, to be Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum, Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Korea, Michael W. Marine, of Vermont, to be Ambassador to Vietnam, and Patricia M. Haslach, of Oregon, to be Ambassador to Laos, after each nominee testified and answered questions in their own behalf.

## U.S.-CHINA RELATIONS

*Committee on Foreign Relations:* Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine U.S.-China relations and the status of reforms in China, focusing on human rights conditions and the prospects for democracy in China, after receiving testimony from Lorne W. Craner, Assistant Secretary of State for Democracy, Human Rights and Labor; Richard Lawless, Deputy Assistant Secretary of Defense; Arthur Waldron, University of Pennsylvania Department of History, Philadelphia; and Thea Lee, AFL–CIO, Pieter Bottelier, Johns Hopkins University School of Advanced International Studies, and Roger W. Robinson, Jr., U.S.-China Economic and Security Review Commission, all of Washington, D.C.

## NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Jendayi Elizabeth Frazer, of Virginia, to be Ambassador to South Africa, who was introduced by Senator Warner; Jack Dyer Crouch II, of Missouri, to be Ambassador to Romania, who was introduced by Senator Bond; and Victor Henderson Ashe, of Tennessee, to be Ambassador to Poland, who was introduced by Senator Alexander, after each nominee testified and answered questions in their own behalf.

## BUSINESS MEETING (REVISION)

*Committee on Indian Affairs:* On Wednesday, April 21, Committee approved a revised amendment in the nature of a substitute, which will be offered as a Floor amendment to S. 344, 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 (pending on Senate calendar).

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following bills:

S. Res. 310, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers;

H. Con. Res. 328, recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month; and

S. 2270, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

**IMMIGRATION LAW ENFORCEMENT**

*Committee on the Judiciary:* Subcommittee on Immigration, Border Security, and Citizenship concluded a hearing to examine the assistance of state and local authority to enforce immigration laws, focusing on an approach for stopping terrorists, the inherent arrest authority possessed by States, and the absence of Congressional preemption, after receiving testimony from Kris W. Kobach, University of Missouri-Kansas City School of Law, Kansas City; E.J. Picolo, Florida Department of Law Enforcement, Fort Myers; David A. Harris, University of Toledo College of Law, Toledo, Ohio; and Michelle Malkin, Bethesda, Maryland.

**BUSINESS MEETING**

*Select Committee on Intelligence:* Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 25 public bills, H.R. 4193–4217; and 4 resolutions, H. Res. 603–606 were introduced. **Pages H2371–72**

**Additional Cosponsors:** **Pages H2373–74**

**Reports Filed:** Reports were filed today as follows:

H. Con. Res. 388, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (H. Rept. 108–467);

H. Con. Res. 389, authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (H. Rept. 108–468); and

H. Con. Res. 376, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (H. Rept. 108–469). **Page H2371**

**Chaplain:** The prayer was offered today by Rev. Ronald J. Nuzzi, Director, ACE Leadership Program at the University of Notre Dame. **Page H2269**

**Reception to Receive Former Members of Congress in the House Chamber:** The House recessed to receive the United States Association of Former Members of Congress in the House Chamber. Later, agreed to the Kline motion that the proceedings had during the recess be printed in the Record. **Pages H2269–97**

**Recess:** The House recessed at 9:08 a.m. and reconvened at 10:45 a.m. **Page H2297**

**Continuity in Representation Act of 2003:** The House passed H.R. 2844, to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, by a yea-and-nay vote of 306 yeas to 97 nays, Roll No. 130. **Pages H2301–35**

The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules was considered as an original bill for the purpose of amendment. **Pages H2323–24**

Agreed to the Watt motion to recommit the bill to the Committee on House Administration with instructions by a voice vote. Then agreed to the amendment reported by the Committee on House Administration by a voice vote. **Pages H2333–35**

Agreed to:

Maloney amendment (made in order by a unanimous consent agreement that replaces the amendment no. 3 printed in part B of H. Rept. 108–466) that requires that states ensure to the greatest extent practicable that ballots are transmitted to uniformed services voters or overseas voters not later than 15 days after the Speaker's announcement of a vacancy and that the state shall accept and process the ballot so long as it is received by the appropriate state election official not later than 45 days after the State transmits the ballot or other election material to the voter. **Pages H2328–30**

Rejected:

Schiff amendment, no. 4 printed in part B of H. Rept. 108–466, that provides that any lawsuit challenging the Speaker's announcement that more than 100 vacancies exist must be filed within seven days of the announcement; **Pages H2330–31**

Larson amendment, no. 1 printed in part B of H. Rept. 108–466, that strikes the bill's overall 45-day time frame to conduct special elections and substitutes 75 days (rejected by a recorded vote of 179 ayes to 229 noes, Roll No. 128); and

**Pages H2324–26, H2331–32**

Larson amendment, no. 2 printed in part B of H. Rept. 108–466, that strikes the provision establishing a 10-day deadline for parties to nominate candidates in a special election and substitutes language that provides that candidates would be eligible to run in a special election under this bill if that candidate meets the requirements to get on the ballot as set by state law and that states could extend the overall time deadline in the bill to accomplish the result (rejected by a recorded vote of 188 ayes to 217 noes, Roll No. 129). **Pages H2326–28, H2332**

Withdrawn:

Baird motion to strike the enacting clause.

**Pages H2332–33**

Agreed to amend the title so as to read: to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances. **Page H2335**

H. Res. 602, the rule providing for consideration of the bill was agreed to by a recorded vote of 212 ayes to 197 noes, Roll No. 127, after agreeing to order the previous question by a yea-and-nay vote of 210 yeas to 198 nays, Roll No. 126.

**Pages H2310, H2311**

**Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:** The Chair announced the Minority Leader's appointment of Mr. Lynn C. Fritz of California, Mr. C. Payne Lucas of Washington, D.C., and Mr. Jeffery D. Sachs of New York, to the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission. **Page H2337**

**Meeting Hour:** Agreed that when the House adjourn today, it adjourn to meet at noon on Monday, April 26; and further that when it adjourn on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 27 for Morning Hour debate. **Page H2337**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, April 28. **Page H2337**

**Presidential Message:** Read a letter from the President wherein he transmitted a report by the National Science Board entitled, "Science and Engineering Indicators—2004."—referred to the Committee on Science. **Page H2340**

**Quorum Calls—Votes:** Two yea-and-nay votes and three recorded votes developed during the proceedings today and appear on pages H2310, H2311, H2331–32, H2332, and H2335. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 8:34 p.m.

# *Committee Meetings*

## DISTRICT OF COLUMBIA APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on District of Columbia held a hearing on District of Columbia Courts. Testimony was heard from the following officials of the District of Columbia: Rufus G. King III, Chief Judge, Superior Court; and Annice Wagner, Chairperson, Joint Committee on Judicial Administration and Chief Judge, Court of Appeals.

## LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies continued hearings on NIH, with emphasis on Management Issues. Testimony was heard from Elias A. Zerhouni, MD, Director, NIH, Department of Health and Human Services.

## LEGISLATIVE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Legislative held a hearing on the House of Representatives. Testimony was heard from the following officials of the House of Representatives: Jeff Trandahl, Clerk of the House; James M. Eagen III, Chief Administrative Officer; Wilson S. Livingood, Sergeant at Arms; Steven McNamara, Inspector General; Geraldine Gennet, Office of the General Counsel; John R. Miller, Office of the Law Revision Counsel; M. Pope Barrow, Office of the Legislative Counsel; and John Eisold, M.D., Office of the Attending Physician.

The Subcommittee also held a hearing on the GAO. Testimony was heard from David M. Walker, Comptroller General of the United States, GAO.

## DEVELOPMENTS IN LABOR LAW

*Committee on Education and the Workforce:* Subcommittee on Employer-Employee Relations held a hearing entitled "Developments in Labor Law: Examining Trends and Tactics in Labor Organization Campaigns." Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Ordered reported the following measures: H.R. 3866, as amended, Anabolic Steroid Control Act of 2004; H.R. 2771,

To amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Act; and H. Res. 516, as amended, Supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector.

## STATUS REPORT—FEDERAL AGENCIES' CONTINUITY OF OPERATIONS PLANS

*Committee on Government Reform:* Held a hearing on Can Federal Agencies Function in the Wake of a Disaster? A Status Report on Federal Agencies' Continuity of Operations Plans. Testimony was heard from Linda D. Koontz, Director, Information Management Issues, GAO; Michael Brown, Under Secretary, Emergency Preparedness and Response Directorate, Department of Homeland Security; and a public witness.

## RESOLUTION—CONDEMNING SUDAN FOR ATTACKS AGAINST INNOCENT PEOPLE; RWANDA'S GENOCIDE: LOOKING BACK

*Committee on International Relations:* Subcommittee on Africa approved for full Committee action, as amended, H. Con. Res. 403, Condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan.

The Subcommittee also held a hearing on Rwanda's Genocide: Looking Back. Testimony was heard from public witnesses.

## LEGAL THREATS TO TRADITIONAL MARRIAGE

*Committee on the Judiciary:* Subcommittee on the Constitution held an oversight hearing entitled "Legal Threats to Traditional Marriage: Implications for Public Policy." Testimony was heard from public witnesses.

## OVERSIGHT—FEDERAL TRADEMARK DILUTION ACT AMENDMENTS

*Committee on the Judiciary:* Subcommittee on Courts, The Internet, and Intellectual Property held an oversight hearing on a proposal to amend the Federal Trademark Dilution Act. Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee the following measures: H.R. 2619, as amended, Kilauea Point National Wildlife Refuge Expansion Act of 2003; H.R. 3378, Marine Turtle Conservation Act of 2003; H.R. 4114, Migratory Bird Treaty Act of 2004; and H. Res. 431, Honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action the following bills: H.R. 646, as amended, To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862; H.R. 2201, National War Permanent Tribute Historical Database Act; H.R. 2663, To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System; H.R. 2966, as amended, Right-to-Ride Livestock on Federal Lands Act of 2003; H.R. 3768, Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004; H.R. 3819, Lewis and Clark National Historical Park Designation Act of 2004; and H.R. 3874, To convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal.

## SMALL BUSINESSES CREATING JOBS AND PROTECTING THE ENVIRONMENT

*Committee on Small Business:* Subcommittee on Regulatory Reform and Oversight held a hearing on Small Businesses Creating Jobs and Protecting the Environment. Testimony was heard from William Farland, Deputy Assistant Administrator for Science, Office of Research and Development, EPA; and public witnesses.

## OVERSIGHT—REVIEW AIRPORT SCREENER PRIVATIZATION PILOT PROGRAM

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held an oversight hearing to Review the Airport Screener Privatization Pilot Program. Testimony was heard from the following officials of the Department of Homeland Security: David M. Stone, Acting Administrator, Transportation Security Administration; and Clark Kent Ervin, Inspector General; Norman J. Rabkin, Managing Director, Homeland Security and Justice Division, GAO; and public witnesses.

## GLOBAL UPDATES

*Permanent Select Committee on Intelligence:* Subcommittee on Intelligence Policy and National Security met in executive session to hold a hearing on

Global Updates. Testimony was heard from departmental witnesses.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D373)*

S. 2057, 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. Signed on April 22, 2004. (Public Law 108–220)

## COMMITTEE MEETINGS FOR FRIDAY, APRIL 23, 2004

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

*Committee on Government Reform,* hearing on Justice for All: A Review of the Operations of the District of Columbia Superior Court, 10 a.m., 2154 Rayburn.

## CONGRESSIONAL PROGRAM AHEAD

### Week of April 26 through May 1, 2004

### Senate Chamber

On *Monday*, at 2 p.m., Senate will resume consideration of the motion to proceed to consideration of S. 150, Internet Tax Non-Discrimination Act, with a vote on the motion to invoke cloture to occur at approximately 5:30 p.m.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* April 28, Subcommittee on Defense, to hold hearings to examine medical programs in the armed services, 10 a.m., SD–192.

April 29, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine intellectual property issues, 10 a.m., SD–192.

*Committee on Armed Services:* April 27, business meeting to consider the nominations of Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller), Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, and Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration, 9:30 a.m., SR–222.

*Committee on Banking, Housing, and Urban Affairs:* April 29, to hold hearings to examine counterterror initiatives and concerns in the terror finance program, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* April 27, to hold hearings to examine telecommunications policy, focusing on lessons learned from the Telecommunications Act of 1996, 9:30 a.m., SR–253.

April 27, Subcommittee on Science, Technology, and Space, to hold hearings to examine International Space Exploration Program, 3:30 p.m., SR–253.

April 28, Full Committee, to continue hearings to examine telecommunications policy, 9:30 a.m., SR–253.

April 29, Subcommittee on Oceans, Fisheries and Coast Guard, to hold an oversight hearing to examine National Oceanic and Atmospheric Administration, Department of Commerce, 10 a.m., SR–253.

*Committee on Energy and Natural Resources:* April 27, to hold an oversight hearing to examine sustainable, low emission, electricity generation, 10 a.m., SD–366.

April 27, Subcommittee on National Parks, to hold hearings to examine S. 1064, to establish a commission to commemorate the sesquicentennial of the American Civil War, 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 ofthe Tapoco Project, 2:30 p.m., SD–366.

April 28, Full Committee, business meeting to consider pending calendar business, 11:30 a.m., SD–366.

*Committee on Environment and Public Works:* April 28, to hold hearings to examine the reauthorization of the Economic Development Administration, 9:30 a.m., SD–406.

*Committee on Finance:* April 27, Subcommittee on International Trade, with the Subcommittee on Health Care, to hold joint hearings to examine international trade and pharmaceuticals, 10 a.m., SD–215.

April 28, Full Committee, to hold hearings to examine fraud and abuse in Medicare's power wheelchair program, 10 a.m., SD–215.

*Committee on Foreign Relations:* April 28, to hold hearings to examine the nominations of James Francis Moriarty, of Virginia, to be Ambassador to Nepal, Michele J. Sison, of Maryland, to be Ambassador to the United Arab Emirates, and Thomas Charles Krajeski, of Virginia, to beAmbassador to Yemen, 10 a.m., SD–419.

April 28, Full Committee, to hold hearings to examine the nominations of Constance Berry Newman, to be an Assistant Secretary of State for African Affairs, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, Thomas Neil Hull III, of New Hampshire, to be Ambassador to Sierra Leone, and Roger A. Meece, of Washington, to be Ambassador to the Congo, 3 p.m., SD–419.

April 29, Full Committee, business meeting to consider pending nominations, 9:30 a.m., SD–419.

*Committee on Governmental Affairs:* April 28, to hold hearings to examine the use and prevention of abuse of government purchase cards, 10 a.m., SD–342.

April 29, Full Committee, to hold a hearing to examine the nomination of Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission; to be immediately followed by a hearing to examine the nomination of David Safavian, of Michigan, to be Administrator for Federal Procurement Policy, Office of Management and Budget, 10 a.m., SD–342.

*Committee on Health, Education, Labor, and Pensions:* April 28, Subcommittee on Children and Families, to hold hearings to examine how to promote a healthy marriage, 2 p.m., SD–430.

*Committee on Indian Affairs:* April 28, to hold hearings to examine S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, 10 a.m., SR–485.

April 29, Full Committee, to hold hearings to examine S. 2301, to improve the management of Indian fish and wildlife and gathering resources, 10 a.m., SR–485.

*Committee on the Judiciary:* April 27, to hold hearings to examine the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, 10 a.m., SD–226.

April 28, Full Committee, to hold hearings to examine safeguarding the future of American live theater relating to the Playwrights Licensing Antitrust Initiative Act, 2 p.m., SD–226.

*Select Committee on Intelligence:* April 27, closed business meeting to consider certain intelligence matters, 2:30 p.m., SH–219.

April 28, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

April 29, Full Committee, closed business meeting to markup proposed legislation authorizing funds for fiscal year 2005 for the intelligence community, 2:30 p.m., SH–219.

*Special Committee on Aging:* April 27, to hold hearings to examine opportunities and challenges relating to assistive technologies for independent aging, 10 a.m., SD–628.

## House Committees

*Committee on Agriculture,* April 28, hearing to review Agricultural Trade Negotiations, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* April 27, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, to continue appropriation hearings, 10 a.m., 2358 Rayburn.

April 28, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on Global Disease, 10:15 a.m., 2358 Rayburn.

April 28, Subcommittee on Legislative, on GOP, and Capitol Police, 1 p.m., H–140 Capitol.

April 28, Subcommittee on Transportation, Treasury and Independent Agencies, on Federal Transit Administration, 10 a.m., 2358 Rayburn.

April 29, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Security Assistance Budget Request, 10 a.m., 2359 Rayburn.

April 29, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Substance Abuse and Mental Health Research and Services, 10 a.m., 2358 Rayburn.

April 29, Subcommittee on Legislative, on Architect of the Capitol, 1 p.m., and on Library of Congress, 2 p.m., H–140 Capitol.

April 29, Subcommittee on Transportation, Treasury, and Independent Agencies, on Federal Highway Administration (Environmental Streamlining), 10 a.m., 2358 Rayburn.

*Committee on Education and the Workforce,* April 27, Subcommittee on Education Reform, hearing entitled ''Examining Success in Vocational Education,'' 1 p.m., 2175 Rayburn.

April 28, full Committee, hearing entitled ''Assessing the Impact of the Labor Department's Final Overtime Regulations on Workers and Employers Overtime Regulations,''10:30 a.m., 2175 Rayburn.

April 29, Subcommittee on Employer-Employee Relations, hearing entitled ''Examining Long-Term Solutions to Reform and Strengthen the Defined Benefit Pension System,'' 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* April 29, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Spyware: What You Don't Know Can Hurt You,''10 a.m., 2322 Rayburn.

*Committee on Financial Services,* April 28, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprise and the Subcommittee on Oversight and Investigations, joint hearing entitled: ''A Review of TRIA and Its Effect on the Economy: Helping America Move Forward'', 10 a.m., 2128 Rayburn.

April 28, Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing entitled ''Money Matters: Coin and Currency Design and Counterfeiting Issues,'' 2 p.m., 2128 Rayburn.

*Committee on Government Reform,* April 29, hearing entitled ''Transforming the National Guard: Resourcing for Readiness,'' 10 a.m., 2154 Rayburn.

*Committee on International Relations,* April 28, hearing on the United Nations Oil-for-Food Program: Issues of Accountability and Transparency, 10:30 a.m., 2172 Rayburn.

April 28, Subcommittee on Asia and the Pacific, hearing on North Korea: Human Rights, Refugees and Humanitarian Challenges, 1:30 p.m., 2172 Rayburn.

*Committee on the Judiciary,* April 29, Subcommittee on Immigration, Border Security and Claims, oversight hearing entitled ''The Diversity Visa Program, and Its Susceptibility to Fraud and Abuse,'' 10 a.m., 2141 Rayburn.

*Committee on Resources,* April 28, hearing on H.R. 2933, Critical Habitat Reform Act of 2003, 10 a.m., 1324 Longworth.

April 28, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 3744, To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the

Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; S. 33, To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; S. 434, Idaho Panhandle National Forest Improvement Act of 2003; S. 435, Sandpoint Land and Facilities Conveyance Act of 2003; and S. 1537, To direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery, 2 p.m., 1334 Longworth.

April 29, Subcommittee on Fisheries Conservation, Wildlife and Oceans, an oversight hearing on the International Aspects of Fish and Wildlife Conservation and Management, 10 a.m., 1324 Longworth.

April 29, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 3638, Redwood National Park Boundary Adjustment Act of 2003; H.R. 3932, To amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; and S. 144, Noxious Weed Control Act of 2003, 10 a.m., 1334 Longworth.

*Committee on Rules,* April 29, hearing to address mass incapacitation of Members and the quorum requirement in the context of the Continuity of Congress, 10 a.m., H–313 Capitol.

*Committee on Science,* April 28, Subcommittee on Environment, Technology, and Standards, hearing entitled ''Fiscal Year 2005 National Institute of Standards and Technology Budget: Views from Industry,'' 10 a.m., 2318 Rayburn.

April 29, full Committee, hearing on the High Performance Computing Revitalization Act of 2004, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* April 29, Subcommittee on Workforce, Empowerment and Government Programs, hearing on Would an Increase in the Federal Minimum Wage Help or Hinder Small Business? 10:30 a.m., 311 Cannon.

*Committee on Transportation and Infrastructure,* April 28, Subcommittee on Coast Guard and Maritime Transportation, hearing on Integrated Deepwater System, 10 a.m., 2167 Rayburn.

April 28, Subcommittee on Water Resources and Environment, oversight hearing on Aging Water Supply Infrastructure, 2 p.m., 2167 Rayburn.

April 29, Subcommittee on Aviation, oversight hearing on The Cape Town Treaty; followed by a markup of the following: The Cape Town Treaty; and H.R. 4056, Commercial Aviation MANPADS Defense Act of 2004, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* April 28, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs' research on Alzheimer's, Diabetes and Parkinson's diseases, 10 a.m., 334 Cannon.

April 29, Subcommittee on Benefits, hearing on the following measures: H.R. 348, Prisoners of War Benefits Act of 2003; H.R. 843, Injured Veterans Benefits Eligibility Act of 2003; H.R. 1735, To amend title 38, United States Code, to increase the maximum amount of a home loan guarantee available to a veteran; H.R. 2206, Prisoner of War/Missing in Action National Memorial Act; H.R. 2612, Veterans Adapted Housing Expansion Act of 2003; H.R. 4065, Veterans Housing Affordability Act of 2004; H.R. 3936, To amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation; a measure to create an open period for certain active duty servicemembers to elect to participate in the program of basic educational assistance under the Montgomery GI Bill; a measure to direct the Secretary of the Veterans Affairs to contract for a report on employment placement, retention, and advancement of recently separated veterans; and a measure 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, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* April 29, Subcommittee on Human Resources, hearing on the Supplemental Security Income program, 10 a.m., B–318 Rayburn.

April 29, Subcommittee on Trade, hearing on trade with sub-Saharan Africa and H.R. 4103, AGOA Acceleration Act of 2004, 1 p.m., 1100 Longworth.

*Select Committee on Homeland Security, April* 28, Subcommittee on Emergency Preparedness and Response, oversight hearing entitled ''The Office for Domestic Preparedness First Responder Assistant Programs,'' 10:30 a.m., 2212 Rayburn.

April 29, Subcommittee on Infrastructure and Border Security, hearing entitled ''From Rail to Air: The Transportation Security Administration's Progress in Enhancing Homeland Security,'' 11 a.m., 2212 Rayburn.

*Next Meeting of the* SENATE

1 p.m., Monday, April 26

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will resume consideration of the motion to proceed to consideration of S. 150, Internet Tax Non-Discrimination Act, with a vote on the motion to invoke cloture to occur at approximately 5:30 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12 noon, Monday, April 26

House Chamber

**Program for Monday:** The House will meet in pro forma session.

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