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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Keith Boone, Pastor, First United Methodist Church, Rockwall, Texas, offered the following prayer:

O Lord God, You call us to do the right thing for the right reasons, that from sea to shining sea we may experience the joy of freedom, and the benefits of our labor.

We are a Nation under You, O God, under Your grace and under Your judgment.

We are a blessed Nation, but confess we squander many of the resources You so freely give us.

May we live in such a way that our behaviors match our beliefs.

Grant us courage to speak for those who are voiceless, to seek justice for the powerless, and to stand as a beacon of compassion before a dark and desperate world.

May we be mindful and thankful for those whose sacrifice allows us an abundance of blessings.

Above all, may we honor our heritage, embrace the present, and discern the future You would will for our Nation.

In Your Holy name we pray. 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 Alabama (Mr. BONNER) come forward and lead the House in the Pledge of Allegiance.

Mr. BONNER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment, a bill of the House of the following title:

H.R. 4635. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

WELCOMING DR. KEITH BOONE, PASTOR, FIRST UNITED METHODIST CHURCH

Mr. HALL. Mr. Speaker, I thank the Speaker for having my pastor here to pray over this Congress and to pray over the Nation. Keith Payne Boone is a native of Dallas, Texas, a graduate of my alma mater Southern Methodist University. He has Methodist in his veins from head to toe. His grandfather was the legendary Bolton Boone who headed up the Golden Cross. It was the first ecumenical charity. I was a member of that board some 50 years in Dallas. Keith was not around at that time, but he is a leader in the Methodist Church of Rockwall, Texas. The Dallas News carried, I think 3 months ago, that Rockwall County was the fastest-growing county in the United States. That is how fast our church is growing with the great pastor.

I thank Pastor Keith Boone, my friend, friend of my family, Mary Ellen and my entire family, friend of Methodists, Baptists, and all denominations alike in Rockwall. Thank him for the prayer. Thank him for what he has done, what he is doing, and what he will do for this Nation.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 one-minutes on each side.

DRILLING IN ANWR

(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, this week is the first week in summer. Gasoline prices are high as we enter into the summer driving season. So energy independence should be a goal of this Congress. Worldwide demand for petroleum has increased in the last decade, but the growth in production has been relatively flat.

The inevitable result is higher prices at the gasoline pump. The reality is it takes a long time to go from an oil field to a gas station. We have lost considerable time in that regard.

In 1995 in the 104th Congress, H.R. 2491 would have allowed oil exploration and drilling in the Alaska National Wildlife Refuge. The Department of Energy has estimated that between 1 and 1.3 million barrels of oil a day could be derived from this source. Unfortunately, this legislation was vetoed by the previous administration. And that was nearly 10 years ago. Given a timeline of 7 to 14 years for building a pipeline, it is time that we could scarcely afford.

Mr. Speaker, I have been to ANWR. The vast coastal plain is unsuitable for habitation during the summer months because of its marshy consistency. The people who live in ANWR are counting on this Congress to do the right thing and allow them, the rightful owners of these mineral rights, to begin developing the resources that were granted to them upon statehood in 1959.

As we say in Texas, ''Time's a wasting.''

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INCREASING DEBT AND OVERPROMISING

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

Mr. SMITH of Michigan. Mr. Speaker, I wore my Adam Smith tie this morning because today we are going to talk about some ways that might help us give discipline to ourselves on how much money we spend and how much overpromising we do.

Two areas. One, I am from a farm in Michigan. That is where we usually try to reduce the mortgage so our kids have a little better chance. In this Chamber and in the Senate and the White House, what we have been doing for the last 20 years is increasing the debt. Every year for the last 20 years the debt subject to the debt limit has been going up. Plus, we have been overpromising in Medicare, Social Security. The unfunded liability is a huge burden on our children.

So, hopefully, today we can join together to help give ourselves discipline on overspending by changing the law.

ECONOMY

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

Ms. KILPATRICK. Mr. Speaker, just 3 short years ago when this administration took over, there was $236 billion surplus, 22 million jobs had been created, and the country was experiencing its lowest drop in poverty in a decade. Now, all those trends have reversed themselves.

Today the unemployment rate is 30 percent higher. 8.2 million people are looking for work, and more jobs are disappearing in our country every day. Outsourcing, sending good manufacturing jobs out of our country.

I am from the State of Michigan. We have lost over 200,000 jobs and 136,000 of those in the manufacturing sector. Something must be done. We must take care of American citizens first. People are paying more for their food, for their clothing, for their gasoline. We have got to do something about this.

Let us invest in America and American families. Health care is a debacle. We can fix that. America needs new leadership. Make sure you get out and extend your right.

BEAUFORT FAMILY TREE FARM SERVES AS A NATIONAL MODEL

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend the Burris family of Beaufort, South Carolina, upon receiving the 2003 South Carolina Environmental Awareness Award for their Cypress Bay Plantation, one of the best tree farms in America.

The entire family, which includes Dr. ''Skeet'' Burris, his wife Gail, and their sons Hank, Andy, Ben, Tony and Charlie, have themselves worked the 1,600-acre tree farm in Hampton County since 1986.

They have won many awards including the South Carolina Tree Farm of the Year in 1995, National Outstanding Tree Farmers of the Year award in 2000, and Private Conservationist of the Year in 2001.

Today, the beautiful lands of Cypress Bay Plantation contain well over 200,000 trees teeming with wildlife, and are used to educate local children on the environment.

I ask all my colleagues to join me in commending the Burris family for their commitment to environmental excellence.

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

VETERANS PROGRAMS ARE BEING UNDERFUNDED

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

Ms. WOOLSEY. Mr. Speaker, over 200 years ago, our Founding Fathers pledged their lives, their fortunes, and their sacred honor to the untested ideas of liberty, equality, and democracy. But today as a new generation of veterans is being created in Iraq and Afghanistan, Republicans are underfunding the programs that are vitally important to our veterans by passing a budget that underfunds veterans health care by $1 billion and rejecting Democratic efforts to fully fund VA health care.

What is even worse is that this will not stop this year because the Bush administration's plan for the 2006 budget includes a $900 million cut in funding for veterans health care. And this will conveniently not come into effect until after the election.

No Republican has come forward and rejected the Bush administration's latest proposals to cut veterans programs. Not one. This is outrageous.

Democrats are fighting to honor veterans by honoring their sacrifices. Why are the Republicans making our sons and daughters fight bravely on the battlefield and come home and fight the government for their benefits?

THE LIBERAL MEDIA BIAS OF CBS

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

Mr. SMITH of Texas. Mr. Speaker, earlier this month we learned of more good economic news about the expanding economy. 947,000 new jobs created in March, April, and May alone. One might think that almost a million new jobs in 3 months constitutes big news, but it was not big news on ''CBS Evening News.''

''The CBS Evening News'' spent 20 seconds glossing over the creation of nearly a million new jobs. CBS then aired a 2-minute report about 1,300 people being laid off in Ohio. The laying off of 1,300 workers and their families at any time is sad. I have hope and faith that those families will soon be back on their feet. But for CBS to bury the good news about a million new jobs and magnify the bad news of 1,300 layoffs smacks of partisan media bias. Twenty seconds for good economic news, 2 minutes for bad economic news. If it is not liberal media bias, I do not know what is.

ARE WE BETTER OFF?

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

Ms. WATSON. Mr. Speaker, the Bush administration has demonstrated a complete failure to plan for our operations in Iraq and a complete failure to plan here at home. One has to ask, Are we better off than we were 4 years ago?

When President Bush took office, we had a $236 billion budget surplus and the Nation had created 22 million jobs over the previous 8 years.

□ 1015

The number of uninsured had decreased for the first time in 12 years, and the country had the lowest poverty rate in 20 years.

Today, 8.2 million are Americans looking for work; 1.8 million private sector jobs have been lost. The number of uninsured has increased by 3.8 million, and gas prices are at a 23-year high. Household income has decreased by almost $1,500, and college tuition is up by 28 percent. This is absolutely not acceptable, and it is not something that just happened.

President Bush had only one economic policy when he took office and he had only one today, tax cuts for those who need them least.

FUNDAMENTAL DIFFERENCE BETWEEN REPUBLICANS AND DEMOCRATS

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

Mr. BONNER. Mr. Speaker, if the American people have somehow stumbled on to C–SPAN this morning, trying to find either Oprah or Regis, let me urge you to set your VCRs because later today you are going to get a chance to see the fundamental difference between our side of the aisle and the other side of the aisle.

You see, our friends on the other side have suppressed their appetite to raise your taxes long enough, and just like

that chain smoker who has to go to the drawer and find that little addiction, they are coming back to it again today with a proposal to raise your taxes $18.9 billion.

This tax increase would not be to go to support our troops in the war on terror. It would not be to cut the deficit or to pay town the debt. No, it would be to spend more money on social programs to the tune of $150 billion over the next decade.

If you set your VCR and you ever want to know the difference, play it over and over again, and if you happen to lose the tape, you can just play ''Nightmare on Elm Street'' because that is what this tax hike would do to the American people.

BUSH ADMINISTRATION'S ECONOMIC POLICIES AND THE IMPACT ON TEXAS

(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, I rise to speak about how Texas families and workers are struggling to survive during this administration's handling of our economy.

While Democrats here in the U.S. House of Representatives have been fighting to stop the exportation of American jobs and create more jobs here at home, the administration has chosen a completely different path.

In my State of Texas, we have lost over 175,000 manufacturing jobs. Health insurance premiums have increased by 65 percent since the beginning of the Bush administration. The cost of a college education has increased by 28 percent in the State since the beginning of the current administration. Household income has decreased by $204 over the past 2 years. 808,000 have joined the ranks of the uninsured in Texas since the beginning of this administration.

How long are we going to sit here and just talk about each other instead of addressing these issues?

As the law-making body, Mr. Speaker, of a system created to serve, protect and enhance American ideals, liberty and longevity, we must rebuild our economy, put families first before corporations and stop the rampant outsourcing of our jobs overseas.

BROWARD COUNTY FUNDING

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

Mr. SHAW. Mr. Speaker, I rise today to discuss the Urban Area Security Initiative grants. The Department of Homeland Security awards these grants to urban areas based on credible threat information, population density, and critical infrastructure.

Broward County, which is in my district, has been designated an embarrassing and unacceptable 10 percent of this homeland security money by the city of Miami who has kept the rest.

Mr. Speaker, Broward County is the home of 1.6 million people. It also houses Port Everglades, which is home to 19 cruise lines. It also houses a large petroleum tank farm, which is the sole provider of fuel for 12 south Florida counties, including Miami Dade. The port ploys 10,000 people and generates $1.7 billion in business activity and $545 million in wage annually.

Broward also has an international airport, which is located within close proximity of both Port Everglades and the petroleum tank farm. Broward County remains an extremely vulnerable terrorist target, and it must be treated as such.

So I am here to voice my unwavering support for the Department of Homeland Security to create a new urban area for Broward, as well as Palm Beach County.

This is my second consecutive day to come to the floor about this issue. I am speaking for my constituents and will continue to do so until this outrageous offense by the city of Miami is corrected.

THE ECONOMY

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

Mr. FARR. Mr. Speaker, California's the fifth largest economy in the world. One would think that the Republican administration would be paying attention to the economic indicators in California and realize that all is not well in the economy.

Since President Bush took office, 1.9 million jobs have been lost. Californian unemployment remains above the national average, and one in 10 persons in my District is unemployed. Jobs that have been created are low-paying and do not provide benefits such as health care and other important benefits.

There is a direct link between getting a good education and getting a good job, but the ability to get that good education has been undermined by the inability to adequately fund the best higher education system in the United States, the California higher education system, because students are now being turned away. Eligible to get in, all the tests, all the ability to get in, but no room in the inn. Why? Because this administration has failed to adequately fund the Pell grants and Perkins loans for students to make education accessible.

During the 1980s, we learned that voodoo economics did not stimulate the economy. Neither is hoodoo economics stimulating the economy today.

HONORING FATHER'S DAY

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

Mr. RYUN of Kansas. Mr. Speaker, last Sunday was Father's Day. This is a day specifically set aside to reflect and honor fathers.

Being a father is not something that should be taken lightly. A study by child psychologist Michael Lamb demonstrates exactly how important the presence of a father is in the development of a child. It found that a strong bond between a father and a child has a positive effect upon the development of the child.

It is a statistical fact that children with involved loving fathers are significantly more likely to do well in school, have healthy self-esteem, exhibit empathy and pro-social behavior. These children are also more likely to avoid high-risk behavior such as the use of drugs, truancy and criminal activity, than to children who have uninvolved fathers.

Mr. Speaker, even though the time to celebrate Father's Day has come and gone, the importance of being a father never diminishes. I rise today to recognize the caring and loving fathers for all they do for their families and also encourage them to continue to fulfill their role in the family.

HIGHWAY BILL EXTENSION

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

Mr. RAHALL. Mr. Speaker, yesterday we passed a fourth extension of the highway bill that expired last fall. That is all fine and good, but no longer can we leave the States holding the bag because of a veto threat from the Bush administration and a reluctance by the Republican leadership to lend the necessary investment that industry, commerce and the workers of this Nation want in our infrastructure.

Investment in our infrastructure spells jobs. Tell me what is wrong with a bill that creates jobs. One would think that Mr. CHENEY and Mr. Bush would jump on a chance to create jobs.

Since the first day the Cheney-Bush leadership took over in Washington, 9.9 million private sector jobs have been lost. Today, 8.2 million people are looking for work, and 4.7 million people are working part-time for economic reasons.

Unfortunately, this highway bill has fallen victim to political differences within a divided Republican party. Even though we have had enough support to pass this bill since last year, the divided Republican party has held up passage of a fully funded bill for months.

The President opposes congressional Republicans from both the House and the Senate. House Republicans are divided against each other. The President has even gone against his own Department of Transportation when they say what is necessary for investment in infrastructure in this country.

TAX CUTS AND JOB GROWTH

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

Mr. GINGREY. Mr. Speaker, look at all of these new jobs: 1.4 million since August 2003. Mr. Speaker, this recovery is further proof that cutting taxes and reducing the burden of government on American citizens and businesses stimulates economic growth, as President Reagan understood so well.

In fact, there is one very telling statistic. In the last 100 days, there have been over 1 million jobs created. Let me restate that, 1 million jobs in 100 days.

This is a true sign of the times, a time of prosperity and opportunity. President Bush was correct in his policy to cut taxes to stimulate economic growth, and now we have substantial job growth.

Once again, Mr. Speaker, it is time to make these tax cuts permanent. I know of 1.4 million people and counting who most certainly would agree.

THE CONTINUED IMPROVING STATE OF OUR ECONOMY

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

Mr. WELDON of Florida. Mr. Speaker, the numbers from the month of May reveal that the American people are improving their lives under the leadership of George W. Bush and the Republican Congress.

Two-hundred-and-forty-eight thousand jobs were created in May, and more than 1 million jobs have been created over the last 100 days. The unemployment rate is down to 5.6 percent. This is lower than the averages in the 1970s, 1980s and 1990s. Homeownership has risen to the highest level ever at 68.6 percent. Real disposable personal income is up 3.9 percent. Consumer confidence is up and business investment in equipment and software is up at an annual rate of 14 percent, and the stock market is up 18 percent.

Now, some Republicans may try to take all the credit for the economic growth we have been witnessing. However, we can only take credit for freeing up the American people from the burdens of high taxes and government intrusion. We Republicans removed those barriers, and the economy improved due to the ingenuity and the entrepreneurial spirit of the American people.

IRAQ'S FUTURE

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

Mr. BARRETT of South Carolina. Mr. Speaker, June 30 is not the beginning of the end of Iraq, as some would want us to believe but, rather, the beginning of their future.

There is no doubt that challenges lay ahead, but I am optimistic about Iraq's future. I am optimistic because just 15 months ago, Saddam Hussein was a threat to the world and Iraqis had no voice.

Today, thanks to the brave and selfless sacrifices of American and coalition troops, Saddam is no longer in power and millions of Iraqis are shaping their own destinies by participating in Iraq's political process.

The Iraq people are showing tremendous courage as they face enemies of freedom. Neither the will of the Iraqis nor the coalition will be deterred by violence and terror.

Mr. Speaker, next week Iraq officially becomes a sovereign Nation, and I am optimistic because this is no doubt that a free Iraq will be a decisive blow to terrorism and a victory for the civilized world and the security of America.

PROVIDING FOR CONSIDERATION OF H.R. 4663, SPENDING CONTROL ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 692 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 692

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. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 except that upon adoption of an amendment in the nature of a substitute, only the last amendment printed in the report of the Committee on Rules shall be in order. 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. 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.

The SPEAKER pro tempore (Mr. LATOURETTE). 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 gentlewoman from New York (Ms. SLAUGHTER), 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.)

□ 1030

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 692 is a structured rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The rule waives all points of order against the bill and its consideration and makes in order only those amendments printed in the Committee on Rules report accompanying the resolution.

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

Finally, the rule waives all points of order against the amendments printed in the report, except that upon adoption of an amendment in the nature of a substitute, only the last amendment printed in the report shall be in order. The rule provides one motion to recommit with or without instructions.

Mr. Speaker, as the only Member of the House serving on both the Committee on Rules and the Committee on the Budget, I have become increasingly convinced of the need for significant changes in the congressional budget process, particularly with respect to the spending side of the budget ledger. Enactment of H.R. 4663 would make major strides toward providing the House with the tools needed to enforce spending discipline in a time of unacceptable high Federal deficits.

Like many Members, I wish the bill reported went even further, but it is an important first step. For that reason, I am pleased that the Committee on Rules has made in order a long list of proposed amendments to provide the House with multiple opportunities to strengthen the base bill.

At the heart of the bill are proposals to reinstate spending caps on discretionary spending, consistent with the

levels set forth in the budget resolution, and a 2-year extension of the pay-as-you-go, or PAYGO, requirements for mandatory spending. It should be noted, Mr. Speaker, that this latter provision requires that bills increasing entitlement spending must be offset by reductions in other spending and not by raising taxes.

The bill also provides that any breach of either of these spending disciplines would result in automatic spending cuts known as ''sequesters.''

Finally, the bill takes the responsible approach to the sometimes legitimate need for ''emergency'' spending by permitting such measures only when they result from circumstances that are truly unanticipated, temporary, and are needed for the preservation of life, property, or national security. The bill also requires that future spending projections no longer assume that these one-time ''emergency'' spending levels will continue in future years.

Mr. Speaker, the congressional budget process was a badly needed reform back in 1974; and while it served us well in that time period, it can serve us better. This bill is an important step towards that goal; and, accordingly, I encourage Members to support both the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, early this morning the Committee on Rules passed a lopsided rule packed with Republican amendments. It is shocking that of the 19 amendments made in order, only one Democrat amendment and one bipartisan amendment are in order. Senior Democrats were shut out, while the rule makes the amendments of junior Members in order on the Republican side. The rule provides for one-sided debate on H.R. 4663. The House will be allowed to discuss and vote on Republican amendments, but Democratic ideas and amendments have been virtually excluded in the important debate on budget process reform.

Mr. Speaker, the question before us is whether or not the current budget process creates a product that embodies our budget policies and our priorities. The Federal Government has gone from having historic surpluses of $5.26 trillion to having historic deficits of $2.3 trillion. If we are unsatisfied with a budget, are policies or the budget process to blame? Should the budget process enforcement mechanism be policy neutral or should the process force or enable Congress to make policy decisions?

Earlier this spring, the Subcommittee on Legislative and Budget Process of the Committee on Rules held a series of hearings on these questions. The message that came out of the hearings seemed to be, I thought, that the budget process is not at fault. Its structural flaws in the budget process did not produce Federal budgets with massive debt. Instead, the budgets are products of policy choices. The issue is not the mechanisms we employ. The real issue is that people are now unhappy with policy choices made over the last 3½ years. This concern is bubbling up as criticism over the budget process, turning process, not policy, into the villain.

Since the adoption of the Congressional Budget Act of 1974, many reforms have been proposed and tried. Biannual budget, joint budget resolution, sequestration, caps on discretionary spending, caps on entitlement spending, pay-as-you-go requirements, constitutional amendments, and other ideas were part of previous discussions, and part, again, of the current budget reform debate. We all know that caps on discretionary spending and PAYGO requirements on mandatory spending and tax cuts, which is an important point, worked well in the 1990s.

The underlying legislation is fatally flawed in that it leaves future tax cuts unchecked and applies PAYGO only to mandatory spending. The historic deficits are in large part the product of the tax cuts, which primarily benefit the wealthiest Americans. The Congressional Budget Office has said that the $2.3 trillion deficit has been caused by the tax cuts and the associated debt services.

During the second subcommittee hearing, budget expert Stan Collender offered this advice: enacting a new budget process without first developing the consensus necessary to make it work will be perpetuating a political hoax. You will be promising results the process cannot possibly deliver, allowing the process to be used to justify policy changes that will not otherwise seem appropriate and allowing policymakers to hide behind both procedural votes that, at best, will be confusing and, at worst, completely indecipherable.

The body is sharply divided, Mr. Speaker; and there is no consensus on budget reform. This debate is not an academic exercise. Changes to the process will affect millions of Americans. Caps on mandatory spending will dramatically choke vital programs, like Medicare, Medicaid, veterans benefits and student loans. I urge my colleagues to oppose this rule so that all ideas, not just the majority suggestions, may be considered and debated.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a senior member of the Committee on the Budget and a leader in the budget reform process in the House.

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

This is an important debate, Mr. Speaker, so I hope that Members are paying attention. The real power of the purse rests with us here, in the people's House. I am proud of what we did through most of the 1990s. When we came here, when I was elected in 1994 and came here in the spring of 1995, I remember we had some meetings with some of the economists and people from the Congressional Budget Office. And we have to go back and remember what was happening in America. We were running deficits every year of $250 billion and more, and we can all point fingers and blame this and blame that; but at the end of the day, we were spending more than the taxpayers were sending in, and America wanted us to do something about this.

At one of the meetings we were at, we had some economists saying, if Congress does not get serious about balancing the Federal budget, that by the time my children got to be my age they would be paying an effective tax rate to the Federal Government of over 80 percent, just to pay the interest on the national debt.

Now, I come from a rural district, and I think most folks from rural communities understand this, because it really has been part of the rural ethic, particularly those who are farm families, to pay off the mortgage and leave the kids the farm. What we have been doing is we were literally selling the farm and leaving our kids the mortgage. We knew that it was not just bad public policy; it was fundamentally immoral.

So what we did is we began to limit the growth in Federal spending, and I am proud to report that from 1995 until the year 2000, the Federal budget was growing at a slower rate than the average family budget. That, combined with a fairly strong economy, we literally went from a $250 billion shortfall every year to a $250 billion surplus.

In fact, just 3 years ago, the Congressional Budget Office told us that we could look forward to surpluses in the Federal Treasury over the next 10 years of $5.4 trillion. Now, that same Congressional Budget Office today is telling us that we can look forward to deficits of $1.6 trillion over the next 10 years. The only thing we can really say about the Congressional Budget Office's forecasts is that they are both wrong.

What we do know that is right is that over the last several years we have allowed Federal spending to grow at a rate double what it grew through most of the 1990s. And part of the reason that happened is we allowed some of the budgetary rules to expire, the things that control the growth in Federal spending.

There was a farmer who told me several years ago, we were talking about the deficit, and he said, you know, the problem with you guys in Washington

is you do not quite get it. The problem is not that we are not sending enough money to Washington. The problem is you spend it faster than we send it in. He probably expressed it more accurately and more simply than any of us would like to admit.

What we want to do today, and this is an important event and these are important votes, we want to bring back some of the rules that controlled Congress with regard to spending. One of them is PAYGO. That means if you want to have a new program, you have to figure out a way to pay for it. And I do not think that is too much to ask. The other is setting up some spending caps.

Let me give some ideas why I think that is important. Over the last several years, we have passed some pretty good budgets, some very tough budgets here in the House of Representatives. Back in fiscal year 2002, for example, our budget resolution which we passed here in the House called for spending $661 billion in what we call discretionary spending. But by the time we were done negotiating with the Senate, we ended up spending $734.6 billion. Well, in the next year we said in the House budget resolution that we would agree to spend $759 billion in discretionary spending. But before the year was over, we actually spent $849 billion. Last year, our budget resolution called for spending $784.5 billion. But when all the numbers were in and the spending was done and the conference committees at last had concluded, the number actually was $873 billion.

Pogo was right. We have met the enemy, and he is us.

I think there was a certain amount of hubris that, well, we have done a pretty good job of balancing the budget over the 5- or 6-year period. We had actually paid down over a half trillion dollars of publicly held debt, and I think we began to think we did not need these budget rules any more. I am here to say that I think we were wrong, and we have to get back to some of those rules.

This is a very important debate. I support this rule. I know there will be people who will say, well, we did not get to offer our amendment, or this amendment was not made in order. But I think we are going to have a very vigorous debate over the next several hours on the rule and the bill. Mr. Speaker, I hope later I will have a chance to visit more about the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I want to thank the gentleman from Minnesota, who just noted that between 1995 and 2000 government spending grew more slowly than did the economy as a whole and that we, in the process, paid off almost $.5 trillion in debt.

I very much appreciate the endorsement of the economic policies of the Clinton administration. It is too bad that those policies were reversed by the incumbent administration.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from South Carolina (Mr. SPRATT), who is the ranking member on the Committee on the Budget.

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

□ 1045

Mr. SPRATT. Mr. Speaker, this is called the Spending Control Act of 2004. The last time I looked, the Republicans control the House, Republicans control the Senate, and Republicans control the White House. So it begs the question, why can they not control spending? Why do we need this piece of legislation to control spending?

As one looks at the bill and asks that question, another question arises: Why does this bill have nothing to do with revenues? Basically what this bill would do is affect discretionary spending for 2 years, not 5, and put in place a PAYGO rule, a pay as you go rule which applied to mandatory spending, entitlement spending increases but not to tax reductions.

Do we disagree on the problem before us? Absolutely not. We have got a problem. The best evidence of the problem was signaled this week when we had a defense appropriations bill in which was buried a provision that will increase the debt ceiling over the next several years by a substantial sum of money.

Let us look first at what has happened over the last several years on the watch of the Bush administration with respect to the debt that we have accumulated, the mountainous debt that we are building up now. The best indicator of that is where does the debt ceiling stand? There is a statutory ceiling on the amount of debt we can incur. When President Bush came to office, it was $5.95 trillion. Within a year, he had to increase that by $450 billion. Last year he had to increase it by, get this, $984 billion. The other day they increased it by $650 billion, to $8.74 trillion once it finally passes the Congress.

That is the record of the last 4 years, three increases in the debt ceiling in 4 years, from $5.9 trillion to $8 trillion and this is the bad news: It does not stop here. The Congressional Budget Office tells us looking at the President's budget out over the next 10 years, as they are required by law to do, that if we follow the policies laid down by the Bush administration, the debt of this country will grow in 2014 to $13.6 trillion. That is where the debt ceiling will have to be taken in order to accommodate their fiscal policies.

What does this bill propose with respect to this problem? As it turns out, very, very little. Before going any further, it is worth reminding everybody what happened in the 1990s. It can be done. If you put your shoulder to the wheel and the President supports it and the leadership of the Congress supports it, we can bring the deficit to heel. We did it in the 1990s. We went from a deficit of $290 billion at the end of fiscal year 1992 to a surplus of $236 billion in 1998. Just as a reminder from 1997 to 2000 on the watch of the Clinton administration, we reduced the debt of this country by $362 billion. If you added fiscal year 2001, which was basically the Clinton budget, we reduced the debt by more than $400 billion. What a fiscal reversal we have seen in the last 4 years.

What does this bill propose to do? Essentially it proposes to clamp down on that wedge of the budget called domestic non-homeland discretionary spending. That is, discretionary spending from which we have backed out international spending and from which we have backed out homeland security, because in both of those categories, they foresee substantial increases, but they are going to bring all the force of their efforts to bear on this wedge of the budget which constitutes 16 percent of the budget.

Let us ask the question, is this where the problem arises, in this segment called domestic non-homeland discretionary spending? This is what has happened over the last three fiscal years to that particular account: $383 billion in 2002, $382 billion in 2003, $383 billion in 2004. The problem does not arise here. But this is where they go for a solution. On the other hand, look what the solution is. The President proposes to take domestic non-homeland security resources down to $376 in 2005. That is a reduction of $7 billion. Actually it is hard to do but in truth, we have got a deficit this year of between $400 billion and $500 billion, you have only dented the problem once you have done it.

This is where the problem lies. If you want to look at spending, which this bill does not do, over the last 4 fiscal years, 90 to 95 percent of the increase in discretionary spending has occurred in defense, homeland security and our response to 9/11. But this bill ignores that particular aspect of the problem. And where is the rest of the problem? When the Bush administration held their tax cuts out to us and when they were passed, they told us this is the path that revenues will follow, between $1 trillion and $1.1 trillion. This is where revenues, income taxes, have actually gone over that period of time, largely responsible to their tax cuts.

And this is what has happened to spending generally. Spending generally has gone up in the Bush administration. Revenues have gone down. Spending, however, is still as we can see from this chart below the historic norm for the last 25 years. Revenues, on the other hand, are at an all-time low. Personal income taxes as a percentage of GDP are at their lowest level since the early 1950s. So revenues are low, spending is high, and this bill unfortunately

does nothing about the problem at hand.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I want to respond to some of the things that our colleague the gentleman from South Carolina has just said. Much of what he said, I do not disagree with. But there is something I think we need to clarify for all of the Members. Even if we had a balanced budget last year and this year, we would have to raise the debt ceiling. That is something I think it is hard for many Members and frankly I think most Americans. They wonder how in the world can that be. It is kind of a complicated thing to explain but even in a very strong economy with surpluses, we would probably have to raise the debt ceiling. The reason is this. When money comes into the Social Security trust fund, there are only two things they can do. They can either pay benefits or they can buy government bonds. When they buy government bonds they in effect drive up the debt. I know that is hard for people to understand, so yes, we are going to have to raise the debt ceiling, but even if we were balancing the budget we would have to do that.

I would also like to at least remind Members that things did change a lot in this country on September 11, 2001. I think we all know that. We all have to be cognizant of that and it has changed the priorities of how we spend money. Is that an excuse to allow other Federal spending to be going up? No. And have we been a little too profligate with the Defense Department and homeland security? My opinion would be yes. We have allowed our emotions to get the better of us and we have just said, we will spend more money and maybe we will be safer. I am not sure that is the answer. I am not sure that having 50 guards at every airport entrance makes us all that much safer and that is an argument and a debate we should have.

The debate today is how much are we going to allow Federal spending to go up, and is there really a good reason to allow the Federal budget to grow at a rate twice the rate of the average family budget?

The numbers we were talking about, from 1995 until 2000, the Federal budget went up at an average rate of about 3.2 percent. Since that time, we have allowed the Federal budget to grow at a rate of 6.4 percent. That assumes that we will enforce the numbers that we passed in this year's House budget resolution and that is really what we are debating today; that is, it is one thing to pass a budget, it is another thing to make certain that we enforce the budget.

There will be two great issues we are going to discuss today that I think are important. First of all, are we going to enforce the budgets that we pass here in the House of Representatives? We are the keepers of the public purse. I think we ought to enforce that budget. The second thing we are going to debate today is changing the process by which we derive a budget. The process today all leans towards more spending. In fact, I think the Wall Street Journal did a beautiful editorial last week which really underscored that point. Everything we do here, and frankly that is what we do, is we spend the public's money, but all of the rules today tend to make it easier to spend more money. What we want to do is level the rules so that at least we have a counterbalance to all of that pressure to spend more money.

I might just say this. We all have different reasons, and some say it is the tax cuts, but I would remind people that we cut taxes in almost every year during the 1990s, and we did it under PAYGO and spending cap rules. It can be done. We just have to find offsets for those. And we did. In fact, most of the supplemental spending bills that we passed we found offsets for those. It can be done. It means making some tough choices, but I always remind my colleagues, our constituents did not send us here just to make the easy choices. They sent us here to make tough choices. We are going to make some tough choices today in terms of whether we really mean what we say about holding the line on Federal spending and whether or not we are going to level the playing field in terms of the rules by which we make our budgets. This is an important debate.

The debate about raising the debt ceiling is clearly an important debate, but I think we have to be clear. Even if we had a balanced budget, because of the surpluses coming in in the Social Security trust fund, we would still have to raise the debt ceiling.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I come to the floor very disappointed because once again the majority has chosen not to allow the Blue Dogs to have our amendment considered. I would like to ask the gentleman from Washington, why did his committee allow 19 amendments, most of which should be offered by the minority party, but are being offered by the majority party? Why did he not allow the Blue Dogs to have 5 minutes, 10 minutes, a simple up and down vote on our proposal?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding. As the gentleman knows, I would respond to my friend from Texas, our committee has to make a lot of difficult decisions sometimes with the number of amendments that are brought in. Sometimes we have to make choices that are going to disappoint some Members. My friend from Texas has been here, and I confess that maybe he has been disappointed more than once.

Mr. STENHOLM. I take back my time from the gentleman. I appreciate the honesty in which he comes forward and with a straight face attempts to say why they denied us a chance. They can find time for 19 amendments, most of which are a joke. The rhetoric sounds good. The gentleman from Minnesota just spoke, there is a lot he and I can work together on. What we offered in our amendment is a chance to work together on something, but we are constantly denied and why? Because if they allowed our amendment on the floor, there is bipartisan support for it and it might have a chance to pass.

Any resemblance to democracy in this House is purely coincidental with the running of it by the current leadership in the House. Purely coincidental. I ask my colleague why they denied our amendment but allowed 19 others. We heard the answer.

The rule before us presents us with a false choice. Let me remind everyone, Republicans control the House, Republicans control the Senate, Republicans control the White House. The only thing Republicans cannot control is spending. Spending has gone up more in the last 3 years than in the previous 8. And when you talk about spending, I have been here 25 years. Spending has gone down by one-half of 1 percent as a percent of gross domestic product since I was elected in 1978. Revenue has gone down by 5 percent. That creates the deficits. I agree with the gentleman who just spoke a moment ago. Raising the debt ceiling would have to be done. But we should never raise it without putting a change in the manner in which our economic program is working that will just continue to have the debt ceiling going on as far as the eye can see. That makes no sense.

Some of us would like to work with you but we are constantly denied the opportunity to come before this body and have a vote. What we asked for is pay as you go that applies to both spending and to revenue. If you are going to spend more, you have got to cut someplace else. We agree with the President, President George W. Bush's spending limits for 2 years. We agree. There is no argument on spending. But there is an argument on deficits. And with all due respect, if you want to cut taxes, you have got to cut spending. Do not just talk about it. Do not just come and make the speeches we are going to hear all day today about how tough we are going to be on spending. You are in the majority. Anybody offering some of those amendments you are offering, you ought to be doing it. Nobody is keeping you from doing it. You have got the votes. You can do anything you want if you have got the votes. But what do you do?

You bring 19 amendments to the floor that you used to offer when you were in the minority party, and I agreed with you. I agreed with you on many of those. But now you are in the majority and I disagree with the manner in which you are running this House. But that is a right of the majority. All we asked for is a chance to have our idea debated and through the wisdom of, oh, well, you are going to disappoint some from time to time, there are folks on your side that agree with us and you deny them the right to vote with us.

□ 1100

That is shameful. Applying pay-as-you-go rules to tax cuts does not prevent Congress from cutting taxes, and do not say that over here. You know it is not true. It makes great sense, pleases a lot of folks, I suppose. But all it says is if we are going to reduce our revenues, we need to reduce spending by the same amount. Do it. Do not just come to this floor and spend 12 hours debating some of the silliest amendments that we could have if you are serious about doing something. If we really want to do it, let us do it like we did in 1990, like we did in 1997, when we had bipartisan support for doing something about the deficit.

The hand is still here on this side. I wish somebody over there would take it just once before this year is over.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

And I would like to say to the last speaker the hand was reached out on an amendment and the last speaker took the hand and that is why he and I have an amendment on the floor today on a very important item. So while all the minority's amendments were not made in order, there are a couple of amendments that were bipartisan that he and I have. And I hope that he does not count among the silly amendments the one that he and I have.

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I appreciate the gentleman's yielding, and I appreciate that fact, and I do not consider all of the amendments silly. I consider some of them very silly, but the one that I am agreeing with him on I do not consider silly.

Mr. RYAN of Wisconsin. Mr. Speaker, reclaiming my time, I appreciate the clarification.

Mr. Speaker, let me frame what this is all about. What are we doing here today? What we are trying to accomplish here today is to clean up this silly budget process we have here in Washington. All of us have different ideas on how to fix this system.

There are some differences in philosophies. We heard the gentleman talking about the PAYGO, their version of PAYGO, our version of PAYGO, that the basis of that philosophical difference is we do not believe fiscal discipline in Washington should come from tax increases. We believe fiscal discipline in Washington should come from spending cuts. And when we have the PAYGO system, much like what we have had in the past, history already shows that it puts a bias in the law for tax increases, not spending cuts.

So what we want to accomplish, because we believe this, we want the discipline, we want the inertia, we want the pressure to be on controlling spending, not raising taxes. There is the big philosophy difference.

But going down the road of the system we have here in Washington, Mr. Speaker, I would argue that we have this thing in place since 1974; and since 1974, Washington has had a horrible record of getting its handle on our budgets, when Republicans ran things and when Democrats ran things. For a while in the 1990s, we did a pretty good job, but since then we have not; and I would argue that.

We are doing well in many years, but when we look at a system, for example, that allows some appropriations to come to the floor, say, adding $50 million for a rain forest museum in Coraville, Iowa, and if we want to come to this floor and pass an amendment so that we can do so on behalf of our taxpayer constituents to say I do not think we should pay $50 million for a rain forest museum in Coraville, Iowa, I have an amendment to strike that proposal. We could pass that amendment. But by the rules of this institution from the 1974 Budget Act, that $50 million would have to be re-spent somewhere else in the Federal Government. It could not be saved. That is ridiculous. That is just one example of how crazy this budget system is that we have today.

Another crazy example of these rules is when we pass budgets, and we really work hard on passing these budget resolutions, as soon as we pass these budget resolutions, they amount to nothing more than mere guidelines. They are not actual, enforceable budgets. They do not take the force of law.

What we propose today, through an amendment and through a couple of substitutes, is that when we actually pass a budget here, it means something. We stick to it. We enforce it. It is honest. It is going to work. It is going to happen. That is not what happens today.

So we want to have a budget process that is done at the beginning of the budget process where the President signs it into law, and because the budget becomes law, it therefore is enforceable so that we can make sure we stick to the budget, that we plan the finances of this country so that we can factor in all the things we need to think about: the level of taxation, the level of debt, the deficits, getting ready for the baby boomer retirement, all of those things so that when we actually pass a budget, it works and it is enforceable. These are not really crazy ideas. These are commonsense ideas to bring common sense to a budget system that is broken.

I would challenge anyone to come to the floor and argue on behalf of this current budget system to say that this is the epitome of common sense, that this thing works right as it should. We have not changed this system since 1974. It is high time we changed it. We are going to have a lot of amendments to try to do that. We are going to have some big substitute votes on big bills to do that. This is the product of a collaborative work. It is a product of Democrats and Republicans. It is a product that needs to come to this floor. It is a product that needs to pass into law so that we bring common sense back to our budget process.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my colleague from Rochester for yielding me this time.

Mr. Speaker, I rise in strong support of the gentleman from South Carolina (Mr. SPRATT) and the Democratic substitute.

It would have made incredible common sense to deal with the budget reform before voting on the budget. But that kind of common sense regularly escapes the majority, and that is why there has been a 4-month impasse on their budget between the two Chambers, their party.

The truth is this Congress has been on a recess on dealing with the crisis that is facing the American people for the last year dealing with health care costs, college costs, and retirement savings problems. You are scared to be honest with the American people about the fact that you have been on a recess. But given how they feel about this Congress and given the fact that they have given you a failing grade so far, none of these Hail Mary passes is going to confuse them about where you are and what you have done in addressing their health care crisis, their college education crisis, and their savings crisis.

This bill ignores the advice of Chairman Greenspan, who said it would be a grave mistake to let go of the PAYGO budget rules. This bill even ignores the advice of the gentleman from Iowa, chairman of the Committee on the Budget, who said just 2 years ago the PAYGO rules contributed to obtaining the deficits. The chairman voted for those rules in 1997. That vote ensured that we made choices, lived within our means, and were accountable for what we do. Maybe with maturity over the last 2 years, he has decided to change his view on that. It is possible. Or maybe like the rest of us, he got the disease that is rampant in Washington

where one is firm in one's opinions, but very flexible on one's principles. That is a possibility too.

The 1990s were good economic times. We created 22 million jobs, raised income for all levels, had more access for the uninsured to health care. College was more accessible to more Americans, and savings were up. We balanced the budget and accumulated surpluses reaching nearly $300 billion. And what we did not do was say that every tax cut is good or every tax cut is bad. We made choices. We made choices on spending.

In the 1993 budget, we cut taxes for the middle class, and we also reduced spending. In 1997 we cut taxes for people earning $100,000 and, yes, gave them the first-ever $500-per-child tax cut. And we made choices by investing in children's health care, investing in the environment, investing in Medicaid, and also investing in people's retirement and strengthening our Social Security system.

But your economic plan has led to $3 trillion in additional debt, an annual budget deficit of $500 billion, 44 million Americans without health insurance, 2 million more middle-class families who have moved from the middle class to poverty, and the highest rate of foreclosures in the last 3 years on personal bankruptcy. You have turned your back on what worked in the 1990s.

And let me add one additional point. The majority party in the 1990 budget did not vote for it. It took Democratic votes that put us on the path to fiscal discipline. The majority party in 1993 contributed not a single vote that built on the 1990 agreement that also reduced the deficit and put us on the path to a balanced budget. You did not become a player in deficit discipline until 1997 with that agreement, which was the last yard.

So let us not rewrite history here. Some of us do not have a foggy memory of what happened in the 1990 agreement, the 1993 agreement. We made choices and difficult choices, and some sat on the sidelines and were really good critics.

Mr. Speaker, this so-called budget process bill says hands off when it comes to making the tough choices, and it says that we do not have the political courage to make those choices.

We must make choices when it comes to tax cuts and spending and be honest with the American people, but it takes both to deal with putting our fiscal house back in order.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Committee on the Budget and also a leader on budget reform.

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

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

I think this is an incredibly important debate that this House needs to have today. Not only is it a critically important debate to have; but, frankly, it reduces itself down to a very simple debate to have. Simple perhaps, not easy.

The simple proposition is this: Do we believe there should be any limit to government? It is a very simple proposition. Do we believe that there should be any limit to government whatsoever?

Many in this body do not believe it. Many do, however. Many know the struggles and challenges that families face. Some of us believe that it is time to protect the family budget from the Federal budget.

Since I have been alive, the Federal budget has grown seven times faster than the family budget when measured by median worker income. Seven times faster. I believe that is an unsustainable and unconscionable growth rate.

The government is now spending over $20,000 per American household for only the fourth time in the entire history of our Nation and for the first time since World War II. That figure is up from $16,000 per household just 5 short years ago, just 5 short years ago. This represents the largest expansion of the Federal Government in 50 years. At what point do we say enough is enough? I know the Founding Fathers believed in limited government. The question is do we believe in limited government?

There is going to be a bill. There are going to be a number of substitutes. There are going to be a number of amendments. But all of them are going to reduce down to two simple propositions: Should the family budget be protected from the Federal budget? Do we believe in limited government? And second of all, once we pass a budget, will we abide by that budget? Will we live by that budget like American families do each and every day? Because we cannot have unlimited government and unlimited opportunity.

Many of us believe strongly that we must have unlimited opportunity. It would be wonderful if all of this government spending magically turned into love and happiness and kindness; and, indeed, there is much great work done by the Federal Government. But, indeed, there is also much waste and much fraud and much abuse and much duplication. And I fear until we limit, limit, the growth of government, that this body will not take the steps necessary to protect the family budget from the Federal budget and root this out.

Up until recently, Medicare would routinely pay three, four, five times as much for a wheelchair as the VA did and had for years. Why? Because one would competitively bid and the other would not. The Department of the Interior maintains approximately 31,000 Web sites, almost one for every two employees. Does this meet the reasonableness test? I do not believe so.

In the last year of the Clinton administration, HUD spent over 10 percent of their budget, $3 billion, paying out payments to people who did not even qualify for the program. We spent over $800,000 for one toilet in one national park, and it did not even work.

My point is we are just scratching the surface here. When we begin to look at the 10,000 Federal programs spread across 500, 600 government agencies, we discover that they routinely waste 5, 10, 15, perhaps 20, percent of their taxpayer-funded budgets and have for years.

This money is not free. It is not ours. It belongs to the families of America. And when we take it away from their kitchen tables to fund our programs, what are we taking away from them? Maybe the opportunity for them to buy a computer, a home computer, to further the education of their children. Maybe it is that first downpayment on a home. Maybe it is a couple months of child care.

We must limit the size, the scope, the power, and the expense of the Federal Government. And this is what this legislation is all about. So no matter how many different ways people try to obfuscate it and try to make it confusing and cumbersome, it boils down to one simple proposition: Do we believe in limited government, or do we not believe in limited government? And that is why we need this rule for this very critical debate to go forward.

I know, from listening to the debate on the other side, what we will hear all day. We will hear about Draconian cuts in the budget. As I read the legislation, government is still going to grow under every single amendment. Government will still grow. All we are saying is that maybe, just maybe, the government budget should not grow faster than the family budget.

And we hear so much about how tax relief is causing these massive deficits.

□ 1115

Well, it is interesting, when we actually look at the numbers, and last year's budget, which was a 10-year budget, we had almost $27 trillion of spending compared to $350 billion of tax relief. Now, if we buy into the opposition's argument, that tax relief represents a government expenditure, if we do the math, we figure out that the tax relief is roughly 1.5 percent of the spending. We could take it all the way and make no dent in the challenge whatsoever.

I continue to be perplexed why people who talk so much about their concern for the deficit will focus all of their rhetoric on 1 percent of the challenge and ignore 99 percent of the challenge, which is on the spending side. And, by the way, tax relief is proven to be part of the solution and not part of the problem.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

If the American people want to buy more of what we just heard, they are going to get a chance in November. But if they want to really think about the fiscal future of this country, then think about how we have moved from hundreds of billions of surpluses to hundreds of billions of deficits. Think about what Treasury Secretary O'Neill said in his book when he raised the concern about this deficit spending by the majority and by the Republican party.

He said that Vice President CHENEY said, oh, do not worry about deficits. It did not hamper Reagan, when we quadrupled the national debt. Now we are raising the debt limit 3 times, up to $8 trillion, so that our children and our grandchildren will have to pay for the cost of our expenditures.

And he said well, we do not want to have PAYGO affect tax cuts, we just want it on the spending side because it is philosophical. Well, it was philosophical about whether the earth was flat or not, or round. The facts are stubborn things, Reagan said, and I remember that. Because when we think about the real facts: 44 million Americans without health insurance, millions without jobs, a 50-year high on mortgage foreclosures, an historic high the third year in a row on personal bankruptcies.

This majority has controlled spending and tax cuts for the last 10 years. They come on the floor and want to blame it on what they affectionately refer to as ''the other side.'' Where is the willingness to be accountable, to take responsibility for their own actions?

The majority has decided to take this country on a course of fiscal irresponsibility. What we need to really think about now is whether we want to continue to go in that direction, whether we want to continue to have future generations having to pay for the choices we are making today, or whether we are prepared to pay for our own choices.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

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

Mr. TANNER. Mr. Speaker, I come over here with a degree of sadness, because the rule prohibits the consideration of the Blue Dog substitute on budget enforcement.

The gentleman from Wisconsin (Mr. RYAN) made a speech a while ago that I could not say any better about why the Blue Dog budget enforcement ought to be passed. My other young friend talked about spending. If we want to talk about wasteful spending, let me just talk about it for a second.

In July of 2002, the debt ceiling in this country was raised $450 billion. On Memorial Day weekend last year, it was raised another $980 billion. The other night in the defense bill, we had to raise it again, $650-plus. In the last 3 years, the debt of this country, the debt ceiling has been raised over $2 trillion. At 5 percent interest, what we have done following this economic game plan is raise taxes $100 billion a year every year, and my Republican colleagues want to talk about wasteful spending. I can think of nothing more wasteful than interest, because we get no health care, no military, no education, no nothing.

But it is even worse than that. Years ago, when we heard about the GDP, percentage of GDP and the deficit, they said, do not worry about it. Do my colleagues know who was buying our debt then? Americans. Do my colleagues know who is financing our debt now? Seventy percent of our debt last year was financed by foreign interests.

I am telling all of my colleagues, sooner or later, the hocking of this country to anybody in the world that will buy our paper is going to, if it is not already, become a national security issue. We are going to not only do a generational mugging on our children and grandchildren by what we are doing here now, but we are going to put future policymakers in a position where there will be leverage on them by foreign powers who do not see the world the same way the United States does in such a way that it is going to be a national security problem for them.

I can think of no other better way to control spending than to apply PAYGO to tax cuts. Do my colleagues know why? Because then, when we cut taxes, we have to cut spending. Now, we cut taxes, and I voted for some of them, but we did not cut spending. Spending keeps going up. If we are really serious about cutting spending, apply pay-go to both. Then we will have to cut spending when we cut taxes, and that is what the Blue Dog budget enforcement has in it. Without that, all we are hearing is rhetoric, rhetoric, rhetoric.

It has not worked. It will not work. And I tell my colleagues, when the American people find out what is going on here, I think they are going to be not only disappointed, but appalled.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I would like to respond to some of the things that were just said.

First of all, I happen to believe that PAYGO rules ought to apply to tax cuts, too. But this is all about the politics of the possible, and we cannot get that done this year. So we can take this step this year, this day to begin to constrain Federal spending.

Let me also respond to something else. Our friends on the left cannot have it both ways. They cannot say, well, we need to invest in this program and that program and this program for people, and if we put more money into education, the argument is we will get it back ten-fold, but we do not want to pay any interest on that money. We cannot have it both ways. Fifty-five percent of what we will spend this year will be for what are called entitlement programs, and many of those entitlement programs were sold as investments in people. Now we are being told, but we get no return on that investment. This is just an expenditure, and it is lost forever.

So as we debate this, I know that people are going to come at this from different perspectives, but let us try to at least be honest with ourselves. We have a system right now, and the rules and the way the system works encourages more and more spending.

The debate today simply is about this: are we going to enforce the budgets that we pass here in the House and are we going to change the rules to give the taxpayers an even break? That is what the debate is about today. We can debate all of those other issues some other day. But we need support on both sides of the aisle to make certain that the American people understand that we are going to enforce the budgets we pass in the House.

We are the keepers of the public purse. We are going to enforce those budgets, and we are going to begin to amend the rules to make it more difficult to spend more than we take in.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentlewoman for yielding me this time.

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

Mr. MENENDEZ. Mr. Speaker, back in 1990, Congress instituted the pay-as-you-go rules with bipartisan support, including the support of the first President Bush. However, those rules were based on the principle that if you are digging yourself deeper into a hole, the first thing you do is stop digging. And the 1990 rules which required that both mandatory spending increases and tax cuts be offset helped keep the deficit hole from getting deeper, and eventually helped produce record budget surpluses.

Unfortunately, my colleagues on the other side of the aisle evidently have completely forgotten this sound concept. The Republican bill we debate here today is a deeply flawed and ineffective version of the earlier pay-as-you-go requirements. Specifically, this legislation lets the Congress keep digging deeper to make the deficit bigger. By covering only mandatory spending, tax cuts would not have to be paid for, and entitlement increases would ultimately have to be paid for by cutting other entitlements. That is Social Security, Medicare, and Medicaid. In essence, this is the way in which they mask the dismantling of entitlement priorities.

In addition, the measured spending caps would be set at unrealistically low levels, which would lead either to devastating cuts in domestic spending, in education, in health care, in research, or, to the ignoring of the caps. RECORD deficits are not due to discretionary spending. If we eliminated all nondefense discretionary spending, we would not eliminate the anticipated fiscal year budget deficit of $478 billion, all nondefense discretionary spending. Forget about it. Eliminate it all. We still would not take care of the deficit.

So since most Federal benefits for low and middle class people are provided through entitlement programs, and most government subsidies for high-income individuals and corporations are in the Tax Code, this measure would then turn the policy practice on its head in favor of the affluent and against the low and middle income families of this country.

The bill was designed so that the new spending caps would be set at discretionary spending levels contained in the conference report on the budget resolution, which calls for cutting domestic discretionary programs outside of homeland security by $77 billion over the next 5 years.

Unlike the caps imposed in the 1990s, the new caps require much deeper cuts and would not be part of a balanced deficit reduction package that puts every part of the budget, every part of the budget on the table and calls for shared sacrifice.

Finally, on this rule, Republicans clearly are afraid of the views expressed on this side of the aisle that everything must be on the table when there are 19 amendments and 17 are Republican, and leading democratic voices who are known in this Congress are not given the opportunity to present on these issues. It is shameful. The rule needs to be voted down, as does the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I am going to vote for this rule, but I do not support it. I do not think it is a good rule. I want to explain in just the couple of minutes that I have why that is the case.

First, I think I should make it known, especially to Members on my side of the aisle who have heard recently that I have been opposing budgetary caps, that that is not true. I do not oppose caps on the budget. To the contrary, my colleagues have heard me here on the floor many times saying that I need a budget. I cannot help it that the budget committees cannot get together and give us a real budget, but I need a budget to have discipline in the committee when there are amendments on the floor to raise spending by billions of dollars. So I need a budget with a budget cap.

However, I will not support statutory budget caps. This rule provides for a bill that provides for statutory budget caps. The reason I will not support statutory budget caps is very simple. It goes beyond politics, it goes beyond the House and the Senate. It is the Constitution of the United States that has established checks and balances by separation of powers. The budget process is the responsibility and the jurisdiction of the Congress of the United States. Statutory budget caps put the executive branch into the mix. We would be hearing from OMB on a daily basis that they cannot accept this or they cannot accept that; that you are going to have to do it our way, or we will not sign the bill. That is what statutory budget caps are going to do to this process.

The current process is already unworkable. We need real budget process reform, but we need budget process reform that is going to work. And the budget process that we are working under today does not work.

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We do not have a budget, and that is an example that the current process does not work. But let me say this: when we have had a real budget resolution, the Committee on Appropriations stays within their cap. Discretionary spending has not exceeded the budget caps since this gentleman has been chairman of the committee.

Where Congress ought to be looking is mandatory programs, because mandatory spending, which is basically two-thirds of all government spending, is the spending that runs us deeper into debt every year.

So I do not think the bill that this rule provides consideration for is a good bill. And I do not intend to support the bill. But I am going to vote for this rule, although I do not really agree with what it does. But in order to get the bill on the floor so the House can work its will, I will vote for the rule, but not for this bill.

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

Mr. Speaker, I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to vote on an important substitute amendment that was not allowed under the rule.

This substitute by the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON), the gentleman from California (Mr. THOMPSON), the gentleman from Indiana (Mr. HILL), the gentleman from Kansas (Mr. MOORE), and the gentleman from Tennessee (Mr. TANNER) would reinstate for 2 years the provisions of the Budget Enforcement Act.

It also provides for pay-as-you-go rules for legislation that increases the deficit, sets discretionary spending limits, and calls for a separate vote to consider legislation that would increase those discretionary spending limits or waive the PAYGO requirement.

It is certainly worthy of discussion and a vote in this debate on the House budget process. Unfortunately, the Republican leadership blocked this amendment, and it was voted down in the Committee on Rules early this morning on a straight party-line vote.

When asked why so few or no Democrat amendments were allowed, the Chair of the Committee on Rules said, Because we are the majority.

Mr. Speaker, there are few Members in this House who have worked as hard and long to improve the budget process and control the deficit, as has the gentleman from Texas (Mr. STENHOLM); yet he was denied an opportunity after his thoughtful and responsible substitute. Three Republican substitutes were made in order under the rule and 15 other amendments, but the amendment of the gentleman from Texas (Mr. STENHOLM) was arbitrarily denied.

It seems that every time we get on the floor to do a rule, the other side talks about how fair and balanced their rule is. Well, there is nothing fair and balanced about shutting out of the budget reform debate one of the House's experts on this matter. If one does not support the Stenholm substitute, one does not have to vote for it, but at least let it come before the House for a debate in an up-or-down vote.

I urge Members on both sides of the aisle to vote ''no'' on the previous question. Let me make it clear that a ''no'' vote will not stop the House from taking up the Spending Control Act and will not prevent any of the amendments made in order by the rule from being offered. However, a ''yes'' vote will preclude the House from consideration of the Stenholm substitute, a substitute that would add greatly to this process.

So do the right thing, please vote ''no'' on the previous question. Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, again, vote ''no'' on the previous question.

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

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

Mr. Speaker, this is a serious issue, and it is one that needs to be debated as we can see by the debate that we have had here simply on the rule. We expect a more vigorous debate as the issues are presented and as amendments are offered.

Mr. Speaker, I urge a ''yes'' vote on the previous question.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 692—RULE ON H.R. 4663 SPENDING CONTROL ACT OF 2004

At the end of the resolution, add the following:

''SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 17 in the report of the Committee on Rules if offered by Representative Stenholm of Texas or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

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

AMENDMENT TO H.R. 3973, AS REPORTED

OFFERED BY MR. STENHOLM OF TEXAS, MR. MATHESON OF UTAH, MR. THOMPSON OF CALIFORNIA, MR. HILL OF INDIANA, MR. MOORE OF KANSAS, OR MR. TANNER OF TENNESSEE

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Living Within Our Means Act of 2004''.

TITLE I—REINSTATING AND STRENGTHENING BUDGET ENFORCEMENT

SEC. 101. EXTENSION OF THE DISCRETIONARY SPENDING CAPS.

(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after ''2005'', by redesignating the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

''(A) for the general purpose discretionary category: $819,697,000,000 in new budget authority and $862,247,000,000 in outlays;

''(B) for the highway category: $30,585,000,000 in outlays; and

''(C) for the mass transit category: $1,554,000,000 in new budget authority and $6,787,000,000 in outlays; and''.

(2) Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after ''2006'', by redesignating the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

''(A) for the general purpose discretionary category: $837,271,000,000 in new budget authority and $853,170,000,000 in outlays;

''(B) for the highway category: $33,271,000,000 in outlays; and

''(C) for the mass transit category: $1,671,000,000 in new budget authority and $7,585,000,000 in outlays; and''.

(b) ADVANCE APPROPRIATIONS.—(1) Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end the following new subsection:

''(d) ADVANCE APPROPRIATIONS.—In fiscal years 2005 through 2009, the total amount of discretionary advance appropriations provided in appropriation Acts shall not exceed $23,158,000. Any amount enacted in excess of such amount shall be counted against the discretionary spending limits for the fiscal year for which the appropriation Act containing the advance appropriation is enacted.''.

(2) Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new paragraph:

''(20) The term 'advance appropriation' refers to the following budget accounts or portions thereof that become available one fiscal year or more beyond the fiscal year for which the appropriation Act making such funds available is enacted:

''(A) 89-5428-0-2-0271 (Elk Hills);

''(B) 16-0174-1-504 (Training and Employment Services);

''(C) 91-0900-01-501 (Education for the Disadvantaged);

''(D) 91-1000-01-501 (School Improvement);

''(E) 75-1536-0-1-506 (Children and Family Services (Head Start));

''(F) 91-0300-0-1-501 (Special Education);

''(G) 91-0400-0-1-501 (Vocational and Adult Education);

''(H) 18-1001-0-1-372 (Payment to the Postal Service Fund); or

''(I) 86-0319-0-1-604 (Housing Certificate Fund (Section 8 Renewal).''.

(c) EXPIRATION.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking subsection (b).

(b) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B), by—

(A) striking ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003'' and inserting ''the Transportation Equity Act: A Legacy for Users''; and

(B) inserting before the period at the end the following new clauses:

''(v) 69-8158-0-7-401 (Motor Carrier Safety Grants).

''(vi) 69-8159-0-7-401 (Motor Carrier Safety Operations and Programs).'';

(2) in subparagraph (C), by—

(A) inserting ''(and successor accounts)'' after ''budget accounts''; and

(B) striking ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003 or for which appropriations are provided pursuant to authorizations contained in those Acts (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by the Transportation Equity Act for the 21st Century, shall not be included in this category)'' and inserting ''the Transportation Equity Act: A Legacy for Users or for which appropriations are provided pursuant to authorizations contained in that Act''; and

(3) in subparagraph (D)(ii), by striking ''section 8103 of the Transportation Equity Act for the 21st Century'' and inserting ''section 8103 of the Transportation Equity Act: A Legacy for Users''.

SEC. 102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING WITH REVENUES.

Subparagraphs (B) through (E) of section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

''(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

''(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

''(cc) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section 8103 of the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

''(II) The estimated level of highway receipts for the purposes of this clause are—

''(aa) for fiscal year 2004, $30,572,000,000;

''(bb) for fiscal year 2005, $34,260,000,000;

''(cc) for fiscal year 2006, $35,586,000,000;

''(dd) for fiscal year 2007, $36,570,000,000;

''(ee) for fiscal year 2008, $37,603,000,000; and

''(ff) for fiscal year 2009, $38,651,000,000.

''(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

''(C) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

''(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

''(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

''(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2004, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2005 through 2009 from obligations at the levels specified in section 8103 of the Transportation Equity Act: A Legacy for Users using current assumptions.

''(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

''(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.''.

SEC. 103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 2004, $34,309,000,000;

(2) for fiscal year 2005, $35,671,000,000;

(3) for fiscal year 2006, $36,719,000,000;

(4) for fiscal year 2007, $37,800,000,000;

(5) for fiscal year 2008, $38,913,000,000; and

(6) for fiscal year 2009, $40,061,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 2004, $7,266,000,000;

(2) for fiscal year 2005, $7,750,000,000;

(3) for fiscal year 2006, $8,266,000,000;

(4) for fiscal year 2007, $8,816,000,000;

(5) for fiscal year 2008, $9,403,000,000; and

(6) for fiscal year 2009, $10,029,000,000.

For purposes of this subsection, the term ''obligation limitations'' means the sum of budget authority and obligation limitations.

SEC. 104. REVENUE ADJUSTMENT.

If an amendment is designated to be used to offset a decrease in receipts for a fiscal year pursuant to section 316(c)(1)(D) or section 317(c)(1)(D) of the Congressional Budget Act of 1974, then the applicable level of revenues for such fiscal year for purposes of section 311(a) of such Act shall be reduced by the amount of such amendment.

SEC. 105. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

(a) PURPOSE.—Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' and inserting ''2009''.

(b) SEQUESTRATION.—Section 252(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' and inserting ''2009''.

SEC. 106. REPORTS.

Subsections (c)(2) and (f)(2)(A) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking ''2002'' and inserting ''2009''.

SEC. 107 EXPIRATION.

Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' and inserting ''2009'' and by striking ''2006'' and inserting ''2013''.

SEC. 108 AUTOMATIC BUDGET ENFORCEMENT FOR MEASURES CONSIDERED ON THE FLOOR.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''BUDGET EVASION POINTS OF ORDER

''SEC. 316. (a) DISCRETIONARY SPENDING CAPS.—It shall not be in order in the House of Representatives to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

''(b) PAY-AS-YOU-GO.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

''(c) DIRECTED SCORING.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

''(d) FAR-OUTYEARS.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that contains a provision providing new budget authority or which reduces revenues which first takes effect after the first five fiscal years covered in the most recently adopted concurrent resolution on the budget and would have the effect of reducing the surplus or increasing the deficit in any fiscal year.

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

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

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

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

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

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

(b) TABLE OF CONTENTS.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

''Sec. 316. Budget evasion points of order.''.

SEC. 109. REQUIREMENTS FOR BUDGET ACT WAIVERS IN THE HOUSE OF REPRESENTATIVES.

(a) JUSTIFICATION FOR BUDGET ACT WAIVERS.—Clause 6 of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(h) It shall not be in order to consider any resolution from the Committee on Rules for the consideration of any reported bill or joint resolution which waives section 302, 303, 311, or 401 of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes a description of the provision proposed to be waived, an identification of the section being waived, the reasons why such waiver should be granted, and an estimated cost of the provisions to which the waiver applies.''.

(b) SEPARATE VOTE TO WAIVE MAJOR BUDGET ACT POINT OF ORDER.—(1) Section 905 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(h)(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of a major budget act point of order as defined in paragraph (2).

''(2) For the purposes of this subsection, the term 'major budget point of order' means any point of order arising under any section listed in section 904.

''(3)(A) In order to be cognizable by the Chair, a point of order under the sections referenced in paragraph (2) must specify the precise language on which it is premised.

''(B) As disposition of points of order under the sections referenced in paragraph (2), the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

''(C) A question of consideration under the sections referenced in paragraph (2) shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

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

SEC. 110. CBO SCORING OF CONFERENCE REPORTS.

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert ''or conference report thereon,'' before ''and submit''.

(2) In paragraph (1), strike ''bill or resolution'' and insert ''bill, joint resolution, or conference report''.

(3) At the end of paragraph (2) strike ''and'', at the end of paragraph (3) strike the period and insert ''; and'', and after such paragraph (3) add the following new paragraph:

''(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.''.

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: '', or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed''.

TITLE II—INCREASED AND ACCOUNTABILITY AND INFORMATION IN CONGRESSIONAL BUDGET PROCESS

SEC. 201. DISCLOSURE OF INTEREST COSTS.

Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) containing a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the four ensuing fiscal years.''.

SEC. 202. ACCOUNTABILITY IN EMERGENCY SPENDING.

(a) OMB EMERGENCY CRITERIA.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

''(11)(A) The term 'emergency' means a situation that—

''(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

''(ii) is unanticipated.

''(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

''(i) sudden, which means quickly coming into being or not building up over time;

''(ii) urgent, which means a pressing and compelling need requiring immediate action;

''(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

''(iv) temporary, which means not of a permanent duration.''.

(b) DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.—Not later than five months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974.

(c) CONTINGENCY OPERATIONS RELATED TO GLOBAL WAR ON TERRORISM.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

''(I) CONTINGENCY OPERATIONS RELATED TO GLOBAL WAR ON TERRORISM.—If supplemental

appropriations for discretionary accounts are enacted for contingency operations related to the global war on terrorism that, pursuant to this subparagraph, the President designates as a contingency operation related to the global war on terrorism and the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts so designated and the outlays flowing in all fiscal years from such appropriations.''.

(d) SEPARATE HOUSE VOTE ON EMERGENCY DESIGNATION.—(1) Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''13. In the consideration of any measure for amendment in the Committee of the Whole containing any emergency spending designation, it shall always be in order unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such emergency spending designation from the portion of the bill then open to amendment.''.

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

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

SEC. 203. APPLICATION OF BUDGET ACT POINTS OF ORDER TO UNREPORTED LEGISLATION.

(a) Section 315 of the Congressional Budget Act of 1974 is amended by striking ''reported'' the first place it appears.

(b) Section 303(b) of the Congressional Budget Act of 1974 is amended—

(1) in paragraph (1), by striking ''(A)'' and by redesignating subparagraph (B) as paragraph (2) and by striking the semicolon at the end of such new paragraph (2) and inserting a period; and

(2) by striking paragraph (3).

SEC. 204. BUDGET COMPLIANCE STATEMENTS.

Clause 3(d) of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(4) A budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974 or any other requirements set forth in a concurrent resolution on the budget and may include the budgetary implications of that bill or joint resolution under section 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as applicable.''.

SEC. 205. PROJECTIONS UNDER SECTION 257.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after paragraph (6) the following new paragraph:

''(7) EMERGENCIES.—New budgetary resources designated under section 251(b)(2)(A) or 251(b)(2)(I) shall not be assumed beyond the fiscal year for which they have been enacted.''.

SEC. 206. TECHNICAL CORRECTIONS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) In section 250(a), strike ''SEC. 256. GENERAL AND SPECIAL SEQUESTRATION RULES'' and insert ''Sec. 256. General and special sequestration rules'' in the item relating to section 256.

(2) In subparagraphs (F), (G), (H), (I), (J), and (K) of section 250(c)(4), insert ''subparagraph'' after ''described in'' each place it appears.

(3) In section 250(c)(18), insert ''of'' after ''expenses''.

(4) In section 251(b)(1)(A), strike ''committees'' the first place it appears and insert ''Committees''.

(5) In section 251(b)(1)(C)(i), strike ''fiscal years'' and insert ''fiscal year''.

(6) In section 251(b)(1)(D)(ii), strike ''fiscal years'' and insert ''fiscal year''.

(7) In section 252(b)(2)(B), insert ''the'' before ''budget year''.

(8) In section 252(c)(1)(C)(i), strike ''paragraph (1)'' and insert ''subsection (b)''.

(9) In section 254(c)(3)(A), strike ''subsection'' and insert ''section''.

(10) In section 254(f)(4), strike ''subsection'' and insert ''section'' and strike ''sequesterable'' and insert ''sequestrable''.

(11) In section 255(g)(1)(B), move the fourteenth undesignated clause 2 ems to the right.

(12) In section 255(g)(2), insert ''and'' after the semicolon at the end of the next-to-last undesignated clause.

(13) In section 255(h)—

(A) strike ''and'' after the semicolon in the ninth undesignated clause;

(B) insert ''and'' after the semicolon at the end of the tenth undesignated clause; and

(C) strike the semicolon at the end and insert a period.

(14) In section 256(k)(1), strike ''paragraph (5)'' and insert ''paragraph (6)''.

(15) In section 257(b)(2)(A)(i), strike ''differenes'' and insert ''differences''.

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 (Mr. LATOURETTE). 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.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this matter will be postponed.

REVISING THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005 AS IT APPLIES IN THE HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, pursuant to the order of the House of June 22, 2004, I call up the resolution (H. Res. 685) revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 685 is as follows:

H. RES. 685

Resolved, That the conference report on Senate Concurrent Resolution 95, and the accompanying joint explanatory statement, as made applicable to the House by section 2 of House Resolution 649, shall have force and effect in the House as though such conference report and accompanying statement included the following modifications:

(1) In section 101 (relating to recommended levels and amounts for the budget year):

(A) In paragraph (4) (relating to the deficit), the amount of the deficit for fiscal year 2005 shall be reduced by $4,675,000,000.

(B) In paragraph (1) (relating to Federal revenues), the recommended level of Federal revenues for fiscal year 2005 shall be increased by $12,285,000,000 and the amount by which the aggregate level of Federal revenues should be changed shall be increased by $12,285,000,000.

(C) In paragraph (2) (relating to new budget authority), the appropriate level of total new budget authority for fiscal year 2005 shall be increased by $14,200,000,000.

(D) In paragraph (3) (relating to budget outlays), the appropriate level of total budget outlays for fiscal year 2005 shall be increased by $7,610,000,000.

(2) In section 103 (relating to major functional categories):

(A) In paragraph (1) (relating to National Defense (050)), the amount of new budget authority shall be increased by $1,000,000,000 and the amount of outlays shall be increased by $740,000,000, to improve the quality of life and provide livable housing for military personnel and their families.

(B) In paragraph (5) (relating to Natural Resources and Environment (300)), the amount of new budget authority shall each be increased by $825,000,000 and the amount of outlays shall be increased by $550,000,000, to provide clean water and open spaces for future generations.

(C) In paragraph (6) (relating to Agriculture (350)), the amount of new budget authority shall be increased by $380,000,000 and the amount of outlays shall be increased by $330,000,000, to inspect and secure our Nation's food supply and to improve economic opportunities, infrastructure, and the quality of life for rural Americans.

(D) In paragraph (10) (relating to Education, Training, Employment, and Social Services (500)), the amount of new budget authority shall be increased by $6,075,000,000 and the amount of outlays shall be increased by $2,430,000,000, to create opportunities for our children and young adults, and to address the needs of low-income communities and assist the long-term unemployed.

(E) In paragraph (11) (relating to Health (550)), the amount of new budget authority shall each be increased by $1,370,000,000 and the amount of outlays shall be increased by $530,000,000, to provide health care for children and others in need, control infectious diseases, foster medical research, and alleviate shortages of nurses and other health professionals .

(F) In paragraph (13) (relating to Income Security (600)), the amounts of new budget authority shall each be increased by $250,000,000 and the amount of outlays shall be increased by $170,000,000, to help States provide energy assistance to poor and alleviate the impact of refugees on State and local communities.

(G) In paragraph (15) (relating to Veterans Benefits and Series (700)), the amounts of new budget authority shall each be increased by $1,300,000,000(for a total of $2,500,000,000 above the President's request) and the amount of outlays shall be increased by $1,210,000,000, to maintain quality health care for veterans.

(H) To improve our hometown response capabilities, strengthen our borders and meet our security mandates, amounts of new budget authority and outlays for fiscal year 2005 shall be further modified as follows:

(i) In paragraph (9) (relating to community and regional development (450)), increase new budget authority by $1,200,000,000 and outlays by $240,000,000.

(ii) In paragraph (16) (relating to Administration of Justice (750)), increase new budget authority by $950,000,000 and outlays by $830,000,000.

(iii) In paragraph (8) (relating to Transportation (400)), increase new budget authority by $550,000,000 and outlays by $460,000,000.

(iv) In paragraph (11) (relating to Health (550)), increase new budget authority by $300,000,000 and outlays by $120,000,000.

(3) On page 113 of House Report 108–498, the section 302(a) allocation made to the Committee on Appropriations shall be adjusted by modifying amounts in the table titled ''Allocation Spending Authority to House Committees for Budget Year 2005–Committees on Appropriations'' as follows:

(A) By increasing the amount for ''Discretionary Action: General Purpose: BA'' and the amount for ''Total Discretionary Action BA:'' by $14,2000,000,000.

(B) By increasing the amount for ''Discretionary Action: General Purpose: OT'' and the amount for ''After Section 313 Adjustments of Discretionary OT:'' shall each be increased by $7,610,000.

(4) In section 211 (relating to reconciliation in the House of Representatives), by inserting at the end the following new subsection:

''(c) REDUCTION IN TAX CUTS FOR TAXPAYERS WITH INCOMES ABOVE $1,000,000.—The Committee on Ways and Means shall also include in the reconciliation bill reported pursuant to subsection (a) changes in tax laws sufficient to increase revenues by $18,900,000,000, to be achieved by reducing or offsetting the tax reductions received during tax year 2005 by taxpayers with adjusted gross income above $1,000,000 for taxpayers filing joint returns and comparable amounts for taxpayers with other filing statuses as a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth and Tax Relief Reconciliation Act of 2003.''.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday June 22, 2004, the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI) each will control 45 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

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

Mr. Speaker, I rise in strong and, frankly, enthusiastic opposition to this resolution. But I should add I rise in strong and enthusiastic support for its addition to the House calendar this week.

The resolution before us, bravely introduced by the gentleman from Wisconsin (Mr. OBEY), crystallizes the debate in this country between Republicans and Democrats to a degree rarely witnessed in these days of homogenized, air conditioned, political discourse. And for this debate, I thank the gentleman from Wisconsin who, even in an election year, has the courage and confidence to know that vigorous partisan debates between conservatism and liberalism are all together good and healthy for American democracy.

What this resolution before us comes down to is two questions: First, are small business taxes in America too high or too low? And, second, does the Federal Government spend too much money or too little?

Now, if you pay attention, you will notice the proponents of this resolution will speak grandly about the needs for shared sacrifice and will assert that this resolution would only impact taxpayers earning more than $1 million in 2005. It is a clever debating trick, this impression that this tax increase will only get the idle rich to pay their fair share, but it is false. As proponents of this resolution no doubt know, 83 percent of the taxpayers fleeced by this resolution report business income.

Small businesses, Mr. Speaker, sole proprietorships, subchapter S corporations, partnerships, family farms, we are not just talking about the cast of ''Friends'' here. Instead, we are talking about the people, the entrepreneurs, the risk-takers, the opportunity makers who are creating the jobs that are fueling what is now, beyond dispute, a full-fledged economic recovery. Indeed, these are the exact same taxpayers for whom Democrats just last week proposed cutting taxes. I guess it is just another example of Democrats voting for something before they vote against it.

Mr. Speaker, this resolution is a direct punitive attack against the men and women of American small businesses, against the owners who have risked and invested to compete in the marketplace, against the managers who have generated the economic growth of the last 2 years, and against the new employees who have leapt at the opportunities those owners and managers have created.

Hiking taxes on those small businesses, farmers, doctors, and families would immediately stifle the economic recovery that we are now enjoying, a recovery it must be noted, that is already producing government revenues greater than would have been generated without the Republican tax relief this resolution is trying to undo.

How bad would it be? Estimates suggest damage in the neighborhood of 100,000 lost jobs, $11 billion in lost GDP, and $30 billion in lost family income in just the first 5 years. The 12-digit tax increase that is being proposed, therefore, would only serve to increase government revenues by $19 billion over the next 5 years, and thereby add to the deficits he says he wants to cut, add to them, in fact, by more than $82 billion in the same time frame.

And as if that is not enough, Mr. Speaker, this resolution, after gutting the economic expansion and failing to generate sufficient government revenue to meet our needs, would then go for the Triple Crown of fiscal suicide, massive spending increases.

I know Democrats often complain that Republicans try to cast them as just tax-and-spend liberals. Well, Mr. Speaker, this resolution only does two things, tax and spend. I would love to call them tax-cutting, fiscally-sound supply-siders, Mr. Speaker, but if a party wants to tax like Mondale, spend like Dukakis, and stagnate the economy like Carter, and the worst thing we call them is liberal, frankly, I think they are getting off pretty easy.

Mr. Speaker, the ideas at the very core of the proposal of the gentleman from Wisconsin (Mr. OBEY), indeed at the core of the Democrat Party today, is that the government will be making more decisions, and individuals families and small businesses should be making fewer; that Washington should have more money and more power, and the American people, they should have less. That is what the Democrats believe is what this resolution would write into law, and that is why it must fail.

Now, while I thank the gentleman from Wisconsin (Mr. OBEY) for bringing this, albeit bad idea, to the floor for debate, I must urge all Members to vote ''no'' and make sure American jobs, economic health, and fiscal security are protected from the bone-crushing futility of liberal economic incompetence.

Mr. Speaker, I reserve the balance of my time, the remainder of which is to be controlled by my designee, the gentleman from Iowa (Chairman NUSSLE).

Mr. OBEY. Mr. Speaker, as the designee of the minority leader, I rise in support of the resolution.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 45 minutes.

Mr. OBEY. Mr. Speaker I yield myself 9 minutes.

Mr. Speaker, this resolution is bringing to the House floor a debate on how best to make this country stronger and more just. The distinguished gentleman from Texas has just said that this is about raising taxes. One of the worst problems that can happen to you in Washington D.C. is when you begin to believe your own baloney. That is not what this resolution is about.

The situation is very simple: we have a war. That war by next year will have cost us $250 billion. And the question is, how are we going to pay for it? We have two choices. One is to charge the bill mostly to our kids by raising the deficit, which is what is happening, and along with that making every American pay through the nose with less security for our homeland on our borders, in our ports, in our air ports, less security for veterans who are not receiving adequate health care, less educational opportunity for middle-class families because of budget squeezes, less health coverage for hundreds of thousands of children all over this country, less help for workers who are

out of work; or will we choose the other way, as this resolution seeks to do.

Will we choose to ask the most well-off 200,000 people in this country, less than 1 percent of all taxpayers, will we ask them to make the supreme sacrifice? Those who make more than $1 million a year, will you ask them to make the sacrifice of limiting their tax cut to $24,000 on average rather than the $120,000 average that they will otherwise get under the existing budget of this House? I think the answer is quite clear.

I plead fully guilty to wanting to see the most privileged and blessed people in this society accept a somewhat smaller tax cut in order to provide greater opportunity for others in society to get the basic requirements on education, health care, veterans health care, and the rest.

□ 1145

Now, this resolution is very simple. It raises over $18 billion by limiting the average size tax cut for persons who make more than $1 million a year to about $24,000 a year. That is what the average tax cuts will be for someone who makes between $500,000 a year and $1 million. We are asking those that make $1 million to live by that same amount. That is hardly an outrageous sacrifice.

We then use 25 percent of that money for deficit reduction. We use the remaining $14 billion to eliminate the real reductions in domestic appropriations that are contained in the President's budget. If this amendment is adopted, we will simply be adjusting education, health, veterans programs and all the rest by the amount that is equivalent to inflation plus population growth. That is all. We would get back to a standstill level on that score.

We put $3 billion into homeland security. Why? Because the Hart-Rudman Commission told us we have a need of $190 billion at the local level, and we have only met 15 percent of that need so far. We do it because only 13 percent of fire departments in this country are equipped to handle a full-blown hazardous material attack. We do it because only a tiny fraction of cargo in passenger planes is presently inspected for explosives. We do it because we have some 2,000 fewer people on the northern border protecting our border than the PATRIOT Act told us that we would have. We do it because only 20 of the most important 45 ports in America which ship goods into the United States have adequate inspection systems to make certain that there is not nuclear material or explosive material in ships that come to our shores.

We then put $1.3 billion into veterans health care so that we can cut the claims backlog of 327,000 veterans so that we can shorten the waiting time of veterans at VA hospitals, so that we can strengthen critical mental health services for returning veterans. We add $1 billion to military housing because more than 120,000 of military families in this country serve in lousy housing, and they deserve better.

We put $5.7 billion into education to close the gap between what this Congress promised it would provide local schools and what it is actually giving them. We put a billion and a half dollars into Title I so that 500,000 more poor kids and disadvantaged kids can get better instruction in reading and math.

We put $1.2 billion into special education so that local school districts will receive more help from the Federal Government to meet Federal mandates to educate every disabled child. We put $300 million in in order to help 400,000 more children receive adequate child care and after school care.

We put $2 billion in so that we can increase Pell grants to help those who otherwise could not afford to go to college. We want to increase the maximum grant by $450. Pell grants today pay only for 35 percent of the cost of instruction at a 4-year university. Twenty years ago they paid for 75 percent. Can we not do better than that?

Then we use $200 million to provide additional employment and training opportunities for people who have lost their jobs. We also address a number of other matters. We fund a number of other programs that are high priority programs, as demonstrated by the letters from the minority side as well as the majority side of this House to our own committee, asking that our committee provide funding for these programs.

So that is what we do, and I would ask support for this resolution, and I repeat the same thing that I said when I began. We have one choice. We can either pay for this war by shoving the bill to our kids and by cutting back on educational opportunities, cutting back on veterans health care, cutting back on decent housing for the military, squeezing dangerously our homeland security expenditures, or we can ask the most well-off, the most prosperous people in this country to share a little bit more of the load by limiting the size of their tax cut to $24,000 rather than the average $120,000 tax cut they would ordinarily get.

I believe the majority of those people are patriotic enough to say, ''Do it, we do not need that extra supersized tax cut as much as this country needs to have its fiber strengthened by providing the investments that I have just talked about.'' I would urge a ''yes'' vote for the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Iowa (Mr. NUSSLE) is the designee of the majority leader.

Mr. NUSSLE. Mr. Speaker, I yield myself 1 minute before I yield to the gentleman from Ohio.

Mr. Speaker, I hear from Members on both sides of the aisle that this is really a waste of time today. It is kind of a silly exercise. We ought to be having appropriation debate on the floor. We have got appropriations bill that are waiting in line with no prospect of getting them done on time this year, and yet we have got to do this.

I hear from some that this is really an exercise as a price to prevent obstructionism on the floor for consideration of appropriation bills, that if we do not debate that, somebody is going to obstruct the floor.

Regardless, let me say a couple of things. There is a budget. The House has deemed the budget. We await consideration in the other body of the budget, and this is a nonbinding resolution that we are about to talk about for the next couple of hours here instead of talking about appropriation bills, but I guess we are going to go through this exercise.

As the majority leader said, we are going to have some fun because we get to point out our differences, but let us just face it. This is a nonbinding, somewhat silly exercise, but we are going to go through the process and talk about the differences.

Mr. Speaker, in order to do that, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means and a member of the Committee on the Budget.

Mr. PORTMAN. Mr. Speaker, I thank my chairman for allowing me to speak this morning, and it is true, this is a non-binding exercise. On the other hand, it is a very important debate, and it is a philosophical difference.

I appreciated the comments from my colleague from Wisconsin talking about the need to get the deficit down. I think what we have learned over the last couple of decades is the only way to get the deficit under control is to grow the economy and restrain spending. We learned it in the 1990s. We are relearning it now, and what is exciting to me is the fact that part of that, which is restraining spending, we are doing with regard to the budget and the budget that the House passed and based on the deeming resolution will keep our spending under control in the House this year. That is very important, keeping spending at about 4 percent, trying to keep it close to what the family budget is is extremely important.

Second, we are growing the economy, and there is an incredible story out there. It is probably the most underreported story of the year. The only economic indicator that is not improving right now is what we are hearing from the other side of the aisle about the economy. Jobs are increasing, fastest growth in 20 years. The unemployment rate is now 5.6 percent in this country, down from 6.3 percent. That makes it lower than the average unemployment in the vaunted 1990s, in the 1980s or the 1970s. People are going back to work.

Just last month, we created over 225,000 new jobs in this country. We have created over 1.4 million jobs in this country in the last 9 months. People are going to work, and not only are

jobs increasing but they are good jobs. Wages are going up. Wages are going up faster than they did in the 1990s. We are seeing actual take-home pay going up. We are seeing productivity high, inflation low, interest rates are low. We are seeing the economy that is the envy of the rest of the industrialized world.

Part of the reason for that, I believe a big part of it, is that this Congress has taken the right steps in terms of fiscal policy, keeping spending under control and growing the economy by smart tax relief that provides incentives for growth. That is what the Bush tax cuts were all about. That is what is under attack today.

If my colleagues are to vote for the gentleman from Wisconsin's (Mr. OBEY) amendment, my colleagues are showing that they have a philosophical difference with that. Instead, my colleagues believe that just as the economy has turned, just as jobs are coming back, just as we have seen real growth and real wages, that we ought to be repealing the very tax relief that has led to that. I do not get that.

Here is a chart showing that today there are more Americans working than ever before. Employment is at a record high in May of 2004, 138.8 million people. Here is what unemployment would be without the tax relief that we passed in the last 3 years. Again, 5.6 percent unemployment today. Without the tax relief, we believe it would be over 7 percent. Now, what does that translate into? Over 2 million jobs. Over 2 million jobs.

I just think it is crazy that at the point at which we are turning the corner, we are bringing back jobs, things are going so well, that again the rest of the world is looking up and saying now America is the engine of economic growth again, that the people back home who punch a time clock every day are seeing their wages going up, that we would want to jeopardize that.

Increasing spending is, again, a philosophical divide. We can talk about whether we should be increasing spending within the allocation we have for homeland defense, intelligence and so on as we did yesterday on the floor of the House, but let me show my colleagues what would happen with the gentleman from Wisconsin's (Mr. OBEY) amendment.

He said it is an increase in spending of about $14.2 billion next year. Well, over a 10-year period, that is $150 billion. Here is the spending increase that is in the legislation that is before us today or in the resolution before us. Again, we are not going to get the deficit under control unless we restrain that spending. Adding another $150 billion over 10 years is not the solution, $194 billion over 10 years. It is more than 150.

Now, let us talk about the tax increase. The tax increase, the gentleman from Wisconsin (Mr. OBEY) said, is $18.9 billion in fiscal year 2005, and it is, but we have to take that over 10 years, too. Let us look at the 10-year number there. We are talking about individual income tax increases by $269 billion, over $250 billion over the next 10 years.

I know, again, we have a philosophical difference on who should be paying. Let me just make the point that if those tax returns that the gentleman from Wisconsin (Mr. OBEY) talked about, that he wants to affect, over 75 percent of those tax returns have business income. Why is that? Because 90 percent of small businesses in this country are not C corporations. They are so-called pass-through entities. What does that mean? They pay taxes at the individual level.

So part of what my colleagues are doing, there is no free lunch around here. When they are saying they are going to go after the rich, who are they going after? They are going after a lot of businesses. These are the entrepreneurial businesses, the small businesses that are pass-through entities, so-called subchapter S companies, sole proprietors, LLC companies, partnerships that are creating the jobs out there.

Look, in our districts, it is not the large companies that are creating these net new jobs. It is these companies. It is the entrepreneurial companies that are taking a risk, that are pass-through entities. Ninety percent of small businesses pay taxes at the individual level. We are hitting them hard if we do this.

Again, let us not take this risk. Let us go back to what we know works. Let us restrain our spending. Let us grow this economy. Let us not go back to taxing and spending. That does not work. It is going to hurt our economy. It is going to hurt the very workers the gentleman from Wisconsin (Mr. OBEY) said he would like to help.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, first let me thank the gentleman from Wisconsin (Mr. OBEY) for giving us an opportunity to define who we are as a Congress. There are some who truly believe that we are going through a political period of polarization and disdain for each other and that this is corrupting the system. That may be so, but I think we might look at it in a more optimistic way is that we are making it abundantly clear to the American people, especially those who decide not to participate politically, that they will never, never be able to say this year that there is no difference between Republicans and Democrats, and I think that this is so important.

We do not need lectures on Economics 101. All we want to know is are you working, do you have health care and do you think you are getting a fair shake from the government, and not as a Democrat, but also as an American, I would also add, and do you think our kids in the Armed Forces and our Reservists and the National Guard are getting a fair shake? Are we doing all that we can to protect them?

□ 1200

I do not really think people are going to be looking at our label, Democrats and Republicans; but they want to know what we stand for. If some of you believe that it is more important to excite the economy by finding the wealthiest people in America, that God has already blessed and given them large incomes, that by exciting them that you are helping the guy looking for a job, do not explain it to us. And do not get annoyed with us if we do not understand it.

Explain it to the people out there listening to us each and every day. Ask them whether or not the Republican majority has made their life any easier. Ask them why over half of the budget is appropriated for things that do not concern education and health care and improving the quality of life. Ask them whether or not they are prepared, given the opportunity, to pay for it.

I really, truly believe, from the bottom of my political heart, that most Americans are willing to say, if you can make this great country of ours better educated, if you can make them healthier, if you can make them more productive, then this is what I do not mind spending my dollars for.

If you believe that obligation is not a national obligation, but should be one that should be picked up by local and State governments and charitable organizations, even as the IRS steps up the investigations of not-for-profit organizations, then, for God's sake, between now and November do not change your minds. Stick to your guns. Provide the tax cuts for the rich, and let those people who are not as fortunate fend for themselves. If they cannot do it, let the mayors do it. If they cannot do it, let the government do it. And if they cannot do it, vote with your feet and forget about them.

We have to vote for the bottom line, as you say, and that is profits. So stick with your guns, and we will be here to publicize your position every chance we get. And that is why we appreciate the gentleman from Wisconsin (Mr. OBEY). He is not saying tax and spend, he is saying invest and give Americans an opportunity to have the revenues to do it.

For those of us who have grandchildren, we wonder what we can say, if we live long enough and they ask us, well, granddad, what were you doing when they sold away our country? What were you doing when this debt increased to such an extent that you knew that they were leaving it for me to pay? Well, the gentleman from Wisconsin (Mr. OBEY) has given us a chance to say what we would do is to vote against those injustices.

It is wrong. It borders on being corrupt. And the people understand what this body is all about. Thank you, thank you, thank you, Mr. OBEY.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the Committee on the Budget to continue the debate on the Democrat increase-taxes-and-spending proposal.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I was moved by this last speech. I really was. It was beautiful rhetoric and impressive rhetoric. But what I have learned here since I have been in D.C. is there are some Members of the Democratic Party who just will not let the facts confuse the issue.

Let us look at some of those facts. You see, there is a huge difference, I agree with the gentleman from New York who has just spoken, there is a huge difference between the two parties; and these are the facts. The big difference is that our friends in the minority party will find every opportunity to raise the taxes of every living American. No, no, let me correct myself. Not only every living American, but they will even try to raise taxes of Americans who have died, at every single opportunity, including a nonbinding resolution that will do absolutely nothing, by the way, if it were to pass. But they just cannot help it. They have to try to raise taxes on every single hardworking American family and every single hardworking American business and every single small business, which are the ones that create the jobs in this country.

This resolution would raise taxes by almost $19 billion, with a B, billion dollars in just 2005. It would increase spending by $14.2 billion next year. And according to the Joint Committee on Taxation, this resolution, again which is nonbinding, would be equivalent to a tax increase of $4.62 on those families and those small businesses in this country. And, again, that would cause possibly the loss of 130,000 jobs.

They keep saying, well, some of these people can afford that tax increase. But how about those 130,000 people who would lose their jobs if this were to happen? Can they afford more taxation? Can they afford this kind of resolution? The answer is no.

But, you see, they are consistent. Democrats are consistent. They are consistent because they offered three amendments to the Republican budget that would have raised taxes by over $100 billion. They offered alternatives to major legislation just last year that would have added close to $1 trillion to the deficit. And yet their rhetoric is beautiful. Actually, it is very nice. Mine cannot compare with that.

This is right off the page of Senator JOHN KERRY: raise taxes, increase spending, decrease the family budget in order to grow the Federal budget, in order to hire more bureaucracy, more bureaucrats up here.

American families and American small businesses do not need more tax employees. American families do not need more bureaucrats taking more money out of their hard-earned pockets to send to D.C. It is their money, not the government's money.

What they need is for us to continue growing this economy. And the way to do it, and it has been proven, is cutting taxes, cutting taxes like we have done. That is why the economy is doing well. We do not need tax increases on every American. What we need is to, again, continue to have sound fiscal policy.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds. Let me simply say, Mr. Speaker, that this is no less binding than is the budget resolution passed by the Republican majority.

Let me also say that we have heard a lot of concern about small business. I would like to see how many small businesses in each of our districts have profits of $1 million per owner to qualify under this bill.

Thirdly, we are not raising taxes; we are asking people who make $1 million a year or more to limit themselves to a $24,000, on average, tax cut, which is still 25 times as much as the average person in this country making $50,000 a year will get.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his exceptional leadership in this House on behalf of America's working families. He is a champion for middle-class families in our country, and once again that is reflected in the initiative that he has put forth today. Democrats are united behind the gentleman and his efforts.

As we all know, the budget should be a blueprint for meeting our obligations and moving forward as a country. But the Republican budget is a blueprint for disaster. Today, thanks to the gentleman from Wisconsin (Mr. OBEY), we have an opportunity to have a real impact on the budget. We have a chance to correct some of the imbalance in the Republicans' distorted priorities.

This vote matters. Congress will choose between giving tax cuts to people making over $1 million a year or making critical investments in homeland security, education, our veterans, health care, and the environment.

Mr. Speaker, we all know, and it has been said over and over again on this floor, that our budget should be a statement of our national values. What is important to us as a country should be reflected in that budget. So I ask my colleagues, is it a statement of your values to give a tax cut, an additional tax cut to people making over $1 million per year and leaving children behind because they are not receiving the proper education? Would you rather give a tax cut to people making over $1 million a year or would you rather improve education by adding $1.5 billion for disadvantaged schools, putting us on a path for full funding of the No Child Left Behind?

If the Republican budgets had prevailed over a 10-year period, nearly $20 billion would have been spent on education, and they can see this. It is below the line for every year except fiscal year 2002, and it is just slightly above the line. Ask any economist, and certainly Bob Rubin would attest to this, educating the American people is the best investment that we can make, certainly from a humanitarian standpoint; but from a practical budgetary and fiscal standpoint nothing brings more money into the Treasury than educating the American people.

Early childhood, K through 12, higher education, post-grad, and life-time learning brings more money into the Federal Treasury than any tax cut or anything that you can name. And yet, and yet, the Republicans reject that, despite what it does for the growth of our country, what it does to bring money into the Treasury, and, instead, want to give tax cuts to people making over $1 million a year.

Is it a statement of my colleagues' values to give a tax cut to people making over $1 million a year instead of improving veterans health care and shortening waiting times at VA health care facilities? The Paralyzed Veterans of America call this bill vital. They call this bill vital because, instead of those tax cuts, it truly honors our veterans. We talk a lot about veterans on this floor and how we honor their service to our country, but we dishonor them if we say they do not get the proper priority they should have; that we do not value them in our budget.

Is it a statement of Republican values that in this time of uncertainty in terms of our homeland security to give a tax cut to people making over $1 million a year instead of improving our homeland security; adding $3 billion to give our first responders the equipment and training they need to increase security at our ports and at our airports? Most of the wealthy people I know who make over $1 million a year say they do not need the tax cut, and they would rather have investments in America's children and in America's security. They know that it comes to them at a cost to our society.

This bill is also fiscally responsible. What the gentleman from Wisconsin (Mr. OBEY) has proposed would reduce the deficit by almost $5 billion. That would be about 25 percent of this money that comes from these people making over $1 million a year. He has investments in education, in veterans, in homeland security, in the environment, and a major investment in deficit reduction. What happened to the Republican deficit hawks? Have you become an endangered species?

Let us be clear. This bill does not raise taxes. The previous gentleman from Florida spoke about this raising taxes on every living being. If everybody he knows makes over $1 million a year, maybe that is the circle he travels in; maybe that is his awareness of society. But it simply ain't so. And the

gentleman is right, the speaker previous to him said ''there ain't no free lunch.'' There certainly is not. We should be paying as we go, and we will be addressing that in the substitute of the gentleman from South Carolina (Mr. SPRATT) later.

But let us be clear that this does not raise taxes. It does make major investments in our education, health care, homeland security, and environment. It does reduce the deficit by nearly $5 billion, but it does not raise taxes. It halts a future tax cut, for those, again I keep repeating, making over, making over $1 million a year, and stopping the fiscally irresponsible giveaway of $19 billion next year to those who need it least.

And let us be equally clear, we would not spend one penny more than the Republicans would. We just spend it differently. They have passed an ill-conceived Medicare bill that will cost taxpayers $534 billion and which gives $149 billion in windfall profits to big drug companies. They have chosen to ignore a bipartisan approach to pay as you go.

Today, we see the stark difference between the two parties: Democrats are focused on the aspirations and the needs of all Americans; Republicans are solely focused on tax cuts for the wealthy few, many of whom, as I have said, realize that these tax cuts for them take a tremendous toll on society in general.

□ 1215

The gentleman from Wisconsin's bill is a fiscally sound bill that invests in the American people. I urge my colleagues to support this bill.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to read the last line of the bill. The minority leader may want to read page 5 of the resolution she just defended. It is not a tax increase? My goodness. What does ''changes in tax laws sufficient to increase revenues by $18 billion'' mean? I heard one time if it walks like a duck, it looks like a duck and quacks like a duck, it might be a duck. This is a tax increase.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means, to talk further about this Democrat tax increase resolution.

Mr. BRADY of Texas. Mr. Speaker, I know that this resolution is offered in good faith, but this is just a terrible idea for America. It offers something for nothing, like we often do here in Washington, D.C. We say, let's tax a few people behind the tree over there, the super wealthy, and then let's give everyone else in America something good. It almost sounds like a lot of things, too good to be true, and it is.

Let us start with the tax increase. They will tell you it is for the super wealthy, but eight out of the 10 people that they propose to tax more are just small businesspeople. Eighty-three percent of those in this category are small businesspeople who do not file as big corporations but rather as individuals like you and me. And so we are not talking about taxing Bill Gates. We are talking about taxing Bill's dairy farm, Bill's print shop and Bill's grocery stores. Make no mistake, when we tax them more, we will send 130,000 Americans out of their jobs, out of work because we chose to tax these small businesses at a time we are just recovering our economy as a Nation.

And then it promises spending increases on good things, no question about it. But here is the catch. The tax increase is for 2 years. The spending goes on forever. At the end of 10 years, not only have we cost 130,000 people their jobs, we have added $130 billion to the national debt. 130,000 jobs we lose, $130 billion we add to this debt. This is a terrible idea.

I will finish with this. What we ought to be doing is cutting wasteful spending up here. In Washington, every program duplicates five others. We have got 340 economic development programs stretched across 13 different agencies. We waste your money just horribly. If we want to increase spending on certain areas, I am all for it as long as we cut out the horrible waste we have. The bottom line is Washington has all the money it needs, it just does not have all the money it wants, and it needs to learn the difference.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT), ranking member of the Committee on the Budget.

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

Mr. SPRATT. Mr. Speaker, we have sat here for 3 or 4 years and watched tax cuts erode away the surplus and then, after the surplus was gone, watched tax cuts add to the budget deficit. We have asked ourselves where are we headed? What is the point of all of this? And we have suspected, long suspected, that the next step was to take us to the stage we are in now where we will hear increasingly, we just don't have the funds to meet our obligations for veterans' health care, we don't have the funds to fund education at the level we promised when we passed the Leave No Child Behind bill, and the pitch will be that all of this has been forced upon us by some outside events and we can't help it, we simply have to conform the budget to fiscal reality.

Well, we do have a choice and this bill today shows us in one clear illustration what that choice is. We have a choice. It is not inevitable that we cut veterans' health care. It is not inevitable that we do not fully fund education or health care generally. We have a choice. We can move around, just a little bit, $18.9 billion and do a world of good. Where does the money come from? From those making over $1 million. How much do we take? $18.9 billion and still leave them a tax cut. And where does it go? $4.7 billion goes to deficit reduction. $14.2 billion goes to various selected needs.

Let me give my colleagues just a few examples. Veterans' health care. Our own Veterans' Committee tells us we have funded veterans' health care at $1.3 billion below what is needed to meet our obligations. We have promises to keep and surely this is one we could keep, should keep, to our veterans. Selected pay increases for junior officers and senior NCOs. We did not fund it this year. We could fund it with this bill.

Education. We passed a bill called Leave No Child Behind. We set a high level because we were imposing mandates on school districts across this country. We promised them money. We are $8.8 billion below the level that we set for ourselves in passing Leave No Child Behind.

Homeland security. There are a host of unmet needs here. We are skating on thin ice. One is port security, funded at all of $124 million in this year's bill. That is twice what the administration requested. The Coast Guard tells us they need $5.8 billion over the next 10 years. We are not on that track. We can at least provide more for needs like that, glaring needs in that particular area.

After 9/11, one of the questions quickly raised was what about the fire next time? What if this had been a radiological attack or a biological attack? A number of Members went down to CDC, the Centers for Disease Control, in Atlanta. They were really troubled when they saw those facilities and security at that facility in particular. So what do we do with CDC this year? The budget request from the President called for a $410 million cut in CDC. This amount of money would allow us to plus it up.

Allied health care professions. We all know there are acute shortages of nurses coming up. The President's request this year cuts allied health care professions by 64 percent. Will this money be used better? Will it do more good for more people if we take some away from those whose AGI, adjusted gross income, is above $1 million and put it to these pressing needs? You better believe it will. That is why we should vote for this bill.

Mr. NUSSLE. Mr. Speaker, to continue the debate on this small business job-killing bill, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Committee on the Budget.

Mr. HENSARLING. I thank the gentleman for yielding me this time.

Mr. Speaker, since coming to Congress, I have heard a number of bad ideas, but I cannot think of one worse than raising taxes on small businesses in America, the job-creating machine in America.

Let me just give you one example of why this is such a bad idea. Recently I was in Jacksonville, Texas touring a plant, Jacksonville Industries, a zinc and aluminum die cast business. Because of competitive pressures, they

were considering laying off two of the 22 workers that they had. But thanks to President Bush's economic growth program that we passed in this House, that tax relief for that small business enabled them to buy a new piece of machinery, I could not tell you what its name is, I could not tell you what it does, it is big, it makes a lot of noise, but most importantly, it makes them more efficient. And instead of having to lay off two people, they hired three new workers in just one plant in one small town in Texas, thanks to tax relief. That is five people who could have been on welfare, five people that could have been on unemployment. But instead it is five people with good, productive, tax-paying jobs.

Mr. Speaker, we have a choice today. We can choose to continue the historic economic growth we have seen over the past year or we can turn back the clock to recession and stagnant growth. We can choose to keep creating hundreds of thousands of new jobs or we can send Americans back to the unemployment line. We can choose to limit the growth of government or we can expand the Federal bureaucracy by another $150 billion over the next decade.

Mr. Speaker, thanks to tax relief that Congress has passed, our economy is growing at the fastest rate in two decades. Thanks to tax relief, we have created 1.4 million new jobs since last August. Thanks to tax relief, the stock market is up, incomes are on the rise and the national rate of homeownership is at an all-time high.

Mr. Speaker, I urge all of my colleagues to choose tax relief. I urge all of my colleagues to choose economic growth. I urge all of my colleagues to choose jobs for American families and soundly defeat the Obey amendment.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, it is unfortunate that we are forced to debate these very important topics within a nonbinding resolution, but the public ought to know that we are forced to debate these topics within a nonbinding resolution because of the corruption of the process by the Republican leadership in this House where we cannot debate these same items in the budget resolution.

Yesterday we saw that they would not face up to the debt limit extension, so they had to hide it in the defense bill to be added someday in the dark of night in some conference committee in the future. We have seen the corruption of legitimate debate and the exchange of ideas on the floor of the House. I do not know if the Republicans would really want the American public to know that over the last 10 years, the House Republicans have voted for $20 billion less in education spending than was finally appropriated by the Congress of the United States. I do not know if the Republicans really want in real debate the public to know that the House Republicans have decided that we will never have full funding of special education, special education that is very expensive for the school districts of this Nation, where school boards and superintendents and parents and children have come and lobbied this Congress and we have a bipartisan coalition to vote for full funding of special education.

But the Republicans will never get there. They have turned back the promises, they have turned back their votes of the past, they have decided they will add $1 billion a year to special education, and that means we will never get to the promise we made to this country of full funding. The gentleman from Wisconsin adds another $1.2 billion to that and in 6 years we would achieve the goal of full funding and take the pressure off those school districts to increase taxes at the lower level, but more importantly to be able to provide them the resources necessary for the education of those children with special needs.

I do not think the Republicans want to have a real debate about their position on the Pell grants that they have frozen over the last 3 years after the President of the United States promised that these young people would have access to a Pell grant to help them achieve their college education. But the Republicans do not really want to have a real up or down vote on increasing the Pell grants. Once again, they have promised to do that, they simply do not want to get caught voting against that promise, so they have us in a nonbinding resolution.

I do not think the Republicans want to get in a real vote on whether or not they are going to fully fund No Child Left Behind, where currently they are $29 billion behind the curve that they have promised America's schoolchildren, their parents, their families that they would provide because we have provided the most significant reforms in the last 35 years in Federal education policy.

What does that mean? That means that if they do not adopt this resolution, and it is nonbinding, that means that 500,000 low-income children will not get the academic assistance that they need. That means that over 350,000 children will not have access to after-school care that they need where they get tutored and they get mentored and they get academic help. That means that thousands of teachers will not complete the process by which they become highly qualified teachers in the classrooms of our children. So another year goes by and thousands of more teachers enter the classroom without the professional development, without the credentials, without the certifications necessary to provide a first-class education to America's children.

The Republicans have so corrupted the process that they can continue to make the promises to the public that they are for full funding of No Child Left Behind, they are for increasing the Pell grants to $5,100, they are for full funding of special education, but they do not have to deliver on them because they hide their budget in a conference committee. It was due out here weeks, months ago, it has not been passed, so they deemed a budget, not a budget that they voted on, they just deemed a budget. What incredible dishonesty in the face of the needs of America's families and children to acquire a good education to participate to the full extent of their potential in the American society and in the American economy. What corruption. What dishonesty by the Republican leadership.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Committee on the Budget, to continue the debate on this more-money-solves-all-problems proposal.

□ 1230

Mr. GARRETT of New Jersey. This amendment, and furthermore any move that would raise taxes on American workers and businesses, is going to reverse the positive effects of the progrowth economic initiatives that this House passed just last year. Those initiatives were the largest tax relief since Ronald Reagan. The U.S. economy is strong, it is growing stronger, and it is proving that the Republicans' clear, comprehensive progrowth agenda is working for America.

This Republican-led Congress understands that the best way to expand the economy and further great jobs is simply to leave more money in the hands of the people who earned it.

Now, if the Democrats do not believe this, all they have to do is look at the negative effects that States such as California, the Democrats there have spent with the tax-and-spend policies, it has had on that State.

California's tax and regulatory structure crippled that State. In 1 month alone, California lost 21,000 jobs, more than any other State, more than the rest of the country combined. When you compare that to other States, the once invincible California economy was suffering from competitiveness crisis.

Simply this, when taxes are raised, businesses leave, and jobs and wages are lost, negatively affecting the economy.

This week in my home State of New Jersey, the Democratic Governor, Jim McGreevey, passed what he is calling the millionaire's tax, a tax increase on New Jersey taxpayers. It is set to increase the marginal tax rate by 41 percent, the fifth highest now in the country. It is really a Robin Hood-like grab Democratic Governor Jim McGreevey has taken from these taxpayers, money that the Federal tax relief measures that we passed before restored to them, that were put in place by this Republican Congress to spur the economy along.

The Democratic Governor, Jim McGreevey justified his scheme of this millionaire's tax by saying, ''I will only tax that which the rich have gotten back from the Bush tax cuts.''

Well, now the gentleman from Wisconsin wants to eliminate that Bush tax cut altogether. So I ask, when is enough enough? The Democrats really are speaking from both sides of this argument, and they have shown their true colors: if given an inch, they will take a mile.

The small business owners of New Jersey, they are the ones who have spurred on the economy, and it was due to the tax cuts initiative of last year. And now under this initiative in our own State, they would lose the State tax cuts, and now by the initiatives on the other side of the aisle, they would lose the Federal tax cuts as well.

So I say to the Democrats in my home State of New Jersey in Trenton, and the Democrats in Washington as well, I say stop killing the Nation's economic recovery. No more taxes.

Mr. Speaker, the Democratic Governor of New Jersey's, Mr. McGreevey, move to take away this tax savings will wreak havoc on the positive economic upswing that is occurring right now in my home State of New Jersey. As a matter of fact, the Center For Policy Research in New Jersey has shown that the tax cuts that we are talking about now will result in 28,000 jobs lost in the next 5 years, proving that this tax hike will only hurt the people of New Jersey.

Today, many of the new jobs that are created in New Jersey are by employers that were fleeing to the other States' higher tax levels. Businesses will flee now out of New Jersey, just as businesses fled out of California.

With this amendment on the other side of the aisle, we will now be raising taxes across the entire country, and the question will be, where are we telling businesses to flee to, then?

I would ask the sponsor of this amendment and Governor McGreevey, the Democrats in New Jersey as well, to take a look at the crippling effects that their policies have had in New Jersey and California and to say let us have some common sense to leave our economic recovery alone and let the people keep their own money. I urge my colleagues to vote against the amendment.

Mr. OBEY. Mr. Speaker, could I inquire how much time is remaining.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Wisconsin (Mr. OBEY) has 23½ minutes remaining. The gentleman from Ohio (Mr. NUSSLE) has 21½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, the Republicans in this House believe if you say something enough, long enough, somebody somewhere will believe it. I have heard on this floor somebody refer to the famous Russell Long, who said, ''Don't tax me. Don't tax thee. Tax the man behind the tree.'' They did so, of course, properly with derision, and the public who hears that must hear it with derision as well; but my friends, the Republicans have found out how to do that; and during the 8 years of the Reagan administration, they plunged this Nation deeper and deeper and deeper into debt, and during the 4 years of the Bush One administration, they plunged this country deeper, deeper, deeper into debt.

And then in 1993 those Republicans who were here came on the floor and said those Democrats are proposing a program that will plunge us deeper into debt, cause large unemployment and destroy our economy. You have heard me say it before on the floor. They were 180 degrees wrong, absolutely, incontrovertibly wrong. And they are wrong today.

The Republicans have said charge overseas. Spend more money overseas, $25 billion in a bill just yesterday. Did we pay for it? We did not. Who was the man behind the tree who will pay for it? My three daughters and my three grandchildren. They are the man behind the tree. They will pay this bill, because you continue to spend. You spend more than was spent before. You create more debt than was created before. In fact, in the last 4 years of the Clinton administration, we never once raised the debt. Not once. Because we had a responsible economic policy. But you will raise it $2.1 trillion in 4 years. That is a pretty stark difference, my friends.

What the gentleman from Wisconsin (Mr. OBEY) says is we need to invest in America. If we are going to invest overseas, if we need to help the people in Iraq, that is fine, but do not leave behind America's children. Do not leave behind America's veterans. Do not leave behind America's infrastructure while we help those overseas.

That is what the gentleman from Wisconsin (Mr. OBEY) is saying. And the gentleman from Wisconsin (Mr. OBEY) is saying, yes, we have a problem. Terrorism needs to be confronted, needs to be defeated, and America needs to be kept safe. So what does the gentleman from Wisconsin (Mr. OBEY) say?

Let us follow what the gentleman from Florida (Mr. YOUNG), the Republican chairman of the Committee on Appropriations and the gentleman from Wisconsin (Mr. OBEY), the Democratic ranking member, said we ought to do 2 years ago: invest further funds in the safety of our people here in America. Invest in homeland security.

Mr. Speaker, we have heard it and the public has heard it. Eighty-three percent of the small businesses are going to be affected by that. That is baloney, baloney. That is the politest word I can think to use at this present period of time. The IRS says there are 3.8 percent of small businesses who claim more than $1 million in taxable income. That is almost as much of a mistake as you made on your Medicare bill and almost as much of a mistake as this administration made in terms of telling us how much their Medicare bill was going to cost. They only missed by 25 percent.

And we heard about waste, fraud, and abuse, as if somebody else is in charge of Washington. For 40 months, 40 months, the Republicans have had the Presidency, the Senate, and the House; and there is still waste in Washington.

What is wrong with your administration? We have a larger infrastructure than we had when you took office. You talk about smaller government. It was smaller under President Clinton.

Mr. Speaker, vote for the Obey amendment. Vote for honesty and investment in America and Americans.

Mr. NUSSLE. Mr. Speaker, to continue our debate on this Democrat increased-taxes bill, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the chairman for yielding me this time.

I have heard a lot of baloney, and there appears to be a good bit in the House. I have great respect for the minority whip, but there is beef in the gentleman from Wisconsin's (Mr. OBEY) job-cutting proposal.

This is about jobs. This is about taxes. This is about spending. And I have only been here a short time, but this has got to be one of the worst ideas I have ever seen come from our colleagues across the aisle. It is bad for the Nation. It is bad for working America. We are going to cut the heart out of a recovering economy. We are going to destroy the momentum that we are enjoying all because the Democrats want to tax, and they want to spend. They want to tax, and they want to spend. And they want to do it at America's expense. At America's expense.

Just last week, just last week, they were complaining about our not doing enough to create jobs. We created 1.1 million jobs just this year. They want to take away that momentum.

It really is about the people who create jobs, the small businesses, the farmers in the 12th District of Georgia. It is about people who create jobs; 200,000 hardworking taxpayers, of which 80-plus percent are small businesses, will see their taxes go up. And that is the engine that creates the jobs for America. These are precisely the small businesses and farms that we need to protect and to encourage by providing them the deserved tax relief that they currently enjoy.

Mr. Speaker, we need to finish this business pretty quickly because there is no telling whose jobs or whose money the Democrats are going to go after next.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the previous speaker has not listened to the

debate. We are going to ask people making over $1 million a year to make a small sacrifice during this time of war. That is who is going to pay for investment into America's future.

In Congress, our values are expressed more by our budget priorities than by our speeches. And the Obey resolution reflects American values far better than this year's Republican budget, and this is why: the Republican budget continues the same old status quo, a failed philosophy that has led to unprecedented deficits. That philosophy was expressed by the gentleman from Texas (Mr. DELAY), majority leader, on March 12, 2003: ''Nothing is more important in the face of war than cutting taxes.'' A direct quote.

That bizarre philosophy flies in the face of the basic American value of shared sacrifice during time of war. Can anyone imagine Franklin Roosevelt having stood here on December 8 of 1941 saying to the American people it is time to cut taxes, nothing is more important than that after Pearl Harbor? In World War II, fortunately, President Roosevelt did something different. He inspired all Americans to make sacrifices to support the war and our servicemen and -women, and it was the right thing to do.

Unfortunately, as we now face the war on terrorism, the Republican budget reflects the gentleman from Texas's (Mr. DELAY) flawed philosophy that tax cuts should trump sacrifice and services for veterans and military families during time of war. What is the result of this ideologically driven budget? First, the consequence is that this year's deficit is the largest deficit in American history. With massive unpaid-for tax cuts, we are borrowing billions of dollars to pay for the Iraqi war, and that means that young soldiers from my district at Fort Hood fighting in that war today will have to come home and help pay for it after the war is over. Billionaires living safely here at home, getting multimillion-dollar-a-year tax cuts while young soldiers have to fight for the war in Iraq and then pay for it. Where is the fairness in that?

To add insult to injury, the Republican budget pays for its tax cuts to the wealthiest 1 percent of Americans by reducing veterans health care and freezing military housing improvement programs. If the American people find out about this dirty little secret in the Republican budget, they will be outraged, as they should be. And as a representative of nearly 40,000 soldiers who fought in Iraq over the last 18 months, I am certainly outraged.

These are the facts: fact number one, the gentleman from New Jersey (Mr. SMITH), Republican chairman of the Committee on Veterans' Affairs, has said it would take $2.5 billion of increased VA health care spending just to keep from having to reduce veterans health care services because of health care inflation.

□ 1245

Fact number two: The Republican budget underfunds present services for VA health care by $1.3 billion. That means real cuts to millions of real veterans.

Fact number three: several weeks ago, on the same day the House Republican leadership voted to give Members of Congress a tax cut, they pushed through a Defense authorization bill that will freeze the most important military housing improvement program in American history. Over 24,000 military families will not receive the new housing they deserve. No new housing for thousands of military families, while we get thousands in tax cuts, we Members of Congress. Where is the fairness in that? Where is the American value in that?

There is a better choice, a clear choice, a choice that reflects the true values of the American people. The Obey resolution will prevent cuts in veterans health care and will prevent cuts in military housing. It is the right thing to do for America.

Mr. NUSSLE. Mr. Speaker, to continue our debate on this tax-increase, job-killing bill, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Speaker, I wanted to put in my comments on this very good debate here, and it is a debate that is good, because it shows clashing two philosophies: one of higher taxes for more spending, versus lower taxes for more private sector growth, more jobs through the private sector.

The proposal in front of us today is for a $270 billion tax increase over a 10-year period of time. So taxes would go up in a fashion like that, $270 billion; and the justification that we are hearing is so that we can spend more money.

But I want to say this as a fiscal conservative: if you look at what we have been doing since 1994, we have in fact been spending a lot of money, and, ironically, in the very areas where we are being accused of not spending enough.

But this is a Committee on the Budget chart, and it shows since 1994 how much our spending has in fact increased. We are being accused of not spending enough on education; but here is one education program alone, title I. Since 1999, it has gone up this much, nearly, I am going to guess, about $6 billion. The exact math is available, but I just want to show the chart to illustrate.

Pell grant funding, an important scholarship program, has increased in a similar fashion of about maybe $5 billion. The gentleman from Iowa can correct me if my quick, on-the-spot-math is wrong.

No Child Left Behind. The irony about No Child Left Behind, an important Bush initiative on education, is we hear a lot of critics say, you are not funding it. Yet look at No Child Left Behind. Growth in education under President Bush has increased 40 percent.

Special education, something that has a lot of bipartisan support, since 1999 we have gone from about $4 billion in spending to nearly $12 billion in spending. So where is the cut in education? There is not one to show.

Veterans programs. Often the liberals hide behind veterans programs and say, you are not spending enough. But here, again, since 1985 to 2004, budget authority has gone from $27 billion to $60 billion. The gentleman from New York (Chairman WALSH) and the gentleman from New Jersey (Chairman SMITH) have worked hard to champion that and done it on a good bipartisan basis. Spending per veteran during that period of time has gone from $950 to $2,400. Veterans spending has in fact increased.

Another criticism we are getting is spending to combat terrorism has not increased. Here we are, from 2001, spending about $20 billion, to $87 billion today. So where are these cuts that we are suffering from? There are not any cuts.

Now, as I said, I am a fiscal conservative. I wish these charts did go in a different direction in many cases. I wish that I could honestly be accused of cutting a lot of government programs. Unfortunately, we failed in that. But the will of the House, the will of the Senate takes a long time for the process to go through. I am just saying that the spending cuts are not there.

But who do we propose to get the income from? We keep hearing about these big, bad, horrible people called millionaires in American society today. Let us examine who these millionaires are.

These millionaires, for the most part, are small business owners; people who are farmers, people who own bicycle shops, people who are contractors. They have $1 million in revenue, and therefore they are taxed in the 35 percent bracket. How many? Is that just a few? Hardly. It is 73 percent of them.

What about in the group that earns from $200,000 to $499,000? 68 percent. What about in the big bad group that grosses from $500,000 to $1 million? 76 percent. And $1 million in revenue and above, 82 percent of them are small business owners.

So what are we talking about doing? What we are talking about doing is beating up on the small employers out there, the folks who are turning this economy around.

Here we are looking at the job charts, what is happening in the economy. Right now we have nearly 140 million Americans working, the highest level in history. Yet we want to reverse that trend by killing the goose that is laying the golden egg, and that is the small business owner.

If you are for jobs, the correct vote on this is ''no.'' If you want to kill economic prosperity, if you want to kill

the small business employer, if you want to kill jobs, vote ''yes,'' because that is exactly what will happen.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, despite the fiction we have just heard, you have to make $1 million a year profit in order to be covered by this. To suggest small businessmen are hurt by that is laughable.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, let me thank the ranking member for yielding me time.

Mr. Speaker, the majority started this country on a ride a few years ago, and the signposts along the way are fairly clear. We have a record-high deficit, hundreds of billions of dollars; we have a record trade deficit; we have a 50-year high on mortgage foreclosures; we have 3 years in a row of historic highs in personal bankruptcies. And yet, they suggest that we should operate on the same forecast that they were operating on when they started out on this trip, when they said we had 10 years of surpluses coming our way, trillions of dollars; and we can afford to give the wealthiest among us a tax break.

So they did that, and they do not see the other signposts: $200 billion for a war in Iraq. They do not look at the other signposts along the road that show that we have lost millions of jobs.

Now we have replaced 1 million-or-so of those jobs that we lost, and they want to say that we have created new jobs. They are a long way off from creating a new job that is a net new job, but they do not want to talk about that. They do not want to look at these signposts. They want to keep going down this road.

What the Obey resolution suggests is we should take a different course. We should say to millionaire taxpayers that rather than take $124,000 in tax cuts, take $24,000. Let us pay our way for this war. Let us pay our way in terms of investing in the needed resources of our country.

Albert Einstein said a long time ago that we have to have a different level of thinking to solve problems than the level of the thinking that we used when we created these problems.

This program that the Republican majority has taken us toward as a country is leading us to fiscal bankruptcy. This majority has to understand that we have to take into account that we live in a different forecast now, with dark clouds on the horizon. We are at war. We should pay the costs now, and we should do it by saying a little less tax cut for those who are doing very, very well. That is what the gentleman from Wisconsin (Mr. OBEY) does. I ask that this resolution be supported.

Mr. NUSSLE. Mr. Speaker, to continue the debate on the Democrat tax-increase proposal, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to repeat a couple things said in the past. If a small business makes $1 million, what does that mean? That means they are making money and hiring people. Two-thirds of our jobs in America come from small businesses. Two-thirds of all those who file in the top bracket are small businesses. In this new rate structure being proposed, this new tax increase, 75 percent of those people are small business people.

Why would we want to tax the recovery of this economy at this time? What we accomplished in the last tax bill was finally lowering the tax rate on small businesses down to a level large corporations pay.

Remember, Mr. Speaker, that before the July tax cuts, we were charging small business owners higher tax rates than we charged the largest corporations in America, like Exxon or IBM or General Motors. What this bill will do is do that again. It will increase taxes on small businesses and make small businesses pay higher tax rates than the largest corporations in America. Why would we want to reintroduce that injustice back into the Tax Code?

We want to keep low tax rates on small businesses. That is who are creating jobs right now. Two-thirds of our jobs today come from small businesses. This big tax increase on small businesses is not the way to go. We want small businesses making money. This is a tax on their income that they reinvest in their businesses.

More importantly, this proposal adds $130 billion to our deficit over the next 10 years. It is fiscally irresponsible, taxing small business and spending more money. Adding to the deficits is what has given us this hole we are trying to dig out of in the first place.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, again, despite all of the misinformation that we have just heard, the IRS has told us that fewer than six-tenths of 1 percent of all returns with small business income have incomes of more than $1 million. To suggest that this is even laying a glove on small business is a colossal red herring fiction.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN) to respond.

Mr. RYAN of Wisconsin. Mr. Speaker, two-thirds of all those who file their taxes in the top bracket are people who report small business income, subchapter S corporations, limited liability corporations. Seventy-five percent of all those in this new tax bracket covered in this bill are those who report small business income.

Small businesses do not pay taxes as corporations; they pay taxes as people. So we are not talking about tax increases on millionaires who are hanging out on yachts. We are talking about tax increases on people who are running businesses. They have 25 employees, they have 50 employees, they have 100 employees, they have two employees, they have five employees.

The point is, these small businesses, the engine of economic growth, the job creator of this economy, pay their taxes on the individual rate; and these are the people whose taxes are being increased under this proposal.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The gentleman refers to one-third of the top bracket. This does not touch everybody in the top bracket. The top bracket is $319,000 or more. We do not touch anybody with an income of less than one million bucks, less than one million bucks. That is not $300,000. Do not try to bamboozle people.

Mr. NUSSLE. Mr. Speaker, we do not want to ''bamboozle,'' so I would yield 1 additional minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, my friend and I, we get along very well personally when the mikes are not on; but I just have to say, that is not what this proposal says. This proposal says ''reduction in tax cuts for taxpayers with incomes above $1 million,'' period, end of story. The committee figures out how to do the rest of it.

The point is, if businesses are becoming successful, that means they are going to start hiring people again. We do not want to raise their taxes

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, the point of this all is, this is a tax increase. They are admitting it. There were so many Members who came to the floor and said, oh, no, no, no, we are not really increasing taxes. But what the colloquy between the two gentleman from Wisconsin proves is, once and for all, this is a tax increase.

So if one wants to come to the floor today in the middle of an economic recovery and vote to increase taxes on small business, knock yourself out.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Line 22 and line 23 of page 6: The only taxpayers that are affected are ''taxpayers with adjusted gross income above $1 million.'' Period.

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

□ 1300

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Speaker, I rise to support the resolution offered by the gentleman from Wisconsin (Mr. OBEY) to address priorities that have been severely underfunded by the House leadership's budget. I will mention only

two or three of those, depending upon the time, but ones which effect millions of people.

The Obey resolution provides $500 million for the National Park Service, which has been forced to absorb huge unbudgeted items over the last 3 years, including natural disaster damage, competitive sourcing contracts, and antiterrorism requirements. The Park Service has been forced to cut personnel, reduce services, defer maintenance, and ignore resource protection. One million visitors every day to our national parks this summer are going to be the victims of that neglect.

Second, for education, this resolution adds $1.5 billion in additional Title I funds toward keeping this Congress's promise to Leave No Child Behind. No Child Left Behind challenged America's public schools to achieve higher standards and promised Federal dollars to help. But Congress has failed to provide schools full funding. The budget resolution for 2005 falls far below the $20.5 billion for Title I grants authorized by No Child Left Behind. The $1.5 billion added by the Obey resolution does not meet the whole promise, but without it, we will surely leave more and more children behind.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I think it would be good for history's sake to look at the last time that we dramatically increased taxes. We did that; when President Clinton came into office, we had the largest tax increase in history, and what was the effect of that on spending? During those years of the Clinton administration, we increased spending by 33 percent. During those periods, we increased the debt limit three times. So we have dramatically demonstrated that if we have more money, we are going to have more spending.

I would suggest that there has to be some limit, and the overall bill gives us some intestinal fortitude, gives us some guts to resist the temptation to promise more and spend more has to be incorporated.

Mr. Speaker, I hope we can have the kind of votes and support to give us that discipline in this kind of budget reorganization.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in strong support of the Obey resolution.

Mr. Speaker, I feel like this is Alice in Wonderland. In 3 years, at the end of the Clinton administration, we had the largest surpluses in American history, and now, after 3 years under Republican rule, both the presidency and the House and the Senate, we have the largest deficits in American history.

The Republicans used to call themselves fiscal conservatives. They cannot say that anymore. What has happened to the heart and soul of the Republican Party? We are having an orgy of tax cuts and we are leaving a legacy of debt to our children and grandchildren. It is unconscionable.

Every day people come into my office and need more money for desperately needed programs. Veterans are pleading; they need more money for health care. The Republicans say no. People who have kids in schools want more money for No Child Left Behind in education. Republicans say no. In health care, we want a prescription drug bill, seniors tell me, that will really help seniors; not the phony one passed by the House. Republicans say no.

So what Democrats are trying to say is that in programs that we desperately need, homeland security, first responders for police and firemen, putting homeland security dollars for trains and things where people know we need it, Republicans say no. And what is the Republicans' proposal? To give great tax breaks to millionaires and billionaires.

The Obey proposal would simply say, if your adjusted income is $1 million or more, you ought to give back a little bit of those tax breaks to help us with priorities in this country. The borrow-and-spend Republicans say no.

The Obey proposal ought to be voted on. It ought to set priorities for our country. Let us help our veterans. Let us help our kids. Let us help our seniors. Support the Obey proposal.

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

Respectfully, because I know the Speaker is from New York, let me yield myself 30 seconds and say I think a lot of that money we borrowed was sent up to New York. So when the gentleman is talking about what happened and Alice in Wonderland, let me just remind the gentleman that we sent a lot of that to New York. We had a terrorist attack. I know the gentleman knows that, and he voted for it then, and he did not say a word about it then. He said send the money. We need it. Do whatever it takes. Now he comes to the floor and he says, gee, I guess we borrowed too much money.

Well, maybe we did, but the gentleman should have complained about it then.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the chairman, the gentleman from Iowa, for yielding me this time.

I just think we ought to remember how we got in the situation we are in today, because we have seen charts and heard rhetoric that said the reason Federal revenues are down is because of Republican economic policy, but they have overlooked some of the hard and cold facts; and facts are stubborn things, some hard and cold facts that have happened over the last few years.

For example, in 1999 we had a huge tech bust. The NASDAQ dropped more than half. It was not based on Republican policy. Then we had the recession that happened while President Clinton was still in office. It began in November of 2000, before President Bush was sworn in. And then on September 11, 2001, terrorists attacked our homeland and drove our economy down the tubes. The result was a 14 percent reduction in federal revenue. That reduction was not based on Republican policy at all; it was based on those series of events, the most tragic being the attack by terrorists on September 11.

Well, what did the Republicans do to respond to that? We lowered taxes across the board for everyone, including the top 1 percent, the same percentage as everybody else, and the result was that today we have more Americans working than ever before in the history of our Nation. And the income of our workers is up higher than it has ever been in the history of our Nation. Homeownership is up, higher than ever before in the history of our Nation, as well as minority ownership of homes.

We have had tremendous success because of Republican policy. But now we are trying to regress and tax those people who are creating the jobs. Mr. Speaker, 83 percent of the people in the top 1 percent of income earners in America are small business owners. They are farmers, they are people who own little machine shops, they are the people down at the local drugstore, or retailers.

If we start taxing them in addition, up to near 40 percent of their income, less money will be available to create jobs.

So there are two different philosophies we are hearing today. We have the dark and stormy liberalism that says raise taxes, and we have the bright and sunny conservatism that says lower taxes and let Americans become successful, because the result is more Americans working, greater jobs, stronger economy.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for putting this very important motion forward.

The Republicans cannot win this argument in the world of reality, so they have created a world of illusion that they are speaking to today.

One of their illusions is that this is a tax increase bill. If you make less than $1 million a year of taxable income, this bill has absolutely nothing to do with you. The second illusion is that this bill will have a devastating and crushing effect on those who do file more than $1 million a year of adjusted gross income.

Well, first of all, we have heard the statistic over and over and over again about small businesses. Fewer than 4 percent of the small businesses in this

country file more than $1 million a year of adjusted gross income. And for those that do, under this proposal, their taxes would be $24,000 a year lower than they were 3 years ago. This makes their tax cut smaller than it was; their taxes would still be $24,000 a year lower than they were 3 years ago.

And the third illusion is that we are disrupting this masterful economic strategy that is bringing this boon to our country.

Well, this masterful economic strategy has lost 1.9 million more jobs than it has created. The rate for people making more than $1 million a year that is in this bill is the strategy that resulted in 23 million more jobs being created than were lost. So much for the world of illusion.

In the world of reality, the Republicans cannot explain this vote, if they vote no, because when they go to the VFW hall and they are asked by the members of the VFW why they are not doing something about reducing the waiting lines at the VA health clinics, they will not be able to explain why they did not vote for more money for VA health care. When they sit down with the members of the Board of Education in their towns and the board members say, why do you not fully fund special education, and they all sign letters that say they support that and they introduce bills that say they support that, they will not be able to explain why they did not vote for a $1 billion-plus increase in special education that would lower property taxes and go right to the local schools.

When they visit with the environmental community in their hometowns, and they hear, why can you not do more to clean up the Superfund sites that are in our area, and why can you not do more to bring environmental progress to our area, they will not be able to explain why they voted against a bill that significantly increases investments in environmental protection.

This bill is filled with all of the promises that everyone here makes: more veterans' health care, more money for education. When they visit the fire company and police department in their hometown and they are asked why those guys and women still do not have biochem suits and training to deal with the terrorist attack, they will not be able to explain why they voted against this bill, which adds money for those firefighters and first responders.

So because they will not be able to explain this vote at the fire station or the Board of Education or the VFW hall or the local Sierra Club, they have created a world of illusion: It is a tax increase. No, it is not. It will crush small businesses. No, it will not. It will interfere with the masterful management of the U.S. economy by this administration, which has lost nearly 2 million more jobs than it has created.

Mr. Speaker, if the argument against this bill is that it disrupts the Bush economic policy, I say that is the finest argument I could hear to vote yes on this bill. If there ever was a policy that needed disruption, this is the one.

Vote yes for the things that you say that you support when you are back home.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), the vice chairman of the Committee on the Budget.

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

My favorite Member of Congress is the gentleman who just spoke, Robert Andrews of New Jersey. I consider him the most articulate Member of Congress; but I think as articulate as he was on this issue, he is missing the whole point.

This is a bill that spends more money and increases taxes. And we believe with all our hearts and souls that when we added 58 percent more on veterans' spending in the last 4 years, that is a spending increase for a very good cause and has enabled us to improve veterans' services every year, we are continuing to include more and more for our veterans. Only in Washington when you spend so much more money do people call it a cut.

On No Child Left Behind, we have increased spending by 40 percent in the last 4 years. It is not funded at the highest level the authorizers have allowed but we are spending far more than we have ever spent.

We are at war. We are at war not just in Iraq, but against terrorism around the world. And I think a 9 percent increase in Defense and Homeland Security is a huge increase in spending. The huge increases in spending that we have in our entitlements shows a tremendous amount of concern that our government has for the people of our country.

But when President Bush inherited a recession and then inherited September 11, and then inherited a breakdown in the structure of the business community with Enron and WorldCom, it is remarkable how well our economy has grown, with new jobs being created and new revenue coming into our coffers, and an incredible increase in productivity.

□ 1315

We believe in large measure growth in our economy is the result of economic policy centered around tax cuts.

And so for me I am happy to have this debate, happy to go into the election this fall and emphasize we are against tax increases and ever increasing spending.

When we had the budget meeting and the budget votes, our colleagues on the other side of the aisle said we voted against veterans, we voted against this, we voted against that. They failed to say in each one of those amendments was a tax increase. We voted against the amendments because there were tax increases at a time when we think it is unwise. So we have a difference of opinion that we will obviously fight out this fall.

So I thank the gentleman from Wisconsin (Mr. OBEY) for providing this opportunity to distinguish the differences between the two parties. We do not want a tax increase. We do not want a lot more government spending.

Let me end by saying this: 5 percent of the American people pay 55 percent of the taxes. 50 percent of the American people pay 96 percent of the taxes. When we passed our tax cuts, we gave the tax cuts to the people who pay taxes. That is the reality of what we did.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, this bill is very clear. With the war on terror going on, what this bill says is that every American has their skin in the game. I have seen my Marine units going. And on the war on terror, not all of America is fighting. So when it comes down to investing in the war on terror, when it comes to making sure that we have access to higher education, health care so our veterans are taken care of, every American has their skin in the game to make sure the 21st century is the American century.

And I have seen many, many a wealthy American. I would stop and ask our colleagues to appeal to their patriotism, not just their selfishness. There are patriotic wealthy Americans who are ready to make sure America is safe and secure in the 21st century.

Mr. OBEY. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, this amendment is pure and simple about shared sacrifice, as the gentleman from Illinois has just indicated. What we are asking is that those lucky people in this country who make more than $1 million a year, that includes the one-half of 1 percent of small businessmen who make profits of over $1 million a year, we are asking them to accept a scaled-back tax cut so that they only get, on average, $24,000 in tax cuts. That is 24 times as large as someone will get if they make $50,000 a year.

And, instead, we are saying please, for the sake of the country, take a little bit smaller tax cut so that we have some room in the budget to strengthen protection on our borders, to strengthen protection in our ports, to strengthen protection at our airports, to provide stronger opportunities for education, to provide more civilized health care for our veterans, to provide better housing for our military personnel, to provide a little better shot at protecting the environment, to help local communities so that they do not have to lay off hundreds of thousands of kids from health care programs like SCHIP and Badger Care in my own State. This is an effort to see to it that we can enrich the many and enrich the few at the same time.

Trickle-down economics is what we have heard from our friends on the

other side of the aisle today. They say if you just give enough to the people at the top, eventually some will trickle down to people at the bottom.

My old friend Harvey Dueholm in the legislature used to describe it this way. He said trickle-down economics is the theory that if you just feed the horses enough oats, eventually some of it will filter down to the sparrows. Think about it. And vote ''yes.'' It is the fair, it is the right, it is the just thing to do.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, that is the difference between Republicans and Democrats. It all comes down to who is doing the feeding of the oats. The government does not feed oats. That is not where the economic advantage of this country comes from. We do not pass out money to people here and say here is government money, we printed it, you get to have it. They get it from working. They get it from farming. They get it from taking risk. They get it from unlocking their door in the morning and letting in the public to their flower shop, to their shoe store, to their bank, to whatever it might be, unlocking that door and letting the energy and the economic engine of this country work.

That is what we want to continue: working. We do not want this to kill jobs. Just at the moment when we are increasing jobs, look what we have done. Yes, there was a downturn. In the aftermath of 9/11 and in the aftermath of the dot-com bubble busting and the aftermath of the Clinton recession, there is no question, look right here; that is what that is, that little downturn. But look how it is going back up.

And it is going up because the engine of America is working. It is not going up because of the chart on spending. When we increase spending in Washington, that does not drive the economy. That does not do anything except it spends money in Washington. What drives the economy are people in Wisconsin and Iowa taking a risk, building a business, employing people so that when they balance their checkbook around their kitchen table and they meet their obligations and pay for their kids' college and pay for health care and turn on the lights and pay for groceries, they can do it. It is not because, with all due respect to the gentleman from Wisconsin (Mr. OBEY), we send them a check. Because that does not do anything.

The check they want to make is a paycheck, not a government check. Every single person in America wants a paycheck. And that is what we have done. We have created paychecks. Look what the spending side of this does. They are saying we are not spending enough in Washington. Look at all of this increase. Look at all of the debt that they are complaining about. And on top of all of that, they say, no, the problem is we are still not spending enough money in Washington. And the thing they misconnect is that that money in Washington came from somebody, a taxpayer.

Money does not start in Washington. Money starts in Iowa, in Wisconsin, across the country, in people's pockets, in small businesses. That is where it starts. And they want to take more of it, they want to kill those jobs, so that they can hand out more money, so that they in Washington can have the power. We do not want that to happen. We want the power to be around the kitchen tables of Iowa and Wisconsin. That is why we have opposed their big tax increases.

As far as the spending, the taxes, that is obvious those increases are ridiculous. But the increases in spending, one can always say we want to hand out more money in order to demonstrate our compassion. And we have told them about the increases in education, the increases in veterans, the increases in health care, the increases for the environment, for all sorts of programs, and to make sure our country was protected. But on top of that, they say, you know what, I think we can even be more compassionate. We are going to hand out money and tell people we care.

Well, quite honestly, I think it is time for to us start looking around for the waste. I believe that, instead of this debate on the floor today, what we should have done is had an appropriation bill come up. That is what we should have done. We should have started going through all the accounts and look for ways where the Federal Government is not spending that money as wisely as the people back home in Iowa and Wisconsin.

We do not want to kill jobs; we do not need to increase spending. We do not need a resolution like the Democrat proposal on the floor today to tax and spend and tax and spend and tax and spend and tax and spend more and more in Washington. This needs to be done around the kitchen tables of Iowa, not the committee tables in Washington.

Mr. Speaker, I hope Members vote against this ill conceived proposal.

Mr. HASTERT. Mr. Speaker, I want to thank DAVID OBEY for offering this budget amendment, even if I fundamentally disagree with it. I have great respect for Mr. OBEY, and I think he makes a valuable contribution to this House. And the Obey amendment is important, because it clarifies the distinctions between the two parties.

As then candidate Ronald Reagan said to then President Jimmy Carter, "There they go again." The Obey amendment is a return to the traditional Democratic philosophy of tax and spend. If the Democrats were to create their own "Contract with America", the first two promises would be tax more and spend more. This budget amendment raises taxes by $18 billion in the first year, more than $250 billion in ten years. These tax increases are aimed at the job creators, the entrepreneurs, the small business owners. This amendment raises taxes on these job creators by about five percent. Increasing costs on a business by five percent is the difference between success and failure.

If you increase costs on a small business by five percent, the small business owner has two choices. They can pass the cost increase onto consumers by raising prices. Or they can cut costs elsewhere. Because of stiff price competition from our competitors, the usual result is cutting costs elsewhere. That means a small business owner won't hire that extra worker.

The Heritage Foundation says that a tax cut of this size will kill 130,000 jobs in the next year. Increasing taxes now, just as the economy is ready to take off, is a cruel joke to play on Americans who need a job.

Remember several years ago, when Democrats decided to increase taxes on luxury items like yachts. The Democrats thought they were being clever. But those middle class boat builders who lost their jobs because of that tax increase didn't think it was so funny. We ended up repealing the so-called luxury tax a year later.

The second part of the Obey plan is also familiar: Increase government spending. Clearly, today's Democrats reject President Clinton's promise that the era of big government is over. We need to control spending in the Federal government. We don't need another spending spree. But by spending over $200 billion over ten years on a variety of politically attractive programs, the Obey amendment is just that: Another spending spree.

Mr. Speaker, I urge my colleagues to vote against this budget amendment. Let's support smaller and smarter government. Let's support more job creation in this country. And let's reject this tax and spend scheme once and for all.

Mr. EVANS. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Wisconsin, Mr. OBEY, and I want to express my appreciation to the gentleman for recognizing the great need in the veterans' health care system.

I also want to state my opposition to some of the other measures we are considering today that would cap discretionary spending and reinstate pay-as-you-go measures through fiscal year 2009. These rules would have significant impacts on VA health care and many other domestic discretionary and mandatory programs.

This February, Veterans Affairs Chairman CHRIS SMITH and I recommended that the budget committee add $2.5 billion to the President's request for VA discretionary programs. We agreed, on a bipartisan basis, that this was the bare minimum necessary to continue to operate current services in fiscal year 2005.

Mr. OBEY's amendment adds the other half of the recommended funding that the House neglected to provide in passing its budget resolution. This will ensure that veterans can rely upon the system created to serve their special needs rather than being subjected to increased copayments, new enrollment fees and the waiting lists for care that could reappear and worsen in the absence of adequate funding.

As dangerous as the budget proposed by the Administration for fiscal year 2005 is, the budget planned for future years is even more perilous for our veterans' programs. Ranking Member SPRATT and I have produced a report to be released tomorrow that will identify some of the scenarios that could come from the planning guidance issued by the Office of Management and Budget.

The planning guidance leaked to the press recently indicates that VA should find $910 million to cut from its fiscal year 2006 budget request for VA discretionary programs. This guidance was offered in the absence of discretionary caps and pay-as-you-go enforcement for mandatory funding. We could expect even worse if there were an overall ceiling applied to discretionary spending. In the Spending Control bill, only the tax cuts that benefit our wealthiest Americans are protected.

We could do things far differently and far more fairly. If we must impose discipline upon ourselves, we should subject tax cuts to the same enforcement we would impose upon our veterans' benefits. As it now stands, tax cuts are driving vital funding and policy decisions for all of our veterans' programs. Tax cuts have taken so much out of the pie that all of our appropriated programs are fighting to keep what they've got rather than growing to fulfill new or evolving needs. There is no question that we must provide adequate resources to our fighting men and women in Iraq and Afghanistan for as long as we choose to continue these engagements. Prioritizing tax cuts in a time of war is flat out irresponsible.

If we trust ourselves to impose self-discipline on decisions regarding tax cuts, why shouldn't we trust ourselves to have the same restraint in regard to high-priority programs? Why subject Congress to the double standard H.R. 3973 would impose?

I hope Congress will wake up and realize that we do have limited resources and our funding choices must reflect our priorities. Those who value tax cuts from the wealthiest Americans more than social programs for veterans, for the environment, for our less fortunate Americans, for children and education, and for our seniors will make that clear by supporting Mr. NUSSLE's bill.

Mr. OBEY's resolution on Democratic priorities is a much better reflection of my values than the standing House-passed budget resolution. I urge my colleagues to support it.

Mrs. LOWEY. Mr. Speaker, I rise today in support of the Fiscal Year 2005 budget authored by Ranking Member OBEY. I also want to thank the House Leadership as well as Chairmen NUSSLE and YOUNG for allowing an up-or-down vote on an alternative budget. Until today, the budget process had operated under severe restraints—doing a disservice to this chamber and an injustice to the millions of Americans whose lives are improved by Federal government programs.

My colleagues, federally-funded programs are critical. We provide the children of working parents with safe places to go after school. We recruit young professionals into nursing—a profession with a looming shortage that will affect all Americans who seek health services. We help law enforcement officers and public safety officials obtain needed equipment and training. We prevent our most vulnerable from having to choose between food and heat. We make owning a home—the pinnacle of the American dream—a reality. We help put kids through college.

These activities benefit every fabric, every member of our society. Yet, many of these services will be cut short if we continue down the current path.

It is important my colleagues remember that on the heels of this year's limited budget will come an even skimpier spending proposal in fiscal year 2006. America was put on notice in May, when the Administration circulated a memorandum indicating that the future spending cuts outlined in this year's budget will be implemented. What does that mean? —huge reductions in spending on health, education, and homeland security.

Whether you vote for the Obey budget today or not, the sad reality is the forecast for our future is troubling. That is, unless we change course.

Mr. Speaker, I urge passage of the Obey budget. Too many of the initiatives and programs that benefit our constituents and our communities are at stake.

Mr. BLUMENAUER. Mr. Speaker, House Resolution 685 is an alternative to the Republican leadership's failed economic policies. Unbalanced priorities, escalating spending, and three rounds of tax cuts have led to the highest budget deficits in history while short-changing our children, seniors, and our troops and veterans. Before ''borrowing'' from the Social Security trust fund, this year's deficit is expected to total $638 billion.

This resolution is a small but significant step to reverse the unfortunate trend of the last three years. By limiting tax reductions for those earning over $1 million annually, we can help fund promises this Congress made to the American public, to make our country safer, improve our schools, and provide real healthcare benefits to those who need it the most.

Mr. LEVIN. Mr. Speaker, the choices we make define us, our priorities, and our values. The Obey resolution before the House today gives members of Congress the clearest choice possible. Our vote on this measure today will speak volumes about our priorities and values and what we stand for as representatives in the People's House.

Four years ago, the President came before Congress and proposed a sweeping tax cut. Citing a large projected surplus in the budget over ten years, the President said that he was here to claim a refund on behalf of the American people. I voted against the President's proposal for two key reasons: The lion's share of tax relief in the President's plan goes to the very richest households in America, instead of the middle-income families I represent. Indeed, millionaires receive annual tax cuts averaging over $120,000, while middle-income families receive annual tax cuts averaging somewhere between $317 and $1,186 a year.

The other reason I voted against the President's tax plan is because it relied on improbable blue-sky economic forecasts that left no margin for error. As we have seen, the economy has not performed as well as the Administration predicted. The tax plan has left this nation with insufficient resources to fund the wars in Iraq and Afghanistan as well as the improvements needed in this country's homeland security in the aftermath of 9–11. This has led the Majority Party in Congress to short-change fundamental commitments we have made in the areas of education, veterans health care, medical research, public health, homeland security, and protecting our environment.

The resolution before the House presents us with a clear choice. We can stay on the path we are on and continue to underfund the most basic needs of our children, veterans and communities, or we can make a small adjustment in the tax code and ask the very richest among us—those with incomes exceeding $1 million a year—to accept a smaller tax cut next year than they currently receive. The taxpayers affected by this resolution would still receive tax cuts that average thousands of dollars—even tens of thousands of dollars—more than most other American families receive.

This small adjustment in revenue would generate $18.9 billion. This resolution would redirect a quarter of this, $4.7 billion, to deficit reduction. The balance would go to fulfill basic needs that this Congress and the Bush Administration have underfunded. It would invest $3 billion to bolster homeland security and ensure that first responders have the equipment and training they need. The resolution would also provide $1.3 billion to keep our promise to fund veterans' health care. It also provides $5.7 billion for key education programs and help our community schools meet the requirements Congress imposed on them in the No Child Left Behind Act. In addition, it provides additional funds for Pell Grants to help families afford college. It would also invest in critically needed medical research at the National Institutes of Health and help control infectious diseases and expand immunizations.

Mr. Speaker, the answer to every problem is not to throw money at it. But we must acknowledge that some problems won't be addressed without spending money. As I said, this Congress faces a defining choice today. Do we stay the course we set four years ago, or do we act to address the most pressing needs confronting this country? For me, this is not a difficult choice. Vote for the Obey resolution.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to the order of the House of Tuesday, June 22, 2004, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

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

Mr. NUSSLE. 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 8 of rule XX this 15-minute vote on adopting House Resolution 685 will be followed by 5-minute votes, as ordered, on ordering the previous question on House Resolution 692; adopting House Resolution 692; and suspending the rules and adopting House Resolution 676.

The vote was taken by electronic device, and there were—yeas 184, nays 230, not voting 19, as follows:

[Roll No. 301]

YEAS—184

Abercrombie	Berry	Capuano
Ackerman	Bishop (GA)	Cardin
Allen	Bishop (NY)	Cardoza
Andrews	Blumenauer	Case
Baca	Boswell	Chandler
Baird	Boucher	Clay
Baldwin	Boyd	Clyburn
Becerra	Brady (PA)	Conyers
Bell	Brown, Corrine	Cooper
Berkley	Capps	Costello

Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—230

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

NOT VOTING—19

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
DeMint
Deutsch
Doyle
Gephardt
Granger
Hastings (FL)
Jones (OH)
Linder
McDermott
Meeks (NY)
Quinn
Reyes
Smith (TX)
Tauzin

□ 1352

Mrs. EMERSON, Ms. HART, and Messrs. CRANE, NEY, KENNEDY of Minnesota, KING of Iowa, BACHUS, BRADY of Texas and HALL changed their vote from ''yea'' to ''nay.''

Messrs. HINCHEY, CLYBURN and BISHOP of Georgia changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. LAHOOD. Mr. Speaker, on rollcall No. 301 I inadvertently voted "yea" I meant to vote "nay."

PROVIDING FOR CONSIDERATION OF H.R. 4663, SPENDING CONTROL ACT OF 2004

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the question of ordering the previous question on House Resolution 692 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 197, not voting 19, as follows:

[Roll No. 302]

YEAS—217

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

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur

Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
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—19

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
Cole
DeMint
Deutsch
Gephardt
Granger
Hastings (FL)
Jones (OH)
Linder
McDermott
Meeks (NY)
Quinn
Smith (TX)
Tauzin
Tiberi

□ 1400

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

Ms. SLAUGHTER. 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 217, noes 197, not voting 19, as follows:

[Roll No. 303]

AYES—217

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

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Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
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Lee
Levin
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Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
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—19

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
DeMint
Deutsch
Gephardt
Granger
Gutknecht
Hastings (FL)
Jones (OH)
Kirk
Linder
McDermott
Meeks (NY)
Quinn
Smith (TX)
Tauzin

□ 1407

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.

Stated for:

Mr. KIRK. Mr. Speaker, today, I missed roll-call vote number 303: H. Res. 692, to provide consideration of H.R. 4663. Had I been present I would have voted "yea" on this vote.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BARTON of Texas (at the request of Mr. DELAY) for today on account of attending the funeral of a district staff member.

Mr. HASTINGS of Washington (at the request of Mr. DELAY) for today after

2:00 p.m. and the balance of the week on account of his son's wedding.

Mr. LINDER (at the request of Mr. DELAY) for today until 6:00 p.m. on account of a commitment in the district.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4635: An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2017. An act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferré United States Courthouse and Post Office Building.''

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 23, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 3378. To assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. To amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 4322. To provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities.

Jeff Trandahl, Clerk of the House reports that on June 24, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 4589. To reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

H.R. 4635. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes a.m.), the House adjourned until today, Friday, June 25, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8772. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contracting for Architect-Engineer Services [DFARS Case 2003-D105] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8773. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Fish, Shellfish, and Seafood Products [DFARS Case 2002-D034] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8774. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Follow-On Production Contracts for Products Developed Pursuant to Prototype Projects [DFARS Case 2002-D023] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8775. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Production Surveillance and Reporting [DFARS Case 2002-D015] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8776. 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-7557] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8777. 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-7446] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8778. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8779. 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-7833] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8780. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8781. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA34) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8782. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA37) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8783. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA26) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8784. A letter from the Deputy Under Secretary, Department of Education, transmitting the Department's final rule — Safe Schools/Healthy Students (RIN: 1865-ZA02) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8785. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Mechanical Power Transmission Apparatus; Mechanical Power Presses; Telecommunications; Hyrdrogen — received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8786. A letter from the Assistant Secretary for Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Health Care Continuation Coverage (RIN: 1210-AA60) Recieved May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8787. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8788. A letter from the DIrector, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Requirements for Liquid Medicated Animal Feed and Free-Choice Medicated Animal Feed [Docket No. 1993P-0174] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8789. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Device Reports; Reports of Corrections and Removals; Establishment Registration and Device Listing; Premarket Approval Supplements; Quality System Regulation; Importation of Electronic Products; Technical Amendment; Correction — received May 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8790. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 15 and other Parts of the Commission's Rules [ET Docket No. 01-278; RM-9375; RM-10051] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8791. A letter from the Legal Advisor, Office of the Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 97 of the Rules Governing the Amateur Radio Services [Dkt No.04-140, RM-10313, R M-10352, RM-10353, RM-10354, RM-10355, RM-10412, RM-10413, RM-10492, RM-10521, RM-10582, RM-10620, RM-10621] Amendment of Section 97.111 of the Amateur Radio Service Rules to Limit Transmissions of Information

Bulletins; Conforming Amendments to Part 97 of the Commission's Rules to Implement the Worlds Radio Conference 1997 Final Acts; Amendment of Part 97 to Provide Color-coded License Documents; Amendment of Part 97 to Allow Instant Temporary Licensing; Amendment of the Amateur Service Rules to Limit to the Committee on Energy and Commerce.

8792. A letter from the Legal 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. (Chase City, Virginia, and Creedmoor, Ahoskie, Gatesville, and Nashville, North Carolina) [MB Docket No. 03-232; RM-10819] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8793. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Glasgow and Bowling Green, Kentucky) [MB Docket No. 04-42; RM-10850] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8794. A letter from the 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. (Anniston, Alabama) [MB Docket No. 03-229; RM-10795] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8795. A letter from the Legal 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. (Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Hermiston, Oregon, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach and Ilwaco, Washington) [MB Docket No. 02-136; RM-10458; RM-10663, RM-10667, RM-10668] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8796. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850-5.925 GHz Band (5.9 GHz Band) [WT Docket No. 01-90] Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services [ET Docket No. 98-95; RM-9096] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8797. A letter from the Legal 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. (Arthur and Hazelton, North Dakota) [MB Docket No. 03-208; RM-10793] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8798. A letter from the 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. (Roswell, New Mexico) [MB Docket No. 04-16; RM-10840] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8799. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34] Mitigation of Orbital Debris [IB Docket No. 02-54] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8800. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Regulations [IB Docket No. 02-34] 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8801. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative (RIN: 3150-AG48) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8802. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Methods of Withdrawing Funds From the Thrift Savings Plan; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Loan Program; Thrift Savings Plan— received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8803. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Change in Federal Wage System Survey Job (RIN: 3206-AJ79) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8804. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay Administration (General) (RIN: 3206-AK47) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8805. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Physicians' Comparability Allowances (RIN: 3206-AJ96) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8806. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program: Modification of Two-Option Limitation for Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option (RIN: 3206-AK48) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8807. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendments to Parts 1, 2, 27, and 90 of the Commission's Rules to License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands [WT Docket No. 02-8; RM-9267, RM-9692, RM-9797, RM-9854, RM-9882] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8808. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1 — Adjustments of the Commercial Fishery from the U.S. — Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 051704B] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8809. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 060104A] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8810. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfish Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 060304C] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8811. A letter from the Acting DIrector, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter II Fishery for Loligo Squid [Docket No.031104274-4011-02; I.D. 060804G] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8812. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Observer Program [Docket 980702167-4150-03; I.D. 031901A] (RIN: 0648-AK26] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8813. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 13 Regulatory Amendment [Docket No. 040112010-4167-03; I.D.122203A] (RIN: 0648-AN17) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8814. A letter from the Deputy Assistant Administrator for Operations, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 040412113-4152-01; I.D. 040104C] (RIN: 0648-AS02) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8815. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Representation of Others Before The United States Patent and Trademark Office [Docket No. 2002-C-005] (RIN: 0651-AB55) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8816. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and

Trademark Office, Department of Commerce, transmitting the Department's final rule — Revision of Power of Attorney and Assignment Practice [Docket No.: 2003-P-019] (RIN: 0651-AB63) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8817. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupations Illness Compensation Program Act of 2000; Final Rule (RIN: 0920-AA07) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8818. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Representations and Certifications—Other Than Commercial Items (RIN: 2700-AC97) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8819. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Compensation for labor or personal services (Rev. Proc. 2004-37) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8820. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Compensation for Injuries or Sickness (Also Amounts received Under Accident and Health Plans) (Rev. Rul. 2004-55) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8821. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-42] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. OXLEY: Committee on Financial Services. H.R. 3916. A bill to improve circulation of the $1 coin, create a new bullion coin, and for other purposes; with an amendment (Rept. 108–568). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 25 (legislative day, June 24), 2004]

Mr. SESSIONS: Committee on Rules. House Resolution 694. Resolution providing for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–569). 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. JONES of North Carolina:

H.R. 4677. A bill to name the lake known as Falls Lake in North Carolina after United States Senator Jesse Helms; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida:

H.R. 4678. A bill to bar certain additional restrictions on travel and remittances to Cuba; to the Committee on International Relations.

By Mr. FRANK of Massachusetts (for himself, Mr. KANJORSKI, Ms. WATERS, Mr. SANDERS, Mrs. MALONEY, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. WATT, Ms. CARSON of Indiana, Ms. LEE, Mr. CAPUANO, Mr. CROWLEY, Mr. CLAY, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. BACA, Mr. LYNCH, Mr. EMANUEL, Mr. SCOTT of Georgia, and Mr. DAVIS of Alabama):

H.R. 4679. A bill to authorize the Secretary of Housing and Urban Development to provide assistance for privately owned low- and moderate-income housing with expiring Federal subsidies to prevent displacement of low- and moderate-income tenants, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 4680. A bill to amend the National Labor Relations Act to ensure that Indian tribes and any organizations owned, controlled, or operated by Indian tribes are not considered employers for purposes of such Act; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. PALLONE, and Mr. MCNULTY):

H.R. 4681. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices for covered outpatient drugs sold by retail pharmacies that participate in the Medicaid Program for each postal Zip Code, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Ms. DEGETTE, Mr. DOOLEY of California, Mr. BASS, Mrs. BIGGERT, Mr. GIBBONS, Mr. GILCHREST, Mr. GREENWOOD, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, Mr. KIRK, Mr. KOLBE, Mr. LEACH, Mr. RAMSTAD, Mr. SHAYS, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. EVANS, Mr. LANGEVIN, Mrs. MALONEY, Mr. WAXMAN, Mr. STARK, Mr. MOORE, Mrs. CAPPS, Mr. HOYER, and Ms. SOLIS):

H.R. 4682. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Energy and Commerce.

By Mr. CLYBURN (for himself, Mr. BROWN of South Carolina, and Mrs. CHRISTENSEN):

H.R. 4683. A bill to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH:

H.R. 4684. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. PICKERING, Mr. THOMPSON of California, Mr. WELDON of Pennsylvania, Mr. BERRY, Mr. BOSWELL, Mr. BOEHLERT, and Mr. PETERSON of Minnesota):

H.R. 4685. A bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Resources.

By Mr. KIND (for himself and Ms. MCCOLLUM):

H.R. 4686. A bill to revitalize the Mississippi River; to the Committee on Transportation and Infrastructure, 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. KIND (for himself and Mr. OSBORNE):

H.R. 4687. A bill to amend part C of title XVIII of the Social Security Act to require Medicare Advantage (MA) organizations to pay for critical access hospital services and rural health clinic services at a rate that is at least 101 percent of the payment rate otherwise applicable under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. SCOTT of Virginia, Mr. SCHROCK, Mr. CARDIN, Mrs. CAPITO, Mr. RUPPERSBERGER, Mr. VAN HOLLEN, Mr. CASTLE, Mr. WELDON of Pennsylvania, Mr. BOEHLERT, Mr. PLATTS, Mr. ENGLISH, Mr. CUMMINGS, Mr. WYNN, Mr. MURTHA, Mr. HOYER, and Mr. BARTLETT of Maryland):

H.R. 4688. A bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas (for himself, Mr. HINCHEY, Mr. RANGEL, Mr. FROST, Mr. GUTIERREZ, and Mr. ENGEL):

H.R. 4689. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management, 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. HASTINGS of Washington:

H.R. 4690. A bill to transfer certain lands along the Cle Elum River in the State of Washington to the administrative jurisdiction of the Secretary of the Interior, to support a land exchange involving a portion of such lands, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. BEAUPREZ, and Mr. TANCREDO):

H.R. 4691. A bill to authorize the Secretary of the Interior to engage in a feasibility study relating to long-term water needs for the area served by the Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Resources.

By Mr. INSLEE (for himself, Mrs. WILSON of New Mexico, Mr. SMITH of Washington, Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. UDALL of New Mexico, Mr. PEARCE, and Mr. BAIRD):

H.R. 4692. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 4693. A bill to require persons who seek to retain seed harvested from the planting of patented seeds to register with the Secretary of Agriculture and pay fees set by the Secretary for retaining such seed, and for other purposes; to the Committee on Agriculture, 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. KENNEDY of Rhode Island (for himself and Ms. ROS-LEHTINEN):

H.R. 4694. A bill to amend the Older Americans Act of 1965 to provide for mental health

screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H.R. 4695. A bill to amend the Small Business Act to extend the redesignation period for certain Historically Underutilized Business Zones (HUBZones) in States with persistently high unemployment; to the Committee on Small Business.

By Mr. MCHUGH:

H.R. 4696. A bill to promote the use of anaerobic digesters by agricultural producers and rural small businesses to produce renewable energy and improve environmental quality; to the Committee on Agriculture.

By Mr. MCHUGH:

H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the credit for producing electricity from wind; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4698. A bill to establish a grant program to support cluster-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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 Mr. MCHUGH:

H.R. 4699. A bill to establish a grant program to support broadband-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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 Mr. MCINNIS:

H.R. 4700. A bill to provide special authority to the Secretary of Agriculture to convey certain Forest Service administrative sites in the White River National Forest in Colorado, to reserve the proceeds from such conveyances to help resolve the facilities needs of that national forest, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. KENNEDY of Rhode Island, and Mr. GRIJALVA):

H.R. 4701. A bill to provide for entitlement to dependents' and survivors' benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4702. A bill to require farmers to be offered supplemental crop insurance based on an area yield and loss plan of insurance; to the Committee on Agriculture.

By Mr. OSBORNE (for himself, Mr. HOEKSTRA, and Mr. FORD):

H.R. 4703. A bill to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OSE (for himself, Mr. DOOLITTLE, Mr. CARSON of Oklahoma, and Mr. DOOLEY of California):

H.R. 4704. A bill to amend the Internal Revenue Code of 1986 to establish tax credits for climate neutral combustion technologies; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4705. A bill to provide crop and livestock disaster assistance; to the Committee on Agriculture.

By Mr. RAHALL (for himself, Mr. FARR, Mr. JACKSON of Illinois, Ms. LEE, Ms. MCCOLLUM, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. WEXLER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CASE, Mr. MORAN of Virginia, Mr. HONDA, Mr. KUCINICH, Mr. VAN HOLLEN, and Mr. SCHIFF):

H.R. 4706. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for stewardship of fishery resources for the American public, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself and Mr. HOUGHTON):

H.R. 4707. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage diversity of ownership of telecommunications businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, 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. RYAN of Ohio:

H.R. 4708. A bill to allow workers certified to receive trade adjustment assistance under the Trade Act of 1974 who are rehired by the same employer to continue to receive such assistance if they are subsequently unable to work because of a lock-out in the course of a labor dispute; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4709. A bill to amend the Uniform Code of Military Justice to bring sexual assault crimes under military law into parallel with sexual assault crimes under Federal law, and for other purposes; to the Committee on Armed Services.

By Ms. SLAUGHTER (for herself, Mr. HINCHEY, and Mr. GRIJALVA):

H.R. 4710. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Energy and Commerce.

By Mr. SNYDER (for himself and Mr. BOOZMAN):

H.R. 4711. A bill to amend title 38, United States Code, to eliminate reductions of basic pay for eligibility for basic educational assistance for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. BALLENGER, Mr. NORWOOD, and Mr. WILSON of South Carolina):

H.R. 4712. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself, Ms. SCHAKOWSKY, and Mr. HONDA):

H. Con. Res. 465. Concurrent resolution commending the efforts of women in the Republic of Colombia to promote peace; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. WOLF, Mr. GEORGE MILLER of California, and Mr. LANTOS):

H. Con. Res. 466. Concurrent resolution urging the Government of India to conduct a thorough and transparent investigation of the scope of abusive child labor in circuses throughout India and to pursue immediate and effective remedies to end such abuse, and to provide immediate and continuous police protection to secure the personal safety of Kailash Satyarthi, his family, and his colleagues in the South Asian Coalition Against Child Servitude; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. CUMMINGS, Mr. JEFFERSON, Mr. WYNN, Ms. LEE, Ms. MAJETTE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. WATERS, Mr. JACKSON of Illinois, Ms. NORTON, Mr. SCOTT of Georgia, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Alabama, Mr. RUSH, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. FATTAH, Mr. OWENS, Mr. RANGEL, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. FORD, Ms. KILPATRICK, Mr. TANCREDO, and Mr. BISHOP of Georgia):

H. Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan; to the Committee on International Relations.

By Mr. CARDIN (for himself, Mr. GILCHREST, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. WAXMAN, Mr. MCDERMOTT, Mr. BURTON of Indiana, Ms. MCCARTHY of Missouri, Mr. MORAN of Virginia, Mr. HONDA, Ms. JACKSON-LEE of Texas, and Mr. MATSUI):

H. Res. 695. A resolution expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy; to the Committee on Government Reform.

By Mr. FROST:

H. Res. 696. A resolution providing for consideration of the bill (H.R. 3767) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Rules.

By Mr. RYAN of Ohio (for himself and Mr. MANZULLO):

H. Res. 697. A resolution urging the Government of the People's Republic of China to take certain actions regarding exports of coke; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MILLER of Florida introduced A bill (H.R. 4713) for the relief of Christine L. Barrott; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. BARTLETT of Maryland.

H.R. 173: Mr. MCCOTTER.
H.R. 284: Mr. HASTINGS of Washington.
H.R. 303: Ms. HERSETH.
H.R. 344: Mr. OTTER.
H.R. 594: Ms. HERSETH.
H.R. 715: Mr. GALLEGLY.
H.R. 792: Mr. ACKERMAN, Mr. NEUGEBAUER, Ms. DELAURO, and Mr. NEAL of Massachusetts.
H.R. 953: Ms. HERSETH.
H.R. 962: Mr. WU.
H.R. 1080: Mr. SHAYS.
H.R. 1355: Mr. STARK.
H.R. 1466: Mr. HOEFFEL.
H.R. 1501: Mr. RANGEL, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. BORDALLO, and Mr. CASE.
H.R. 1563: Mr. RENZI.
H.R. 1684: Mr. DOGGETT and Mr. SKELTON.
H.R. 1746: Mr. POMEROY.
H.R. 1824: Mr. CRANE.
H.R. 2079: Mr. KLECZKA.
H.R. 2176: Mr. LARSEN of Washington and Mr. PICKERING.
H.R. 2239: Mr. KANJORSKI.
H.R. 2262: Mr. GUTIERREZ.
H.R. 2318: Mr. FATTAH.
H.R. 2387: Mr. FRANK of Massachusetts.
H.R. 2536: Mr. CROWLEY, Mr. BOEHLERT, and Mr. BAIRD.
H.R. 2598: Mr. SOUDER, Mr. WEINER, Mr. LARSON of Connecticut, and Mr. BACA.
H.R. 2959: Mr. ISRAEL and Mr. PORTER.
H.R. 3009: Ms. HARRIS and Mr. SHIMKUS.
H.R. 3148: Mr. ALEXANDER, Mr. ROSS, Mr. JEFFERSON, Ms. MAJETTE, Mr. DICKS, and Mr. LARSON of Connecticut.
H.R. 3180: Mr. WAXMAN.
H.R. 3192: Mr. FRANK of Massachusetts, Mr. DAVIS of Florida, Mr. KILDEE, and Mr. REYES.
H.R. 3194: Ms. ESHOO.
H.R. 3313: Mr. SIMPSON and Mr. OTTER.
H.R. 3327: Mr. CASE.
H.R. 3424: Mr. CONYERS.
H.R. 3425: Mr. CONYERS.
H.R. 3558: Mr. DEAL of Georgia, Mr. NORWOOD, Mr. ROGERS of Michigan, Mr. SMITH of New Jersey, and Mr. GIBBONS.
H.R. 3574: Ms. DUNN.
H.R. 3579: Mr. CUNNINGHAM and Mr. LANTOS.
H.R. 3619: Ms. HERSETH.
H.R. 3642: Mrs. TAUSCHER.
H.R. 3672: Ms. HERSETH.
H.R. 3676: Ms. TIERNEY.
H.R. 3684: Mr. PAYNE and Mr. KLINE.
H.R. 3728: Mr. FRANK of Massachusetts.
H.R. 3767: Mr. BROWN of Ohio and Mr. FROST.
H.R. 3804: Mr. BISHOP of New York.
H.R. 3810: Mr. BERMAN, Mr. MEEKS of New York, and Mr. PASTOR.
H.R. 3831: Mr. CASE, Mr. LANGEVIN, Mr. RUPPERSBERGER, Mr. DELAHUNT, Mr. MARKEY, Mr. EVANS, Ms. SLAUGHTER, Mr. FARR, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. WATERS, Mr. VAN HOLLEN, Mr. SABO, Ms. ESHOO, Mr. GONZALEZ, Mr. BECERRA, Mr. HONDA, Mr. MENENDEZ, Mr. PALLONE, Mr. MATSUI, Mr. CROWLEY, Mr. MCDERMOTT, Mrs. CAPPS, and Mr. CAPUANO.
H.R. 3858: Mr. BEAUPREZ, Ms. HOOLEY of Oregon, Mr. MCCOTTER, and Mr. BOEHNER.
H.R. 3988: Mr. NEAL of Massachusetts.
H.R. 4026: Mr. NEAL of Massachusetts.
H.R. 4046: Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. FROST, Mr. WEINER, Mr. TOWNS, Mr. ISRAEL, Mrs. MALONEY, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mr. SERRANO, Ms. SLAUGHTER, Mr. OWENS, Mr. HINCHEY, Mr. BOEHLERT, and Mrs. LOWEY.
H.R. 4067: Mr. LANGEVIN and Ms. ESHOO.
H.R. 4093: Mr. GRIJALVA.
H.R. 4097: Ms. KAPTUR.
H.R. 4100: Mr. DOGGETT, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. HOLT, Mr. GREEN of Texas, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. MCINTYRE, Mr. BOUCHER, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. MCDERMOTT, Ms. LEE, Mr. STARK, Ms. WOOLSEY, Mr. LIPINSKI, Mr. CLAY, Mr. MEEHAN, Mr. TIERNEY, Ms. MCCARTHY of Missouri, Mr. SANDERS, Mr. KUCINICH, Mr. BERMAN, Mr. INSLEE, Mrs. DAVIS of California, Ms. CARSON of Indiana, Mr. FORD, Ms. SCHAKOWSKY, and Ms. SLAUGHTER.
H.R. 4110: Mr. SMITH of New Jersey and Ms. LEE.
H.R. 4119: Mr. ENGLISH, Mr. ISAKSON, Mr. SOUDER, Mr. MARSHALL, and Mr. GREEN of Texas.
H.R. 4124: Mr. BISHOP of Georgia.
H.R. 4131: Mr. OSE and Mr. FOSSELLA.
H.R. 4150: Mr. SIMMONS.
H.R. 4169: Mr. MILLER of Florida, Mr. HASTINGS of Washington, and Mr. JONES of North Carolina.
H.R. 4187: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, and Mr. SESSIONS.
H.R. 4206: Mr. FROST, Mr. MCNULTY, and Mr. VAN HOLLEN.
H.R. 4207: Mr. WAXMAN.
H.R. 4242: Mr. REYES.
H.R. 4261: Mr. MEEK of Florida.
H.R. 4263: Mrs. NAPOLITANO, Mr. BISHOP of New York, Mr. SERRANO, Mr. GREEN of Texas, Mrs. TAUSCHER, Mr. WEINER, Ms. SLAUGHTER, Mr. FILNER, Mr. HOLT, and Ms. SOLIS.
H.R. 4269: Mr. FATTAH.
H.R. 4284: Mr. SULLIVAN, Mr. DUNCAN, Mr. PAUL and Mr. DEAL of Georgia.
H.R. 4303: Mr. MCNULTY, Mr. GREENWOOD, Mr. CROWLEY, Mr. DAVIS of Florida, and Mr. MCCOTTER.
H.R. 4306: Mr. ROGERS of Michigan.
H.R. 4343: Mr. CULBERSON.
H.R. 4354: Mr. DOYLE.
H.R. 4415: Mr. LANTOS, Mr. ACKERMAN, and Ms. DELAURO.
H.R. 4420: Mr. STENHOLM, Mr. SESSIONS, and Mrs. MUSGRAVE.
H.R. 4430: Mr. BONILLA, Mr. MILLER of Florida, Mr. KINGSTON, and Mr. BRADY of Texas.
H.R. 4433: Mrs. MILLER of Michigan.
H.R. 4440: Mr. CARTER and Mr. JENKINS.
H.R. 4449: Mr. HONDA.
H.R. 4472: Mr. FROST, Ms. HARMAN, Mr. MCNULTY, Mr. JOHN, Mr. SANDERS, and Mr. BRADY of Pennsylvania.
H.R. 4502: Ms. NORTON, Mr. MCINNIS, and Mr. SAXTON.
H.R. 4511: Mrs. MALONEY, Mr. PAYNE, Mr. GRIJALVA, and Mr. BISHOP of Georgia.
H.R. 4521: Mr. BACHUS.
H.R. 4530: Mr. ENGLISH.
H.R. 4533: Mr. NUNES.
H.R. 4561: Mr. SOUDER.
H.R. 4576: Mr. HINOJOSA, Mr. MCINNIS, Mr. KLINE, Mr. PENCE, Mr. YOUNG of Alaska, Mr. OXLEY, Mr. BRADLEY of New Hampshire, Mr. MORAN of Virginia, Mr. BLUNT, Mr. PETRI, and Mr. RENZI.
H.R. 4584: Mr. RENZI.
H.R. 4600: Ms. MCCARTHY of Missouri, Mr. WHITFIELD, and Mr. DAVIS of Tennessee.
H.R. 4608: Mr. SMITH of New Jersey.
H.R. 4610: Mr. NETHERCUTT, Mr. THOMPSON of Mississippi, Ms. LINDA T. SANCHEZ of California, Mrs. CAPPS, Ms. PELOSI, Ms. HARMAN, Mr. HONDA, Mr. FILNER, Mrs. TAUSCHER, Ms. LOFGREN, Mr. CARDOZA, Ms. SOLIS, Mr. MCNULTY, and Mr. BECERRA.
H.R. 4622: Mr. SNYDER, Mr. CAPUANO, Mr. BISHOP of Georgia, and Mr. ISAKSON.
H.R. 4634: Mr. TIBERI, Mr. MARSHALL, Mr. SANDLIN, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. FERGUSON, and Mr. WILSON of South Carolina.
H.R. 4636: Mr. MATHESON, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. ENGLISH, Mr. COSTELLO, Mr. COOPER, and Mr. CARDOZA.
H.R. 4655: Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. BLUMENAUER, and Ms. NORTON.
H.R. 4671: Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. MCNULTY.
H. Con. Res. 330: Mr. RANGEL and Mr. GUTIERREZ.
H. Con. Res. 375: Mr. MATSUI, Ms. LEE, and Mr. DEUTSCH.
H. Con. Res. 418: Ms. MCCOLLUM and Mr. MCCOTTER.
H. Con. Res. 431: Mr. MARSHALL.
H. Con. Res. 442: Mr. SIMPSON, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. GUTKNECHT, Mr. INSLEE, Ms. BALDWIN, and Mr. KLECZKA.
H. Con. Res. 459: Mr. OBERSTAR, Mr. ROGERS of Kentucky, and Mr. SHIMKUS.
H. Con. Res. 462: Mr. CHABOT, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BERMAN, Mr. MEEKS of New York, Mr. MCCOTTER, Mrs. DAVIS of California, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. CHANDLER, Mr. GONZALEZ, Mr. MCNULTY, Mr. SOUDER, Ms. BERKLEY, Mr. ACKERMAN, Mr. TANCREDO, Mr. SHIMKUS, Mr. WU, Mr. KIRK, Mr. HOEFFEL, Mr. SCHIFF, Mr. DEUTSCH, and Mr. KING of New York.
H. Res. 60: Mr. SHAW.
H. Res. 466: Mr. UDALL of Colorado.
H. Res. 485: Mr. COLE and Mr. RODRIGUEZ.
H. Res. 566: Mr. GREENWOOD.
H. Res. 570: Mr. RUPPERSBERGER.
H. Res. 667: Mr. EVANS and Mrs. MYRICK.
H. Res. 687: Mrs. JONES of Ohio, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, and Mr. SABO.
H. Res. 688: Mr. WELLER and Mr. BARTLETT of Maryland.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4614

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 3. At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act that are provided to the United States Fish and Wildlife Service or a State department of natural resources for the purpose of carrying out habitat restoration measures for endangered species pursuant to the Corps of Engineers Missouri River Master Water Control Manual may be used for any other purpose.

H.R. 4614

OFFERED BY: MS. NORTON

AMENDMENT NO. 4. Page 3, line 17, after the dollar amount insert the following: ''(increased by $20,000,000) (reduced by $20,000,000)''.

H.R. 4614

OFFERED BY: MR. SANDERS

AMENDMENT NO. 5. Page 19, line 14, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 23, line 5, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

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Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable CHRISTOPHER S. BOND, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You are good. You chase our enemies into dark places and restrain those who plot against Your providence. No matter how strong evil may seem, O Lord, it is doomed because of Your power.

Strengthen our Nation. Snap the chains that bind it to anything that is not noble and true. Inspire our Senators with Your invincible presence. Help them to look to the hill from whence comes celestial help. Remind them that they are never alone, for You have promised to be with us until time is transformed into eternity.

Help us to remember that neither life nor death, angels nor principalities, powers nor problems, heights nor depths, past nor future, demons nor darkness can separate us from Your wondrous love. Empower us to so live that generations to come will call us blessed. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER S. BOND 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC., June 24, 2004.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER S. BOND, a Senator from the State of Missouri, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BOND 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 I again congratulate Chairman WARNER and Senator LEVIN for their efforts throughout the Defense authorization bill. We were able to pass that bill last night. Looking at my notes, we had approximately 175 amendments disposed of over the course of 16 days of consideration and 31 rollcall votes. A lot of hard work, a lot of good negotiation, brought a very good bill, as reflected in the ultimate vote. I do want to thank both the managers who got us through the bill. That was the authorization.

Now we have a Defense appropriations bill ahead of us. Chairman STEVENS is prepared to begin that legislation, and we expect to finish that bill prior to the recess. We will be consulting further with the Democratic leadership, and hopefully we will have that scheduled shortly.

Immediately this morning we will be proceeding to executive session for the consideration of the nomination of one of our former colleagues, Jack Danforth, to be U.S. Ambassador to the United Nations.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Madam President, as in executive session, I ask unanimous consent that there be 1 hour of debate equally divided between the chairman and ranking member or designees, and that following that time, the Senate proceed to a vote on the nomination; provided further that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Nevada is recognized.

JUDICIAL NOMINATIONS

Mr. REID. Madam President, it is my understanding the two leaders do not expect a recorded vote on that.

Mr. FRIST. That is correct. The nomination will not require a rollcall vote, and at the conclusion of the debate, Senator Danforth will be confirmed by voice vote.

In addition, we have the remaining judicial nominations to dispose of. There are four that will be scheduled for votes with no debate necessary. There are two we will lock in for votes following 1 hour of debate, and I expect to ask that consent momentarily. There is also one further nomination that will require a longer debate period, and we are consulting with Members as to whether to schedule that debate and vote.

In addition to these nominations, there are a number of ambassadorships we hope to consider prior to adjourning, although we do not anticipate rollcall votes on these.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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There are other issues, including Burma sanctions, that we will likely address over the course of the day and tomorrow.

Finally, I would reiterate the need to finish the Defense appropriations measure. It is a priority for completion, and we need to work together to get that bill passed before the July 4 recess. We have spent 4 weeks on the Defense authorization where Senators have debated the issues and had ample opportunity to bring issues to the floor on defense and debate those. Thus, we should be able to proceed expeditiously on the Defense appropriations bill. It is now time to make sure we have the appropriate resources to support our troops, and we will continue to move forward.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that at a time determined by the majority leader, with the concurrence of the Democratic leader, the Senate proceed to executive session for the consideration of Executive Calendar No. 591, the nomination of Diane Sykes to be a U.S. Circuit Judge for the Seventh Circuit. I further ask unanimous consent that there be 60 minutes of debate equally divided in the usual form and that following that debate, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; provided further that immediately following that vote, the Senate proceed to a vote on the confirmation of Executive Calendar No. 604, Peter Hall to be U.S. Circuit Judge for the Second Circuit, again with no intervening action or debate. I finally ask consent that following these votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOHN C. DANFORTH TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

NOMINATION OF JOHN C. DANFORTH TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session for consideration en bloc of the following nominations which the clerk will report.

The assistant legislative clerk read the nomination of John C. Danforth, of Missouri, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations; John C. Danforth of Missouri, to be Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and Representative of the United States of America in the Security Council of the United Nations.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided on the nomination.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, on behalf of the manager of the nomination, the Senator from Indiana, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BOND. Madam President, it is a privilege to rise today to commend to this body the confirmation of an individual whom I have had the honor of calling a colleague for over 30 years, and someone Members of this body have known for a long time. That is our good friend, former Senator John C. Danforth. There was something very delicious about the fact that the clerk noted he will become Ambassador Extraordinary and Plenipotentiary. That kind of sums it up.

Jack Danforth is an outstanding individual who will be having great responsibilities serving the United States as Ambassador at the United Nations.

Most of us who are familiar with Jack know of his many accomplishments and attributes. But there is one quality that always comes to mind when you ask people what do you know about or what do you think about when you think of Jack Danforth? The people who have worked with him and have had an opportunity to watch him would say one word: integrity. This is a man of great integrity, as well as dedication and compassion, and even a dry sense of humor, when appropriate.

Senator Danforth was born in St. Louis County and graduated from St. Louis Country Day High School. He graduated from Princeton University in 1958, and then Yale University Law School and Divinity School in 1963. He was admitted to practice in New York in 1963, and that same year he was ordained as part of the clergy of the Episcopal Church. As we all recently saw, he participated in the services honoring our late, great President Ronald Reagan.

I have been to many services conducted by Rev. John C. Danforth. One that particularly affected this body was the memorial service for our late colleague, John Heinz, the Senator from Pennsylvania. I can tell you, when we went to Pittsburgh for those services, there were many very deeply hurt and troubled Senators. There is not much one would think could be said, but Jack Danforth was able to bring us together and give us hope and help lighten the burden of that loss.

In addition, obviously, to being a clergyman, Jack began his political career in 1969, serving as Attorney General of Missouri, using his legal background. I had the privilege to serve as an assistant attorney general under him and was grateful for the opportunity to be there, to learn the high standards he set and demanded not only for himself but for everybody who worked for him.

In the Senate, to which he was elected in 1976, he served as chairman of the Committee on Commerce, Science and Transportation. He served on the Finance Committee and undertook many important responsibilities. He was a leader in the passage of the civil rights legislation that was enacted by the Congress. He went back to Missouri to resume the practice of law in St. Louis. Really, I think he went back to spend more time with his wonderful wife Sally, who is a tremendous friend to many of us who have a chance to know her, and his grandchildren, and also to watch Cardinal baseball.

Jack was called upon by President Bush to broker peace in the civil war in Sudan that had claimed some 2 million lives. He worked tirelessly and committed himself to improving the lives of others. He demonstrated once again to the U.S.—and this time to the world—his ability to understand and simplify complex political problems.

About 2 weeks ago, he called me at my home in Missouri and said: The President asked me to take on another assignment. I said: Jack, I hope it is not as dangerous an assignment as Sudan. He said: No, he asked me to be representative to the United Nations. I said: I think that may be less dangerous, I am not sure. We certainly hope it will be.

But I told him I could not think of someone who is better able to serve the United States. When our reputation and status in the world is being questioned—I happen to think unfairly and incorrectly—it is a matter of fact that we need a man of Jack Danforth's fairness and integrity to represent us in the U.N., to reach out to other nations. He will know when to assert our Nation's sovereignty and how to do so with a spirit of humbleness and cooperation, as he has shown me. I ask this body to confirm him unanimously.

I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Madam President, I yield myself as much time as I may require for this statement from the time allocated to our side.

Madam President, today the Senate will have the opportunity to consider many nominations for diplomatic posts of some very talented Americans who have made themselves available for public service—some as a career, and others for temporary periods—and who have come before the Senate Foreign Relations Committee in formal hearings, and whom the committee has sent to the floor for action by the Senate. It is my hope these nominations will be acted upon favorably today.

It is important to our country that these ambassadors and representatives to various other international organizations be in place as rapidly as possible. In an often-changing and sometimes dangerous world, we need that leadership. Our committee has tried to act in an expeditious manner to provide a fair degree of certainty to Senators, and a confidence level that these are good nominees who will represent our country well.

Prominent among those whom we recommend today is our former colleague, Senator John Danforth of Missouri. It is a great pleasure for me to address the nomination of Senator Danforth before the Senate now in this specific debate on his nomination. As a result of his three distinguished terms as a Senator from Missouri, he is well known to many Members of the Senate and to the Committee on Foreign Relations. It turns out that eight of us served with Senator Danforth in this body. We were able to identify ourselves during the hearing.

I had the privilege of coming into the Senate with Senator Danforth after the election of 1976, sworn in early in January, and had the pleasure of serving with him throughout the 18 years of his tenure.

After entering with Senator Danforth, as did Senator PAUL SARBANES of Maryland and Senator ORRIN HATCH of Utah, in what was a large class of Senators—eight Democrats and eight Republicans coming in as new Senators from the election of 1976—those of us who had the privilege of serving with him can certainly attest to his integrity, his intellect, his sound judgment, and his good humor.

President Bush has made a very wise choice, in my judgment, for an extremely important position. The Committee on Foreign Relations signaled its agreement by voting him out of committee unanimously last Tuesday.

I will mention parenthetically that in a meeting at the White House this morning, President Bush asked specifically for consideration for the leadership on the part of those of us on both sides of the aisle to make certain we are represented at the United Nations as our now-Ambassador to the United Nations, Ambassador Negroponte, goes on to these very important responsibilities in setting up the new embassy in Iraq.

The job before Senator Danforth is a daunting one that will require all of his talents and his experience. As the Security Council vote 2 weeks ago on Iraq demonstrated, critical decisions are being made at the United Nations that have a huge impact on the outcome in Iraq, on the welfare of our troops there, and on peace in the world.

Success in Iraq is unlikely to be achieved without the active cooperation of many other nations, reinforced by the international legitimacy that can be secured and underlined at the United Nations.

Beyond Iraq, that same week, the United Nations Security Council met to discuss sanctions on Liberia, the peacekeeping mission in Cypress, and weapons of mass destruction generally. Other United Nations bodies addressed in that same week issues as divergent as women's rights, the need for greater access to potable water in this world, efforts to expand freedom of expression, and the role that primary education plays in childhood development. The United Nations remains the focal point of our multilateral diplomacy on so many fronts.

Being U.S. Ambassador to the United Nations requires one not only to deal with policies and politics in New York, it requires one to manage these same issues back here in Washington where many in Congress are sometimes skeptical of the United Nations procedures.

Our U.N. Ambassador must be able to explain to Congress why it is important to pay our dues and to pay them on time, and why peacekeeping operations can benefit the United States. Every U.N. peacekeeper in the Congo, Haiti, and East Timor allows U.S. troops to focus on our missions in Iraq, Afghanistan, and elsewhere.

At the same time, our Ambassador must be a forceful spokesperson for greater efficiency and transparency at the United Nations and an intolerance of corruption at the United Nations. The recent revelations regarding the Oil-for-Food Program remind us that close oversight must be part of our role at the U.N.

Senator Danforth's years of experience in Washington ensure that he will keep Congress informed about U.S. policies at the U.N. His talents as a bridgebuilder and a communicator will serve him well as he seeks to articulate both to the world and to the Congress the nuances of his work in New York.

Since leaving the Senate, Senator John Danforth has continued his commitment to public service. From 1999 to 2001, he headed the independent inquiry into the Branch Davidian standoff at Waco, TX. Since September of 2001, he has served as President Bush's special envoy for peace in troubled Sudan where he has devoted his time and his talents to reducing the suffering in that troubled nation.

In this capacity, he has made seven trips to Sudan and other nations in the region. This experience will be particularly useful when the United Nations Security Council begins debate on whether to send peacekeepers to try to maintain the fragile peace framework signed in Nairobi on June 5. We wish him success in this endeavor and pray this framework evolves into a formal peace agreement that finally ends the civil war that has resulted in more than 2 million deaths and over 4 million displaced persons.

The United States and the United Nations must work together in Sudan, Iraq, Haiti, Afghanistan, and many other trouble spots throughout the world. American credibility in the world, progress in the war on terrorism, and our relationships with our allies will be greatly affected by what can be accomplished at the United Nations in the coming months and years.

Senator Danforth is eminently qualified to meet these and other challenges. We recognize the deep personal commitment necessary to undertake this difficult assignment. We are grateful that a leader of his stature is willing to step forward. I recommend Senator John Danforth to the full Senate and ask my colleagues to send him on his way to New York with a unanimous vote.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I wish to join my colleague, the chairman of the full committee, today in support of the nomination of an old friend, Jack Danforth, to be Ambassador to the United Nations. As many of us, I have known Jack for a lot of years, and I have an inordinately high regard for him. The one point I continue to marvel at, but I am not at all surprised at, is that he keeps answering the call. Every tough job he is asked to do—in or out of government—he steps up to the plate and he does it. I think having Jack Danforth at the United Nations is going to be a very positive thing.

People say we should have professional diplomats. Jack Danforth is a professional diplomat. Jack Danforth is the ultimate professional diplomat. Jack Danforth knows how people think. From his years as an ordained minister, as a Senator, and an attorney general of his State, he knows how people think and feel and move. But, Madam President, do you know what I like best about Jack Danforth going to the United Nations? He will be absolutely straight—absolutely straight.

I have an incredibly high regard for Ambassador Negroponte, for whom I voted to become Ambassador to Iraq, probably the toughest job in the bag these days. This is not meant as a reflection on Ambassador Negroponte. But Jack Danforth has the stature to go to the President and say: Mr. President, I disagree; I think you should not. Or ''I would recommend the following.'' He has the stature, just because of who Jack Danforth is—just because he knows. There are some men and women who just possess it. He possesses it. He has the stature. We know the expression, ''command presence.'' Jack Danforth has command presence. What makes me feel good is the President is going to get unvarnished advice from Jack. Jack is a team player. Jack is a supporter of the President. Jack feels strongly that the President's mission is correct. But Jack will also, if he disagrees, not hesitate one minute to, in my view, privately tell the President. I think every President is best served when he has women and men around him with the conviction to tell the President honestly what they think.

When you walk into that White House, when you walk into that Oval Office, it is an intimidating place if you do not walk in with your shoulders back, your head up, and understand what your responsibility is. That is the quality in Jack that I am excited about in his going to the United Nations.

He also has stature, in my view, to turn to the French or Chinese or British Ambassadors, for example, and privately say: Look, cut this stuff this is what we have to get done. This is how we should try to work this.

I think stature matters in this job—at this moment, at this time, and in this administration. I think Jack Danforth has always stepped up to the critical moments in recent history. As the June 30 deadline for transfer of sovereignty in Iraq occurs very shortly, Iraq is one of many urgent issues on the United Nations agenda. There are many others: Sudan, Afghanistan, Haiti, just to name three.

The administration seems to have finally discovered the virtue of the United Nations. That sounds like a bit of a snide remark for me to stand here and say that the administration ''finally discovered.'' But literally, I say ''finally,'' because this administration ran for office and came to office expressing verbally, in writing and in their actions—it would be extreme to say ''disdain'' but not a particularly high regard for the United Nations. However, since then, the President has honored the United Nations by going to it and making clear America's position on the most urgent issues of the day.

Now the administration is back in the United Nations with both feet and is trying to rally international support in a way that, quite frankly, I hoped and wished we had done a year ago, or longer.

The reason I mention this is not to highlight when the administration should or should not have done it. I mention returning to the United Nations because it coincides with Jack Danforth being at the helm there. I think that his being there is good for this country. The administration, in its successful and unanimous vote on Security Council Resolution 1546 on June 11, moved in a direction in which it had been hesitant to move, in my view, before. That is good news because we have squandered a number of meaningful opportunities to share the burden in Iraq. I hope we do not miss any more. I know Senator Danforth's leadership can make a real difference on that front.

Last weekend, Senator LINDSEY GRAHAM of South Carolina, Senator DASCHLE, the Democratic leader from South Dakota, and I traveled to Iraq, Kuwait, and Jordan. The trip confirmed to me that turning over sovereignty on June 30 in Iraq is a starting point. It is not a turning point in the transition to self-government. I remain absolutely convinced that we can still get this right in Iraq and that we have to try because of the profound stakes we have in a successful transition. There is so much to lose if it fails.

We have to start leveling with the American people about what is and what is not happening on June 30. We are handing over sovereignty, but we are not handing over capacity. That is not a criticism. It is not as if we should be in a position to be able to hand over capacity. I think we could have been in a position to hand over much more, but it is not a criticism.

By ''capacity,'' I mean the ability of the Iraqis to provide security for themselves, to defend their borders, to defeat insurgency, to deliver services, to run a government, and to begin to set a foundation for economic success. What is so frustrating is that because of a series of very wrong judgments, we lost at least a year in effectively building that capacity. As a result, we have made an inherently difficult mission even harder.

If there is anyplace where humility is in order, it is in suggesting how we should proceed in Iraq. I remember when the distinguished chairman, Senator HAGEL, and I visited Iraq last August and we sat with Ambassador Bremer. My friend may remember my looking at Ambassador Bremer in the only room in that whole facility that had air-conditioning and saying: Mr. Ambassador, I want to make it clear to you I think if the Lord Almighty came down and sat in the middle of this conference table and gave you the precise answer to the next 20 critical decisions you have to make, we still only have a 65-percent chance of getting this right.

Nobody has ever done this before. The Ottomans could not get it done. The Persians could not get it done. The Brits could not get it done. And they are not even dealing with what the country is today. Iraq is a polyglot made up of essentially what was left over in the region of three groups of noble people.

The fact is, this is a hard job by any standard. The central question is what we can do between June 30 when the sovereignty is handed over, and December of 2005 when a constitutionally elected Iraqi government is supposed to be seated. What can we do in that interim to help build that government that will be seated in December 2005? What can we do to help build the capacity for it to stand on its own? I think this should not be the sole responsibility of the United States.

The international community, through a unanimous vote on Security Council Resolution 1546, made clear that Iraq is the world's problem. All of the Security Council voted in favor of that. They voted for elements of the whole. One of the elements, for example, just to note parenthetically, says that there will be provided a brigade, 4,000 troops, to protect the U.N. when they go back in. What was not stated is who will provide the troops.

There are many other elements that the unanimous resolution laid out in the Security Council. The Permanent Five, and other members of the Security Council signed on. They did not just sign on saying the United States can stay. They signed on saying that Iraq is the world's responsibility.

The reason I go into this is to describe that it is going to take a man of Jack Danforth's stature—while we are working it from State, while Negroponte is working it from Baghdad, while the President is working from the White House—to work out the problem of how we get the world's major powers, Iraq's neighbors, and leading international institutions such as NATO, to pick up empowering the Iraqis to govern.

In a nutshell, I believe we are going to have to, and Senator Danforth is going to have to play a part in getting other nations to help us train and equip Iraqi security services—including the police and the army—commit to defeat the insurgency, and provide security for Iraqi elections, which is going to require a surge of forces, not a reduction of forces. They should not all be U.S. military forces. The rest of the world has to get in on the deal, preferably with NATO and other foreign troops.

We need civil affairs experts from our allies, and more special forces and intelligence assets from America. We

have to provide, as called for in UN Security Council Resolution 1546, a special brigade, ideally from NATO, to protect the U.N. mission in Iraq, whose presence is critical for successful elections.

I know the Presiding Officer knows this but maybe not all of our colleagues have not focused on this: Thousands of polling places are going to have to open up. There are going to be U.N. people going into villages and going into towns throughout Iraq, over the next 6 months, to set up for the first election. That is going to be dangerous business. You have Zarqawi and others announcing that they are going to try to kill not only the interim government, but anybody who participates in making this work. So we need to assist the U.N. in doing its job—which is essential for our ultimate exit strategy—which is to support a secure Iraqi government—secure within its borders, not a threat to its neighbors, and not harboring weapons of mass destruction or terrorists.

How do we get from here to there? Jack, Senator Danforth, is going to have his hands full. We have to deploy an army of technical experts, primarily from other countries, to help Iraq run its government, and deliver essential services like electricity, water, and sanitation. By the way, I am not just talking about the major projects. The Russians pulled back from what seemed to them a pretty good contract, a contract to go out there and build electrical power capacity. Their folks were getting shot and killed, so they pulled back.

But there are thousands of little projects that are going to determine whether we succeed or fail in Iraq. One of the most impressive commanders I have met, and I spent a couple of hours with him in a briefing—is the Commander of the First Cavalry, an incredibly proud unit.

He said to all of us: Senators, look, I leave my tanks back in America. My tank drivers are now infantrymen. My infantrymen I had associated with this are now engineers.

On his big screen during this briefing he showed us Humvees. He has Sadr City as his responsibility. He showed Humvees going through sewage literally up to their hubcaps.

There is a company out in California that has done a remarkable job. It has created overlays for a number of things, such as utilities, that you would think were disparate and had nothing to do with one another. The overlays show where the greatest physical needs are, in terms of pollution and water problems, for example. Then the company overlaid, on top of that grid, a diagram of where the most fighters are coming from, and where the most terror is coming from.

This commander of the First Cavalry said: Take a look. In the places where we have gone in and done relatively small projects, such as getting potable water to homes, I don't have people coming out of and killing my guys and women. He said, Do you know what I need? I need a better mix of troops—not better troops but a better mix of troops and capability. He said there is about $450 million worth of projects that he has agreed and laid on, in Sadr City.

This is a commander who can shoot straight and kill. This is a serious guy. He said: You help me clean up the sewer, I will clean up Sadr City and I will get us peace in that area.

We have a lot of needs. The U.N. resolution, in my view, signs on the international community. Now it is time for them to sign up to take on some of these responsibilities.

The other thing we have to do, in which Senator Danforth is going to have to play a major part, is insist that other countries follow through on their financial pledges for more assistance, and demand that they provide significant debt relief. As a matter of fact, as my colleague brought up in a very important meeting this morning, we have to get money in there quickly. We can't wait to begin these major projects. We voted for about $18 billion for Iraq to rebuild it. We have spent a pittance of that. It has not been spent. None of it has happened. Less than a half billion dollars, less than $500 million of the $18 billion we appropriated, has been spent on projects. That is tragic. That is not particularly good management, in my view.

Furthermore, Senator Danforth will have to bring other Security Council members together to develop a viable U.N. strategy for dealing with this great tragedy that is occurring in western Sudan. If our U.N. Ambassador doesn't take the lead in the Security Council then, in my view, little is going to happen.

Senator Danforth was called to get involved, and he did a brilliant job in negotiating the north/south crisis in the Sudan. Over the past several years he has worked very hard as a special envoy to support the peace process between the Government of Khartoum and the Sudanese People's Liberation Movement.

With the signing of the last three protocols on May 26, that peace process is on the verge of a success and it is truly a significant achievement for the President and for Senator Danforth. But the impact of that agreement has almost completely been undermined by the horrific attacks on the civilians in Darfur by the Government of Sudan and its allied militias. These attacks have precipitated what the U.N. and U.S. officials call the worst humanitarian crisis in the world today.

We have already witnessed ethnic cleansing on a massive scale. Already as many as 30,000 people have been killed. Mr. Natsios, the administrator of the Agency for International Development, stated 3 weeks ago: "Under optimal conditions, we could see as many as 320,000 people die" in Darfur by the end of the year as a result of this violence, disease, and famine.

The U.N. factfinding team:

> . . . identified . . . massive human rights violations in Darfur, perpetrated by the Government of Sudan and its proxy militia, which may constitute war crimes and/or crimes against humanity.

I believe it is genocide.

The violations reported by the U.N. include the targeting of civilians during military strikes, the widespread rape of women and girls, destruction of homes, food stores, livestock, crops . . . the razing of villages, forced displacements, and disappearances.

The administration has responded with humanitarian aid and raised the issue of Darfur repeatedly in Khartoum, and the President told us this morning at breakfast that he raised it at the G–8 meeting as well. The U.N. sent teams out to investigate. These are all important steps, but they are not enough. The international community must condemn Khartoum's actions unequivocally. It must insist that Khartoum stop attacks on civilians by government troops and militia, and provide unfettered access to Darfur for humanitarian workers.

I will soon introduce legislation that our U.N. Representative, I hope, will push for in a U.N. Security Council resolution which reimposes sanctions on Khartoum if the attacks in Darfur do not stop. This action may not resolve the situation, but it will help. Senator Danforth knows more about this crisis than I do, and do most of us in this place. I hope he will pursue such a resolution as one of his first actions as Ambassador to the United Nations.

Congress has to do its part. The United States should bring real money to the table to respond to the crisis, rather than empty promises that the money is on the way. I am working on an amendment to the Defense Department appropriations bill that would provide money for Darfur which Mr. Natsios pledged earlier this month the United States will provide. But bilateral action by the United States is not enough. We need our international partners to assist in pursuing Khartoum to stop the terror campaign in Darfur.

There are many other pressing issues facing the United Nations in New York. We have a lot of diplomatic work to do to repair relations. We have a new team at the top in Jack Danforth and, assuming she is also confirmed, his deputy, Anne Patterson. But I think the President has chosen very well.

By himself, Jack Danforth cannot repair relations between the United States and other nations at the U.N. But he said in the confirmation hearing that the reason he finally took the job that he initially didn't want to take is that he saw that as his mission, the single most important thing he could do. A recognition as to how important that belief is, is in and of itself an important message to be sent around the world.

Jack Danforth is the right person at the right moment to help repair the

breach, if the administration is committed to do so. And I am confident with Jack's leadership they will be able to do so.

In closing, I would like to extend my gratitude to Jack Danforth for agreeing to take on this difficult assignment. I thank his wife Sally for supporting him. I know I speak for all of my colleagues on this side of the aisle and, I suspect, although I wouldn't presume, the entire Senate. I speak for all us when I say, Thank you, Godspeed, count on us. I know you can count on the chairman of this committee, Senator LUGAR, and me to do all we can to help you make your mission at the United Nations workable and doable.

I yield the floor.

Mr. LUGAR. Madam President, I would like to yield time to the distinguished Senator from Missouri, Senator TALENT. I yield as much time as he might require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Madam President, I thank my friend from Indiana. I certainly want to associate myself with the remarks made on this floor on behalf of Senator Danforth. I know they have been uniformly, without exception, complimentary to him—not in a typical way we as matter of gesture may compliment public figures, but these were remarks by people who knew and who have known and who have worked with Jack Danforth for years and years and know him to be a tremendous public servant of deep integrity, thoughtfulness, and courage.

I am proud to say that he hails from the great State of Missouri. President Bush has simply selected a great man for this post. When he called me and told me about it, I told him I was thrilled. I could not think of a more qualified person to represent the United States at the United Nations.

Like most of us who have been around politics and government, I have known Senator Danforth and his wife Sally for many years. He served his country and the people of Missouri with dignity and distinction. It is appropriate to take a moment to place on the RECORD again his background and his credentials.

He served two terms as the attorney general of Missouri; three terms in the U.S. Senate; handled, as Senator BIDEN said, the difficult task of trying to bring peace to the Sudan, the difficult and delicate task of investigating the tragedy that occurred at Waco and emerged from that job, which could very easily have led to censure and disapproval from this town because it was a very controversial type investigation, with plaudits from everyone who recognized the thoroughness, the effectiveness, and the fairness of that investigation.

He knows the importance of bipartisanship. We have seen that from the comments on this floor today. Most recently the Nation appreciated his eloquence and his thoughtfulness as he said goodbye to President Reagan during his memorial service.

He is, in short, a considerate man with character, diligence, and whose abilities qualify him to represent our Nation. The Senate will support him unanimously and without opposition.

As Senator BIDEN said, he is going to have a very difficult job. The United Nations is not an easy place. We are engaged in a war on terrorism. I want to say that, in my judgment, the United Nations has never really come to grips with the danger we are fighting. That will certainly be one of Senator Danforth's tasks.

One of the reasons this transnational movement of thugs we are now confronting grew to be as powerful as it became is because of the neglect of the international community and the United Nations. Policies of appeasement do not work with this group of people. I am not certain the United Nations realizes that.

I harken back to the end 2002 and the speech Prime Minister Blair gave to the Parliament, which I had an opportunity to watch, about negotiations within the United Nations about trying to deal with the threat against representative freedom by Saddam Hussein. Prime Minister Blair made the point then that after years and years and years of negotiations of containment, of watching him violate the obligations he had made after we defeated him in 1991, after a long record of aggression toward his neighbors, the use of weapons of mass destruction, deception, and the United States and Great Britain asked for one more resolution demanding that he show he had disarmed, with a threat of force if he failed to comply. That was blocked in the United Nations to which Jack Danforth is going to be an Ambassador.

The United Nations is, in my judgment, important in reconstructing Iraq. But it is important that the United Nations understand the threat we are confronting.

After Saddam was removed and the United Nations came to assist with humanitarian reconstruction, their headquarters was attacked by the terrorists. It was a terrible tragedy. While on one level you can understand it, on another level it was unfortunate that they lowered the flag and left. But that is what the United Nations did. The terrorists took that as a sign of weakness.

Senator Danforth is going to represent us in an organization which is highly bureaucratic, which is troubled by its own Food-for-Oil scandal, and whose resolve in the face of terrorism has been questionable in the past. I know he will do a great job of representing American interests. I believe he can help us draw close again to our traditional allies. He is the kind of person who knows how to be gracious and courageous at the same time.

I wish him well. He certainly has my support. I know the Senate will support him unanimously as well.

I yield the floor.

Mr. JEFFORDS. Mr. President, it is with a deep sense of honor and privilege that I speak today in support of the nomination of one of our former colleagues, John C. Danforth, to serve as the U.S. Ambassador to the United Nations.

While I served in the Congress for many years with Jack Danforth, our friendship was forged long before we arrived in Washington. Dating back to the late 1960s, he and I served our respective States as attorneys general: no small task given the turbulent times in which we were living. Jack and I, along with a few of our other attorneys general whose names are familiar—Slade Gorton and Warren Rudman—banded together to find common solutions to problems that our States were facing. Whether it was the threat of rampant development or the upsurge in illegal drug use, these problems had the potential to overwhelm our individual States. However, by working together through the National Association of Attorneys General, we made it through those tough times and I believe our States were better served for those relationships we forged.

Little did we know back then that years later, we would all be representing our States in this great Chamber, which Senator Danforth did with distinction from 1976 to 1995. I remember working with Jack Danforth on the Civil Rights Act of 1991, where his leadership was vital to passing that very important legislation. Through the course of a summer of seemingly endless meetings, discussions and negotiations with leaders of the contending factions, Jack Danforth was able to bring together support for a bill that guaranteed equal opportunity in the work place for all Americans. I stood with Senator Danforth through the entire process in 1991, and to this day remain awed by his ability to seek compromise, work in a bipartisan fashion and find common ground.

I was sad when Jack left the Senate, but his departure did not bring an end to his hard work. In a move that I believe speaks volumes about his character, he was selected by Attorney General Janet Reno to head the investigation of the FBI's role in the Waco, TX, tragedy. And in what was undoubtedly one of his toughest assignments, Jack was named Envoy for Peace in Sudan by President George Bush in September 2001.

All of his life experience leaves Senator Danforth amply qualified to represent our country in the United Nations, whose role in the world is so critical right now.

But perhaps there is one more item on his resume that should be mentioned. As we all witnessed at the recent funeral of President Ronald Reagan, Jack is also an Episcopal minister.

As I sat in the National Cathedral and listened to the Reverend Danforth deliver the homily on that day, I remembered what great admiration I had

for his work in the Senate, and realized how I missed his company.

He gave us all comfort that day, and the words he spoke about the late President could be said for Jack Danforth as well. I quote: ''He was not consumed by himself.''

I believe Jack Danforth has demonstrated that he is a man of great diplomatic skill who has always put the needs of his nation first. he is well suited to be our ambassador to the United Nations.

Thank you.

Mr. WARNER. I rise today in support of the nomination of former Senator James Danforth to be U.S. Ambassador to the United Nations. I can think of no person better qualified to fill this critical position during the war on terrorism.

Senator Danforth is a true statesman, and is one of my closest friends over my 26 years of service in this Chamber. During this time in the Senate, our friend was a valued colleague and an even more valuable servant of the people of Missouri. He was first elected in 1976, 2 years before I came to the Senate, and served 18 years in this body. The fact that he was elected to three consecutive 6-year terms from the ''Show Me'' State of Missouri illustrates his remarkable wisdom and his ability to listen to his constituents in deciding important issues of the day.

After leaving the Senate, our colleague remained in service to his country, chairing a committee that reviewed the Federal response to the Branch Davidian activity in Waco, TX. More recently, Senator Danforth served as special envoy to the Sudan—an area of the world experiencing a particularly difficult and tragic humanitarian situation. In this capacity, he continued to demonstrate the compassion and goodwill that we became so familiar with in this body.

Senator Danforth left the Senate to answer a calling to the Episcopal priesthood. Even while he served among us in the Senate, our colleague volunteered on occasion as a pastor at the National Cathedral, where my own uncle served as rector in St. Albans Parish nearly three-quarters of a century ago. I was baptized and confirmed there on the Cathedral close, and was married at a chapel of that Cathedral just this past year. Senator Danforth and I not only were close friends; we shared a special bond of affection for that great Cathedral, which played such an important role in both of our lives.

And most recently, our good friend did such a magnificent job officiating in that same Cathedral at the funeral of President Ronald Reagan. Hearing our colleague's voice at that historic and difficult occasion gave comfort to each of us who were humbled to attend that ceremony. He did us proud: and we expected no less.

Now our dear colleague opens the next chapter of his exemplary career in public service. In these most difficult of times, when our relations with our allies are so critical to our fight against a new enemy, I am confident that our good friend will carry himself with the same distinction—the same wisdom and thoughtfulness—that he demonstrated, over the years, next to us, in this very Chamber. Mr. President, each of us, as Americans, is fortunate that our colleague will once again be by our side in this critical public role.

I wish our dear friend all the best in his important new post.

Mr. LUGAR. Madam President, I am advised there are no other Senators here wishing to speak on the nominations. I am authorized to yield back time on both sides of the aisle.

The PRESIDING OFFICER. All time is yielded.

The question is, Will the Senate advise and consent to the nominations of John C. Danforth to be Representative of the United States of America to the General Assembly, to be Representative with the rank and status of Ambassador Extraordinary and Plenipotentiary, and Representative to the Security Council of the United Nations, en bloc?

The nominations were confirmed, en bloc.

Mr. LUGAR. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. LUGAR. 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. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PETER W. HALL

Mr. JEFFORDS. Mr. President, in a few minutes, we will be considering the nomination of my good friend, Peter W. Hall, for a seat on the U.S. Second Circuit Court of Appeals.

Peter will come to the Second Circuit with an extensive and wide knowledge of the law. In addition, this nomination comes with the strong support of a large bipartisan group of Vermonters.

Jim Douglas, the Governor of Vermont, offered Peter's name to the President as the nominee for this seat, and both Senator LEAHY and I support his nomination.

My constituents also believe Peter will be an outstanding judge on the Second Circuit Court of Appeals.

Vermont has been proud to provide to the Second Circuit Court of Appeals a line of excellent judges to serve on that bench. That is a prestigious bench. I have the utmost faith that Peter will continue this line of excellence during his service.

I am a bit melancholy, though, as Peter will be filling the seat opened by the passing of my close friend, the late Fred Parker. Judge Parker left some big shoes to fill, both literally and figuratively, but Peter is the ideal candidate to accomplish this task.

Peter will bring a proper judicial temperament, strong values, and an exceptional judgment to the Second Circuit Court of Appeals. I believe these all come naturally to Peter through his upbringing in Vermont. I know Peter will serve in the Vermont tradition of prudence and fairness.

I recommend that my colleagues support his nomination.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JACK DANFORTH AND THE CRISIS IN SUDAN

Mr. FRIST. Mr. President, I know we will be moving to other business in a few minutes. We have completed voting on Senator Danforth's nomination, but I wanted to come to the floor and speak to that nomination.

Senator Danforth has had a long and distinguished career in the Senate, and he has served this Nation capably, ably, and nobly since the time of that service. In particular, as has been mentioned over the course of the morning, he has served as President Bush's envoy to Sudan and has worked tirelessly to bring peace to that war-torn nation.

I focus on the Sudan because it is a country on a continent that means a lot to me personally. I was in the Sudan in September. I was there the year before that and the year before that and the year before that. I have been to Sudan many times and spent most of my time in the south of Sudan, a war-torn nation with 2 million people who have died and 5 million people displaced by an ongoing, still long-term civil war. I say ''ongoing still,'' and I say that with the qualification that because of Senator Danforth's commitment, his noble service, we are much

further along that road to having a long, established peace as we look to the future.

It has not been an easy mission. Senator Danforth, in spite of it not being an easy mission, has made huge progress. We are much closer to ending that terrible conflict of the civil war that has been ongoing now for over two decades than we were before Senator Danforth became involved.

On June 11, the United Nations Security Council endorsed the peace process and committed to taking those steps outlined to assist the parties in implementing a final comprehensive peace package once the agreement itself is reached, and that is real progress.

During my trips to Sudan, I had the opportunity to not go as a U.S. Senator—in fact, I have never been in the country as an official U.S. Senator—but as part of a medical mission group where I have had the opportunity to interact with the Sudanese people from many different tribes in the south of Sudan.

I have had the opportunity and the blessing—blessing for me because of the understanding it gives me—to have treated patients with war injuries. In fact, even in late August, early September of this year, I treated a patient who suffered a gunshot wound to the upper part of his leg. I treated that injury. And the time before that, I treated a patient who stepped on a landmine. There are still landmines throughout southern Sudan. We are making real progress on that issue.

But today, as the Sudan works toward a settlement, with the progress that has been made, we face a growing humanitarian emergency that was not thought about a year ago at all, and even today we are struggling to put the spotlight on and the purpose on—and it is not entirely a separate issue, but it is a separate issue from the traditional thought about civil war: north versus south, black versus white, or Muslim versus Christian, all the ways people have thought about a civil war in the past. This crisis is a relatively new one. It is the direct result of the actions taken by the government in Khartoum and their proxies, the government-supported militias against the Fur, Zaghawa, and the Masaalit peoples of Darfur. Members of this body have spoken to this issue over the last several days. We need to speak a lot more about this crisis.

Government-sponsored militias systematically attack African Muslim villages but leave Arab Muslim villages untouched. Government planes—and these planes are Antinov planes. I do not know how many there are, but they are government-sponsored, government-owned planes that historically have bombed indiscriminately in the south. In fact, they have bombed the very church and hospital in southern Sudan where I go each year.

These same planes seem to be bombing indiscriminately in this Darfur region, and these are government-owned planes. Crops are burned and wells are being poisoned, irrigation systems destroyed, houses are burned, and then the earth is left scorched and barren, and the population is being decimated.

There is an estimated population of about 6.5 million people in Sudan, and as many as 2.2 million people have been directly affected by this crisis. More than 1 million people have become displaced.

That is such a dry word. What does ''displaced'' mean? It means they had a home, and they had to leave that home and struggle to make their way in other regions, not having their occupation, their job, their land they tilled before. This is 1 million people.

Mr. President, 158,000 people have fled to neighboring Chad, and more than 30,000 have lost their lives.

The World Health Organization recently reported an alarming reemergence of polio in Darfur, a disease that has not been seen in years. Should polio get a foothold there this autumn, the polio high season will see thousands of children who could be struck, and that means struck with paralysis or even worse.

At this point in time, we need to make sure—and it is our responsibility—that Khartoum understands there cannot be peace in the south at the same time they have an ongoing war—many people have used the word ''genocide''—in the west, which is where the Darfur region is. War anywhere in Sudan will lead to war everywhere.

Khartoum agreed to a cease-fire on April 11. The cease-fire was renewed on May 22. This agreement committed Khartoum to disbanding the Jingaweit militias.

The agreement included a protocol binding Khartoum to allow humanitarian access. Jingaweit militias continue to ravage the countryside while aid workers are turned away. Until we get aid workers in to deliver aid, to shine the spotlight, to report back on the travesty, I see no end to this problem, and that is where the international community must step up.

Khartoum claims to have lifted travel restrictions but, at the same time, Khartoum still places obstacles to the delivery of aid. That aid, I am convinced, will flow if those channels are opened.

Khartoum places difficulties on obtaining visas for relief personnel. Khartoum restricts the movement of relief workers within Darfur. Khartoum places obstacles to clearing relief supplies through customs. Khartoum interferes with relief workers seeking to protect civilians from harm.

Khartoum's actions simply cannot be tolerated. Khartoum's actions will not be tolerated. The United States must respond. The world community must respond. We should continue to pressure Khartoum to see that the government will find itself increasingly isolated in the world community if it continues to block the delivery of aid and relief, and that is food and health care supplies.

This administration has been working tirelessly over the last year to deliver aid to those in dire need in Darfur. Two more relief flights landed in Nyala last Saturday and Sunday, and a third flight was scheduled to land yesterday.

Since February of last year, USAID has done other things. It has dispatched plastic sheeting to build shelters for more than 160,000 people. It has provided 117,000 blankets, 2 water purification systems. The administration has provided 87,000 metric tons of food. The administration has devoted considerable resources and committed a great deal of political capital to assisting the southern Sudanese.

President Bush has played an active role in the peace process. We have engaged the United Nations and will continue to do so, to pressure Khartoum into ending its support for the militias in Darfur, to assist in the delivery of aid, and to rally the international community to come to Sudan's assistance. It is our responsibility. We must do it.

In closing, I do commend Senator Danforth for all of his work to help the people of Sudan. It has been tireless. It has been bold. He has done a superb job in the Senate and in all of his years of public service, especially in Sudan. I am delighted he has accepted and that we have approved his position at the United Nations. He is a great friend to us in the Senate and a great friend to the United States of America.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE APPROPRIATIONS

Mr. STEVENS. Mr. President, I am happy that the two leaders are in the Chamber because I wish to make an announcement to the Senate.

Previously, I had stated I did not think it would be possible for me to make the commitment that when the Defense appropriations bill goes to conference this year it would not come back with the provisions in the House-passed bill pertaining to the debt ceiling. I have had a series of conversations through the evening last night and this morning and I now believe I can commit that when we come back from this conference we will not bring back a bill that contains the provisions that were in the House-passed bill pertaining to the debt ceiling issues that we must face sometime this year.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished chairman of

the Appropriations Committee for his statement and for the assurances that he is now prepared to give the Senate. He more than anyone—and I want to acknowledge as well our ranking member of the Appropriations Committee and the subcommittee for their extraordinary efforts to move this appropriations process along. They, more than anybody, understand how critical it is that we move these appropriations bills forward. The debt limit would have been extremely counterproductive and would have prevented us from completing our work.

With the assurances given by the manager and our chairman, I am prepared to commit to him that we will do all we can to finish our work on this bill today. I believe we can finish it today. I would anticipate some amendments, but there is no reason why, given what he has just committed in terms of the conference, that we cannot finish this today and look forward to other bills as soon as we come back after the Fourth of July recess.

I thank him for that commitment and pledge my support and partnership in working with him and our ranking member today to complete our work on time.

Mr. STEVENS. Mr. President, does the Senator from West Virginia wish to be recognized? I will be happy to yield to him.

Mr. BYRD. Yes. I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. First of all, he is my friend and nothing as far as I am concerned will ever mar that friendship, but I have to say that my blood boiled last Monday evening when I learned that the House Republican leadership, with the support of Senate Republican leaders, I believe, had decided to put a placeholder amendment into the Defense appropriations bill that could be used in conference to increase the $7.4 trillion statutory debt limit perhaps to a level of $8.1 trillion, the level needed for 2005. That placeholder language meant that the House and the Senate conferees would be free to slip in language to increase the statutory debt limit by an untold amount, maybe $690 billion, maybe more, without either body of Congress ever having to vote in public on the matter.

This is a tough vote. I can understand how the Republican leadership in the House, the Senate, and downtown, the White House, would like to see that limit slipped into this bill in conference.

Again, the chairman of this committee has steadfastly shown great knowledge and great determination in his efforts to bring forth to the Senate for its consideration all 13 appropriations bills. That has been tough for him. I thank him for his commitment with respect to the Defense appropriations bill and the conference report which will be coming along. I thank him for that. He is a legislator in the true sense of the word.

Also, in 2002, when I was chairman of the Appropriations Committee, the House Republican leaders tried this same trick on the fiscal year 2002 supplemental appropriations bill. I refused. I steadfastly refused to include such language in the conference report. Instead, the Senate took up, debated, and passed a freestanding bill to increase the debt limit. The House then voted to approve the measure with a one-vote margin. That is the responsible way to increase the debt limit. We owe this to the American public. We should not cloak the debt increase in the camouflage uniform of a Defense appropriations bill.

So I thank Senator FRIST and Senator STEVENS for making a commitment today that the Defense appropriations conference report will not include an increase in the statutory debt limit. The Senate should vote on this issue on a freestanding bill.

I would like to ask the distinguished chairman of the Appropriations Committee—I had hoped the leader would be here so I could ask him—is he making a commitment and is the leader making a commitment that when the Senate considers the debt limit increase it will be on a freestanding bill and that it will not come to the Senate on any other appropriations conference report or in any other unrelated conference report? Can the committee chairman make that commitment?

Mr. STEVENS. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from West Virginia has the floor.

Mr. STEVENS. I will be back to answer that when I get the floor.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I will respond to my friend from West Virginia by saying the so-called Gephardt rule is not within the control of this Senator, nor the leaders. If the House chooses to take up the Gephardt rule and use it as it was used several times before, including, I believe, by Senator Mitchell when he was the leader, then that will be an issue that others will have to pursue. I am not in a position to make that commitment, and I do not think the leader is in a position to make that commitment.

I do want to proceed with the bill and I would hope my friend would accept that as being the position we are in now. I am in the position to make the commitment I have made with regard to this bill. I hope we can proceed on this bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. STEVENS. I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 594, H.R. 4613, the Defense Appropriations Committee bill.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I shall not unduly delay the distinguished chairman, let me also thank our ranking member of that subcommittee, Mr. INOUYE. I thank again Senator STEVENS. He has been a great chairman of that committee, and he has always been fair with me. So once this bill is brought up before the Senate—and it will be up before the Senate very soon, within the next few minutes—I shall do everything I can to help to get action on this bill today.

But let me say to the Senate and to the Senate leaders and to the Republican leaders in the House, this matter of extending and increasing the debt limit is a matter which should be brought before the American people. It should be debated; it should be voted upon. I shall do my best to see to it, if it is on any appropriations bill or any other bill, that we get a freestanding vote, and we are going to try to debate this issue. The American people are entitled to hear the debate on this bill.

When I came to the Congress almost 52 years ago, they did not sneak the debt limit into an appropriations bill as the attempt might have been made here but for the good judgment of Senator STEVENS and Senator FRIST. They didn't sneak it into the bill. The Republicans controlled the House when I first came to the House of Representatives. They didn't do a thing like that. They laid everything on the table and they debated it. I hope we will get back to that point of debating the debt limit so the House Republicans will not be let off the hook. They have a responsibility to the American people to lay it on the table and to debate it.

I thank the distinguished Senator from Alaska, the chairman of the Appropriations Committee, for yielding to me. I do not object. I remove my reservation.

Mr. STEVENS. I thank the Senator and renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

Mr. STEVENS. I ask unanimous consent all after the enacting clause be stricken, the text of Calendar No. 593, S. 2559, the Senate committee-reported bill, be inserted in the RECORD in lieu thereof, and that bill, as amended, be considered as original text for the purpose of further amendment, provided no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I just filed this report. It is the report that

previously was intended to accompany the Senate bill. I ask it now be labeled as accompanying the House bill as amended by the previous motion.

Mr. BYRD. Mr. President, reserving the right to object, and I do not object, but I say this so the Republican leadership in the House, in particular, understands that sneaking the debt limit in an appropriations bill is not going to get by.

I thank the Senator. I no longer reserve.

Mr. STEVENS. I am happy to yield to the Senator from Nevada.

Mr. REID. Mr. President, through the Chair to the distinguished chairman of the committee, we have come so far in the last 12 hours. It would not have happened but for the Senator from Alaska and his advocacy, which is unparalleled. His advocacy is in a category all its own. The working relationship that the Senator has with Senator INOUYE, of course, is legend. We look forward to doing what the Democratic leader said and finish this bill today.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to present this report and this bill to the Senate today. It reflects the bipartisan approach that my cochairman, Senator INOUYE, and I have always maintained regarding the Department of Defense. It is a pleasure to work with him and other members of the committee. I thank our distinguished ranking member and former chairman, the Senator from West Virginia, for his cooperation in helping us to get to the point we are now.

This bill was reported out of our full Appropriations Committee on June 22 by a unanimous vote of 29 members. No member voted against it. As we debate this bill today there are thousands of men and women in uniform deployed and serving our country in over 120 countries and throughout these United States. Their bravery and dedication to our country is extraordinary. Their sacrifices must not go unrecognized. They must be recognized here today.

Each year, the Department of Defense faces the critical challenge of balancing the cost of maintaining high levels of readiness, being ready to respond to the call wherever and whenever it is necessary to defend the interests of this country. The costs associated with simultaneously and adequately investing in transforming our Department of Defense to be ready to meet the threats of tomorrow are also concomitant with this critical challenge of balancing the costs of maintaining high levels of readiness.

I believe the bill Senator INOUYE and I present today reflects a prudent balance among these challenges. It recommends $416.2 billion in budget authority for the Department of Defense, including $25 billion of contingent emergency funding for costs associated with operations in Iraq, Afghanistan, and the war on terror. This amount is $1.7 billion below the President's amended fiscal year 2005 request but, in our judgment, meets the Defense Subcommittee's allocation for both budget authority and outlays.

The measure we present is consistent with both the objectives of the administration and the Senate National Defense authorization bill for 2005, which we passed last evening.

We sought to recommend a balanced approach, and we do recommend a balanced bill to the Senate. We believe it addresses the key requirements for readiness, quality of life, and transformation of our total force. It honors the commitment we have to our Armed Forces. It helps ensure that they will continue to have first-rate training, modernized equipment and quality infrastructure, and maintain their quality of life. It fully funds key readiness programs critical to the global war on terrorism. It makes continued progress in supporting our military personnel and their families.

Key initiatives included in this bill are these: First, an average military pay increase of 3.5 percent and full funding for benefit and medical programs; additional funding to pay for the increase of 20,000 to our Army end strength and TRICARE for Guard and Reserves. Both of these initiatives were included in the Senate version of the 2005 Defense authorization bill, and this bill funds both programs: For the Army, $3 billion for their ongoing transformation initiative, the future combat system, and the Stryker Brigade combat teams; for the Navy, $10.2 billion for shipbuilding, providing additional funding for the DD(X) destroyer and the Marine Corps' amphibious assault ship, LHA(R); for the Air Force, full funding for the acquisition of 14 C–17 aircraft and 24 F–22 Raptor aircraft; $10.2 billion is included for missile defense programs.

In light of the contributions of the Guard and Reserve, this bill adds $500 million in nondesignated equipment funding for modernization shortfall.

Again, I thank my cochairman Senator INOUYE for support, and for the support of the whole committee and the invaluable counsel we have received on this bill.

I yield for any statements he may wish to make.

I point out the contingent reserve in this bill funds a 5-month period. We fully anticipate there will be a supplemental again next year. We are talking about the last quarter of this calendar year which is the first quarter of fiscal year 2005 and an additional month beyond that after we are back in session and ready to receive the supplemental for that, if necessary.

Mr. President, we have a conflict because of Senator INOUYE's noon event, which I wish to also attend. It is my hope we will be back on the floor and start considering amendments at 2 p.m. today.

Does the Senator wish to comment?

Mr. INOUYE. Mr. President, I fully support the measure before us. I would like to say how proud I am to serve with my colleague from Alaska.

Once again, he has demonstrated to all of us his extraordinary legislative skill in pressing his case. I can assure my colleagues in the Senate, as I assure my chairman, that I will do my very best to see that his decision is carried out.

This bill provides $383.8 billion in new discretionary budget authority, consistent with the subcommittee's target, and another $25 billion in emergency budget authority to cover a portion of the anticipated costs for the ongoing wars in Iraq and Afghanistan.

The bill provides the necessary funds to support our men and women in uniform and their families—to include our Guard and Reserves. It recommends funding for a 3.5 percent pay raise for all service members and a 20,000 increase in army end strength as authorized by the Senate.

The bill supports the critical modernization programs requested by the Defense Department including the Navy's DDX Destroyer, the Army's Stryker vehicles and the Air Force's F–22 fighter. It scales back those programs that DoD is trying to advance before the technology is mature and those that are experiencing delays or technical problems.

The bill increases spending on research and development by nearly $1 billion with significant growth in medical programs, particularly those that directly impact warfighters in the current conflict. These include increased spending on amputee care, new technology bandages, and leishmaniasis.

Health care programs are fully funded in this measure. In addition, the committee recommends increases for Walter Reed, Madigan, Tripler, and other military hospitals and research facilities.

The Committee has made a significant effort to see that this bill is consistent with the decisions which have been made by the Senate on the Defense authorization bill. Many of my colleagues' amendments that have been adopted on the floor receive funding in this bill, such as the end strength increase which I already addressed. The committee has also included enhanced Guard and Reserve benefits as authorized and other proposals approved by the Senate.

This bill provides the support essential for the coming year and also provides $25 billion which DoD will require to cover its costs next fall and winter for its on-going efforts in Iraq and Afghanistan. I am pleased to report to the Senate that the committee has very carefully earmarked the funding for Iraq and Afghanistan to direct funding for the priorities of the military departments. We have also restricted the authorities sought by the administration to ensure proper congressional oversight of executive actions.

In recent years, the executive Branch has often argued that, as Commander

in Chief, the President has almost unlimited powers in the conduct of day-to-day defense matters. It is clear that the Constitution provided the Congress the power of the purse. In drafting this measure the Committee has safeguarded its responsibilities and expects that the Defense Department will recognize the constitutional authority of the Congress to determine how funding will be utilized in executing this budget. We fully expect that the Defense Department will only fund activities that have been approved by the Congress, and in no case will funding be used to support programs which have been rejected by the legislative branch.

I am pleased to have worked with my good friend, our Chairman, Senator STEVENS on crafting this legislation. It is a very good bill and I would encourage all my colleagues to support it.

Mr. STEVENS. Mr. President, does the Senator wish the floor?

Mr. LEAHY. Mr. President, I will not take the floor if the Senator from Alaska has more to say. I was going to speak about one of the nominations which is coming up this afternoon.

Mr. STEVENS. Mr. President, it is my understanding there will be other matters considered.

I ask unanimous consent that our bill be set aside until the hour of 2 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Alaska and the distinguished Senator from Hawaii.

I am going to shortly speak for about 20 minutes on one of these nominees. First, if I might, I am going to ask that we go into a quorum call. It will be a matter of a minute or two. When we come out of the quorum call, I ask unanimous consent that I be recognized to speak regarding the nomination of Peter Hall.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. 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. LEAHY. 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.

NOMINATION OF PETER HALL

Mr. LEAHY. Mr. President, we have heated debates, and we have times when we are happy and times when we are not here in the Senate. Today is a happy day. I am pleased that later I will be able to cast my vote in favor of Peter Hall for confirmation to the U.S. Court of Appeals for the Second Circuit. I know this will be a nomination that will be strongly supported on both sides of the aisle.

Mr. Hall is going to fill the Green Mountain State's seat on the U.S. Court of Appeals for the Second Circuit. He currently serves as the U.S. Attorney. He was nominated by President Bush. He has strong support not only of Governor Douglas but the entire Vermont delegation. I commend both the Republican and Democratic leadership for working out an accommodation that makes it possible to vote on his nomination.

By tradition, there is a Vermont seat on the Second Circuit. It is currently vacant. The reason it is vacant is because of the sudden and tragic death of the last judge to hold the seat, the late Fred Parker. Judge Parker was appointed to the U.S. District Court for Vermont in 1990 by the first President Bush. That was done on the strong recommendation of Senator JEFFORDS and with my support. He was a well-known Republican in Vermont, and he served as the deputy attorney general for the State of Vermont.

After distinguished service on the District Court bench, he was appointed by President Clinton to the Second Circuit with the strong support of Senator JEFFORDS. President Clinton knew that Fred Parker was a well-known Republican, but he also knew of his qualifications and of the high esteem in which he was held in Vermont, and so he nominated Judge Parker to the Second Circuit, and he was confirmed by the Senate.

I mention that because over the years Senator JEFFORDS and I—and before that Senator Stafford of Vermont and I—have tried to keep partisan politics out of the Judiciary. If you look at the quality of the people we recommended, you will see we have actually been quite successful in doing that. Fred Parker was such an example. He was a good man, a good lawyer, and a good judge. We were in Georgetown Law School together. I knew him from that time. He was in the Marine Corps. I knew him from then until his untimely death last year. I knew him to be a man of integrity and intelligence. He served the courts and the people of Vermont with dedication and fairness, and we miss him.

Peter Hall has big shoes to fill, but both from what everyone knows about him and from what I know personally in having worked with him, he is completely up to the job. He did have a couple strikes against him. He had the nerve to be born in one of those Southern States, Connecticut. He went all the way even further south to North Carolina for college, and then he attended law school in New York. But we decided to forgive him for those missteps in his career because he came to his senses as soon as he graduated from law school, and then he moved to Vermont. He has been there long enough to be considered a Vermonter.

He clerked for the well-respected Judge Albert Coffrin of the U.S. District Court for the District of Vermont.

We are a small State. When I first started practicing law, it was in Judge Coffrin's law firm, before he became a member of the bench. He was a good friend. His widow still lives in Vermont. He was without a doubt one of the most respected and one of the best trial judges we have had.

Peter Hall, showing the wisdom he has demonstrated, stayed in Vermont from that day forth. His career and the exemplary way he served the U.S. Government in the law are admirable.

After he completed his clerkship with Judge Coffrin, he joined the U.S. attorney's office in Vermont. He was a Federal prosecutor the next 18 years. He rose to the position of first assistant, later being named U.S. Attorney. During those years, he has gained invaluable trial experience so beneficial for any judge. He learned about Federal criminal law.

I was a prosecutor, so of course I always have a soft spot for someone who served as a prosecutor.

His resume is not limited to Government service. In 1986, he began a 15-year career in the private practice of law, focusing on civil practice, with a particular emphasis on mediation, showing a talent for that. He also used his time during that period to serve the bar. He provided ethics training to Vermont State prosecutors. He held the office of president of the Vermont Bar Association, and in that office as former prosecutor, advocated for funding for public defenders for equal access to justice.

In the best sense of those who make the best judges, he found time for pro bono work, getting involved in the Vermont family court system. He served as guardian ad litem for children caught up in disputes between their parents.

In 2001, President Bush nominated Peter Hall to be the U.S. Attorney for Vermont. His record in that office is one all prosecutors should hope to have, a tough but a fair prosecutor. I supported Peter's nomination to the U.S. Attorney's office. I support him now.

Lest there be any question, let us have no misunderstanding about Peter's party affiliation: He is a Republican through and through. From 1986 to 1993 he was variously a member of the town of Chittenden, Rutland County, and State of Vermont Republican committees and a member of the National Republican Party. He has helped run statewide Republican campaigns, and was an elected Republican official for 5 years, holding one of the most important offices a citizen in Vermont can hold, a member of the Select Board of the Town of Chittenden. Incidentally, Chittenden is named after the first Governor of Vermont, Thomas Chittenden. He was recommended to the President by Vermont's Republican Governor. Governor Douglas noted in his letter of support to this nomination, that Peter is ''a dedicated public servant, a strong leader and will be an asset to the Second Circuit.''

I ask consent the Governor's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE OF VERMONT,
OFFICE OF THE GOVERNOR,
March 10, 2004.

Hon. ORRIN G. HATCH,
Chairman,
Hon. PATRICK J. LEAHY,
Ranking Democratic Member, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATORS: I am writing to express my strongest support for U.S. Attorney Peter Hall for appointment to the U.S. Court of Appeals, 2nd Circuit.

Peter's record of service of the people of Vermont is exemplary. As U.S. Attorney, he has been a strong and effective leader in Vermont's anti-terrorism effort. Peter has been a principal organizer in promoting ''Operation Safe Commerce,'' an international initiative aimed to track and monitor cargo shipments that could be susceptible to terrorist attacks.

In addition, Peter has been an active leader in promoting the President's ''Project Safe Neighborhoods'' initiative designed to make our streets safer by taking guns out of the hands of convicted felons.

I unequivocally support Peter for the judgeship. He is a dedicated public servant, a strong leader, and will be an asset to the 2nd Circuit.

Sincerely,

JAMES H. DOUGLAS,
Governor.

Mr. LEAHY. Equally clear, however, is Peter's commitment to the law, to fair judging, to leaving any partisan label or interest at the courthouse door. Unless somebody knew his background, they would have no idea whether he is Republican or Democrat. He is a committed officer of the court, totally fair to both sides. In fact, he is the type of nominee every President should send up. I wish we would see more like him. He is universally respected. He has proven himself over long years of Federal service and private practice to be a straight-shooting, fairminded person. Any litigant in a Federal courtroom can be confident they will get a fair hearing and a fair shake from him, no matter what their political affiliation is or whether they have any. I am pleased—I am more than pleased, I am proud—to support his confirmation.

One example of the fairness and lack of bias litigants in the Second Circuit can expect is seen in his answers to one of the questions I asked him at his nomination hearing before the Judiciary Committee. I asked him what his practice would be if a case came to the Second Circuit, a case that had been in the U.S. Attorney's office when he was there, even if he had not been the attorney handling the case. His answer, which I commend to all nominees, is a model of fairness, and was also a model of simplicity. He told me he would recuse himself from any case that had been before his office while he was there. No ifs, ands, or buts. That is one of the reasons why the Senate Judiciary Committee, which sometimes can be divided on issues, voted unanimously to support his nomination.

His qualifications, experience, and support across the political spectrum make him the kind of consensus nominee that proves when there is thoughtful consideration and collaboration, this process works as it should. That is why I will be pleased to vote to confirm him today.

Actually, an interesting sidebar on this, when he is confirmed to the Second Circuit, President George W. Bush will call his father, former President George Herbert Walker Bush, and say, I beat your record for judicial confirmations. During the 4 full years of the 41st President's administration, former President Bush managed to have 192 judicial nominees confirmed by the Senate. With today's vote, the Senate will have confirmed, even before the year is over, 193 of President George W. Bush's judicial nominations. That allows him to say he has had more judges confirmed with bipartisan cooperation by the Senate than President Reagan did in his first term of office, or his father did, or President Clinton in his last term of office.

I mention these statistics being of interest.

I am one lifelong Vermonter who is very proud of another Vermonter, Peter Hall. This is one of those things in our very special little State that will bring everybody together across the political spectrum. We have tried not to tell Peter he does have to spend some time in New York City each month because the Second Circuit sits there, but I think he will be able to work a great deal of his time in Vermont. Like me, that is one of the best of all possible worlds. You can be home on weekends.

I understand from the leadership we will vote on this and another judicial nomination later this afternoon.

Although I know the Presiding Officer is hanging on every word I might be saying, 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DIANE S. SYKES TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. HATCH. Mr. President, I ask that the Senate now proceed in executive session to consider Executive Calendar Nos. 591 and 604 as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. There are 60 minutes evenly divided for debate on this nomination.

Mr. HATCH. I do not intend to take all of our time, and I hope the other side will not take all of its time.

I rise to support the nomination of Justice Diane S. Sykes to the Seventh Circuit Court of Appeals, and to urge my colleagues to support her. There is no doubt that she is well prepared to join the Federal bench. A graduate of Marquette University School of Law, Justice Sykes served as a law clerk to the Honorable Terrence T. Evans in the Eastern District of Wisconsin. As a litigator in private practice, she specialized in civil litigation in State and Federal court.

Justice Sykes will bring almost 12 years of judicial experience to the Seventh Circuit. Since 1999, when she was appointed by Governor Tommy Thompson to fill a mid-term vacancy, she has served on the Wisconsin Supreme Court. She won election for a ten-year term on the court in 2000 with 65 percent of the vote. Judge Sykes appealed to so many of her State's voters because she is a careful, qualified jurist and not an activist.

Before coming to the Wisconsin Supreme Court, Justice Sykes served as a trial judge on the Milwaukee County Circuit Court, winning election to a 6-year term in 1992. Prior to her service as a State judge, Justice Sykes practiced commercial litigation for 7 years at one of Wisconsin's most prestigious law firms. She also clerked for Judge Evans, district judge for the Eastern District of Wisconsin after her graduation from Marquette University Law School.

Not surprisingly, the ABA rated her well-qualified for appointment to the Seventh Circuit. She has also received broad support, including that of both Wisconsin Senators.

Despite her strong credentials and the level of support she enjoys, there continues to be some misinformation and distortions regarding her record. First, of course, is the suspicion by some that she might be pro-life and thus presumptively unqualified for service on the Federal bench. Opponents cite one 1993 case on which she ruled while she served as a county judge in Milwaukee. She was then accused of declaring admiration for pro-life protestors and issuing jury instructions favorable to those protestors.

The Milwaukee newspaper that printed these accusations issued a formal retraction and apology less than a month later. The apology noted, among other things, that the language of Justice Sykes' jury instruction was specifically recommended for use by the Wisconsin Criminal Jury Instructions Committee, and was used by judges throughout the State. The apology further noted that Justice Sykes sentenced the protestors to ⅔ of the maximum sentence permitted by law. The record is clear that Justice Sykes, during sentencing, stated ''whether you

like it or not, [an abortion clinic] is a legal, legitimate business, and it has the same right to be free from interference of this sort as any other business.''

Justice Sykes also clarified, in answers to written questions that ''my favorable comment about the goal [those] defendants sought to achieve was a reference to their underlying goal of reducing the number of abortions, as is clear from the following statement from my sentencing remarks: 'I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal.' My sentencing remarks also reflect extensive consideration of the seriousness of the offense and criticism of the defendants' conduct and tactics. . . [A]nd the 60-day jail sentence I imposed, at two-thirds of the maximum, could not be characterized as unduly lenient or a 'validation' of the defendants' beliefs.''

I hope it is not the argument of those who are concerned about Judge Sykes that any judge who at any time suggests that fewer abortions is a desirable goal is disqualified from the Federal judiciary.

I know also that some Senators are concerned about some of Justice Sykes' other answers to post-hearing written questions. A careful reading of her answers will show that Justice Sykes answered her written questions as completely and accurately as the Wisconsin Code of Judicial Conduct allows. Specifically, Wisconsin Supreme Court Rule 60.06(3) prohibits sitting judges from engaging in extra-judicial commentary with respect to particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct regarding particular cases or legal issues. As her answers point out quite eloquently, ''there is a range of opinion in the legal community regarding the scope of so-called 'commitments' clauses in judicial ethics codes. To the extent that [others] disagree, I must keep my own counsel and abide by my interpretation of the obligations of my oath, the duties of my office, and the requirements of the Code, which are binding on me.''

In those same written questions Justice Sykes was asked whether she believed that the Supreme Court's decisions in Roe and Griswold constituted ''judicial activism'', whether they were ''unprincipled'' and whether they were consistent with ''strict constructionist'' philosophy.

Justice Sykes avoided criticizing these cases out of a good faith belief that to do so would violate her ethical obligations under Wisconsin law. Her answers followed the same path as at least four of President Clinton's Circuit Court nominees who refused to give their personal views or criticize Supreme Court precedent on various issues, precisely because those issues might come before them as sitting judges.

Justice Sykes did state as follows: ''I can unequivocally state, however, that I believe that Roe and Miranda are the law of the land, and if I am confirmed to the Seventh Circuit, I would be duty bound to follow and would follow these and all other precedents of the United States Supreme Court.'' She further stated that she believes ''that Roe and Griswold constitute binding precedent,'' which she would follow ''without hesitation'' if confirmed to the Seventh Circuit.

Justice Sykes has also been labeled as pro-prosecution and anti-Miranda, implying that she would not be a fair judge. Contrary to the misrepresentations of her opponents, she has often ruled in favor of criminal defendants in Fourth Amendment and other cases involving questions of constitutional criminal law, siding against government actors many times. Justice Sykes' real record shows that she reaches outcomes by applying the law to the facts, as she should.

For example, in the State v. Knapp case, Justice Sykes agreed with the majority in a case involving a custodial interrogation that the statements made by a suspect in custody were not in compliance with the dictates of Miranda and could not be used by the prosecution against him. In the State v. Church case, she overturned an increased sentence of an individual convicted of criminal assault, concluding that the increased sentence was presumptively vindictive, in violation of the defendant's right to due process, and that the presumption was not overcome by adequate, objective new factors in the record justifying the increase.

Also, in the State v. Schwarz case Justice Sykes ruled in favor of a probationer in a Fifth Amendment case because his probationary officer during offender treatment compelled him as a condition of probation to admit to the crime of which he was convicted. She specifically held that a probationer cannot be compelled to admit to the crime of conviction before the time for a direct appeal has expired or an appeal has been denied because the Fifth Amendment privilege extends to those already convicted, whether in prison or on probation.

There is another argument against Justice Sykes which I have heard, regarding her dissent in State v. Carlson, which needs to be set straight. She stands accused of improperly finding harmless error in a trial court's seating of a non-English speaking juror in a criminal case. At first blush this does seem like harmful, not harmless, error. Again, a careful reading of her response to this issue illuminates the truth of this matter. She clarified that there was significant evidence in the trial court record that the juror in question did understand English. He had lived in the country for 20 years and passed a citizenship test. He held a driver's license and a fishing license. He was employed as a factory worker, where presumably he had to comply with various State and Federal safety procedures, and he had previously testified, without an interpreter, at a post-conviction hearing. Justice Sykes stated, properly, that ''when there is competing evidence, it is the job of the trial court—not the appellate court—to evaluate and weigh it, and make findings of fact. . . . Under well-established rules of appellate review, factual findings of the trial court are reviewed deferentially, and are not disturbed unless clearly erroneous, that is, factually unsupported. . . . The majority in Carlson disregarded this deferential standard of review and substituted its own view of the facts for that of the trial court; it was this failure to follow the applicable legal standard that I objected to in my dissent.''

I thought we all wanted judges who understand their role and not pursue an activist agenda. I think we should be pleased that a nominee to a Federal appellate court properly understands her appellate role. It is quite unfortunate that some would misrepresent Justice Sykes' principled dissent in this case as evidence of activist tendencies. It is precisely the opposite. It demonstrates restraint and respect for her role as an appellate judge.

Justice Sykes' record represents the antithesis of the activism that I have heard all of my colleagues say they do not want to see from judges nominated to our Federal courts. The Senate should be in the business of approving judges who have demonstrated that they respect the judicial role and will not substitute their own policy preferences for those expressed by the legislature. Judge Sykes' record in this regard is impeccable, and I will be pleased to vote with Senators KOHL and FEINGOLD to confirm her to the Seventh Circuit. I urge my colleagues to vote with us.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, it is my pleasure to rise today in support of the nomination of Wisconsin Supreme Court Justice Diane Sykes to the Federal judiciary. She has been nominated to fill one of the Wisconsin seats on the Seventh Circuit Court of Appeals to replace retiring Judge John Coffey.

Justice Sykes brings an impressive background to this important position. She is a lifelong resident of Wisconsin. She was born in Milwaukee, attended Marquette University Law school, clerked for Federal Judge Terry Evans in Milwaukee, and practiced law for a top Wisconsin law firm. Justice Sykes left private practice in 1992 to serve as a Milwaukee County circuit judge, a position she held until 1999. She was then appointed to the Wisconsin Supreme Court in 1999, and she won reelection to a 10-year term in the year 2000. She is to be commended for her devotion to public service and praised for her qualifications for the Seventh Circuit Court of Appeals.

We are not the only ones to recognize her abilities. A bipartisan Wisconsin

Federal Nominating Commission, which has been screening judicial candidates for Wisconsin Senators of both parties for 25 years, selected Justice Sykes and three others from an impressive list of applicants for this position. All four finalists were well qualified and all deserved to have their names forwarded to the President for his selection. Wisconsin's process should be a model because it finds qualified applicants and takes much of the politics out of judicial selection.

The American Bar Association agrees with our evaluations as well. A substantial majority of the committee rated her ''well qualified.''

It is worth discussing, if only briefly, that some have expressed opposition to Justice Sykes' nomination. We will likely hear some of that dissent during that debate today. The primary argument against her is she was not totally forthcoming in her answers to questions asked during her hearing. We do not find that argument compelling. Rather, she would not have received the support of our bipartisan nominating commission without answering their questions. Further, she would not have received my endorsement had she not answered in a forthright and direct manner the questions we asked of her during our interview with Justice Sykes.

Justice Sykes has earned a reputation as a fine lawyer and as a distinguished jurist during her career in Wisconsin. Lawyers throughout the State, regardless of their political persuasion, echo this sentiment.

We expect Justice Sykes to not only be a credit to Wisconsin, but also to administer fair justice for all who come before her. We look forward to her confirmation today, and to her taking a seat on the Seventh Circuit Court of Appeals.

Mr. FEINGOLD. Mr. President, for 25 years, the bipartisan Wisconsin Federal Nominating Commission has been recommending high-quality candidates for Federal judgeships in our State. First created in 1979 by Senators William Proxmire and Gaylord Nelson, the Commission is an independent panel selected by Wisconsin elected officials and the State Bar of Wisconsin to review applications for Federal District Court and Court of Appeals vacancies in Wisconsin, as well as U.S. attorney vacancies. The composition of the Commission assures that selections for these important positions will be made based on merit, not politics. Senator KOHL and I have worked hard to maintain and strengthen the Commission throughout our time in the Senate, and I am very proud that it has survived for the past quarter century, under Presidents and Wisconsin Senators from both political parties.

I am pleased to put the spotlight on the Commission today, on the occasion of the floor vote on Justice Diane Sykes, who is the latest product of this bipartisan process. I am pleased that Justice Sykes' nomination has proceeded swiftly, thanks to the collaborative nature of the Commission process. Despite some initial resistance, the Bush administration agreed to have candidates for this Seventh Circuit vacancy go through the Commission process. Under the joint leadership of Dean Joseph Kearny of the Marquette University Law School and Professor Frank Turkheimer of the University of Wisconsin Law School, the Commission worked extremely hard under a very tight deadline. It recommended four qualified candidates, including Justice Sykes. Senator KOHL and I, working with Representative SENSENBRENNER, the senior Republican officeholder in the State, decided to forward all four names to the White House, and the President selected Justice Sykes from the four.

I met with Justice Sykes late last summer after the Commission had recommended her along with the other three candidates. I had a chance to question her about her background, her qualifications, and her judicial philosophy. There are a number of topics on which we do not see eye to eye, but I believe Justice Sykes is well qualified to fill this seat on the Seventh Circuit. In particular, I have great respect for her commitment to public service. Talented young lawyers have many more remunerative options that they can pursue. She has been a judge in our State since 1992.

I have always maintained that with cooperation and consultation between the President and home State Senators, the judicial nomination process can be far less contentious and, frankly, far less frustrating, than it has been over the past several years. Recognizing that ideological differences are inevitable in this process as control in the Senate and in the White House change hands, it would serve those who choose and confirm Federal judicial nominees well to follow the example of the Wisconsin Federal Nominating Commission.

Mr. President, it is my hope that the work of the Wisconsin Federal Nominating Commission, the nomination of Justice Sykes, and her smooth confirmation will send a signal to the White House, to my colleagues on both sides of the aisle, and to the country, that we can, in fact, work together in a bipartisan way to fill judicial vacancies. I urge my colleagues to support this nomination.

Mr. LEAHY. Mr. President, today we are turning to the nomination of Justice Diane Sykes to a seat on the U.S. Court of Appeals for the Seventh Circuit. She has been nominated to a seat which is actually not even vacant yet. Justice Sykes is nominated to replace Judge John Coffey, who has not yet retired. Her confirmation vote today shows how fast the administration is moving to pack the courts, including future vacancies, with its ideological nominees.

Justice Sykes comes before us with the support of my colleagues, Senator KOHL and Senator FEINGOLD—two Senators whose opinions I value very much. She also comes before us with a 12-year judicial record—both at the trial court level and with the Supreme Court of her home State of Wisconsin. I have looked closely at her record and although I greatly value the opinion of my colleagues from the State of Wisconsin, I have made my own judgment regarding her fitness for this important lifetime appointment.

After reviewing Justice Sykes' written record, I was disturbed by the clear patterns that emerged. I worry that, if confirmed, Justice Sykes will continue to be an activist judge for a lifetime on the Federal bench. For this reason I voted against her nomination in committee and will oppose her confirmation today.

I share Justice Sykes' own concerns, which she described to the Federalist Society last year in a speech she delivered about the ''politicization of the judiciary.'' As Members of the Senate we must ensure that we confirm nominees who will be impartial arbiters of justice. With today's vote we have confirmed 192 of this President's judicial nominations. These nominees have been from a variety of backgrounds. A significant percentage of them had been very active in the Republican Party and in ideological groups such as the Federalist Society. I voted to confirm nominees when I am confident that as judges they would be able to shed their historical advocacy and act impartially once they take their oath of office.

Unfortunately, Justice Sykes' record on the State court bench demonstrates that she has had difficulty separating her personal views from her judicial decisions. In civil cases, she consistently rules against workers and injured plaintiffs in favor of big business. In criminal cases, she routinely rules against the rights of criminal defendants in favor of broad rights for the Government.

Justice Sykes has repeatedly taken a very narrow approach to interpreting the fourth amendment, upholding broad exceptions to allow warrantless police searches. She continuously questions Miranda—a bedrock precedent of constitutional law. For example, Justice Sykes was the lone dissenter from the Wisconsin Supreme Court's decision to exclude evidence gained as the result of an interrogation that clearly violated a defendant's Miranda rights. Her rulings have jeopardized other constitutional rights of criminal defendants, as well. In one case, in a decision that was later reversed, Judge Sykes ruled that a lawyer's advice to a defendant to lie on the witness stand was not sufficient to conclude that the defendant was deprived of his right to effective counsel. Justice Sykes was also the lone dissenter on the Wisconsin Supreme Court arguing that a defendant had no right to a new trial when one of the jurors did not speak or understand English. Justice Sykes' pattern of

going to great lengths to reduce the protections for criminal defendants enshrined in our Constitution is greatly disturbing.

In addition to what I was able to learn from her judicial record, I was equally disappointed by her testimony before the Judiciary Committee. Our distinguished colleague from Illinois, Senator DURBIN, submitted thoughtful questions to Justice Sykes following her hearing. She refused to answer many of his questions, including whether she believed that Roe and Griswold were ''unprincipled decisions'' or were ''consistent with strict constructionism,'' whether the existence of the right to privacy was a ''feat of judicial activism,'' and whether the Warren court went too far in creating individual rights. Her reason for not answering those questions was that she was precluded by Wisconsin's code of judicial conduct. However, that code only prohibits a judge from commenting on ''particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct in office regarding particular cases or legal issues.'' Her blanket refusals to respond to questions by members of the Judiciary Committee are unacceptable.

I am seriously concerned about the type of Federal judge Justice Sykes would be if confirmed and I vote against her nomination to the Seventh Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. We are prepared to yield the remainder of our time and I believe the remainder of the time for the other side of the aisle, except for 20 minutes which should be reserved for Senator DURBIN on both nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. 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. DURBIN. 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.

Mr. DURBIN. Mr. President, in a short period of time, we are going to consider the nomination of Diane S. Sykes to be U.S. Circuit Judge for the Seventh Circuit.

I take this opportunity on the floor of the Senate to express specifically why I will vote against this nomination.

This is my home circuit, the Seventh Circuit, which includes Illinois, Wisconsin, and Indiana, so I believe I have a special responsibility to bring extra scrutiny to this nomination. I acknowledge that Judge Sykes has the support of her home State Senators, and I do not take that support lightly. Senators FEINGOLD and KOHL have worked hard to establish a bipartisan nominating commission in Wisconsin, both for district and circuit court nominations, and I know they have a special obligation to support the nominee who is the product of that process.

I was initially inclined to defer to my Wisconsin colleagues and support the nomination, but after taking a close look at Justice Sykes' background and many of her answers to my questions, I now regret to say I have serious doubts about her fitness for a lifetime appointment to the bench.

Let me be specific. First, let me address Justice Sykes track record regarding the criminally accused. As a member of the Wisconsin Supreme Court, Justice Sykes has not always treated criminal defendants fairly. We expect those who are guilty of crimes to be treated fairly and firmly. We understand the presumption of innocence and we understand that those who have committed terrible crimes must pay a price.

Listen to what Justice Sykes has said about her own judicial temperament. When she ran for reelection to the supreme court in Wisconsin in the year 2000, the Milwaukee Journal Sentinel said the following about Justice Sykes:

> In her five years on the felony bench, Sykes developed a reputation as one of the heaviest sentencing judges in Milwaukee County in recent memory.

Then the Wisconsin State Journal, Justice Sykes admitted:

> I have a reputation as a hanging judge, that's true.

I ask my colleagues, do these statements sound like the judicious statements of a person seeking a lifetime appointment to a position where she will be asked repeatedly by those who are presumed innocent to be treated fairly?

During her 2000 campaign for the Wisconsin Supreme Court, Justice Sykes ran radio ads stating that she was such a tough sentencer that defense lawyers tried to avoid her court. She also told a reporter that in light of her tough sentences, a wing of the Wisconsin maximum security prison was informally named after her.

Do these sound like temperate statements by a person who will be asked to honor the presumption of innocence and treat all persons in her court fairly?

Let me mention a specific case which troubles me greatly in which Justice Sykes anticriminal defendant bias reared its ugly head. In the case of State v. Carlson, the Wisconsin Supreme Court ruled 6 to 1 to overturn a conviction and permit a new trial—not to exonerate a defendant but to permanent a new trial—because one of the jurors in this criminal case did not speak or understand English. Justice Sykes was the lone dissenting vote. The juror in this case, whose native language was Lao, received a questionnaire which asked if he could understand the English language well enough to serve on the jury. The juror checked the box ''no.'' He did not understand English well enough to serve on a jury. Under Wisconsin law, the clerk was required at that point to strike the juror from the jury pool. The trial judge, nevertheless, allowed that juror who did not understand the English language to remain on the jury and the defendant was convicted.

Justice Sykes, seeking a lifetime appointment to the second highest Federal court in the land, was the only member of the Wisconsin Supreme Court to vote to uphold the conviction, and concluded this was a harmless error, that a juror could sit in judgment in a criminal trial incapable of understanding the language being spoken in the courtroom. She was the only Wisconsin Supreme Court justice to conclude that such a juror was no obstacle to justice.

Would any one of us in the Senate or any of us following this debate want our fate decided by a juror who could not even understand the words spoken in our defense?

In another case in which she was the trial judge, State v. Fritz, Judge Sykes denied the defendant's ineffective assistance of counsel claim when the defendant's own attorney advised him to lie on the witness stand. Judge Sykes was unanimously reversed. The court of appeals wrote the overwhelming weight of authority is to the contrary; indeed, the sixth amendment of the Constitution is one such authority.

Let me speak to another concern about Justice Sykes. I have great concern about her candor. I believe she made misleading statements to the Senate about a 1993 case in which she was the trial court judge. The case involved the prosecution of two abortion clinic protesters who shut down a Milwaukee clinic by welding their legs to the front of a car parked at the clinic entrance. It took blowtorches and firefighters to remove them.

These defendants had a long history of anti-abortion activity. One had been arrested 80 times in abortion protests; another, 20 times. The defendants had injunctions against them for their protests. As the Milwaukee Journal Sentinel reported just this week, they had companion cases in front of Judge Sykes for other anti-abortion crimes they had committed. One of the defendants had appeared before her six times in one of those cases. They were leaders, well known in Milwaukee's anti-abortion community, at a time when that city was one of the Nation's hubs for that activity.

In a statement submitted to Judge Sykes just days before the sentencing, one of the defendants equated abortion with the Holocaust and slavery. He called abortion clinics ''death camps.'' He called doctors ''hired killers.'' At the sentencing hearing, Judge Sykes praised these defendants. She told them:

> I do respect you a great deal for having the courage of your convictions and for the ultimate goals that you sought to achieve by this conduct.

She also said:

As far as your character and history and background, obviously, you possess fine characters. I agree with everything that's been said on that basis. It's a unique case in that respect, that you have otherwise been exemplary citizens. Your motivations were pure.

I asked Justice Sykes in writing why she heaped this praise on the defendants, given the fact they had been arrested 100 times for anti-abortion protests. She responded that she was unaware of their arrest records and that, in any event, there was no evidence in the record of a history of arrests in connection with their protest activity.

I ask unanimous consent to have printed in the RECORD a copy of my written questions to Justice Sykes and her written answers.

There being no objection, the material was ordered to be printed in the RECORD as follows:

9. You were the trial judge in a 1993 case involving two anti-abortion activists, Michael Scott and Jack Lightner, who were convicted of blocking a door to a Milwaukee abortion clinic. The protesters blocked the doorway by binding their legs with welded pipes to the front of a car; they were removed by firefighters with blowtorches. You sentenced the protesters to 60 days in prison with work-release privileges but not before praising their motives. You told the defendants: ''I do respect you a great deal for having the courage of your convictions and for the ultimate goals that you sought to achieve by this conduct.'' You also stated: ''As far as your character and history and background, obviously you possess fine characters'' and are ''exemplary citizens.'' And you told the defendants, ''Your motivations were pure.''

A. There are 3 factors that you considered in sentencing: (1) the nature of the offense, (2) the character, history, and background of the defendants, and (3) the interests of the community. With respect to the second factor, you stated that the defendants had ''fine characters'' and were ''exemplary citizens.'' According to press reports, one of the defendants in this case had been arrested 80 times in abortion protests, and the other had been arrested 20 times. Why did you believe that they possessed ''fine characters'' and were ''exemplary citizens''?

Answer: It is axiomatic under Wisconsin law that defendants have a right to be sentenced upon facts that are of record. McCleary v. State, 49 Wis. 2d 263, 277, 182 N.W.2d 512 (1971). The press reports referenced in your question, and the arrests which the question attributes to the press reports, were not facts of record in the case; I was, to the best of my recollection, unaware of these reports. Even if I had been aware of the press reports, it would have been legally improper for me to consider them as they were outside the record in the case.

The case in question was a 1993 misdemeanor disorderly conduct prosecution of two individuals arising out of an abortion clinic protest. Most disorderly conduct prosecutions in Milwaukee County involve acts of domestic violence, bar fights, and the like, and defendants in misdemeanor court are often recidivists with recent criminal records for offenses such as battery, theft, prostitution, drunk driving, and so forth. At sentencing in this case, the prosecutor took the unusual step of standing silent, choosing not to make a sentence recommendation. The defense attorneys and the defendants urged a sentence of community service.

Judges are required under Wisconsin sentencing law to take into account mitigating and aggravating factors regarding the gravity of the offense, the character and background of the offender, and the interests of the community. McCleary, 49 Wis. 2d at 276. At the sentencing in this case, the facts of record about the defendants' backgrounds demonstrated that they were atypical misdemeanor defendants: they were generally law-abiding, educated, employed individuals with stable families, no drug or alcohol problems, and no rehabilitative needs. Although one defendant had a couple of extremely old, minor convictions from the mid-1970s and a more recent disorderly conduct fine, this conduct was so remote and/or inconsequential as to not be relevant to that defendant's current status before the court. While both defendants admitted to active, continued involvement in anti-abortion protests, this was the first criminal conviction of this type for both defendants, and there was no evidence in the record of a history of arrests in connection with their protest activity. As I noted in my sentencing remarks, the offense was not committed out of any sort of self-interest, the defendants were not violent, assaultive or threatening, and they did not resist arrest in the case. Accordingly, none of the usual criminal motivations or sentence aggravating factors was present.

As a result, both defendants stood before the court, based upon the facts of record, as exemplary citizens with fine characters, which I was required to note as a mitigating factor separate and apart from the seriously disruptive and disorderly conduct they engaged in at the abortion clinic. I took substantial note of the seriousness of the offense during my sentencing remarks, including the following: ''the community has a right to expect that the public order and that legitimate businesses will not be disrupted and interfered with in a way that rises to criminal dimensions, and this would be true even where the people who are engaging in this kind of conduct are exercising their free speech rights and free assembly rights and are in pursuit of goals that are not in and of themselves illegal.'' And further: ''The community obviously . . . has a strong interest in deterring this type of conduct both by you and by others.'' And further: ''What especially concerns me about this case is . . . your willingness and expressed intention to go beyond mere peaceful picketing to clinic blockades and other types of more dramatic methods to stop abortions from taking place, and these methods over time have the potential to cause the community even more serious harm, and to the extent that it can, my sentence has to protect the community at least for an interim period from these kind of tactics.''

The options for sentencing in the case included community service, a fine, probation—or up to 90 days in jail. Based upon a balance of the mitigating and aggravating factors, I sentenced the defendants to 60 days in jail, which represented two-thirds of the potential maximum jail sentence for this crime.

B. Please explain what you mean when you told the defendants that you had a great deal of respect for ''the ultimate goals you sought to achieve by this conduct.''

Answer: The evidence in the case established that the goal the defendants sought to achieve by their protest was reduction of the number of abortions in our community. As I noted in my sentencing remarks: ''I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal.'' It was that ultimate goal that I respected.

C. The Milwaukee Journal Sentinel wrote that you gave the defendants in this case ''unusual leeway to argue that the social value of their protest outweighed their violation of the law.'' However, during your campaign for the Wisconsin Supreme Court, you stated that you were ''a firm believer in personal responsibility and individual accountability, and I'm well known that that.'' Why, in the case involving abortion protestors, did you give ''unusual leeway'' to the defendants?

Answer: There was nothing ''unusual'' about my handling of the case, as later admitted by The Milwaukee Journal. The newspaper properly corrected the record in a retraction dated April 8, 1993, in which the editors noted that applicable law and a well-accepted jury instruction allowed the jury to take into consideration any social value or contribution to the public interest of the defendants' conduct in determining whether it constituted disorderly conduct. I have attached a copy of that retraction. The jury instruction is based upon Wisconsin case law involving disorderly conduct prosecutions in the context of political protests. *See* WI Jury Instructions—Criminal, 1900, n.4. The abortion protester case, therefore, was unusual only in the sense that there are not very many disorderly conduct prosecutions arising out of political protests. My handling of the case did not, therefore, represent ''unusual leeway'' to the defendants in this context.

Mr. DURBIN. Mr. President, while it is true that there was no mention of the 100 arrests in the record of the case, this fact was well known because the Milwaukee Journal ran a story about this the day the defendants were convicted.

As to her claim there was no evidence in the record of the defendant's arrest history, that is just wrong. I reviewed the record of the case and it tells a totally different story than what Justice Sykes told the Senate. There are at least four different references in the record to the defendant's arrest history.

For example, the defendant's sentencing statement said:

I have been in jail before for similar activities to the one in question before you today.

Another example, a statement by the assistant district attorney at the sentencing hearing. The prosecutor said:

Here there is no evidence that these defendants have made any effort to conform their conduct to the requirements of law. Instead, both have been charged since this case has been pending with additional criminal violations.

The prosecutor noted that:

[defendant Michael] Skott has also engaged in conduct which has precipitated his arrest and subsequent criminal hearing.

Now, when I asked Justice Sykes in her follow-up written questions to explain the discrepancies between her earlier statements and the actual record in court, she dissembled. She said her definition of ''history of arrests'' did not include arrests that stem from civil violations nor arrests that occurred during the pendency of the case.

These distinctions by Justice Sykes are completely artificial. An arrest is an arrest. But rather than admit she made a mistake in her initial answer, she persisted in her contradictory and confusing portrayal of the case.

I ask unanimous consent to have printed in the RECORD a copy of my follow-up written questions to Justice Sykes and her written answers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL QUESTIONS OF SENATOR RICHARD J. DURBIN TO JUSTICE DIANE SYKES, NOMINEE FOR THE SEVENTH CIRCUIT COURT OF APPEALS—APRIL 5, 2004

1. You were the presiding judge in a 1993 abortion case involving the conviction of two anti-abortion activists, Michael Skott and Jack Lightner, who were convicted of disorderly conduct for cementing their legs to a car in order to block the door to a Milwaukee abortion clinic.

In a previous question I posed to you, I asked why you called the defendants convicted in this case ''fine characters'' and ''exemplary citizens'' at their February 9, 1993 sentencing in light of the fact that one defendant had been arrested 80 times in abortion protests and the other 20 times. Although a January 22, 1993 Milwaukee Journal article about the defendants' conviction reported that Mr. Skott had been arrested 80 times in abortion protests and his co-defendant Jack Lightner had been arrested 20 times, you have stated that you were unaware of the press reports. You also stated that, in any event, ''there was no evidence in the record of a history of arrests in connection with their protest activity.''

However, a sentencing statement filed with the Court on February 4, 1993 by one of the defendants, Michael Skott, indicates otherwise. Mr. Skott wrote: ''Now it is your job as en elected representative of this county to sentence me, Judge Skyes. I have been in jail before for similar activities to the one in question before you today.'' At the sentencing hearing, held on February 9, 1993, you stated: ''I have reviewed carefully the sentencing statement by Mr. Skott.''

Additionally, the Assistant District Attorney stated at the sentencing hearing: ''Here there is no evidence that these defendants have made any effort to conform their conduct to the requirements of law. Instead, both have been charged since this case has been pending with additional criminal violations.'' The prosecutor also stated that ''Mr. Skott has also engaged in conduct which has precipitated his arrest and subsequent criminal charging under the same—purview of the same issue,'' and ''I understand and I know that he [Skott] has been many times found guilty in municipal court and has on occasion served time in the House of Correction for his failure to pay fines on commitments.''

A. How do you reconcile your statement that ''there was no evidence in the record of a history of arrests in connection with their protest activity'' with Mr. Skott's statement that ''I have been in jail before for similar activities to the one in question before you today''?

See below.

B. How do you reconcile your statement that ''there was no evidence in the record of a history of arrests in connection with their protest activity'' with the Assistant District Attorney's statement that ''Here there is no evidence that these defendants have made any effort to conform their conduct to the requirements of law. Instead, both have been charged since this case has been pending with additional criminal violations''?

See below.

C. How do you reconcile your statement that ''there was no evidence in the record of a history of arrests in connection with their protest activity'' with the Assistant District Attorney's statement that ''Mr. Skott has also engaged in conduct which has precipitated his arrest and subsequent criminal charging under the same—purview of the same issue''?

See below.

D. How do you reconcile your statement that ''there was no evidence in the record of a history of arrests in connection with their protest activity'' with the Assistant District Attorney's statement that ''I understand and I know that he [Skott] has been many times found guilty in municipal court and has on occasion served time in the House of Correction for his failure to pay fines on commitments''?

ANSWER

In misdemeanor sentencing hearings in Milwaukee County Circuit Court during this time period, the prosecutor would typically advise the court of a defendant's prior criminal history as a part of the State's sentencing argument and recommendation. Unlike today, there were no computers on the bench and judges relied upon the prosecutor to present evidence of a defendant's prior criminal record at sentencing. Newspaper articles are outside the record and therefore not a proper source of sentencing information. A prior criminal record is an aggravating factor for sentencing purposes, and the lack of a prior criminal record is generally considered to be a mitigating factor. As I indicated in my earlier responses, the prosecutor in this case took the unusual step of standing silent at sentencing, making no record of the defendants' history in this regard and making no sentencing recommendation on behalf of the State.

After the defense attorneys made their sentencing arguments, the prosecutor belatedly requested an opportunity to address the court, which was granted. She stated, ''I can inform the court I have no knowledge of Mr. Skott having any prior criminal conviction. I may be incorrect. I understand and know that he has been many times found guilty in municipal court and has on occasion served time in the House of Correction for his failure to pay fines on commitments. However, I am not aware of any criminal convictions. I see he's shaking his head no, so that's a correct statement.'' The prosecutor then noted that the other defendant, Mr. Lightner, had been convicted of two offenses nearly twenty years before (which, as I indicated in my earlier responses, was too remote and insignificant to the conduct before the court to have much bearing upon sentencing), and had more recently been fined for disorderly conduct (circumstances unspecified.) The prosecutor did not mention any history of municipal citations for protest activity on the part of Mr. Lightner. In his written sentencing statement Mr. Skott indicated only very generally that he had been in jail for his protest activities; as indicated above, he confirmed that the case before the court constituted his first criminal conviction.

I concluded from this very generalized record information that Mr. Skott's prior protest activity had generated only municipal citations rather than criminal arrests and charges. Municipal court in Milwaukee handles only local ordinance matters—traffic tickets and citations for ordinance violations punishable by civil forfeiture—not state crimes. Municipal violations are noncriminal and do not ordinarily involve arrests. Rather, they usually involve the issuance of a ticket or citation, which requires the defendant's appearance in municipal court or payment of a forfeiture in lieu of appearing in court. Occasionally, when a municipal forfeiture is imposed and remains unpaid, the defaulting defendant may be ordered to serve a few days in jail on a ''commitment'' for nonpayment of the forfeiture. The matter remains civil in nature. Accordingly, having been found guilty in municipal court and having served time in jail on municipal ''commitments'' does not equate in our system to having a history of arrests or criminal convictions. As I have previously noted, the arrest histories mentioned in the newspaper article were not part of the sentencing record before the court.

The prosecutor in this case also made a generalized statement about a new charge that apparently had been issued against the defendants for protest-related conduct that occurred after the case then before the court had been charged. I did not construe this as a constituting a history of arrests, although the record reflects that I certainly took it into consideration for sentencing purposes, together with the information about the municipal court matters and the other relevant facts in the record. In my sentencing remarks I noted that the defendants ''obviously have a history of this kind of behavior . . . and I need to take that into consideration.'' I also stated that ''rehabilitation in the conventional sense in this case is unlikely to occur. I suppose it is possible that you would learn a lesson from this case and not continue in these activities if you view the trial as I do, and that is as a rejection by the community of these kinds of tactics.'' I concluded that ''[b]ased on the record, however, and based on what I've heard of your intentions, I don't have a great deal of confidence that you will take that message to heart, and my sentence has to reflect that fact.'' As I indicated in my earlier responses, I imposed a sentence of 60 days in jail, two-thirds of the available maximum. In light of the record evidence regarding the seriousness of the offense, the defendants' character and backgrounds, and the interests of the community, this sentence was neither too harsh nor unduly lenient.

The trial and sentencing hearing in this case took place more than 11 years ago. My responses to these and your earlier questions are based primarily on my review of the pertinent parts of the case file, most notably the transcript of the sentencing hearing, a copy of which is enclosed. I have a generalized independent recollection of this case, but have relied on the enclosed transcript for the details, and have attempted to place those details in the context of the law and general sentencing practices in Wisconsin.

2. In his sentencing statement, Mr. Skott equated abortion with the Holocaust and slavery, and he called abortion clinics ''death camps'' where ''a hired killer contracts out to end what has been labeled a problem.'' At the sentencing hearing, you told Mr. Skott and his co-defendant that ''obviously you possess fine characters,'' ''you have otherwise been exemplary citizens,'' ''your motivations were pure,'' and ''I do respect you a great deal for having the courage of your convictions and for the ultimate goals that you sought to achieve by this conduct.'' Can you understand why some people would view your favorable comments about the defendants as a validation of their beliefs?

ANSWER

I do not believe that my sentencing remarks, when read in their entirety and not out of context, could be considered a ''validation'' of the defendants' beliefs or rhetoric. My more favorable remarks about the defendants' ''motivations,'' ''courage of conviction'' and ''character'' were not directed at the validity of their beliefs, but, rather, represented the legally-required evaluation of the defendants' character and motivations to determine whether any of the usual aggravating criminal motivations or background

factors were present in the case. Also, my favorable comment about the goal the defendants sought to achieve was a reference to their underlying goal of reducing the number of abortions, as is clear from the following statement from my sentencing remarks: ''I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal.'' My sentencing remarks also reflect extensive consideration of the seriousness of the offense and criticism of the defendants' conduct and tactics, as I have previously discussed. My sentencing remarks were fair and even-handed, and the 60-day jail sentence I imposed, at two-thirds of the maximum, could not be characterized as unduly lenient or a ''validation'' of the defendants' beliefs.

Mr. DURBIN. In light of Justice Sykes' statements in the case, I have serious concerns about whether she recognizes the fundamental right of privacy and about her ability to rule fairly in cases involving constitutionally protected rights to privacy.

But let me be clear. My opposition to this nominee is not because I am pro-choice on the abortion record and Justice Sykes may be pro-life. I and my Democratic colleagues have voted for over 95 percent of President Bush's nominees—191 judges as of today. It is likely that the vast majority of them were pro-life on the abortion issue.

Deborah Cook, now a judge on the U.S. Court of Appeals for the Sixth Circuit, was endorsed by the Ohio Right to Life organization. Lavenski Smith, a judge on the Eighth Circuit, sought to make all abortions in Arkansas illegal except to save the life of the mother. Michael Fisher, now on the Third Circuit, advocated that abortion is wrong and should be illegal even in cases of rape and incest. I voted for all three of these pro-life nominees.

I voted for James Browning, a judge we recently confirmed to the district court in New Mexico. Judge Browning had spoken at pro-life rallies and called the pro-choice position ''the tyranny of the majority over the minority.'' He called on people who are pro-choice to ''make the choice of life, not holocaust.'' Despite his passionate feelings, I voted to confirm him.

Why? Because unlike Justice Sykes, these judicial nominees—all of them I have mentioned, who do not share my views on this important issue—were honest and candid and open in their dealings with the committee. I think that is the bottom line. Even if I disagree with the nominee's point of view, I expect them to be honest and candid.

I have appointed in the district courts of Illinois men and women who do not share my views on critical issues. But I do not ask that of them. I do not come to any nominee with a litmus test, nor do I come to Justice Sykes with such a test.

I am also disappointed that Justice Sykes chose not to answer some basic questions I asked about some fundamental constitutional rights. Instead, she tried to hide behind the Wisconsin Code of Judicial Conduct.

Justice Sykes' refusal to answer my questions is in stark contrast to an Ohio Supreme Court justice whom the Senate confirmed with my vote last year: Sixth Circuit nominee Deborah Cook.

I asked both nominees the exact same questions: whether they thought Roe v. Wade and Miranda v. Arizona—two landmark Supreme Court cases—were consistent with strict constructionism. I have asked this question over and over. Justice Cook answered my question with painful but direct honesty. This is what Justice Cook said:

> If strict constructionism means that rights do not exist unless explicitly mentioned in the Constitution, then the cases you mention likely would not be consistent with that label.

That is a candid answer. I am certain it is an answer Justice Cook knew I did not agree with personally, but she was honest, and I respected her for it.

When Senator DEWINE of Ohio came to me and said, ''I believe she is a good and fair person,'' I said: ''I will give her the benefit of the doubt. I will support her nomination because of her candor and honesty.''

Now, contrast that with the answer I received from Justice Sykes to the exact same question. She said:

> This question requests a critique of certain United States Supreme Court cases that I am or will be required to interpret and apply as a judge in individual cases before the court. The Wisconsin Code of Judicial Conduct prohibits judges from engaging in extrajudicial commentary with respect to particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct in office regarding particular cases or legal issues.

This is a major-league evasion. If judicial nominees could each hide behind the local code of ethics in their State and say they could not even tell us where they stand on landmark Supreme Court decisions, such as Miranda and Roe v. Wade, and whether these decisions are consistent with a certain judicial philosophy, then the Senate Judiciary Committee should turn out its lights and the Senate should walk away from any role in advising and consenting to judicial nominees. But that is not what I swore to uphold when I took the oath of office to serve in the Senate.

What Justice Sykes sent to me in response to that question was evasion with a capital ''E,'' and I do not believe the Senate should accept such responses.

Justice Sykes' refusal to answer my questions was not only evasive but erroneous. I contacted Steven Lubet, an expert on judicial ethics and a law professor at Northwestern University Law School in Chicago. I showed him Justice Sykes' responses to my questions, and he wrote a letter stating that the Wisconsin Code of Judicial Conduct does not prevent Justice Sykes from answering my questions.

So this is my conclusion, having considered these three elements: first, that Justice Sykes has taken pride in the fact that she is known as a hanging judge and is extreme in her sentencing procedures; second, that she was not open and honest with me in the sentencing of a case which involved people who were well known to be serial, at least, arrestees, if not criminals, because of their conduct; and, third, that she would not answer the most basic questions about her judicial philosophy, which I think goes to the core of our responsibility in the Senate Judiciary Committee.

Time and again, Justice Sykes has demonstrated she does not possess the qualities necessary to inspire the confidence we should expect from a Federal judge. She has been nominated to serve for the rest of her natural life on the second highest court in America. I do not believe she can provide the good judgment, candor, or fairmindedness that we must demand of each person seeking such an important appointment. I will vote ''no'' on this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER and Ms. LANDRIEU pertaining to the introduction of the legislation are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ALEXANDER). The Senate will return to legislative session.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005—Continued

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate the Defense appropriations bill.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3490

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Montana, Mr. BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS], for Mr. BAUCUS, proposes an amendment numbered 3490.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside an amount for a grant to Rocky Mountain College, Montana, for the purchase of aircraft for support of aviation training)

On page 112, between lines 13 and 14, insert the following:

SEC. 8021. Of the amount appropriated by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', $880,000 shall be available to the Secretary of the Air Force for a grant to Rocky Mountain College, Montana, for the purchase of three Piper aircraft, and an aircraft simulator, for support of aviation training.

Mr. STEVENS. Mr. President, this amendment has been agreed to on both sides. There may be allocated up to $880,000 for a specific project the Senator is interested in. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3490) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3491

Mr. STEVENS. Mr. President, I send an amendment to the desk for Mr. CORZINE and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CORZINE, proposes an amendment numbered 3491.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Navy'', $4,000,000 for Aviation Data Management and Control System, Block II)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of the Act under the heading ''Research, Development, Test, and Evaluation, Navy'', up to $4,000,000 may be available for Aviation Data Management and Control System, Block II.

Mr. STEVENS. This amendment is for Senator CORZINE, who is seeking an earmark for up to $4 million for a specific project. It has been agreed upon. I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3491) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3492

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senators KENNEDY, KERRY, SCHUMER, and CLINTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, and Mrs. CLINTON, proposes an amendment numbered 3492.

The amendment is as follows:

On page 118, insert the following new section on line 5:

''SEC. 9006. In addition to amounts otherwise made available in this Act, $50,000,000, is made available upon enactment for 'Office of Justice Programs—State and Local Law Enforcement Assistance' for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for reimbursement to State and local law enforcement entities for security and related costs, including overtime, associated with the 2004 Presidential Candidate Nominating Conventions, to remain available until September 30, 2005: *Provided*, That from funds provided in this section the Office of Justice Programs shall make grants in the amount of $25,000,000 to the City of Boston, Massachusetts; and $25,000,000 to the City of New York, New York: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.''

Mr. STEVENS. Mr. President, this is an amendment, on an emergency basis, to add $25 million for the security at each of the party conventions in Boston and New York. It is consistent with past policy, and we have agreed to accept this amendment on an emergency basis. I ask for consideration of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3492) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the Senator from Ohio has an amendment to offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 3493

Mr. DEWINE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 3493.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate funds for the crisis in Darfur and Chad)

On page 118, between lines 4 and 5, insert the following:

TITLE X

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $70,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $25,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

Mr. DEWINE. Mr. President, Monday, I came to the floor to outline what we needed to see accomplished in Darfur, Sudan, where tens of thousands have died, hundreds of thousands are currently in peril, and millions more have lost their homes and their livelihoods. My last speech focused on what the government of Sudan needed to do. Today I want to focus on what we need to do, what the U.S. Government and the American people need to do.

Today, I am offering an amendment to the fiscal year 2005 Department of Defense appropriations bill, together with Senators LEAHY, BROWNBACK, ALEXANDER, FRIST, and MCCAIN. This critical amendment will provide $95 million in emergency funding to help address the current crisis in Darfur and eastern Chad. The House included the same $95 million in their bill this past Tuesday, and I hope we will do the same.

Specifically, the amendment would add $70 million to USAID's International Disaster and Famine Assistance programs in Darfur, as well as $25

million to the Department of State for refugee assistance in eastern Chad. This type of crisis is exactly why we created these accounts. Now we need to use them.

Mr. President, we simply need to do this. Ten years ago, we failed to act when close to a million people were slaughtered in Rwanda. We cannot go back now and change that, much as we would like to. But we can do something different today. What is occurring today is genocide. Hundreds of thousands of people are dying, and we can prevent it. To ignore this crisis would be a tragic mistake. To deny this funding would be to deny children the right to live and people the right to survive. We are not responsible for the genocide, but we will be responsible if we do not do something today to prevent these people, these children, men and women, from dying.

Many times, we come to the floor and talk about emergencies. Sometimes the word is almost debased. But if ever there was an emergency, this truly is an emergency. This truly is a crisis.

If this situation weren't so serious, we could wait and offer this amendment to another bill. Members of the Senate, time does not allow us to do that. Time is not on our side. Using this bill as the vehicle will make the emergency funding available as soon as we pass it, and it is signed into law. That is why we must act on this bill.

Every major humanitarian organization in the world has recognized Darfur as the worst humanitarian crisis in the world today. But a quote by the U.N. World Food Program Deputy Director in Chad captures it best:

> There will be a tragedy if nothing happens. I don't think any of the children under the age of 5 will make it [if nothing happens], and the pregnant women, too. For those who are under 5, there is no chance. They will simply die from starvation.

The U.S. Agency for International Development is also increasing their mortality figures, their estimates. They now say their original estimate that at least 350,000 people could die of disease and malnutrition over the next 9 months is conservative. That is because the violence that started all of this has not stopped, and because the conditions those individuals are facing are getting worse with the oncoming rains. Hundreds of thousands are now in shantytowns around the regional capitals or in refugee camps in eastern Chad. The conditions are quickly deteriorating because aid groups simply cannot accommodate the large numbers. The United States is currently meeting about 25 percent of the food needs. But that means that 75 percent of the food needs are not being met; 75 percent of the people face starvation.

Malnutrition and disease are our biggest enemies in a crisis such as this. The polio epidemic hitting Africa has spread to Darfur, and only 50 percent of the children are immunized. The race against the clock is well underway and we need to make sure that USAID and the State Department have the money they need to respond, and respond now. I have no doubt in my mind that the long-term needs in Darfur and eastern Chad exceed what this amendment calls for, but for now at least this will allow our aid agencies to begin to meet their immediate needs this year. The children cannot wait and, therefore, we cannot delay these funds any longer.

That is why I join my colleagues and ask my colleagues to join me in pressing, also, for a U.N. security resolution authorizing peacekeeping troops to monitor the cease-fire in Darfur and ensure, by force if necessary, that humanitarian aid is not obstructed. According to the U.S. Ambassador to Sudan, there is no evidence yet that the Government of Sudan is serious about addressing the militias which have caused so much of this problem. If the Government of Sudan refuses to address the ethnic cleansing that we have seen, then we should make sure the United States will.

Senator DURBIN and I have a letter that we are now circulating that we will send to Secretary Powell. This letter addresses this issue, and I invite my colleagues to sign this letter.

Finally, I want to alert my colleagues to another crisis that is beginning to emerge in Africa. We do not have time today to speak in detail about it, but we should watch for this crisis because we will have to address this crisis as well, and the world needs to address this crisis, and that is the crisis in the Congo.

Militant groups who escaped from Rwanda after the genocide there are now destabilizing the Congo. Mr. President, 3.3 million people are without humanitarian aid.

If we do not pay attention to the Congo, then the Congo is, in a short period of time, going to also look like Darfur, and we will have failed again and the world will have failed again.

The world must pay attention. We must learn to stop these events before they become crises. That is why our response to Darfur today in this amendment is so important. We need to set the precedent that we failed to set in Rwanda: that the U.S. Government will be watching for ethnic cleansing and genocide, and no matter where it is found, we will respond, and those responsible will be held accountable.

We simply cannot tolerate crimes against humanity, and we must speak out. If we fail in this effort, we doom not only the people of Darfur but the victims of future conflicts as well. We need to make ''never again'' a promise of the U.S. Government that is enforced by our actions. I, therefore, urge my colleagues to support this amendment and continue to call attention to what is happening in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleague from Ohio in supporting this amendment that will put forward $95 million in emergency aid to the Sudan. I thank him for bringing this forward. I thank the Chair for holding a hearing on this recently to highlight what is taking place. He outlined what is occurring. This is happening before our very eyes.

I associate myself with my colleague's statement that we need to say to people around the world that when genocide occurs, we will respond. There will be consequences on governments that conduct genocide in their nations.

What we are seeing taking place today is something on a massive scale before our very eyes. We had satellite photographs appearing today. We see vast sections of communities wiped out, burned out. We see militias going in, backed by the government, burning communities, poisoning wells, putting dead animals down in the bottom of wells so they are not usable.

This is a marginal region in the first place, where, if you push people out of their homes and away from their encampments, it is difficult to survive. We now have by estimates about 1 million people on the move in this region. We have, by estimates, the capacity to feed 300,000 people, with 1 million people on the move. One can see that if the situation does not improve, we are going to have a large group of people who are not going to get fed, housed, and are vulnerable. Many will die. Many will perish. We are going into the rainy season in this region.

There are a couple of items we need to do. No. 1, we need to get this aid passed. I thank the chairman for allowing us to bring up this amendment, and I urge my colleagues to adopt it. We need to get the international community engaged with the international observers, the African Union, the United Nations, with observers and peacekeepers in this region. We need to force the Sudanese Government to stop their sponsorship of the Jingaweit. This is the Arab militia that is going into the region and burning communities and attacking communities with machine guns.

We need to stop the Sudanese Government from using helicopter gunships for aerial bombardments, from going into these communities and driving people out, killing them with bombings or by military attacks. We need to speak very clearly and then act decisively.

Time is of the essence. We need to act now for us to be able to save the lives in this region that are so vulnerable and will be lost if we do not act.

I applaud the Secretary of State for announcing today that he will be traveling next week to the Darfur region in the Sudan. Congressman WOLF and I will be traveling there shortly as well to view this situation and to put pressure on the Sudanese Government to stop this and to put pressure on the international community to effectively respond.

We can act, and we can stop this if we act now. Mother Teresa, when she

came to this country and people were asking her what can they do to help the poor, to help those in trouble, responded by saying: We all have our Calcuttas. There are things each of us can do. We all have our Calcuttas.

Here is a situation to which we can respond. We can do something. We need to adopt this amendment. We need to put pressure on the international body and the Sudanese Government, and we can save lives by doing so. I urge the adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of this important amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I particularly wish to thank my colleague, Senator DEWINE from Ohio, for his leadership, Senator BROWNBACK from Kansas, and the Presiding Officer, Senator ALEXANDER, for their leadership on this amendment.

In my hometown of Springfield, IL, my wife and I live next door to this family—we have lived in the neighborhood for over 25 years—and one of the young women in that family, after serving several years in the U.S. Air Force, left to work for the World Food Program, and then work for USAID. As we speak, she is in Sudan trying to bring necessary relief in this horrible situation.

It is in Robin May's honor that I am happy to add my name as a cosponsor to this important amendment.

I also acknowledge with gratitude the helpfulness of Senator STEVENS and Senator INOUYE in allowing us to offer this amendment.

If one reads the history of the last 10 years, one will be struck by the fact that at least in the situation of Rwanda, if not in other times, we in the United States turned a blind eye to genocide, to the massive killing of innocent people. We are not going to let that happen in the Sudan and Chad.

This commitment of funds, though modest in relation to the problems, shows that the United States is willing to step up and try to show leadership with the rest of the world in helping these poor innocent victims.

We are constantly defining ourselves to the world. Those definitions come out many times in photographs that are not complimentary and sometimes in photographs that are. I hope the world, in viewing this small but important effort, will understand that America does care, and cares for those who are suffering in the most remote regions of the world and in Africa, of course.

I am happy to add my name as a cosponsor to this amendment. I hope it is adopted with overwhelming support.

I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Ohio and the Senator from Illinois for their remarks. The Senator from Kansas has spent a great deal of time in Africa and has been a good teacher to the rest of us on this subject. The majority leader, Senator FRIST, has visited the Sudan many times. All of us are deeply concerned about what is happening in Darfur. Just at the time when we were starting to celebrate the beginning of a solution to a north-south conflict which has gone on for years and years, suddenly we are hit, literally in the face, with this terrible genocide in the western part of Sudan.

It is important to this body that we show that in the midst of all of the other things that are going on in the world that we recognize this situation.

We recognize the importance of it. We recognize that by our speaking out, by our actions, by visits by representatives of our administration, and by the Congress, we can make a difference in this genocide.

As the Senator from Ohio remarked, we all look back 10 years to a time in Rwanda when we were thinking that we cannot be a policeman everywhere in the world, we cannot deal with every problem, but at the same time that problem ballooned to such a massive size we are all embarrassed about the fact that as a country we did not do more.

That does not always mean we send troops into a country. It does not always mean we send ships nearby a country. But it does mean there are a number of things we can do, and with this bipartisan act today in the midst of perhaps the most important bill we have to discuss, which is the proper support for the men and women who are fighting to defend our country, we are taking a few minutes to say there is a terrible event happening in the western part of Sudan that could stop immediately if the Government in Khartoum would stop it. We ask them to do it in a bipartisan way and we further ask the United Nations, which in this case has more of a capacity than we do, to influence that government and to get busy and do its job. That is what we are asking today. The amendment of the Senator from Ohio appropriates $95 million to help in that effort.

Last week I chaired a hearing of the Senate Foreign Relations Committee on the situation in Sudan. The alarm could not have been sounded more loudly. I chaired that hearing because I am chairman of the African Affairs Subcommittee. One of our witnesses, John Prendergast of the International Crisis Group, told the committee the first phase of the genocide in Darfur is already complete. The Government of Sudan, largely through its Janjaweed militia, has pursued an active campaign of ethnic cleansing. Over 30,000—maybe 50,000—have already been killed by direct attacks on villages in Darfur. They have leveled hundreds of villages. Other Senators have spoken of the details, but that is what is happening.

So now the second phase of the genocide is underway. The Government of Sudan and its militias are forcing the starvation and death of hundreds of thousands of people. As the Senator from Kansas explained, these are people living on the margin. When they are moved away from their huts, when dead animals or dead people are thrown down their wells, they have very little ability to survive. As the rainy season comes, it makes it worse.

On top of that, the Government of Sudan, in addition to tolerating the killing of these people, is putting obstacles in the way of our efforts and the efforts of others in the world to provide food and aid to people who are starving and dying. It is an unconscionable set of actions by that government.

When we think of Sudan, we usually think of a conflict between a Muslim and Arab government, and an African and Christian insurgency. That is not the case here. This is Muslim against Muslim, but still Arab against African. Ethnicity, not religion, is the primary factor.

Another of our witnesses, Julie Flint of Human Rights Watch, was there writing a report this spring, travelling by horse and camel through the area. She talked about refugees who fled to neighboring Chad, about 200,000 of them, family members being raped and killed in front of loved ones. She said the region is now largely empty. Where villages were, only rubble remains. The Sudanese Government claims the Janjaweed forces in Darfur are acting on their own and the government wants to stop them. The evidence suggests otherwise.

Our administration has been a strong voice in this case, but the international community has failed to respond. The U.N. Human Rights Commission, which is supposed to confront flagrant abuses of human rights, especially when they occur on such a mass scale, failed to adopt a U.S. resolution condemning the atrocities. That body has become a travesty, condoning the very activity it was intended to prevent.

The Bush administration, this Government, has had remarkable success in the peace process between the north and the south. We are proud of that. Protocols addressing all the major outstanding issues in that process were signed in May. Senator Danforth, who was the President's special envoy, has been a real leader. Other nations have joined in that effort: Great Britain, Norway, Kenya.

Some of our friends are concerned if we confront the government in Khartoum, Sudan, too directly about the atrocities in the west, Darfur, that will jeopardize any prospect for lasting peace in southern Sudan. They may be right. But if hundreds of thousands of lives are the price of peace in southern Sudan, the price is too high.

So the amendment of the Senator from Ohio, which I am glad to cosponsor, will enable the United States to

step up to this crisis quickly, providing relief to those in need.

Other nations are also contributing. I hope they will join the United States in condemning the actions of the Sudanese government in the U.N. Security Council and demand full humanitarian access to Darfur now. I congratulate the Senator from Ohio on this amendment. I am proud to support it.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to lend my strong support to the amendment offered by the Senator from Ohio. I would also like to recognize the leadership that the Senator from Kansas, Mr. BROWNBACK, and the Senator from Wisconsin, Mr. FEINGOLD, have shown on the issue of Sudan throughout the years.

This amendment mirrors efforts in the House of Representatives appropriations bill to add $95 million to address the humanitarian crisis in Darfur, Sudan and across the border in Chad.

It is a good start and I commend the chairman and ranking member of the Defense Subcommittee for accepting this amendment. However, it is only a start, and a modest one at that.

We should be providing at least double this amount to address what is the worst humanitarian crisis that exists in the world today. I hope that by the time we conclude debate on this bill the Senate will have agreed to additional funds for Sudan.

The Senate needs to act. The situation is abysmal. The situation is horrendous. The situation is intolerable.

Sudanese military forces and government-backed militia forces have left tens of thousands dead, over a million displaced, and hundreds of thousands at immediate, urgent risk. USAID has warned that without full humanitarian access, 350,000 displaced civilians may die or hunger and disease in the coming months.

The massacres and widespread rapes, the destruction of villages, mosques and farms—all of this violence and horror have given rise to a second, even more costly wave of suffering, as civilians are left with no capacity to sustain themselves as the rainy season approaches.

On top of this, the Sudan-Chad border is heavily patrolled to keep some of the most vulnerable civilians from fleeing to refugee camps in eastern Chad.

What is happening is appalling, it is an affront to all humanity, to all faiths, and we cannot stand by and simply watch this unfold.

The Sudanese government claims to have granted humanitarian access to Darfur. This is a sham. The government of Sudan has done virtually everything it can to prevent the international community from effectively addressing the crisis in Darfur. The government has stalled and delayed permission to travel, prevented the use of vehicles and radios in certain areas, and looked the other way as militias have attacked and threatened humanitarian workers.

Hundreds of thousands of people are at risk. We have a responsibility to act to address this terrible situation. I urge my colleges to support the DeWine amendment and I will be looking for ways to do more to help the catastrophe unfolding in Sudan.

Mrs. FEINSTEIN. Mr. President, I rise to express my support for the amendment introduced by Senator DEWINE to provide humanitarian assistance for the refugees in Darfur, Sudan. Of all the places on Earth, where killing and deaths are rampant, Darfur, Sudan leads the list.

The DeWine amendment will provide $95 million to respond to the crisis, including $70 million for International Disaster and Famine Assistance and $25 million for Migration and Refugee Assistance.

In response to attacks by rebel groups in the Western region of Darfur, Arab militias, known as Jangaweed, armed and aided by the government of Sudan, launched a brutal campaign of ethnic cleansing against non-Arab residents, including murder, rape, forced displacement, and looting. Over 30,000 have been killed and more than 2 million displaced.

The situation is dire. While the United Nations Security Council recently endorsed the peace process to end Africa's longest running civil war, USAID Administrator Andrew Natsios estimated that 300,000 refugees from Darfur may perish due to a lack of basic food and medicine. He added that that number could reach as high as one million.

Secretary of State Colin Powell has stated that the Administration is currently studying whether or not the rampage in Darfur can legally be defined as ''genocide''.

Whatever the legal conclusion—and in this Senator's mind the killings most certainly can be characterized as genocide—the United States and the international community have a moral obligation to provide assistance to the refugees and compel the government of Sudan to put a stop to the death squads.

It is past time for the U.N. Security Council to pass a resolution authorizing a robust monitoring and peacekeeping force and demanding that the government of Sudan disarm the Jangaweed and allow humanitarian assistance to reach the refugees.

Sadly, it appears that debate over such a resolution could take weeks and put countless lives at risk. Inaction will also threaten the peace process that so many people, including the new U.S. Ambassador to the United Nations, John Danforth, have worked so long to put in place.

While the Security Council waits, the U.S. Senate can act now. Earlier this month, Mr. Natsios pledged an additional $188.5 million in emergency assistance to address the humanitarian crisis in Darfur. While this amendment does not match that amount, it is a start and it will give the refugees some hope.

Ten years ago the world remained silent and stood by as the genocide unfolded in Rwanda. In the wake of hundreds of thousands of deaths, we committed ourselves to not make the same mistake twice.

The situation in Darfur is now testing the United States and the international community's will to fulfill that pledge. We must not fail those who are now facing displacement, starvation, and death. We must rise to the occasion.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that this amendment be temporarily set aside so I can send to the desk an amendment which has been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3497

Mr. STEVENS. I send an amendment to the desk for the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LEAHY, proposes an amendment numbered 3497.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside an amount for procurement of aircrew bladder relief (ABRD) kits)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading ''Other Procurement, Air Force'', up to $2,000,000 may be used for aircrew bladder relief device (ABRD) kits.

Mr. STEVENS. I ask for adoption of the amendment. This is an amendment earmarking specific funds for a specific project for our crews.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3497) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent Senator DOLE be added as a cosponsor to amendment No. 3493.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I urge Senators to come present their amendments.

We will be pleased to yield the floor to the distinguished Senator from South Dakota, the Democratic leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me again compliment our two managers. We want to encourage Senators to come over and offer their amendments. I hope over the course of the next couple of hours we can dispose of whatever pending amendments there are.

Mr. President, I understand the pending legislation is an amendment offered by the Senator from Ohio regarding Sudan.

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Mr. President, the history of the world's response to genocide is one of long memory and poor eyesight.

Each of us have, at one time or another, looked back upon the terrible history of the Holocaust and made a commitment, in public or in our hearts, not to stay silent should the first signs of a potential genocide come into view.

Every one of President Bush's six immediate predecessors gave voice to this common commitment. And yet each saw during their tenure a genocide somewhere in the world.

In the last quarter of the twentieth century, 1.7 million Cambodians were murdered by the Khmer Rouge; 100,000 Kurds were massacred by Saddam Hussein; 200,000 Bosnia Muslims were killed by Serb militia; and 800,000 Rwandan Tutsis and moderate Hutus were killed at the hands of Hutu mobs in just 100 days.

As these dangers gathered, and the cry for help went out to the world, the world stood by, each time.

Our failure has not been one of moral understanding. Our failure, simply, has been one of moral courage.

Today, a tragedy of all too familiar dimensions appears to be gathering in the Darfur region of Western Sudan.

Armed and protected by the Sudanese military, ethnic Arab militiamen have brought a plague of terror down on the African residents of Darfur.

Villages have been razed, crops destroyed, and cattle slaughtered. Women have been raped and enslaved.

More than 15,000 Sudanese men, women, and children have been killed, and a million more have been driven from their homes in fear.

As they torch villages, the Arab militia have been heard to shout, ''We will not allow blacks here. . . . This land is only for Arabs.''

On May 6, the Senate passed a resolution condemning the Sudanese government's complicity in the terrorizing of the civilian population of Darfur and warning of a potential crisis.

Since then, however, no real progress has been made either to stop the bloodshed or to bring sufficient aid to the refugees.

Humanitarian assistance has not been allowed to reach all of those in need.

Meanwhile, the annual rainy season is now beginning, making transportation more difficult, and making the health of the vulnerable even more precarious.

Most ominously, the people of Darfur are about to miss their planting season, raising the specter of a famine of epic proportions and rendering otherwise productive men and women dependent for at least another year.

Already, USAID predicts 320,000 have been effectively sentenced to death. Unless action is taken, 1 million Sudanese men, women, and children will die this year alone.

I repeat, 1 million people face death in Sudan.

Let's also be clear on this point. Most of these deaths are preventable, but only if the world chooses to act.

Genocide is a crime against humanity. And all humanity shares a common responsibility to respond.

Our revulsion at genocide joins all people, in all cultures throughout the world. Unilateral action in this sense would not be sufficient.

There are few clearer cases for the need to rally the world. America has both the opportunity and the obligation to unite the world community in trying to prevent yet another genocide.

My friends from Ohio and Vermont, Senators DEWINE and LEAHY, are urging us to take the first important step in stopping this gathering storm. This additional assistance will help thousands of people avert hunger.

But we also must ensure that we do everything possible to end this crisis.

The most effective tool against a potential disaster in Sudan is the United Nations.

The Bush administration must equip our new ambassador to the United Nations with the authority and support required to provide effective leadership on Sudan.

The administration should take the following steps in order to make sure that Senator Danforth is able to mobilize international action on Darfur:

First, the Administration must insist that Khartoum provide complete, unrestricted access for all humanitarian operations and aid workers.

Second, we must demand that the Sudanese government take verifiable steps to ensure that the militia forces are restrained, by allowing for the unrestricted movement and operations of observers deployed by the African Union.

In addition, the Sudanese government must stop providing arms and logistical support to the Janjaweed militia.

Third, we should require that Khartoum initiate, with U.N., African Union, and regional support and involvement, a dialogue with political, rebel, and civil society representatives in Darfur in order to achieve a long-term resolution of the political crisis and agreement on a plan for disarming militia forces and rebels.

Fourth, the administration should invest Senator Danforth with the authority to start work immediately on a Security Council resolution including each of these steps and establishing verifiable benchmarks for compliance.

In the event of noncompliance, we must call for Security Council sanctions, including freezing the assets and restricting the travel of Sudanese government officials.

In order to be effective, however, it is vital, that these sanctions be multilateral and the world community share fully in their implementation.

Fifth, Senator Danforth should also be empowered to put Khartoum on notice, in the strongest terms, that international support for implementation of the North-South peace agreement does not represent endorsement of Khartoum's actions in Darfur.

The agreements reached between warring parties in the North and South of Sudan, which could not have been accomplished without the leadership of Senator Danforth and the administration, are nonetheless just the first steps to bringing stability and peace to the entire country.

In no way does the Sudanese government's commitment to end hostilities with rebels in the South justify or compensate for its active support for Janjaweed militia in Darfur.

Sixth, in order to clarify Senator Danforth's authority, the State Department should make its final determination on whether the crisis in Darfur meets the legal definition of genocide.

Testimony from the victims in Darfur make it very clear that it does.

In order to remove any ambiguity or ambivalence from America's moral leadership, the State Department should make its determination quickly, so that we can bring together an appropriate response from the world community.

Finally, Senator Danforth should be empowered to initiate discussions within the Security Council on planning for an intervention force, if this should be required to ensure that lives are saved and a genocide prevented.

Consideration should be given to non-U.S. troops including from Europe and Africa; the Security Council should consult with the African Union.

The main point here is that the planning must be done now—even if the decision is delayed—both to make clear to Khartoum that the international community is serious and to be ready if it is necessary to intervene.

The history of genocide teaches us that this crisis needs to be addressed on several different levels.

First, on the humanitarian level, we need to provide immediate aid to refugees and to the internally displaced.

Second, we must insist on full accountability for all perpetrators of crimes against humanity.

In order to keep Sudan from spiraling downward into a cycle of retributive

violence, all those responsible must be brought to justice.

Finally, a long-term resolution demands that the world focus on bringing about a political solution to the instability and violence of Sudan.

President Bush has spoken with force and eloquence on the need to match American action to American words and values.

Never is that more important than in the case of genocide when the lives of hundreds of thousands hang in the balance.

President Bush, like his predecessors, understands the moral imperative to take action to stop genocide.

Speaking after a tour of the Holocaust Museum in 2001, President Bush reaffirmed ''America's commitment to the memory of 6 million who died in the Holocaust [and] our commitment to averting future tragedies.''

The future has arrived. A tragedy stands at the world's doorstep. These words are engraved upon the conscience of the world: Never Again.

In the months ahead, we will learn what they mean to us.

Mr. STEVENS. Mr. President, I ask that amendment No. 3493, which is the Sudan amendment, be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3493) was agreed to.

Mr. STEVENS. The Senator from Virginia has an amendment, and I understand the Senator from South Dakota, the distinguished minority leader, wishes to have a discussion.

The PRESIDING OFFICER. The Senator from Virginia.

TRICARE

Mr. WARNER. Mr. President, I am available for the colloquy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the Senator from South Carolina is not on the Senate floor, but I do not think he would mind, given the fact——

Mr. WARNER. Mr. President, he spoke to me about it, and I expressed a willingness to indicate to both colleagues that the Senate bill contains a provision coauthored by my two distinguished colleagues on a subject that is of great importance to the men and women of our military. And it is the intention of the Senator from Virginia, as a conferee, to support the Senate positions as we proceed through the resolution of such differences as the House and the Senate may have.

Mr. DASCHLE. Mr. President, I appreciate the statement of support offered by the distinguished chairman of the Armed Services Committee. It had been our intention to offer an amendment to provide full 12-month funding, on this particular bill, for reservists' TRICARE.

I thank the distinguished chairman of the committee and our remarkable ranking member for their efforts and the acknowledgment of the need to address health care concerns among members of our Guard and Reserve. They have done so in this bill in a way that allows Guard members and reservists to obtain this health care coverage for 5 months, up until that time next year when we expect a supplemental to be brought again before the Senate, which would then afford us an opportunity to review the current program and extend it for the balance of the year. It would be in consultation with Senator GRAHAM.

We have concluded that a far better and more productive and long-lasting approach would be to complete our work in the bill where it belongs, the Defense authorization bill, the legislation we completed just last night, thanks to the able leadership of Chairman WARNER.

Our concern, of course, has been that even though TRICARE for reservists enjoyed the support of more than 70 Members, there may not be the degree of support in conference that will be required to sustain the Senate position. So it is our hope that will happen. The chairman's acknowledgment of his interest in protecting the Senate position is appreciated, and we will work with him to see that we are successful in that effort in committee.

Mr. WARNER. Mr. President, as always and customary with the distinguished Senator from South Dakota, you have spoken to the situation factually. Historically, that is the way we have dealt with those matters in the Senate. I appreciate you respect my position as a conferee. I cannot make ironclad commitments, other than I have always gone into a conference to try to support the position as taken by this collective body in its decision-making process.

Mr. President, I thank my colleague.

Mr. DASCHLE. Mr. President, I again thank the chairman. Simply stated, it is our expectation that we will succeed in conference this year. This issue has overwhelming bipartisan support not only in the Senate but the House as well. And, obviously, it will keep coming back year after year unless we do resolve it. It would be my hope this would be the year we do so successfully.

So, again, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3498

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. WARNER, proposes an amendment numbered 3498.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase amounts for certain Navy shipbuilding and conversion programs, projects, and activities; and to provide an offset)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated by title III under the heading ''SHIPBUILDING AND CONVERSION, NAVY''—

(1) the amount provided under that heading specifically for the Carrier Replacement Program (AP) is hereby increased by $140,900,000;

(2) the amount provided under that heading specifically for CVN Refuelings (AP) is hereby increased by $110,000,000; and

(3) the total amount provided under that heading is hereby increased by $250,900,000.

(b) The amount of the reduction provided in section 8062(a) is hereby increased by $250,900,000.

Mr. STEVENS. Mr. President, I state to the Senate that this amendment has been cleared on both sides, and it is revenue neutral, as I understand it.

Mr. WARNER. Mr. President, I thank the distinguished managers of the bill. I appreciate that. This is a matter that is of great importance to the U.S. Navy. I am happy to do it.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator ALLEN of Virginia be added as a cosponsor to the amendment.

Mr. WARNER. Mr. President, I join in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, has the amendment been adopted?

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3498) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3499

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator ROBERTS and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 3499.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Air Force'', $6,000,000 for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''Research, Development, Test, and Evaluation, Air Force'', up to $6,000,000 may be available for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program.

Mr. STEVENS. Mr. President, this amendment would make available up

to $6 million for a program that the Senator seeks to have considered. I urge its adoption. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3499) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3500

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator SANTORUM and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3500.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for ''Operation and Maintenance, Defense-Wide'', $5,000,000 for Department of Defense Education Activity for the upgrading of security at Department of Defense dependents schools)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title II of this Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be available for Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

Mr. STEVENS. Mr. President, this amendment on behalf of the Senator from Pennsylvania would make available up to $5 million for a project the Senator supports. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 3500) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3501

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Pennsylvania, Mr. SANTORUM, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3501.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Army'', $3,000,000 for Medical Advanced Technology for the Intravenous Membrane Oxygenator)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

Mr. STEVENS. Mr. President, this amendment would make available up to $3 million for another project that the Senator from Pennsylvania supports. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3501) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state to the Senate that we have several Senators who have indicated they have amendments. I urge they come to the floor. We have business to conduct today following completion of this bill. We do hope we can complete this bill as early as possible. We do urge that Senators come to the floor.

Mr. President, I believe our distinguished colleague from West Virginia is here to offer an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished friend, the chairman of the Committee on Appropriations.

AMENDMENT NO. 3502

Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3502.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on budgeting and funding of ongoing military operations overseas)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, last year, the Senate overwhelmingly approved an amendment that I offered to urge the President to budget for ongoing military operations. Mr. President, 81 Senators agreed that the administration should include in its budget request, which is sent to Congress in February each year, an estimate of the funds needed to support our troops in Iraq and Afghanistan.

The sense-of-the-Senate amendment that I authored was included in the fiscal year 2004 Defense Appropriations Act, as signed into law by the President on September 30, 2003. But there was no request for funds for our troops deployed overseas in the budget that came to Congress on February 2, 2004. That budget was stone-cold silent about our troops in Iraq and in Afghanistan.

It was as if the White House had no plan for how to pay our troops overseas, or how to pay for their fuel and ammunition. We sometimes hear Korea described as the forgotten war, but the President's budget forgot about the wars ongoing in Iraq and Afghanistan.

Senators on both sides of the aisle realized the folly of ignoring the massive costs of the wars in Iraq and Afghanistan. In an act of fiscal responsibility, the chairman of the Senate Budget Committee included in his mark of the fiscal year 2005 budget resolution an additional $30 billion reserve fund for the costs of the wars. The House of Representatives went even further by including a $50 billion reserve fund in its version of the budget resolution. Again, these funds were not requested by the President, but Congress decided to include them for the sake of fiscal sanity.

The Defense appropriations bill before the Senate today includes $25 billion to pay for our troops in Iraq and Afghanistan. The White House requested these funds literally at the last minute. The Armed Services Committee had completed its markup of the Defense authorization bill the week before the administration submitted its request for these moneys. Talk about hiding the ball, the administration stiff-arms Congress by not making any budget estimate for Iraq and Afghanistan until after the markup of the Defense authorization bill is completed.

Does anyone think this $25 billion will cover the cost of the wars for the next 12 months? Not a chance, Mr. President. According to the Department of Defense, the cost of operations in Iraq now averages $4 billion per month. The cost of operations in Afghanistan is up to $900 million-plus per month. At that rate of spending, the President's $25 billion reserve fund will not even last half a year.

Talk about short-changing our troops.

That is why, for better or worse, the White House is planning on springing a supplemental budget request of $50 billion or more on Congress and the American taxpayer sometime next year.

Tragically, all of these funds are being financed by deficit spending.

Since the administration refuses to send Congress an estimate of how much the wars in Iraq and Afghanistan will cost, much less any plan for how to pay for those costs, each last-minute emergency request for funds that the President sends to Congress sends our country deeper into red ink.

Congress has already devoted $122 billion to Iraq, and every single dollar of that amount is going to have to be paid off by the sweat and toil of our children and grandchildren for decades to come, because it is the taxes the future generations will pay that will be used to finance the deficit spending of today. What kind of wars are we running when we saddle our children, and their children yet to be born, with the responsibility of paying for them?

I have heard all of the tired excuses about why the administration does not want to estimate the cost of the wars in Iraq and Afghanistan. I wish I had a nickel for every time I have heard someone say that the cost of the war is ''unknowable.''

For example, on July 9, 2003, at a hearing of the Armed Services Committee, I asked Secretary Rumsfeld for an estimate of how much is being spent in Iraq and Afghanistan. His response? ''I would not want to venture a guess and be wrong.'' I wouldn't accept that answer. I told Secretary Rumsfeld to go call the Pentagon and find out. That's exactly what he did, and he finally reported back that we were spending $4.8 billion in Iraq and Afghanistan every month.

That's why I just don't buy it when the administration says it has no idea what it might cost to finance ongoing military operations. It is an open secret that the Defense Department is well able to produce an estimate of the cost of its operations. The only problem is that Congress has been continually stiff-armed in our attempts to learn about those estimates.

I have also heard time and again that the United States never budgets for the cost of wars in advance. That is just not true. The Congressional Research Service does state that ''since 1990, Congress generally has funded combat operations with supplemental appropriations.'' However, the Congressional Research Service also concludes that as military operations become more predictable, such as in peacekeeping operations, Congress begins to fund those operations by a combination of regular budget appropriations and supplemental appropriations and, eventually, by regular appropriations alone.

Aside from the last decade, there is a long history of Presidents requesting funds in regular appropriations bills for ongoing military operations. CRS has reported that President Roosevelt requested regular appropriations for the conduct of World War II in fiscal years 1943, 1944, 1945, and 1946. Presidents Johnson and Nixon received funding for the Vietnam War in every Defense Appropriations Act from fiscal year 1966 through 1973. In fact, there were no supplemental appropriations bills for the Vietnam War after 1969.

Even in more modern times, ongoing military operations in Bosnia, Kosovo, and the patrol of the no-fly zones over Iraq were made part of the regular budget and appropriations process. The amendment that I offer to urge the President to budget for the wars in Iraq and Afghanistan isn't a break with how our government pays for wars. My amendment says that the President should stick with historical precedent and fiscal responsibility in budgeting for the wars that we are now in.

The amendment that I offer today is precisely the same amendment that I offered to last year's Defense Appropriations bill, which was supported by 81 Senators. The amendment simply states the sense of the Senate that the President should request funds for ongoing military operations in his regular budget request, and that such funds should be appropriated in regular accounts.

The administration's practice for paying for the ongoing wars in Iraq and Afghanistan must change. This week, Deputy Defense Secretary Wolfowitz acknowledged to a House committee that our troops could be in Iraq for years to come. If that is true—and I hope that it is not—now is the time for Congress to get serious about making the President figure out a budget plan for paying for the massive cost of a long-term military presence in Iraq.

The alternative is to continue with the current administration policy: more last minute spending requests, more reports that our troops are running out of money, and more deficit spending. This is a recipe for a fiscal disaster. Current White House policy on paying for the war perpetuates an ongoing budgetary crisis for our troops overseas: rather than planing for their needs, we force our troops to bounce from one stop-gap spending measure to another. This is just plain wrong.

Congress should not allow itself to be streamrolled. It should not allow the President to send up an emergency supplemental, and then demand immediate action by the Congress. That is now mistakes are made. Last year, the President failed to request sufficient funds for body armor for our troops. Last year, the President failed to request sufficient funds for armor for Humvees. Last year, the President failed to request sufficient funds for locating and destroying conventional weapons in Iraq. Now all Americans know what tragic mistakes those were. Congress must insist on receiving a detailed budget request for the wars in Iraq and Afghanistan so that mistakes like those are not repeated.

The Byrd amendment tells the President that he should budget for the wars in Iraq and Afghanistan. This is a simple, common-sense approach that promotes fiscal responsibility. The Senate already endorsed this approach last year in an overwhelming vote, and I urge my colleagues to support my amendment again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we would be pleased to recommend the adoption of the amendment offered by Senator BYRD. I believe, if he would permit, we would be willing to adopt it on a voice vote. It was adopted last year, the same amendment, as the Senator said, by a substantial number of Senators. We see no reason not to support the amendment this year. If the Senator wishes to offer it, we would be pleased to have it.

Mr. BYRD. Mr. President, I thank my distinguished friend. I really wish to have a rollcall vote on this amendment. It was a very popular amendment last year. I thank the distinguished chairman for his willingness to proceed on a voice vote.

Mr. STEVENS. We would be happy to have a vote, but could we agree to a later time? There are a series of Senators in committee meetings right now, and they asked not to be disturbed for at least another half hour.

Mr. BYRD. Yes.

Mr. STEVENS. Could we ask for the yeas and nays and have a time agreed upon between yourself and the two managers of the bill?

Mr. BYRD. That would be very satisfactory.

Mr. STEVENS. I ask unanimous consent that it be in order to request the yeas and nays on this amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. The yeas and nays are ordered?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senators BIDEN, CORZINE, and FEINGOLD be added as original cosponsors of amendment No. 3493.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, for Members of the Senate, we are very close to the end of the amendments that we know of, and we would probably be proceeding to third reading after the Byrd amendment, unless Members come forward and offer their amendments.

AMENDMENT NO. 3503

Mr. STEVENS. Mr. President, I have an amendment from the two Senators from Mississippi, Senators LOTT and COCHRAN. I ask that it be presented to the Senate.

The PRESIDING OFFICER. The clerk will report.

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT and Mr. COCHRAN, proposes an amendment No. 3503.

The amendment is as follows:

(Purpose: To express the sense of Congress on the expansion of the Global Hawk Maritime Demonstration Program to include forward deployed forces of the Navy and the Marine Corps in the United States Central Command area of operations)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) the Global Hawk Maritime Demonstration Program should be expanded to include the participation of forward deployed forces of the Navy and the Marine Corps in the area of responsibility of the Commander of the United States Central Command; and

(2) the Secretary of the Navy should compile the lessons learned in the conduct of the demonstration program specifically in that area of responsibility and incorporate those lessons into the ongoing activities of the demonstration program for the development of concepts of operations.

Mr. STEVENS. Mr. President, it is a sense of the Senate concerning the Global Hawk.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3503) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3504

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator REED.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REED of Rhode Island, proposes an amendment 3504.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $3,000,000 to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE))

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE).

Mr. STEVENS. Mr. President, this would make available up to $3 million for a project Senator REED supports. We have cleared it and ask that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3504) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3505

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BAYH, proposes an amendment numbered 3505.

The amendment is as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $21,900,000 may be used for M1A2 Tank Transmission Maintenance.

Mr. STEVENS. Mr. President, this amendment would make available up to $21.9 million for a project the Senator supports. We have cleared the amendment. I ask that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3505) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3506

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator REED.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REED, proposes an amendment numbered 3506.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $2,000,000 to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $2,000,000 may be available to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center.

Mr. HATCH. Mr. President, I would like to compliment my friend, Senator STEVENS. He has been a tireless advocate for our Nation's military and has ensured that our service members receive the highest quality training possible. Senator STEVENS has also not forgotten that it is the families of our service members who play a vital role in supporting our troops and Congress has a important responsibility to lighten this heavy load. Therefore, I rise to ask the Senator's thoughts about the Navy's determination to revolutionize its training and leadership program curriculum.

Mr. STEVENS. I thank my colleague for his kind words. Improving the already-high quality of training is one of the Committee's highest priorities and, of course, this includes the Navy's training and leadership programs. As the Navy seeks to determine the best system in order to facilitate this modernization, the Committee encourages the service to evaluate thoroughly the potential effectiveness of a 'character-based, principle-centered program' designed to teach personnel how to efficiently focus and execute key priorities.

Mr. HATCH. I thank the Senator. I also hoped the Senator might share his thoughts on how we might better support our service members families?

Mr. STEVENS. The Committee continues to express concern about the plight of Army families who must deal with extended deployments of a spouse or a parent. These continued deployments place a significant burden on the modern military family. I hope it will reassure the Senator, who is concerned about military families, as am I, that the Committee encourages the Department of the Army to evaluate different training programs which can assist families in this critical time of need.

Mr. HATCH. I thank my friend, the distinguished Chairman.

Mr. STEVENS. Mr. President, this amendment would make available up to $2 million for a project the Senator supports. We have cleared the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3506) was agreed to.

Mr. STEVENS. Mr. President, I state to the Senate that Senator INOUYE and I have cleared the amendments presented to us. We have rejected several. We ask that Members come to the Senate floor and indicate if they intend to pursue the amendments they have suggested they might raise. We are currently clearing with leadership the time of 4 o'clock for the time Senator BYRD's amendment will come back.

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. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3507

Mr. STEVENS. Mr. President, I send to the desk an amendment sponsored by Senators BIDEN, LUGAR, INOUYE, and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. BIDEN, Mr. LUGAR, and Mr. INOUYE, proposes an amendment numbered 3507.

The amendment is as follows:

(Purpose: To provide certain authorities related to the transfer of defense articles)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State,

any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

SEC. 8122. Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2004 and 2005''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for a fiscal year''.

Mr. STEVENS. Mr. President, this amendment pertains to the drawdown authority of the State of Israel for defense stocks, and it is a technical amendment that has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3507) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Again, we have disposed now of all of the amendments brought to the attention of the committee on both sides.

We will have a vote, we believe, at 4 o'clock. We will announce that soon. I urge Senators to notify us if they intend to offer any amendments to the bill. If not, we will move to third reading following the Byrd amendment.

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. STEVENS. 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. STEVENS. Mr. President, after further consultation, I ask unanimous consent that the vote on the Byrd amendment occur at 4 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that there be no second-degree amendments in order to Senator BYRD's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASUREMENT AND SIGNATURES INTELLIGENCE RESEARCH PROGRAM

Mr. BINGAMAN. I would like to engage the ranking member, Senator INOUYE, in a colloquy regarding the Measurement and Signatures Intelligence Research Program. Is the Senator aware of this program and how critical it is to the development of our next generation of MASINT sensors?

Mr. INOUYE. Yes, I believe that the program is important to future innovations for the MASINT community.

Mr. BINGAMAN. Would the Senator also agree that the MASINT Research Program has been a great success in bringing together some of the best thinking on this issue in Government, the private sector and our Nation's leading colleges and universities?

Mr. INOUYE. Yes, I would.

Mr. BINGAMAN. Finally, wouldn't you agree that the valuable work that the Measurement and Signatures Intelligence Research Program has done should be continued in Fiscal Year 2005 by retaining the funding level included in the House of Representatives' Defense Appropriations bill?

Mr. INOUYE. I would agree with the Senator from New Mexico, and I commend him for his hard work in support of this program.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. 3516

Mr. STEVENS. I have an amendment on behalf of Senator MIKULSKI and Senator SARBANES. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. MIKULSKI, for herself and Mr. SARBANES, proposes an amendment numbered 3516.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Air Force'', $7,000,000 for AN/APG–68(V)10 radar development for F–16 aircraft)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) AVAILABILITY OF AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE, FOR RADAR DEVELOPMENT.—Of The amount appropriated or otherwise made available by title IV of this Act under the heading ''Research, Development, Test, and Evaluation, Air Force'', $7,000,000 may be available for AN/APG–68(V)10 radar development for F–16 aircraft.

(b) CONSTRUCTION OF AMOUNT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. STEVENS. This makes available funds available for a stated amount on a project the Senator supports. We have cleared the amendment and ask for its immediate adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3516) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3517

Mr. STEVENS. I send an amendment to the desk on behalf of Senator BILL NELSON and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NELSON of Florida, proposes an amendment numbered 3517.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the appropriate place in the bill insert the following:

Of the amount appropriated in title IV under the heading ''OPERATIONAL TEST AND EVALUATION, DEFENSE'' up to $5,000,000 may be made available for the Joint Test and Training Rapid Advanced Capabilities (JTTRAC) Program.''

Mr. STEVENS. This amendment provides up to $5 million for a project the Senator supports. It has been cleared by both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3517) was agreed to.

AMENDMENT NO. 3518

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SHELBY, proposes an amendment numbered 3518.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Public Law 108–199 is amended in Division F, title I, section 110(g) by striking ''Of the'' and inserting ''Prior to distributing''; striking ''each'' every time it appears and inserting ''the''; striking ''project'' every time it appears and inserting ''projects''.

(b) The limitation under the heading ''Federal-aid highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 108–199 is increased by such sums as may be necessary to ensure that each State receives an amount of obligation authority equal to what each State would have received under section 110(a)(6) of Public Law 108–199 but for the amendment made to section 110(g) of Public Law 108–199 by subsection (a) of this section: *Provided*, That such additional authority shall remain available during fiscal years 2004 and 2005.

Mr. STEVENS. This is a technical amendment to clarify the availability of funds in the 2004 appropriations bill. It has been cleared on both sides of the aisle. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3518) was agreed to.

Mr. STEVENS. I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT 3502

Mr. STEVENS. The hour of 4 has arrived. The yeas and nays have been ordered on the Byrd amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. This is a sense of the Senate amendment that the Senator offered on the bill last year that was adopted by the Senate, and the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—89

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	

NAYS—9

Bunning	Enzi	Santorum
Cornyn	Inhofe	Sessions
Dole	Kyl	Thomas

NOT VOTING—2

Kerry	Lugar

The amendment (No. 3502) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. AKAKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. In a few minutes we will have a series of amendments which have been cleared and we may have one more amendment that is coming. That is all we know.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, the Republican manager, the chairman of the committee, suggested that I move forward with my amendment, which will not take long at all. I can do this in less than 5 minutes.

AMENDMENT NO. 3520

Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3520.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate funds for bilateral economic assistance)

On page 118, between lines 4 and 5, insert the following:

TITLE X

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $188,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Mr. BIDEN. Mr. President, I know it is getting late in this process, and I will try to make this as quick as possible. There has already been a significant amount of discussion on this floor, in this town, and actually, quite frankly, this morning in the meetings some of us had with the President of the United States on the situation in Darfur in the Sudan.

I want to begin by saying I respect the effort made by my friend, Senator DEWINE. I understand the managers are going to accept a proposal for $90 million or thereabouts to deal with this problem. There are already as many as 30,000 dead. Mr. President, 1.2 million people have been chased from their homes, and 200,000 refugees have fled to Chad. The civilians have been bombed from planes and helicopters by the Government of Sudan. And there are continued reports of systematic rape, murder, and torture by the Sudanese Government as well as by allied militia troops.

Now, the U.N. High Commissioner for Human Rights issued a report in which the U.N. investigators indicate they believe that crimes against humanity have been committed in Darfur.

Secretary of State Colin Powell has said that the State Department is contemplating whether Khartoum is engaged in the genocide. I think when they, in fact, finish they will conclude clearly that it is.

The Agency for International Development and its leader, Andrew Natsios, as well as U.N. officials, have said that what has happened in Darfur is the ''worst humanitarian crisis in the world today.''

They point out that under the best circumstances—not the worst, the best circumstances—according to Mr. Natsios, 320,000 people will die. That is the best they hope for. If everything turns around, there are going to be 320,000 dead. And he made that public statement on June 3. He said ''more resources are desperately needed.''

Now, to have to respond in a manner that is commensurate with the suffering seems to me to be our obligation. The President of the United

States said he brought this to the attention of the G–8. We had this discussion this morning in the Cabinet Room, and he, quite frankly, indicated that he was not getting the kind of response that was warranted. Some of us suggested—and I was not one because others spoke first—that this is of an urgent need, and we have to lead.

Now, I know that my friend from Ohio has called our attention to this and, in fact, has gotten roughly $90 million appropriated or agreed to. But the fact is, Mr. Natsios pledged, in Geneva, in the first week in June, that the United States would come up with $188 million. That is the pledge this administration made in Geneva in June.

Now, the reason I bother to mention that is, the President pointed out this morning that the G–8 nations and the rest of the world do not seem seized with the same sense of urgency as we are, and that we have to lead.

If we have announced we are going to do $188 million, and we are trying to get the rest of the world in on the deal, and then we come out of here with less than half of that, it seems to me it undercuts the very point that is trying to be made by the President of the United States.

Now, I am not speaking for the President and implying that he is for or against this $188 million. I do not know. I assume he must have been for it or the head of his AID, under his administration, would not have pledged $188 million.

Now, this is $188 million as emergency money in this fiscal year. Most of the money Natsios pledged was 2005 money that has yet to be appropriated. In other words, he pledged money he does not have and may not get for quite some time for what he calls the ''worst humanitarian crisis in the world today,'' where, if things go well, 320,000 will die.

The House bill gives less than half the money, only $70 million. I understand that—again, I am not being critical of my friend from Ohio, but as he said to me, he got what he could. That is good. It is better than nothing.

But keep in mind, the $188 million pledge was made, according to AID officials, in advance of the U.N.—in advance of the U.N.—issuing the revised numbers about how many people will be affected. Those numbers have increased.

So the House bill provides less than half of what might be an inadequate pledge to begin with.

I was asked not to offer this amendment because we give about half. Apparently that is going to be agreed to by the managers. But the Senate has the power to do a lot more than that. So let's give the administration what it said it will need to provide an emergency response in Darfur. If we do not, make no mistake about it, no one else is going to step to the plate.

Mr. LEAHY. Will the Senator yield for a request?

Mr. BIDEN. I would be happy to.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be added as a cosponsor. This is a good amendment.

Mr. BIDEN. Mr. President, I ask unanimous consent that my friend from Vermont, Senator LEAHY, be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I might add, this is an unusual position to be in. I do not usually come to the floor on matters and try to lead an initiative on which I am not the guy who has done the most work. I have not done the most work on it. There are others, including Senator LEAHY and others, who have been out in front on this issue. But I do not want to see us go through this wrap-up without us actually facing up to the facts.

Let's know what we are doing. Mr. President, $90 million is better than nothing, but it is not the $188 million, which is probably too little anyway, that we already pledged. I am worried about the impact that will have on the rest of the world as we try to generate support because we need support.

Now, look, our former colleague, Senator Danforth, who we just confirmed today, played a leading role in the Sudan in helping settle one of the real difficult issues, which was the north-south problem. Now we have an east-west problem.

The fact is, he got the international community to step up and come forward in order to deal with this incredibly humanitarian crisis. It seems to me that notwithstanding the fact Mr. Natsios was forced to make the pledge for money to get the first piece done, the north-south piece, it is not going to inspire any contributions from our partners and donor communities. The Congress has to provide these emergency funds. This money will not stop the attacks. It will not do all we need to do. But it will give essential assistance to the victims of Khartoum's atrocities.

How many times have we stood around this floor, those who have been here for the better part of the last decade, and lamented our failure to act in the last catastrophic African crisis with the Hutus and the Tutsis? How many times have we talked about it? Bill Clinton writes about it: We wish we had done more. President Bush talks about it.

Let's not do this. Let's not step back. Let's not be here 5 years from now, 10 years from now saying: If we only had acted.

Again, I urge my colleagues to support this amendment. At the appropriate time, I will ask for the yeas and nays. The chairman of the committee indicated he had a very important commitment that required him to be off the floor but wanted me to make my statement and get it moved on. I will not engage in anymore debate on this issue.

At the appropriate time, when the chairman or whoever is going to respond to this amendment makes that response, I am ready for a vote.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. 3520, AS MODIFIED

Mr. BIDEN. Mr. President, I am going to send a modification to the desk in a moment. I will take 60 seconds to explain it. My staff had drafted the amendment for $188 million, which was a pledge by Mr. Natsios, before Mr. DEWINE's $90 million was accepted. So I am not asking for $188 million on top of that. The amendment I am sending to the desk asks for an additional $118 million above the 90 which, in fact, apparently the committee has already accepted.

So I send a modification to the desk and ask unanimous consent that the amendment be so modified to say $118 million instead of $188 million.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To appropriate funds for bilateral economic assistance)

On page 118, between lines 4 and 5, insert the following:

TITLE X

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $118,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Mr. BIDEN. I thank the Chair 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. AKAKA. 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. AKAKA. Mr. President, I ask that I be permitted 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA are printed in today's RECORD under ''Morning Business.'')

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that this amendment be temporarily set aside so I can take care of some amendments we are prepared to offer. We will come right back to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3522

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator DODD, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DODD, for himself, and Mr. LIEBERMAN, proposes an amendment numbered 3522.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $10,000,000 for the Broad Area Unmanned Responsive Resupply Operations aircraft program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

Mr. STEVENS. Mr. President, this is an amendment that provides up to $5 million for a program the Senator supports. I ask for its adoption.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, the amendment is agreed to.

The amendment (No. 3522) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3523

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NICKLES, proposes an amendment numbered 3523.

The amendment is as follows:

(Purpose: To make available from amounts appropriated for ''Research, Development, Test, and Evaluation, Navy'', $2,000,000 for Handheld Breath Diagnostics)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $2,000,000 may be used for Handheld Breath Diagnostics.

Mr. STEVENS. Mr. President, this amendment provides up to $2 million for a program supported by the Senator. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3523) was agreed to.

AMENDMENT NO. 3524

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. LANDRIEU, proposes an amendment numbered 3524.

The amendment is as follows:

(Purpose: To set aside an amount for the Joint Logistics Information System program for the automated scheduling tool)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,800,000 may be used for the Joint Logistics Information System program for the automated scheduling tool.

Mr. STEVENS. Mr. President, this amendment earmarks up to $1.5 million of funds under the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the agreement is agreed to.

The amendment (No. 3524) was agreed to.

AMENDMENT NO. 3525

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator BUNNING and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUNNING, proposes an amendment numbered 3525.

The amendment is as follows:

(Purpose: To set aside an amount for the Anti-Sniper Infrared Targeting System)

At the end of Title VIII, insert the following:

SEC. . Of the amount appropriated in Title IV under the heading ''Research, Development, Test and Evaluation, Navy'', up to $4,000,000 may be used for the Anti-Sniper Infrared Targeting System.

Mr. STEVENS. Mr. President, this amendment provides up to $4 million in funds available in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3526

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Ohio, Mr. VOINOVICH, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, for himself, and Mr. DEWINE, proposes an amendment numbered 3526.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $3,500,000 for Laser Peening for Army helicopters)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' and available for End Item Industrial Preparedness Activities, up to $3,500,000 may be available for Laser Peening for Army helicopters.

Mr. STEVENS. Mr. President, this amendment earmarks funds available in the bill for projects supported by the current occupant in the chair, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3526) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

AMENDMENT NO. 3527

Mr. STEVENS. Mr. President, I send to the desk another amendment on behalf of the Senator from Ohio, Mr. VOINOVICH, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, for himself, and Mr. DEWINE, proposes an amendment numbered 3527.

The amendment is as follows:

(To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, $2,000,000 for All Composite Military Vehicles)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $2,000,000 may be available for Composites for Unmanned Air Vehicles.

Mr. STEVENS. Mr. President, this amendment earmarks up to $2 million from funds available under the bill, and I ask for its consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3528

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator BOXER, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. BOXER, proposes an amendment numbered 3528.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, $4,500,000 for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,500,000 may be available for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR.

Mr. STEVENS. Mr. President, this amendment earmarks up to $4.5 million from funds available in the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3528) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3529

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Montana, Mr. BURNS, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BURNS, proposes an amendment numbered 3529.

The amendment is as follows:

On page 161 of the Senate report:

''Of the funds available in Research, Development, Test and Evaluation, Navy, up to $3 million may be made available for the 'Mobile On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center'.''

Mr. STEVENS. Mr. President, this amendment earmarks up to $3 million in funds in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3529) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3530

Mr. STEVENS. Mr. President, I send another amendment on behalf of Senator BURNS to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BURNS, proposes an amendment numbered 3530.

The amendment is as follows:

On page 147 of the Senate report:

''Of the funds available in Research, Development, Test and Evaluation, Army, up to $2 million may be made available for 'Care of Battlefield Wounds'.''

Mr. STEVENS. Mr. President, this amendment earmarks $2 million for research concerning battlefield wounds from funds available in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3530) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3531

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Kansas, Mr. ROBERTS, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 3531.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Army,'' $3,000,000 for the United States Army Intelligence and Security Command's Information Dominance Center)

At the appropriate place in the bill, insert the following:

SEC. . Of the amount appropriated or otherwise made available by title ____ of this Act under the heading ''Research, Development, Test, and Evaluation, Army,'' up to $3,000,000 may be available to establish redundant systems to ensure continuity of operations and disaster recovery at the United States Army Intelligence and Security Command's Intelligence Dominance Center.

Mr. STEVENS. Mr. President, this amendment earmarks funds available in the bill up to $3 million for the project the Senator supports. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3531) was agreed to.

Mr STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3532

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3532.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Subterranean Target Identification Program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for electronic warfare technology, up to $2,000,000 may be made available for the Subterranean Target Identification Program.

Mr. STEVENS. Mr. President, this amendment earmarks $2 million from funds available in the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3532) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3533

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3533.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Program for Intelligence Validation)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for Defense Research Sciences, up to $2,000,000 may be made available for the Program for Intelligence Validation.

Mr. STEVENS. Mr. President, this amendment earmarks up to $2 million from research funds in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3533) was agreed to.

AMENDMENT NO. 3534

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3534.

The amendment is as follows:

(Purpose: To express the sense of Congress on the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) funds appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and

(2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

Mr. STEVENS. Mr. President, this amendment pertains to earmarking funds throughout a whole area of the Department. It does not provide additional funds. It specifies where the funds should be allocated, and we believe it is necessary. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The amendment (No. 3534) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3535

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3535.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Versatile, Advanced Affordable Turbine Engine)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' and available for aerospace propulsion and technology, up to $3,000,000 may be made available for the Versatile, Advanced Affordable Turbine Engine.

Mr. STEVENS. Mr. President, this amendment pertains to earmarking funds for the turbine engine from funds available in the bill. We believe it is necessary. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3535) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3536

Mr. STEVENS. I send an amendment to the desk on behalf of Senator TALENT and ask for its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. TALENT, proposes an amendment numbered 3536.

The amendment is as follows:

Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, $5,000,000 for X–43C development

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $5,000,000 may be available for X–43C development.

Mr. STEVENS. This earmarks up to $5 million for research and development. We believe it is a proper amendment, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3536) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3537

Mr. STEVENS. I send an amendment to the desk on behalf of Senator PRYOR and ask for its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. PRYOR, for himself, Mrs. DOLE, and Mrs. LINCOLN, proposes an amendment numbered 3537.

The amendment is as follows:

(Purpose: To make available from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, $5,000,000 for medical equipment and combat casualty care technologies)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for medical equipment and combat casualty care technologies.

Mr. STEVENS. This amendment earmarks up to $5 million in the bill. It is acceptable to the managers of the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3537) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3538

Mr. STEVENS. I send an amendment to the desk on behalf of Senator SUNUNU and ask that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SUNUNU, proposes an amendment numbered 3538.

The amendment is as follows:

At the appropriate place, insert the following:

Of the funds appropriated, up to $2,000,000 may be available for the Advanced Composite Radome Project.

Mr. STEVENS. This amendment earmarks up to $2 million for a Radome project, and we are prepared to accept the amendment. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3538) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3539

Mr. STEVENS. I send to the desk an amendment on behalf of Senator LEVIN pertaining to Wurtsmith Air Force Base.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LEVIN, proposes an amendment No. 3539.

The amendment is as follows:

(Purpose: To authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Notwithstanding any other provision of law, the Secretary of the Air Force may, using funds available to the Air Force, demolish or provide for the demolition of any facilities or other improvements on real property at the former Wurtsmith Air Force Base.

Mr. STEVENS. This directs that funds available to the Department be used for certain proposals on that Air Force base. We have examined it, and we are prepared to recommend the adoption of that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3539) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3540

Mr. STEVENS. I send to the desk an amendment on behalf of Senator CONRAD and ask that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CONRAD, proposes an amendment numbered 3540.

The amendment is as follows:

(Purpose: To set aside an amount for F–16 Theater Airborne Reconnaissance System upgrades)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $7,000,000 may be available for F–16 Theater Airborne Reconnaissance System upgrades.

Mr. STEVENS. This earmarks up to $7 million for a project the Senator supports from funds available within the bill. It does not increase funds. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3540) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be added as an original cosponsor of amendment 3490.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3541

Mr. STEVENS. I send an amendment to the desk on behalf of Senator KOHL, which relates to authorizing the reprogramming of funds available to the Secretary for industrial technical services and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, for himself, and Mr. REED, proposes an amendment numbered 3541.

The amendment is as follows:

(Purpose: To ensure the availability of sufficient fiscal year 2004 funding for the Manufacturing Extension Partnership program of the National Institute of Standards and Technology)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' (118 Stat. 69), in the account under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and may submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3541) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3520, AS MODIFIED

Mr. STEVENS. Mr. President, with the exception of two items we may receive, that is the last of the amendments that have been called to our attention. I would inquire whether it would be in order for the managers of the respective sides of the aisle to return to the Biden amendment now and ask for a vote on the Biden amendment.

Is there any impediment to having a vote now, may I inquire of staff?

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Is the amendment now pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Today, the Senate approved $70 million for disaster assistance and $25 million for refugee assistance, a total of $95 million to Sudan. This is an amount the House approved and the level the State Department informed our staff was necessary to carry the much needed food and other support for Darfur through spring of next year. This is the amount they efficiently execute and use in this year. In the spring, the State Department, with USAID and the U.N., will reassess the situation and determine if additional emergency funds are requested.

We have already declared an emergency for Sudan for $95 million. If we approved Senator BIDEN's amendment, this will be above the $188 million that State and USAID have already pledged for the 2005 funds. These funds will be allocated in the 2005 Foreign Operations bill, not this bill. In other words, we have added $95 million for disaster assistance from this Defense appropriations bill on an emergency basis to the Sudan. There already are requests before our Appropriations Committee under the Foreign Operations bill, a request for $188 million, which will come before the Senate in due course.

It is my request to our colleagues to stand by the $95 million we have added to the disaster assistance and refugee assistance provisions of our basic funding for the State Department. We have added to it already in the Defense bill. We approved that today. That is the amount that is in the House bill, and I do not believe we should go beyond the emergency level we have already agreed to, which was supported by both of our leaders.

I point out further that the U.N. appeal for Darfur for 2004 has led to $307 million as of June 3 of this year. That is now being revised upward to an estimated $349 million available. Excluding the U.S. Government, other donors pledged $134 million in Geneva. The U.S. Government pledge was for the remainder of fiscal year 2004 and 2005, and we have already exceeded that pledge. There is $245 million pledged from all the above donors, in addition to the contribution of the United States.

We have an enormous program going on on behalf of our Government. We have added $95 million to the $188 million. We are already ahead of the rest of the world, and we think we should not go further on this bill. If there are further emergency funds that are necessary, they should be added to the foreign assistance bill or the State Department bill when those bills come before the Senate but not to the Defense bill. This Defense bill is already amended at the request of both the majority leader and minority leader, the Senator from Ohio, and many others, to add $95 million. It is my position that we should not go further at this time. We should wait for the consideration of the other bills as far as additional emergency funds, if they are needed.

These funds cannot be needed before we will consider the supplemental after the first of 2005. Besides that, we still have to consider the 2005 regular bill for both State-Justice-Commerce and the foreign assistance bill. This is no place for this item. It is not an emergency to go beyond $95 million.

Does the Senator from Hawaii wish to make any statement?

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I wish to associate myself with the statement of the Senator from Alaska.

Mr. STEVENS. Mr. President, I move to table the Biden amendment, and I ask that we have a time for other Senators to become aware of the fact that we will have a vote. I ask unanimous consent that the vote commence at 5:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that it be in order at this time for me to have the yeas and nays on my motion to table this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. 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. STEVENS. 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. 3542

Mr. STEVENS. Mr. President, I have been informed there is another amendment that has been cleared. This is an amendment on behalf of Senator DEWINE, pertaining to a report on mental health services available to the armed services. I ask this amendment be considered at this time.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEWINE, proposes an amendment numbered 3542.

The amendment is as follows:

(Purpose: To require reports on mental health services available to members of the Armed Forces of the United States and their dependents)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on mental health services available to members of the Armed Forces and their dependents.

(2) The report required under paragraph (1) shall include the following:

(A) A comprehensive review of mental health services that are available—

(i) to members of the Armed Forces who are deployed in combat theaters;

(ii) to members of the Armed Forces at any facilities in the United States; and

(iii) to dependents of members of the Armed Forces during and after deployment of members overseas.

(B) Data on the average number of service days since September 11, 2001, on which members of the Armed Forces were absent or excused from duty for mental health reasons.

(C) A description of the current procedures for reducing the negative perceptions among members of the Armed Services that are often associated with mental health counseling.

(D) A description of—

(i) the mental health services available to members of the Armed Forces, including members of the reserve components, and their dependents; and

(ii) the barriers to access to such services.

(E) An analysis of the extent to which the Secretary of the Army has implemented the recommendations on mental health services that were made by the Mental Health Advisory Team of the Army on March 25, 2004.

(F) A plan for actions that the Secretary determines appropriate for improving the delivery of appropriate mental health services to members of the Armed Forces and their dependents.

(b) Not later than 360 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) the actions taken to implement the plan submitted under subsection (a)(2)(F); and

(2) the reasons why actions in the plan have not been completed, if any.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3542) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask no second-degree amendments be in order to the Biden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3543

Mr. STEVENS. Mr. President, I have another amendment. It is on behalf of Senator FEINSTEIN. I ask unanimous consent that the pending amendment be set aside temporarily so we might consider Senator FEINSTEIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. FEINSTEIN, proposes an amendment numbered 3543.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $5,000,000 for support of the TIGER pathogen detection system)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $5,000,000 may be available for support of the TIGER pathogen detection system.

Mr. STEVENS. This pertains to the earmarking of funds for pathogen research. We support that amendment and ask that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3544

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I send to the desk a technical amendment on behalf of Senator BYRON DORGAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. DORGAN, proposes an amendment numbered 3544.

The amendment is as follows:

(Purpose: To provide funds for the North Dakota State School of Science, Bismarck State College, and Minot State University)

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR NORTH DAKOTA STATE SCHOOL OF SCIENCE, BISMARCK STATE COLLEGE, AND MINOT STATE UNIVERSITY.

(a) RESCISSION.—There is rescinded an amount equal to $795,280 from the amount appropriated to carry out part B of title VII of the Higher Education Act of 1965, in title III of division E of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3). This amount shall reduce the funds available for the projects specified in the statement of the managers on the Conference Report 108–401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3).

(b) DISREGARD AMOUNT.—In the statement of the managers on the Conference Report 108–401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3), in the matter in title III of division E, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education'', the provision specifying $800,000 for Wahpeton State School of Science and North Dakota State University to recruit, retain and train pharmacy technicians shall be disregarded.

(c) APPROPRIATION.—There is appropriated an amount equal to $795,280 to the Department of Labor, Employment and Training Administration for ''Training and Employment Services,'' available for obligation for the period from July 1, 2004, through June 30, 2005, of which—

(1) $200,000 shall be made available to the North Dakota State School of Science to recruit, retain, and train pharmacy technicians;

(2) $297,640 shall be made available to Bismarck State College for training and education related to its electric power plant technologies curriculum; and

(3) $297,640 shall be made available for Minot State University for the Job Corps Fellowship Training Program.

Mr. INOUYE. Mr. President, this is to correct certain errors that were in the original bill.

Mr. STEVENS. I am familiar with this amendment. We are prepared to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3544) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3545

Mr. INOUYE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 3545.

The amendment is as follows:

(Purpose: To set aside an amount for small business development and transition)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,500,000 may be used for small business development and transition.

Mr. INOUYE. This amendment is to earmark some of the $2.5 million for research and development for the Department of Defense. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3545) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that following the vote on the Biden amendment, no further business other than a colloquy or colloquies that I have to offer for the RECORD be in order, and that the Senate immediately go to third reading and final passage of this bill.

Mr. REID. Mr. President, I ask the chairman's request be modified: Or whatever the two managers agree on? Because there may be something.

Mr. STEVENS. Very well, I will amend that request: Unless there are other matters offered based on unanimous consent approved by both managers, that we immediately go to third reading and final passage of the bill following the Biden amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask it be in order to get the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum for 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. It has been requested I ask this vote commence immediately. I ask unanimous consent that we start the vote on the Biden amendment. This is a motion to table the Biden amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—53

Alexander	Cornyn	Inhofe
Allard	Craig	Inouye
Allen	Crapo	Kyl
Baucus	Dole	Lott
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Byrd	Graham (SC)	Roberts
Campbell	Grassley	Santorum
Chafee	Gregg	Sessions
Chambliss	Hagel	Shelby
Cochran	Hatch	Smith
Coleman	Hollings	Snowe
Collins	Hutchison	
Stevens	Talent	Voinovich
Sununu	Thomas	Warner

NAYS—45

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham (FL)	Nelson (NE)
Cantwell	Harkin	Pryor
Carper	Jeffords	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Specter
DeWine	Leahy	Stabenow
Dodd	Levin	Wyden

NOT VOTING—2

Kerry	Lugar

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

CHANGE OF VOTE

Mrs. FEINSTEIN. Mr. President, I beg the indulgence of the Chair. If I may, on rollcall No. 148, I voted ''aye''. It was my intention to vote ''nay''. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be removed as a cosponsor of amendment No. 3490.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have a list of the members of the subcommittee staff for the Defense Appropriations Subcommittee who have worked so hard on this bill. So often, Senator INOUYE and I as the cochairmen of the committee get credit for what is done, but I think we have the hardest working staff in the Congress. They have done an admirable job, and we have a fair and balanced bipartisan bill. I ask unanimous consent that the list of their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SUBCOMMITTEE STAFF

Charlie Houy, Betsy Schmid, Nicole Diresta, Kraig Siracuse, Tom Hawkins, Alycia Farrell, Lesley Kalan, Jennifer Chartrand, Brian Wilson, Brian Potts, Kate Kaufer, Mazie Mattson, Janelle Treon, Steve Wacakaski, Bob Henke, and Sid Ashworth.

FUNDING EMBASSY-BAGHDAD OPERATIONS

Mr. HAGEL. I understand the State Department expects to fund the Embassy-Baghdad operations using emergency spending in Fiscal Year 2005. It is also my understanding that Senate Appropriations Committee agrees with the State Department on this issue.

The House version of the Fiscal Year 2005 Defense Appropriations bill includes $665 million in emergency spending for the Department of State to fund Embassy-Baghdad operations, IT costs, logistical support, and security requirements. Chairman STEVENS and Senator GREGG, and I understand that the Senate Defense Appropriations Committee will accept the House position on funding Embassy-Baghdad operations, IT costs, logistical support, and security requirements during the upcoming conference. I appreciate the support from Chairman STEVENS and Senator GREGG on this matter.

Mr. STEVENS. I agree with the Senator from Nebraska. The State Department has traditionally administered the funds necessary for embassy operations. Although the Senate bill does not allocate the funds to the State Department, we will do our most to support the House language in conference on this matter to ensure the State Department retains the authority to obligate the subject funds.

Mr. GREGG. I agree with Chairman STEVENS. We will do our most to support the House language. We are both aware of the significant funding needs the State Department is facing in the construction of a U.S. Embassy in Baghdad. I hope the Secretary of State will act expeditiously to address this funding need.

RAPID EQUIPPING FORCE

Mr. COCHRAN. Mr. President, I commend the chairman and the committee staff for their outstanding work in bringing this legislation to the Senate for consideration.

Mr. STEVENS. I thank the Senator for his kind comments.

Mr. COCHRAN. I note that the committee included funding in the Defense Appropriations bill to address the threat of Improvised Explosive Devices, IEDs, in the Iraq theater. Specifically, I am referring to the inclusion in Title IX of the bill which appropriates $25,000,000 for a force protection initiative using the Rapid Equipping Force concept.

Mr. STEVENS. The Senator is correct.

Mr. COCHRAN. It is my understanding that the money is to be used to help our deployed soldiers fight the current IED threat that we hear so much about in the war in Iraq.

Mr. STEVENS. That is the purpose of the appropriation.

Mr. COCHRAN. Would this money also be used to address the force protection issues of counter-fire and detection techniques that exist in the technology base, such as sensor technologies that have demonstrated real-time detection, classification and location of enemy fire?

Mr. STEVENS. The Senator's understanding is correct. These funds are also envisioned to be used for these types of force protection initiatives.

Mr. COCHRAN. I thank the Senator for his clarification of this issue.

M1A2 SEP TANK MODERNIZATION

Mr. SPECTER. Mr. President, I would like to take this opportunity to thank Chairman STEVENS for his leadership in ensuring the rapid modernization of our land combat forces both in the FY 2005 Defense Appropriations bill as well as the Contingent Emergency Reserve Fund. I would also like to take a moment to address the urgent need to fund continued modernization of the M1 Abrams main battle tank fleet.

It is encouraging that this Committee has taken a leadership role in resourcing the modernization of the Army's armored forces with the M1A2 SEP tank, the most modern battle tank in the world. As proven in its deployment to Iraq, the M1A2 SEP is designed for decisive combat and net-centric warfare; indeed, it represents a revolution in armored warfare. Is the Chairman aware of the capabilities afforded by the M1A2 SEP tank?

Mr. STEVENS. I am aware of the M1A2 SEP and its capabilities.

Mr. SPECTER. We have encouraged the Army to pure fleet its first-to-fight armored units with M1A2 SEP tanks primarily to ensure overwhelming lethality and survivability but also to reduce the logistics burden on our soldiers. However, it has come to my attention that the Army does not intend to pure fleet its armored forces with M1A2 SEP tanks. In fact, under the Army's current plan, the 3rd Infantry Division—which spearheaded Operation Iraqi Freedom—will continue to cope with M1A1 tanks that were produced 20 years ago. Is the Chairman aware of this fact?

Mr. STEVENS. I am.

Mr. SPECTER. I thank the Senator. I would also point out that 3rd Infantry Division is the first division to transform to a new force structure the Army calls modularity and also is likely to be called upon to return to Iraq within the next year. It strikes me as ironic that the Army's premier armored unit lacks the combat punch and network capability of the rest of the Army's major armored forces. Finally, there is the issue of the tank industrial base. In the next few months, the last Abrams Upgrade tank will roll off the production line, representing the end of significant tank work in this country. In late 2006, the last M1A2 SEP Retrofit tank—a less complex upgrade—will be produced for the 3rd Armored Cavalry Regiment. Absent funding in FY 2005 for continued tank production, the U.S. tank industrial base will cease to exist. We ignore the implications of this action at our own peril.

Mr. President, I urge the Chairman to consider the modernization of the 3rd Infantry Division with M1A2 SEP tanks.

FUTURE TACTICAL TRUCK SYSTEM

Mr. LEVIN. Mr. President, today we have before us S. 2559, the Fiscal Year 2005 Defense Appropriation bill. Included in this bill is important funding for a variety of tactical wheeled vehicle programs including the Future Tactical Truck System, FTTS. FTTS is an important program supported by the Army's National Automotive Center that will develop technologies that can increase the range, durability and survivability of our military tactical wheeled vehicle fleet. These advances will ensure that as the Army transforms itself it will have a technologically advanced tactical wheeled vehicle fleet that can best meet our Nation's security needs. I would ask my good friend, the Chairman of the Senate Appropriations Committee, if he is aware of this important program?

Mr. STEVENS. Mr. President, I join my good friend from Michigan in his support for this program and the National Automotive Center. I understand the Army and the Office of the Secretary of Defense have confirmed that the FTTS program is on track and possesses a transition pathway that will enable the insertion of new technologies into the Army's tactical wheeled vehicle fleet. These technologies will enable the Army to field a lighter, more mobile and more effective fighting force.

Mr. LEVIN. I thank my friend from Alaska, and agree with his characterization. I believe that this program is making important technical advances that will greatly benefit the Army. I am particularly appreciative of the committee's recommendation to increase the investment in the Army's Heavy Tactical Vehicles program, in order to support the transition of these types of technologies into Army systems, consistent with the Army's Tactical Wheeled Vehicle Strategy. However, I am concerned that the bill we are considering this program by $5 million. Such a cut would undermine this program and hinder efforts to further develop revoluntary technologies while defining the future scope of this program.

Mr. STEVENS. I concur with the Senator from Michigan. This is an important program, and I support investing in the FTTS science and technology efforts at the National Automotive Center at the level requested by the President. I assure him that I will work in conference to fund this program at the President's Budget request.

Mr. LEVIN. I thank the distinguished Chairman for this support.

Mr. NICKLES. Mr. President, the Department of Defense appropriations bill for FY 2005, S. 2259, as reported by the Senate Committee on Appropriations, provides $384.012 billion in budget authority and $401.785 billion in outlays in FY 2005 for the Department of Defense. Of these totals, $239 million is for mandatory programs in FY 2005.

Additionally, the bill provides $7.158 billion in budget authority and $7.054 billion in outlays in FY 2005, which are designated as emergency requirements.

The bill further provides $25 billion in budget authority in FY 2004, which is also designated as an emergency requirement. This budget authority generated $18.798 billion in outlays in FY 2005.

The bill provides total discretionary budget authority in FY 2005, including emergencies, of $390.931 billion. This amount is $1.684 billion less than the President's request and equal to the 302(b) allocation adopted by the House of Representatives.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2559, 2005 DEFENSE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2005, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill: [1]			
Budget authority	383,773	239	384,012
Outlays	401,546	239	401,785
House 302(b) allocation: [2]			
Budget authority	390,931	239	391,170
Outlays	415,987	239	416,226
2004 enacted:			
Budget authority	431,218	226	431,444
Outlays	423,935	226	424,161
President's request:			
Budget authority	392,615	239	392,854
Outlays	418,639	239	418,878
Senate-Reported bill compared to:			
House 302(b) allocation:			
Budget authority	−7,158	0	−7,158
Outlays	−14,441	0	−14,441
2004 enacted:			
Budget authority	−47,445	13	−47,432

S. 2559, 2005 DEFENSE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2005, $ millions]

	General purpose	Mandatory	Total
Outlays	−22,389	13	−22,376
President's request:			
Budget authority	−8,842	0	−8,842
Outlays	−17,093	0	−17,093

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

[1] In addition to the amounts shown above, the bill includes $18.798 billion in emergency outlays in 2005 flowing from the $25 billion supplemental for 2004 (Title IX). The bill contains other emergencies for 2005 totaling $7.158 billion in budget authority and $7.054 billion in outlays. Including all emergencies, the bill totals $416.170 billion in budget authority and $427.657 billion in outlays in 2004 and 2005.

[2] This table compares Senate action to the House 302(b) allocation for information purposes only, not for budget enforcement purposes. The House has deemed 302(b) allocations for 2005 based on the 302(a) appropriations allocation set out in the conference agreement on S. Con. Res. 95, the 2005 budget resolution, which the House has passed.

Mrs. BOXER. Mr. President, breast cancer is the second leading cause of cancer death in the United States today, and about 40,000 women will die from the disease this year. It is important that we maintain funding in 2005 for the Department of Defense's Breast Cancer Peer Reviewed Research Program.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Breast Cancer Research Program. This is a program, I should add, in which 90 percent of the funds go directly to research.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year 66 Senators signed a letter to appropriators urging the continuation of the DOD Breast Cancer Peer Reviewed Research Program earmark at a funding level of $150 million for FY '05.

Mr. President, as we proceed to conference on the Department of Defense Appropriations bill, I urge my colleagues to maintain this level of funding for breast cancer research.

Mr. JOHNSON. Mr. President, I rise today to bring attention to an important program that could be facing fiscal shortfalls if we do not make necessary corrections. I am referring to my support for the Department of Defense Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a $150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

The American Cancer Society estimates that in 2004 there will be 668,470 women diagnosed with cancer. Of this overall estimate of cases, 32 percent will be breast cancer. The 2004 estimated deaths from breast cancer will be 15 percent. These statistics only reemphasize the importance of cancer research, and our continued need to fund efforts that will ultimately eliminate the number of deaths from breast cancer.

Department of Defense Peer-Reviewed Breast Cancer Research Program is a one-of-a-kind research program that uses an innovative grants structure which brings scientists and consumers together to make key policy decisions about breast cancer research. Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Peer Reviewed Breast Cancer Research Program. New approaches and innovations in research, such as these, are the keys to finding a cure.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. I applaud this type of fiscal efficiency and hope that more research programs will be able to learn from the structure of this program.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators, including myself, signed a letter addressed to the Senate Appropriations Committee urging the continuation of the DOD Breast Cancer Peer Review Research Program earmark with level funding of $150 million for FY '05.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and reduces the total funding available to all.

As written, the Senate bill seriously threatens the integrity of the DOD breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

Mr. President, we cannot afford to cut any cancer research programs, especially when the President's budget is planning to only increase the National Institutes of Health by $728 million, and increase the National Cancer Institute budget by only $100 million, which both fall short of previous years' requests. In addition the President's budget cuts funding to the Centers for Disease Control and Prevention by $408 million. This proves troublesome for CDC programs, such as the National Breast and Cervical Cancer Early Detection Program which assists in funding State programs that help uninsured women undergo screenings for breast and cervical cancer. These inadequate funding requests fall drastically short of what the Institutes and CDC need in order to carry out their cancer research and assistance. This only reiterates why we must preserve critical programs such as the Department of Defense Peer-Reviewed Breast Cancer Research Program. I therefore call upon conferees to support the language passed in the House version of the Fiscal Year 2005 Department of Defense Appropriations Act.

Mr. HARKIN. Mr. President, I rise today in support of the Department of Defense, DOD, Peer Reviewed Breast Cancer Research Program. Almost 12 years ago, when I looked into the issue of breast cancer research, I discovered that barely $90 million in Federal funds was spent on breast cancer research. So I joined with Senator Alfonse D'Amato, R–NY, on legislation to dedicate specific money from the DOD budget for breast cancer research. The legislation passed and overnight it doubled Federal funding for breast cancer research. Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens both the existing funding and the current structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and then reduces the total funding available. This will inevitably lead to a major cut in funding for this important program.

The DOD Peer Reviewed Breast Cancer Research Program has been an unqualified success in providing innovative approaches to breast cancer prevention, detection and treatment. Over the past several years, we have made a great deal of progress against breast cancer, but there is still a long way to go.

More than 258,000 women are expected to be diagnosed with breast cancer and another 40,000 deaths are likely to result from this deadly cancer. Now is not the time to jeopardize a successful program that is critical to winning the battle against breast cancer.

As the Department of Defense Appropriations Act for fiscal year 2005 goes to conference, I plan to work to preserve the current structure and funding for this critical breast cancer research program. I urge my colleagues to support the language passed in the House and support a $150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

Mr. CORZINE. Mr. President, I support the Department of Defense, DoD, Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a $150 million earmark for the DoD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

This one-of-a-kind research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about breast cancer research. Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DoD Breast Cancer Research Program.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. This kind of efficiency and prudence in spending is unheard of in other federally funding research programs.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators signed the letter addressed to appropriators urging the continuation of the DoD Breast Cancer Peer Review Research Program earmark with level funding of $150 million for fiscal year 2005.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally Directed Cancer Research Programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rather than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill seriously threatens the integrity of the DoD breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

We should ensure that all of the DoD's cancer research programs are fully funded. These programs play a critical role in the development of treatments and potential cures for cancer.

As the Department of Defense Appropriations Act for fiscal year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this critical program for breast cancer research.

Mr. SCHUMER. Mr. President, I rise today in support of the tradition of line-item funding for cancer research programs in the Department of Defense, DOD, appropriations bill. This practice has been abandoned in the fiscal year 2005 legislation before us now, and I fear that this could do great damage to the advances in cancer treatment that our scientists are working so hard to achieve every day.

The DOD Peer-Reviewed Research Programs provide funding for critical, life-saving research on breast cancer, prostate cancer, and ovarian cancer. Each of these is a devastating illness that challenges hundreds of thousands of new patients and their families every year. The Peer-Reviewed Research Programs are essential to bringing these families hope and new opportunities in cancer treatments.

The prostate cancer research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about prostate cancer research. Since its inception 8 years ago, this far-reaching, influential program has literally changed the way prostate cancer research is done. It has become a model that other research programs have sought to replicate.

In recent years, the DOD breast cancer program funded groundbreaking research, such as the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD breast cancer research program.

Like its counterparts for prostate cancer and breast cancer, the Ovarian Cancer Research Project fosters collaborative efforts and long-term institutional commitments to ovarian cancer research focusing on prevention and early detection, which are key to the development of a sustained commitment to ovarian cancer research.

Not only am I deeply disturbed by the cuts to these programs in the Senate bill, but it is my belief that given the Department of Defense's proven track record in conducting effective, efficient research to combat cancers and find new cures, the Department's efforts should instead be expanded to include desperately-needed research on other forms of the disease, including kidney cancer.

For a disease that has received very little research funding to date, kidney cancer affects a surprisingly large number of people. In 2003, 36,000 new cases were diagnosed, an increase of 12 percent over the previous year, while more than 12,000 individuals died of the disease. Supplementing current kidney cancer research funding with additional money from the Department of Defense would be a significant step toward providing meaningful treatments for kidney cancer patients.

My colleagues on both sides of the aisle have shown broad support for these programs in the past, urging the Senate to continue its support of each individual program. Many of us signed letters requesting that each program continue to receive at least the same amount of funding it received last year, which would have been consistent with the bill passed earlier this week by the House of Representatives.

The House language is not ideal. It funds each of the three Peer-Reviewed Research Programs at last year's levels, ignoring inflation and the increased cost of research. However, the House provision is far superior to a Senate version that forces cancer research programs to compete for a decreased amount of funding.

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve the integrity of each of these critical Peer-Reviewed Research Programs.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, as ranking democrat on the Committee on Small Business and Entrepreneurship, I want to discuss two amendments that were included in the Defense Department Fiscal Year 2005 authorization bill, which passed yesterday. These amendments will ensure that small businesses are included in the analysis of policies that affect the procurement strategies or affect the technology and industrial base of this Nation. Before I discuss these amendments, however, I would like to thank the committee's chair, Senator OLYMPIA SNOWE, for her leadership, and for working hand-in-hand with me on these amendments that are vital to ensuring that small businesses continue to have a voice in the Federal procurement arena.

The Department of Defense is the largest purchaser of goods and services

in the Federal Government. As a result, they are the driving force behind Federal agencies' ability to meet the Government-wide small business contracting goal of 23 percent. The Defense Authorization Act of 2004 included a provision requiring the administrator of the Office of Federal Procurement Policy, OFPP, to establish an advisory panel to review the laws and regulations regarding the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines, and the use of Government-wide acquisition contracts, also known as GWACS.

Many small businesses have contacted my office regarding the negative impact these GWACS have been having on their ability to compete for Federal contracts. They are concerned that GWACS are being disproportionately awarded to larger firms, denying small business their fair share of contracts. The amendment, offered by Senators SNOWE, COLEMAN and myself, expands the authority of the advisory panel to include a report on the impact these tools have on small business concerns. It also allows the panel to offer recommendations regarding laws, regulations and policies they believe would afford small businesses increased opportunities to participate in the Federal procurement arena.

With respect to the second amendment, I want to commend Senator BYRD for taking the initiative to develop an amendment to ensure that small businesses have a voice with respect to Federal Government work on the future of the national technology and industrial base.

The DoD Authorization bill includes a provision establishing a Commission on the Future of the National Technology and Industrial Base. The duties of this 12-member, Presidentially-appointed commission include studying the issues associated with the future of the national technology and industrial base in the global economy. This study is particularly important with respect to the effect of our national technology and industrial base on United States national security and for assessing the future ability of meeting the objectives outlined in the bill. This amendment adds a provision to the study that will require that the role of small business concerns in strengthening the national technology and industrial base is incorporated in the report, due no later than March 1, 2007.

Small businesses have proved time and time again that they can provide the goods and services needed by the Federal Government, often more efficiently and more cost effectively than their large competitors. Unfortunately, they are consistently treated as an afterthought or completely ignored when the Federal Government considers procurement policies outside of the Small Business Administration. While the SBA is essential for providing access to capital, training and counseling, and for assistance in gaining access to the Federal marketplace, the vast majority of contracts for goods and services come from other agencies, such as the Department of Defense.

Small businesses should be provided the greatest opportunity to compete. When our national defense is in the process of regeneration and transitioning into a military of the future, as it is now, small businesses should be tapped to maximize the innovation, cost savings and efficiency they can contribute to the effort. Small businesses are critical to maintaining and strengthening the overall economy of the Nation and are the cornerstone of the Government's policy of ensuring a diverse supplier base. They should be included when the Government is developing industrial policy and considered in the analysis of policies that affect the procurement strategies or affect the technology and industrial base of this Nation. These amendments do just that. Again, I thank Senators SNOWE and BYRD for their leadership and my colleagues for their support for this Nation's small businesses. I would also like to thank Chairman WARNER and my colleague on the Senate Committee on Small Business and Entrepreneurship, Senator LEVIN, the Ranking Member of the Senate Committee on Armed Services for working closely with us and for making these amendments a part of this legislation.●

Mr. BOND. Mr. President, it is well recognized that mail sent from families and loved ones to U.S. forces based overseas has a tangible effect on troop morale. Concomitantly, mail that is delayed unnecessarily undermines morale and furthermore endangers the ability of absentee military voters to have their votes counted. Additionally, voting assistance programs that are ineffective undermine the ability of the absentee military voter to cast a vote. In an effort to improve these respective programs I have encouraged the Department of Defense to evaluate the effectiveness of the Military Postal Service Agency and the Voting Assistance Program to determine if these programs are sufficient in scope to resolve the problems that have been identified repeatedly in past reports and audits.

Mr. MCCAIN. Mr. President, late last night, after several weeks of floor debate, the Senate completed action on the Defense Authorization Act. Both that legislation and the pending measure, S. 2559, the Defense Appropriations Act for Fiscal Year 2005, will enable us to make great strides towards providing our men and women in uniform with the equipment, benefits, and programs they need to carry out their critical missions. I would like to applaud the efforts of both committees to ensure that these brave men and women are provided for.

Even though it passed just last night, the Appropriations Committee worked to provide funding levels that are generally commensurate with the authorization bill. This is very important, and it will enable us to continue to meet our obligations to support service members in the fight against terror. The bill includes many critical funding provisions to which I lend strong support, such as the funding to increase Army end strength by 20,000 soldiers.

Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

With Americans deployed across the globe fighting terror, and with looming budget deficits at home, the Senate faces some tough choices. We must find a way to maintain our fiscal responsibility while fully providing for our military needs. The costs that go along with the conflicts in Afghanistan and Iraq demand now, more than ever, a new fiscal sanity in approaching our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our Federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks significantly burden American taxpayers.

Not surprisingly, along with the growth in deficit spending over the past few years, there also has been a significant growth in earmarks and pork barrel spending. In fact, according to information compiled by the Congressional Research Service, the total number of earmarks has grown from 4,126 in Fiscal Year 1994 to 14,040 in FY 2004. That's an increase of 240 percent in 10 years. In dollar terms, the earmarking has risen from $26.6 billion to $47.9 billion over the same period.

Mr. President, based on the calculations of my office, the Fiscal Year 2002 Defense Appropriations Act contained $3.7 billion in pork. The conference report to the Fiscal Year 2003 Defense Appropriations Act contained $8.1 billion in pork, while the Senate version included $5.2 billion. The Fiscal Year 2004 Senate-passed Defense Appropriations Act contained well over $4 billion of pork. This year $6.9 billion was added in the bill and the report, a number which is much greater than last year's Senate version of the legislation. This is real money. Every year, countless important military and domestic programs go unfunded or underfunded. I find it hard to understand why we find the money to pay for member add ons, but then have to battle to fund important programs such as AmeriCorps.

Projects that appear on the Defense Appropriations Member Add-ons List are items that are requested by Senators but were not included in the President's budget request. They did not appear on the Joint Chiefs' Unfunded Priority List, and they were not authorized in the Defense Authorization bill. These criteria have been useful in ferreting out programs of questionable merit, and in determining the relative priority of projects requested by members for strictly parochial reasons, often at the expense of the readiness of our armed forces. But, the fact remains that throughout the years in which I have been identifying these add-ons, no offsets have been provided for any project. In a time when some of our soldiers and sailors still receive food stamps, or live in inadequate housing, we somehow found a way to provide over $4 billion in unnecessary spending to the Defense Appropriations bill. For example, the Joint Chiefs provided a list of critical requirements above what was provided for in the President's Budget Request. That list totaled nearly $18 billion for fiscal year 2005. We should provide additional funding for defense for items and programs which the Joint Chiefs need, not for programs that are important because of the state that they come from or because of the seniority of the Member of Congress.

Mr. President, this is an election year and, once again, the members of the Appropriations Committee are touting their earmarks on their websites and in their press releases. One committee member listed $102.6 million in earmarks spread over 16 different projects, while another member lauds funding for the Lewis and Clark Bicentennial. What is missing from these releases is the story about the authorized programs that will not receive full funding because there is not enough money to go around. Wouldn't it be more responsible to spend this money on pay raises or other important morale boosters instead of on parochial interests?

Earlier this week, I spoke at length on the Boeing 767 Tanker Lease Program so I will not take up much more of the Senate's time again now, except to say, that the amendment that was passed by the Senate in the National Defense Authorization Act for Fiscal Year 2005 is critical because Congressional guidance is needed. The Air Force's conduct on its Tanker Lease Program has, to date, been unacceptable. With regards to the Boeing 767 Tanker Lease Program, the Department of Defense and the Air Force leadership have obfuscated, delayed, and withheld information from Congress and the taxpayers.

Equally as unacceptable, the Appropriations Committee added $110 million in this report in—a table, under the heading ''Tanker Replacement, Advance Procurement.'' There was no money for the tanker program in the President's defense budget submitted to Congress in February. The Senate Armed Services Committee did not authorize any funding for tanker recapitalization for fiscal year 2005. The Chief Staff of the Air Force, General John P. Jumper, USAF, did not request advance procurement for tanker replacement in his ''Fiscal Year 2005 Unfunded Priority List,'' which he submitted to Congress in March 2005. The reason is simple—tanker replacement money is not needed NOW.

This latest procurement earmark is disturbingly similar to the $30 billion line item included in the Fiscal Year 2002 Defense Appropriations Act which gave rise to this entire controversy to begin with. The Air Force's proposal to acquire 100 Boeing KC–767A tankers was flawed from the beginning. Everything, including a complete investigation of possible Air Force misconduct, should be done to assure that this doesn't happen again.

Aspects of that deal, ranging from how the original proposal passed through Congress to the improper conduct of senior executives at the Boeing Company, have been exhaustively reviewed and fundamentally criticized by the Senate Committee on Armed Services; the Senate Committee on Commerce, Science and Transportation; the Department of Justice; the Defense Department's Office of the Inspector General; the Defense Science Board; the Congressional Budget Office; the General Accounting Office; the Congressional Research Service; the Office of Management and Budget; the Defense Department's Office of Programs, Analysis and Evaluation; the Institute for Defense Analyses; the Industrial College of the Armed Forces, National Defense University and others. Notably, White House Chief of Staff Andy Card and former Defense Department Comptroller General Dov Zakheim have also weighed in with serious concerns about various aspects of the tanker program.

Critically, the Defense Science Board task force found ''there is no compelling material or financial reason to initiate a replacement program prior to the completion of the Analysis of Alternatives, AoA, and the Mobility Capabilities Study, MCS.'' Moreover, the task force observed that the Air Force overstated both the amount of corrosion throughout the KC–135 fleet and the KC–135's operation and support cost growth. It also found that the KC–135E can fly to 2040. In other words, the 'dominating rationale' cited by the Air Force to Congress for having taxpayers pay billions of dollars more for leasing Boeing's KC–767A tankers than they would for buying them outright, has been conclusively shown to be without merit. The Air Force's representations on this issue remains a matter of continuing investigative concern. The likelihood that the analysis of alternatives, AOA, and mobility capabilities study, MCS, if done properly, will recommend an acquisition method for these tankers now known to be wholly unsuitable here, is probably minimal. So, the Secretary's decision appears fatal to at least the lease component of the proposal.

Now what matters is that the AOA and MCS are conducted properly and objectively, and a new validated capabilities document, ORD, is completed that reflects, for the first time, the requirements of the warfighter. The Air Force's conduct to date in this matter has been egregious. The participation of the Air Force's FFRDC in the AOA is problematic. RAND has recently been receiving as much as $50 million per year from the Air Force and apparently prejudged the AOA in a recent report. Therefore, both should be disqualified from the process. The process going forward will remain an issue of continuing interest to me.

The bottom line here is this. The amendment adopted in the Fiscal Year 2005 National Defense Authorization Act will do much to inject needed sunlight on a program whose development has been largely insulated from public scrutiny. The tanker amendment attempts to make sure that any effort by the Air Force to replace its fleet of tankers is done responsibly. We should expect no less from the Air Force.

Some of the egregious examples of Defense pork for FY 2005, either in the bill or in the accompanying report, include:

Section 8063 of the General Provisions. The text states that, ''each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills.'' I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

As previously mentioned, $1.8 million, for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

$120 million for the Advanced Procurement of F–15s. The Air Force has decided to procure the F–22 to replace the F–15. Yet this earmark keeps the F–15 production line open, so I question the necessity of the F–22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

$1 million for the Center for Political Logic Devices. I am the first one who would pay for logic if we could insert some into our political process, but this earmark won't do it.

$11 million for the Chameleon Miniaturized Wireless System. Chameleons change colors, but one thing does not change is the unrequested provisions in this bill.

$2 million for the Air Battle Captain program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

$6 million for the LISA inspector. Who is this Lisa, and why does it cost $6 million to inspect her?

$4 million dollars for Project Albert. Hey Hey Hey. Seems like Albert could get pretty fat off all the pork in this bill.

$4 million for Hibernation Genomics. Looking around the Senate, I see a few tired people, so maybe we a little hibernation is in order. But I'd prefer not to pay $4 million for it.

$5.5 million for the C–135 Improved Waste Removal System. We need to improve the way we remove waste from this bill.

$700,000 for the United States Army Reserve Citizen Soldier Memorial Park.

Mr. President, I use humor in describing these earmarks, but the damage they do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' perennial favorite projects include:

$5 million for the Smart Truck. This provision, which directly lines the pockets of the auto industry in Detroit, is not exactly smart.

$10 million for the 21st Century Truck. This program has been around for years and not once has the Department of Defense requested funding for it. While I'm sure we all would love to jump into a truck that could be in a James Bond movie, I'm not sure it is appropriate for the Department of Defense to pay for it.

$8.0 million for the New England Manufacturing Supply Chain. This is above and beyond the $14 million earmarked for them over the last two years.

$9 million for the Medical Free Electron Laser. The electrons might be free, but the laser sure isn't. This project was developed by the scientists at Vanderbilt University in Tennessee. The budget justification used by the DoD in previous years spelled out the plan to have this program funded through NIH by FY2003. Why hasn't this happened yet?

$44 million for the Maui Space Surveillance System. Arizona is home to the Lowell Observatory. Why should we provide $44 million to Maui, when there are many observatories in the United States, such as Lowell, that offer many of the same benefits as the Maui site?

$1 million for the Brown Tree Snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. I'm sure the snakes are annoying—maybe even frightening to children and adults alike, but this funding does not belong in the Defense Appropriations Act.

Mr. President, there are many earmarks that funnel dollars to worthy programs, such as breast cancer research, but there is no compelling national defense reason for these items to be on this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others. Some examples of these inappropriate earmarks include:

$200 million for Peer Reviewed Cancer Research Program.

$50 million Peer Reviewed Medical Research Program.

$25 million for Hawaii Federal Health Care Network.

$2.5 million for the Alaska Federal Health Care Network.

$5 million for Pacific Island Health Care Referral.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of ''Buy America'' provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

Mr. President, I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers $5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, ''Buy America'' restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to ''Buy European'' but it also raises the costs of procurement for DoD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DoD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. These exports also increase our influence over recipient country actions, and, in a worse case scenario, allow the U.S. to terminate them. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. We had a floor debate on this a few days ago during consideration of the Defense Authorization Act. There is no justification for including these provisions in the Appropriations Act.

Finally, one of the more egregious ''Buy America'' provisions in this legislation is a section in which we dictate that we must buy only American seafood. While this provision has been included in a previous year's funding, I must ask: What is the compelling Department of Defense need to protect the American seafood industry? Why is an entire industry singled out for protection?

Mr. President, this bill spends money on Lewis and Clark and funnels cash to a center on ''political logic devices.'' It protects the mooring chain industry and ensures that we only buy American seafood. If there is any food that should be mentioned in this bill, Mr. President, it is that Other White Meat. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to pay Project Albert.

I wish it were not necessary for me to come to the Senate floor with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop ''porking up'' our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

ARMY END STRENGTH AND FY05 DOD APPROPRIATIONS

Mr. REED. Mr. President, last week, the Senate by a vote of 94 to 3, passed the Reed-Hagel-McCain amendment to increase the Army's end strength by 20,000.

This overwhelming vote was an acknowledgement that the administration has consistently underestimated and tried to avoid publicly admitting the real number of troops needed to win the peace in Iraq. That amendment was one step to bring our Iraq policy in line with the realities of Iraq.

However, the Defense authorization bill and the Defense appropriations bill before us today both continue to sidestep the budgetary realities of our military involvement in Iraq. Just 2 days ago, Deputy Defense Secretary Wolfowitz testified that ''it's entirely possible'' that U.S. troops could be stationed in Iraq for years.

If a long-term deployment of U.S. troops is ''entirely possible'', then the administration and Congress have a duty to properly budget for it.

When we know we are adding more troops and we know that we have significant commitments in Iraq, Afghanistan, Korea, Colombia, and elsewhere, we should put those costs into the annual Defense appropriations bill, not a supplemental appropriations bill or a contingency fund as the administration calls it.

By making these known costs subject to supplemental appropriations, we not only pretend that these costs are not long term, we also create an ongoing budget problem for the Army. This situation is all the more shocking when one considers the consistent claims from both sides of the aisle that we will provide our military with whatever it needs to win the war in Iraq and Afghanistan. Indeed, since the Iraq war began, the Army has had to continuously cobble together the resources to pay for more troops out of its regular budget. So instead of replacing or repairing destroyed equipment, buying HUMVEEs or body armor, or fulfilling other obligations, the Army has had to eat its seed corn.

It is true that the Army has also gotten supplemental funds on occasion to pay for additional soldiers, but only after it has exhausted all of the reprogramming options I just mentioned.

In the short run, reprogramming and supplemental appropriations are an option, but Iraq, Afghanistan and Korea are not options. They are real, and the pressure on the Army's budget is real. Unless, we increase the size of the Army's regularly appropriated budget to include the costs of the Army's real personnel levels, I fear that the Army will continue to delay needed expenditures, put off necessary investments, all so the administration can attempt to minimize the costs of the war on terror.

I want to be clear, this is not the fault of the Appropriations Committee. It has done its job well and has continually worked to make the Army whole. But, the committee and the bill before us are constrained by the administration's inflexibility and demands that known, long-term costs must be hidden in contingency reserve accounts and other budgetary maneuvers.

It would be my desire to increase the size of the Army's personnel budget by moving the $2 billion in supplemental funds for this very purpose into the Army's annual fiscal year 2005 appropriation. I believe it would be more appropriate to take the $2 billion we know we'll spend out of the supplemental section of this bill and put it into the Army's regular budget just like all of the Army's other long term costs.

In deference to the chairman and ranking member and the fact that such a proposal would likely require waiving the Budget Act as well as the Senate's endorsement of my amendment and Senator LEVIN's amendment that calls on the administration to put the true costs of Army end strength in its fiscal year 2006 budget request, I did not offer this amendment.

However, if the administration persists in trying to sweep these costs under the rug, Congress must act to include these funds in the regular budget of the Army.

I am also concerned that this year's bill has consolidated the Peer Reviewed Cancer Research Program under a single line item. While the peer review programs are united in their goal of improving detection, treatment and hopefully one day, prevention of deadly diseases such as leukemia, prostate, ovarian and breast cancer, they are each unique in their design, focus and stage of development. However, there is a valid concern that placing these programs under a single line item may inevitably pit them against one another. The fledgling Ovarian Cancer Research Program, which was only established in 1997 and has been level funded at $10 million per year, will be competing with the much larger breast cancer program that has been in operation for over 12 years and is funded at a healthy $150 million.

I hope that I and other Senators can work with the Chairman and ranking member to find a way to protect the critical and specific health research on cancer that the Department of Defense has been able to support in the past.

Mr. ALLEN. Mr. President, I rise today in support of the Department of Defense—DOD—Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a $150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for Fiscal Year 2005.

This one-of-a-kind research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about breast cancer research. Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Peer Reviewed Breast Cancer Research Program.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. This kind of efficiency and prudence in spending is unheard of in other federally funding research programs.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators, including myself, signed the letter addressed to appropriators urging the continuation of the Department of Defense Breast Cancer Peer Review Research Program earmark with level funding of $150 million for fiscal year 2005.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for Fiscal Year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the Congressionally Directed Cancer Research Programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rather than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill seriously threatens the integrity of the Department of Defense breast cancer research program and will dismantle its one-of-a kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

I have heard the success stories that have manifested as a result of research that has come out of this program. I regularly meet with women and men alike, from my Commonwealth of Virginia, who commend the positive and innovative advances that this program produces. Just last month, I met with the Virginia Breast Cancer Foundation. Let me tell you, I believe Virginia is a model for other States on many issues, but I must say that the Virginia Breast Cancer Foundation is a leader in its advocacy for this issue.

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this important program for breast cancer research. I understand that we are fighting a war on

terror, but many individuals on our home front are fighting for their lives. I yield the floor.

Mr. STEVENS. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. STEVENS. We have already ordered the yeas and nays. This is final passage, Mr. President.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been previously ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—98

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hollings	Sessions
Chambliss	Hutchison	Shelby
Clinton	Inhofe	Smith
Cochran	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kohl	Sununu
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lieberman	

NOT VOTING—2

Kerry	Lugar

The bill (H.R. 4613), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on behalf of my good friend and co-chairman, I thank the Senate for coming together so quickly behind this enormous bill. This is the largest Defense appropriations bill in history, but it takes into account the needs of our men and women in uniform throughout the world. As I said, some 120 different countries have our men and women in uniform. It takes care of the great problems for those men and women in harm's way.

We thank all of our colleagues for their support and for their confidence in this bill. I again thank the staff.

I am overawed by the fact that it is a unanimous vote on this unanimous bill. I think it is a symbol to the country that we are willing to come together in times of crisis.

Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair then appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, and Mrs. FEINSTEIN.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I congratulate Chairman STEVENS and the ranking member of the Senate Defense Appropriations Subcommittee on the passage of the bill. It is my understanding this is one of the fastest, if not the fastest, Defense appropriations bills ever considered in the Senate. I thank them. I will have more to say a little bit later tonight about this.

RENEWAL OF IMPORT RESTRICTIONS IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. J. Res. 39, the Burma import restrictions bill. I further ask unanimous consent that the statutory time limit be yielded back, and the joint resolution be read a third time and placed back on the Senate calendar. I further ask unanimous consent that the Senate then proceed to the immediate consideration of H. J. Res. 97, the House Burma resolution, and that all time be yielded back, and the Senate proceed to a vote on the resolution, with no intervening action or debate.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What do these resolutions do?

Mr. MCCONNELL. Mr. President, last year, the Senate passed a resolution imposing sanctions on the thug regime that has been running Burma for the last 25 years. It comes up for annual renewal, much like the most-favored-nation procedure we used to apply to China. This is that resolution renewing the sanctions for another year.

Mr. BYRD. I thank the Senator. I thought there was another resolution the Senator mentioned.

Mr. REID. We are going to do that one next.

Mr. BYRD. That was all, Mr. President, this one resolution?

Mr. MCCONNELL. I am sorry, I did not hear.

Mr. BYRD. The Burma resolution, is that the only resolution to which the Senator referred?

Mr. MCCONNELL. Yes, the only resolution.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the distinguished Senator from Kentucky modify his request to allow for a 10-minute vote rather than the normal 15 minutes?

Mr. MCCONNELL. That is perfectly acceptable.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be a 10-minute vote on this resolution.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 39) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution will be returned to the calendar.

The clerk will report H. J. Res. 97.

The assistant legislative clerk read as follows:

A joint resolution (H. J. Res. 97) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Mr. FEINGOLD. Mr. President, I am pleased to support S.J. Res. 39, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. I am a cosponsor of this resolution, and I believe that these sanctions must be renewed.

The resolution states that the State Peace and Development Council, SPDC, the military junta of Burma, has failed to make substantial progress toward implementing a democratic government and that import sanctions and other restrictions against the SPDC must remain in force until ''Burma embarks on an irreversible path of reconciliation that includes the full and unfettered participation of the National League for Democracy and ethnic minorities in the country.''

The situation in Burma remains disturbing. The military junta in Burma continues to commit egregious human

rights abuses against its population. Human rights organizations have documented the systematic rape of Shan women on a massive scale by Burmese military forces and the recruitment of children, as young as 11, into the Burmese national army. Torture, extra judicial executions, forced labor and widespread political repression all characterize the Burmese political landscape. Aung San Suu Kyi, leader of the National League for Democracy, NLD, and other senior NLD members remain under house arrest. Approximately 1,300 political activists, including elected members of parliament, languish in Burmese prisons, as punishment for their nonviolent pursuit of democracy.

Despite the SPDC's announcement of a new political initiative, a ''roadmap'' to democracy, they continue to break their promises of political reform. On May 17, 2003, the junta opened a constitutional convention that the junta promoted as being a first step toward democracy and democratic elections. The NLD boycotted this convention, after the junta refused to free Aung San Suu Kyi. The SPDC's continuation of the convention without the key political parties of the NLD and the United Nationalities Alliance, a group of ethnic parties that participated in the 1990 elections, demonstrates the emptiness of the SPDC's commitments to reform.

The military junta not only creates hardship for the Burmese people, but threatens stability in the region and beyond. Reports have emerged that Burma and North Korea have reestablished military and trade links after a termination of diplomatic relations in 1983. The U.S. State Department accused North Korea of seeking to sell surface to surface missiles to Burma's government and reported that Washington was aware that the Burmese regime is interested in acquiring a nuclear research reactor.

In addition, Burma continues to be a primary source of narcotics in Asia, as one of the world's largest trafficker of methamphetamine and second largest producer of opium. In their International Narcotics Strategy report for 2003, the U.S. State Department reported that major Wa traffickers, of the ethnic Wa group in northeastern Shan State, continue to operate with apparent impunity. In addition, in the Annual Presidential Determinations of Major Illicit Drug-Producing and Drug-Transit Countries for 2003, the President designated Burma as having ''failed demonstrably'' to make substantial counter-narcotics efforts. According to U.S. State Department, the government of Burma continued to be deficient in dismantling drug organizations, attacking drug-related corruption and addressing money-laundering issues. Officials in China, Thailand and India have expressed serious concerns about illicit drugs flooding into their countries from Burma and the increase of drug addiction among their youth.

Human trafficking in Burma is also of enormous concern. In the State Department's Trafficking in Persons report for 2004, Burma was placed in Tier 3, a category for those countries which are not in compliance with the minimum standards of the Trafficking Victims Protection Reauthorization Act of 2003 and are not making significant efforts to bring themselves into compliance. According to the State Department, not only is Burma a source country for persons trafficked for forced labor and sexual exploitation, but government officials and the military are complicit in trafficking. Human Rights Watch states, ''recruiters for Burma's army frequently apprehend boys at train and bus stations, markets and other public places, threatening them with jail if they refuse to join the army. . . . After brutal training, child soldiers are deployed into units, where some are forced to fight against ethnic armed opposition groups.''

Adding to regional instability, over 1.6 million person have fled Burma due to persecution and violence. In addition, it is estimated that there are between 600,000 and 1 million internally displaced persons within the country.

The United States and its international partners, including the United Nations, ASEAN and the European Union must persist in their demands for political reform in Burma. The renewal of these sanctions sends a powerful message to Burma that the United States is not satisfied with their facade of democratization. I also strongly urge the European Union to strengthen their existing sanctions on Burma. The SPDC must take immediate steps to release Aung Sang Suu Kyi and other political prisoners and to create a broad-based democratic government that respects human rights and the rule of law.

Mr. MCCAIN. Mr. President, I commend Senators MCCONNELL and FEINSTEIN for their efforts to renew sanctions contained in last year's Burmese Freedom and Democracy Act. I am proud to be an original cosponsor.

The world's democracies have a common moral obligation to promote human rights. In few places is the lack of freedom and justice more appalling than in Burma, a country in which a band of thugs, led by General Than Shwe, controls the population through violence and terror. The Burmese regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Last year, the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then, the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament.

Aung San Suu Kyi remains a captive. Because she stands for democracy, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at the hands of the regime. The junta fears Aung San Suu Kyi because of what she represents—peace, freedom, and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shines brightly for the millions of Burmese who hunger for freedom, and for those of us outside Burma who seek justice for its people. She recently celebrated her 50th birthday, under house arrest.

Last month, the National League for Democracy courageously boycotted the junta's so-called ''National Convention.'' The government portrayed this sham convention as the first step in a ''roadmap to democracy,'' but it is clear that it is intended to blunt international pressure, rather than as a serious step in a democratic process. No ''roadmap to democracy'' will have any credibility so long as Aung Suu Kyi remains in confinement.

The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule. The Burmese people deserve no less.

In recognition of this, last year the Congress overwhelmingly passed the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country.

For this reason I stand in support of the joint resolution that will renew the import restrictions contained in last year's legislation—sanctions that are supported by the National League for Democracy. These restrictions must remain until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities. I note, however, that while the American people have spoken with one voice in support of freedom in Burma, it is past time that the leaders of other nations do the same. No other country has yet implemented U.S.-style economic sanctions. The Europeans should reject half measures and join the United States in targeted sanctions against the military regime. China, Thailand, India, and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationship with the western democracies.

The picture today in Burma is tragically clear. So long as a band of thugs rules Burma, its people will never be free. They will remain mired in poverty and suffering, cut off from the world, with only their indomitable spirit to keep them moving forward. With our action today, we will support this spirit.

Mr. BAUCUS. Mr. President, I speak about Burma and U.S. sanctions policy. Last year, thugs working for the illegitimate Burmese government attacked opposition leader Aung San Suu Kyi and her supporters with clubs and sharpened sticks, killing as many as 70 pro-democracy activists.

The government then held Suu Kyi in what it cynically called ''protective custody.'' Those events prompted international outrage and led the United States to pass the Burmese Freedom and Democracy Act of 2003.

That Act banned all imports to the United States from Burma. Chairman GRASSLEY and I worked hard to ensure that these sanctions would be effective—and that Congress would continue to play a key role in their implementation.

I did not want Congress to impose trade sanctions on Burma without any opportunity to review the policy and revise it if it wasn't working. So the act requires that Congress debate and vote on whether to renew the import ban every year. That is why we are here today.

What has the import ban accomplished? In 2002, the last full year without a ban, Burma exported $356 million to the United States, mainly in garments and apparel products.

Since the U.S. blocked all imports from Burma, more than 100 garment and apparel factories have closed, throwing 50,000 to 60,000 people, mainly young women, out of work.

And according to the State Department, many of these young women, lacking jobs and opportunities are, in desperation, quote, ''turning to work in the sex industry or being forced or duped into prostitution by traffickers.''

On the other hand, Burma's military rulers are doing just fine. The State Department notes that ''the military leaders personal power and wealth have little connection to the well-being of the country. The country's economic and military elite derives its greatest earning power from the trade of natural resources with neighboring states and countries in the region.''

I have long been critical of unilateral sanctions. They almost never work. They may be an effective expression of our rage, but as a rule, they do not destabilize oppressive regimes, and they often hurt the unfortunate people they are intended to help.

The ban on imports from Burma is no exception to this rule. Multilateral sanctions can be effective. That's why I insisted that the act require the administration to work toward making the sanctions multilateral. But to date, no country in the world has joined the United States in banning imports from Burma—not one.

Now, let me emphasize that Burma's government is despicable by any measure. Security forces commit murder, use rape as a weapon of war against ethnic minorities, and utilize forced labor. Democracy activists are arrested and dissent punished. Conscription of child soldiers is widespread.

There is no dispute that Burma's actions require a response. The question is whether unilateral trade sanctions are the proper response.

This is not an easy question. I hope that my colleagues have thought hard about the consequences. I hope they have made an honest assessment of the merits of maintaining the import ban.

We cannot forget that the votes we cast have real consequences. Those thousands of young women being forced into prostitution should serve as a harsh reminder.

After struggling with the issue for some time, I decided to support renewing the import ban for another year.

On balance, I believe we should allow the administration more time to try to convince other countries to join in sanctioning the outlaw regime in Burma. But I would urge the administration to make this more of a priority. Their efforts so far have produced little result.

If I am to find any consolation in this state of affairs, it comes from the fact that Congress has a say in whether the trade sanctions on Burma continue. We have retained our Constitutional authority over international commerce.

This is consolation to me because it is hard to evaluate any unilateral sanctions program without looking back on our failed sanctions against Cuba.

Since 1960, when the Cuban embargo was first put in place, the United States has pursued a unilateral policy of driving the Castro regime out of power. Even as the rest of the Soviet bloc collapsed, the Castro regime has retained its control on the Cuban island.

The U.S. embargo has failed. In fact, it is obvious to me that the embargo actually shelters Castro, and has directly contributed to the strength of his regime.

But the unilateral embargo has remained in place for more than forty years. Had Congress originally required an annual vote on the Cuban embargo, as we have now done with the Burma sanctions, the embargo would have been eliminated long ago.

Instead, the Cuban sanctions were created without any end in sight, without any exit strategy, without any plan for its removal. So, here we are, thirteen years beyond the fall of the Soviet Union, with the last vestige of the Cold War alive and well 90 miles from our shores.

That's why Senators ROBERTS, ENZI and I have introduced legislation to give Congress a voice on Cuba sanctions. This legislation mirrors the legislation on Burma that we are discussing today.

It would allow sanctions against Cuba to continue—but would require both Houses of Congress to vote annually to renew the sanctions. Absent such a vote, the sanctions would end.

This is a reasonable approach to Cuba, and to sanctions more generally. Of course, that's also why this legislation won't pass this year. The Administration and Congressional leadership are well aware that Cuba sanctions would not survive a Senate vote.

In fact, last year, overwhelming majorities in the Senate and House voted to suspend enforcement of the travel ban. Everyone here remembers that those votes were ignored by the leadership in both chambers, and the travel ban remained in place.

I hope that Congress can learn from the mistakes we have made—and are still making—in Cuba. I hope that Congress will work toward a more responsible sanctions regime. I stand ready to work with my colleagues to make that happen.

Let me close by thanking Senators MCCONNELL, FEINSTEIN, and GRASSLEY for their work on the Burma legislation. Senators MCCONNELL and FEINSTEIN have been tireless advocates for democracy in Burma. They deserve to be commended.

I would also like to acknowledge some of the staff who have worked hard on this issue—Paul Grove, Michael Schiffer, Everett Eissenstat, and Stephen Schaeffer.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague from Kentucky, Senator MCCONNELL, in support of the joint resolution renewing the sanctions against Burma. The House has overwhelmingly and in a bipartisan manner passed this resolution, and I urge the Senate to do likewise.

Last year, following the brazen attack against the motorcade of Nobel Peace Prize winner and National League of Democracy leader Aung San Suu Kyi, the United States took a firm stand on the side of human rights and democracy for the Burmese people by passing the Burmese Freedom and Democracy Act and imposing a complete ban on Burmese imports.

One year later, Suu Ky remains under house arrest and the military junta, the State Peace and Development Council (SPDC), has failed to make ''substantial and measurable progress'' towards a true dialogue on national reconciliation and recognition of the results of the 1990 parliamentary elections, decisively won by the NLD.

As a result, the Senate has no choice but to support renewing the sanctions for another year.

Let me be clear. I do not believe sanctions are a panacea for every foreign policy dispute we have with another country.

I have long supported the reform of our sanctions policy, and, in my view, Congress should have the opportunity to revisit sanctions imposed on other countries on a case-by-case basis and in a timely fashion.

I am cosponsor of Senator BAUCUS's legislation to allow Congress to vote up or down on the sanctions imposed on Cuba for that very reason.

It seems clear to me that 40 years later, those sanctions have not achieved our foreign policy goals. Yet, under different circumstances and conditions, sanctions can be effective.

Burma, in my view, is such a case. One year is not a sufficient period of time to judge the effectiveness of the sanctions, and there is reason to believe that the international community is coming together to put additional pressure on the military regime.

I was disappointed that the European Union and the Association of Southeast Asian Nations (ASEAN) did not follow the United States' lead last year and impose tough sanctions on the military junta.

Nevertheless, the EU, for one, is beginning to realize that engagement with Rangoon has failed to achieve the desired results.

Last week, the EU refused to include Burma in two lower-level meetings with ASEAN representatives and, in response to ASEAN's demand that all of its members be allowed to attend, the EU canceled the meetings.

Supporters of freedom and democracy in Burma should welcome this move and continue to urge our allies to put additional pressure on the military regime.

There is also some positive movement within ASEAN itself, including Malaysia, the country that sponsored Burma's entry into the Association and has supported ''non-interference'' in domestic affairs of other members.

Earlier this month, a group of Malaysian parliamentarians—from the government and the opposition—formed a committee to press for democracy in Burma. The group called on the SPDC to immediately and unconditionally release all political prisoners and restore democratic government.

The parliamentary group stated: ''The caucus also calls upon the (Burma) government to respect ASEAN and international opinion and return to the mainstream of responsible international norms and behavior.''

Of course, we would all like to see ASEAN, the EU, and others to take additional steps to put pressure on Rangoon to respect human rights and restore democracy. But we must continue to take the lead.

I believe that by passing this resolution and renewing the sanctions on imports from Burma for another year, we will enhance our leadership in this area and rally the international community to our cause. Now is not the time to weaken our resolve.

Some may argue that the sanctions do no harm to the members of the military junta and instead place additional hardships on the Burmese people.

The military junta itself cynically suggested that the reason why human trafficking is a rampant problem in Burma—as cited in the latest State Department report—is due to the desperate economic conditions caused by the sanctions imposed by the United States.

Let us not forget that for over 15 years the military junta has brutalized its won citizens, engaged in numerous human rights abuses including rape, forced labor, and human trafficking of young boys and girls, and run the Burmese economy into the ground.

And the consequences of the regime's repressive rule extend far beyond its borders. As Senator MCCONNELL and I pointed out in an op-ed that appeared in the Wall Street Journal, the spread of narcotics, HIV/AIDS, and refugees across the region can be traced back to Rangoon.

As South African Archbishop Desmond Tutu stated earlier this year: ''To dismantle apartheid [in South Africa] took not only commitment, faith, and hard work, but also intense international pressure and sanctions. In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic gestures and cut the lifelines to Burma's military regime through well-implemented sanctions.''

We cannot say for certain these sanctions will work. But we can be certain that if we do nothing and allow these sanctions to expire, the military junta will strengthen its grip on power and the day of Suu Kyi's release from house arrest and the re-birth of democracy in Burma will be put off further into the future.

We simply cannot afford to make that mistake and turn our backs on those who are looking to us for hope and inspiration.

I urge my colleagues to renew their support for freedom and democracy, Suu Kyi and the Burmese people and support this resolution.

Mr. MCCONNELL. 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 question is, Shall the joint resolution pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—96

Akaka	Carper	Dorgan
Alexander	Chafee	Durbin
Allard	Chambliss	Edwards
Allen	Clinton	Ensign
Baucus	Cochran	Feingold
Bayh	Coleman	Feinstein
Bennett	Collins	Fitzgerald
Biden	Conrad	Frist
Bingaman	Cornyn	Graham (FL)
Bond	Corzine	Graham (SC)
Boxer	Craig	Grassley
Breaux	Crapo	Gregg
Brownback	Daschle	Hagel
Bunning	Dayton	Harkin
Burns	DeWine	Hatch
Byrd	Dodd	Hollings
Campbell	Dole	Hutchison
Cantwell	Domenici	Inhofe
Inouye	McConnell	Schumer
Jeffords	Mikulski	Sessions
Johnson	Miller	Shelby
Kennedy	Murkowski	Smith
Kohl	Murray	Snowe
Kyl	Nelson (FL)	Specter
Landrieu	Nelson (NE)	Stabenow
Lautenberg	Nickles	Stevens
Leahy	Pryor	Sununu
Levin	Reed	Talent
Lieberman	Reid	Thomas
Lincoln	Rockefeller	Voinovich
Lott	Santorum	Warner
McCain	Sarbanes	Wyden

NAYS—1

Enzi

NOT VOTING—3

Kerry	Lugar	Roberts

The joint resolution (H.J. Res. 97) was passed.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 393, which is at the desk; provided further that the Senate proceed immediately to a vote on the adoption of the resolution with no intervening action or debate. I further ask unanimous consent that following the vote, the preamble be agreed to and the motion to reconsider be laid upon the table. I further ask unanimous consent that following that vote the Senate proceed to executive session to the votes on the two previously debated judges; provided further that following those votes the Senate proceed to a vote on the confirmation of Executive Calendar No. 637, William D. Benton to be U.S. circuit court judge for the Eighth Circuit.

I further ask unanimous consent that following the votes the Senate proceed en bloc to the following nominations on the Executive Calendar: No. 433, No. 638, and No. 639.

I further ask unanimous consent that the nominations then be considered and confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

Mr. REID. Mr. President, will the Senator modify his request so all of these votes will be 10-minute votes?

Mr. MCCONNELL. I so modify my request.

Mr. BYRD. Mr. President, reserving the right to object—I probably won't object—will the Senator identify the first resolution to which he alluded?

Mr. MCCONNELL. Will the Chair identify the resolution?

MIDDLE EAST PEACE PROCESS

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 393) expressing the sense of the Senate in support of United States policy in the Middle East peace process.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I remove my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—95

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Campbell	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carper	Harkin	Sarbanes
Chafee	Hatch	Schumer
Chambliss	Hollings	Sessions
Clinton	Hutchison	Shelby
Cochran	Inhofe	Smith
Coleman	Inouye	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lieberman	

NAYS—3

Byrd	Jeffords	Sununu

NOT VOTING—2

Kerry	Lugar

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 393

Whereas the Road Map, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas, on April 14, 2004, President Bush welcomed the plan of Israeli Prime Minister Ariel Sharon to remove certain military installations and all settlements from Gaza, and certain military installations and settlements from the West Bank;

Whereas under the Road Map, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, all Palestinian institutions, organizations, and individuals must end incitement against Israel, the Palestinian leadership must act decisively against terror (including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure), and Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister;

Whereas Prime Minister Sharon noted Israel's responsibilities under the Road Map include limitations on the growth of settlements, removal of unauthorized outposts, and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism;

Whereas there likely will be no security for Israelis or Palestinians until they and all states join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to Israel's security, and well-being as a Jewish State, including secure, recognized, and defensible borders, and to preserving and strengthening Israel's capability to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including to take actions against terrorist organizations that threaten Israel's citizens;

Whereas, after Israel withdraws from Gaza and parts of the West Bank, existing arrangements regarding control of airspace, territorial waters, and land passages relating to the West Bank and Gaza are planned to continue;

Whereas, as part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with United Nations Security Council Resolutions 242 and 338;

Whereas, in light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas Israeli Prime Minister Ariel Sharon has stated: ''the barrier being erected by Israel is a security rather than political barrier, is temporary rather than permanent, and should therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinian communities'';

Whereas an agreed just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel;

Whereas the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future;

Whereas the United States will join with others in the international community to assist in fostering the development of Palestinian democratic political institutions and new leadership committed to those institutions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved, That the Senate—

(1) endorses the above-mentioned principles and practices of United States policy in the Middle East, and ongoing actions to make progress toward realizing the vision of two states living side by side in peace and security, as a real contribution toward peace, and as important steps under the Road Map;

(2) reaffirms its commitment to a vision of two states, Israel and Palestine, living side by side in peace and security as the key to peace; and

(3) supports efforts to continue working with others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

Mr. CHAFEE. Mr. President, in the world of diplomacy, some things are better left unsaid. For that reason, I would have preferred that President Bush not send the April 14, 2004 letter to Prime Minister Sharon.

Nevertheless, I gave my qualified support to S. Res. 393 because Israeli withdrawal from Gaza has the potential to jumpstart the Israeli-Palestinian peace process. There have been too many missed opportunities already. It would be a shame to miss another one.

My vote for S. Res. 393 is subject to two understandings. First, Prime Minister Sharon's disengagement plan should not be a substitute for bilateral negotiations between Israel and the Palestinians; and second, all final status issues should be mutually agreed upon by both parties.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, after the following judge vote, we are scheduled to consider another five additional judges this evening. Of the ones after this one—looking at those five—the next two are circuit judges, to be followed by three district judges.

It has been cleared on this side to have voice votes on all of those five judges.

I ask the ranking member of the Judiciary Committee if we could, out of consideration of the many different schedules tonight, voice vote the remaining nominations after the next rollcall vote.

Mr. LEAHY. Well, Mr. President, in response to my friend from Tennessee, normally I would say: Have rollcall votes. I also know with the Defense authorization bill we had some very late night schedules. This is pushing up against the Fourth of July recess. I think the Senator from Tennessee, the Senator from South Dakota, and the respective whips have the hardest jobs

in the world trying to please everybody.

I will tell my friend from Tennessee, if that would make his life easier, I would be happy to accommodate him.

Mr. FRIST. Mr. President, I very much appreciate that.

On behalf of our colleagues, I thank the Senator.

Mr. LEAHY. I say to the majority leader, he has made a few other people happy.

Mr. President, is it my understanding on the first one there is a rollcall vote?

The PRESIDING OFFICER. No rollcall vote has yet been ordered.

EXECUTIVE SESSION

NOMINATION OF DIANE S. SYKES TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session, and the clerk will report the nomination.

The legislative clerk read the nomination of Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Mr. LEAHY. 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 yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, for the information of colleagues, after this vote, the next vote will be after the recess on July 6, sometime after 2:15 p.m.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 152 Ex.]

YEAS—70

Alexander	Crapo	Lott
Allard	DeWine	McCain
Allen	Dodd	McConnell
Bayh	Dole	Miller
Bennett	Domenici	Murkowski
Biden	Dorgan	Nelson (NE)
Bingaman	Ensign	Pryor
Bond	Enzi	Roberts
Breaux	Feingold	Rockefeller
Brownback	Fitzgerald	Santorum
Bunning	Frist	Schumer
Burns	Graham (FL)	Sessions
Byrd	Graham (SC)	Shelby
Campbell	Grassley	Smith
Cantwell	Gregg	Snowe
Carper	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hollings	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Kohl	Voinovich
Conrad	Kyl	Warner
Cornyn	Landrieu	
Craig	Lincoln	

NAYS—27

Akaka	Feinstein	Lieberman
Baucus	Harkin	Mikulski
Boxer	Inouye	Murray
Clinton	Jeffords	Nelson (FL)
Corzine	Johnson	Reed
Daschle	Kennedy	Reid
Dayton	Lautenberg	Sarbanes
Durbin	Leahy	Stabenow
Edwards	Levin	Wyden

NOT VOTING—3

Kerry	Lugar	Nickles

The nomination was confirmed.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR FRIDAY, JUNE 25, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 25. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will be in morning business throughout the day. There will be no rollcall votes during tomorrow's session. The next rollcall vote will be on July 6. I will have more to say about the schedule for July during tomorrow's session.

We expect we will be in for a brief period tomorrow. We hope to clear the remaining legislative business prior to the recess. We are also attempting to clear a number of important ambassadorships prior to the Fourth of July break.

Once again, I thank all of our colleagues for their patience over the last few days as we made real progress and as we wrapped up our work on two very important measures.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:06 p.m., adjourned until Friday, June 25, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 2004:

DEPARTMENT OF DEFENSE

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE HERSCHELLE S. CHALLENOR, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CATHY M. MACFARLANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE DIANE LENEGHAN TOMB, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DENNIS C. SHEA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALBERTO FAUSTINO TREVINO, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALPHONSO R. JACKSON, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE MICHAEL P. JACKSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF THE INTERIOR

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE WILLIAM GERRY MYERS III, RESIGNED, WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA MORRISON COMBS, TO WHICH HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANN R. KLEE, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROBERT E. FABRICANT, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

ADAM MARC LINDEMANN, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2005, VICE CHRISTOPHER D. COURSEN, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007, VICE CECIL JAMES BANKS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

BEVERLY ALLEN, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008, VICE BETH WALKUP, TERM EXPIRED.

GAIL DALY, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (NEW POSITION)

DONALD LESLIE, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006. (NEW POSITION)

AMY OWEN, OF UTAH, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (NEW POSITION)

SANDRA PICKETT, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005. (NEW POSITION)

RENEE SWARTZ, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007. (NEW POSITION)

KIM WANG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004. (NEW POSITION)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES PAROLE COMMISSION

DEBORAH ANN SPAGNOLI, OF CALIFORNIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JOHN R. SIMPSON, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. MICHAEL B. CATES, 0000

In the Navy

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN S ADAMS, 0000
JAMES A AIKEN, 0000
BRIAN N ALBRO, 0000
NATHAN J ALLEN, 0000
ANTHONY L ALLOU III, 0000
RICHARD B ALSOP, 0000
JEFFREY M ALVES, 0000
ERIC L ANDALIS, 0000
MARK S ANDERSEN, 0000
EDWARD L ANDERSON, 0000
GREGORY L ANDERSON, 0000
JOSEPH C ANDREATTI, 0000
ANTHONY J ANGLIN, 0000
DOMINIC A ANTONELLI, 0000
LOUIS W ARNY IV, 0000
MONTY G ASHLIMAN JR., 0000
MICHAEL G BADORF, 0000
REGINALD BAKER, 0000
TIMOTHY C BARKDOLL, 0000
ERIC S BARKER, 0000
CHRISTOPHER K BARNES, 0000
DONALD A BASDEN, 0000
KENNETH D BATES, 0000
KENNETH R BECKER, 0000
MARK D BEHNING, 0000
JOSEPH E BELL, 0000
BASILIO D BENA, 0000
JON G BENAVENTE, 0000
RAYMOND J BENEDICT, 0000
PAUL T BENNETT, 0000
SHAWN M BENTLEY, 0000
PETER D BERARDI, 0000
LEIF E BERGEY, 0000
BRODERICK V BERKHOUT, 0000
VICTOR P BINDI III, 0000
JOHN G BISCHERI, 0000
CRAIG R BLAKELY, 0000
JOHN H BLALOCK JR., 0000
ROBERT W BODVAKE, 0000
BOBBY C BOLT, 0000
RICK D BONEAU, 0000
BARTEL J BOOGERD III, 0000
JAMES E BOSWELL, 0000
DENNIS R BOYER, 0000
STEVEN J BRACKETT, 0000
DANIEL M BRINTZINGHOFFER, 0000
RYAN K BROOKHART, 0000
CHAD D BROWN, 0000
WOODS R BROWN II, 0000
PUTNAM H BROWNE, 0000
MARK C BRUINGTON, 0000
DANIEL J BRUNK, 0000
DANIEL W BRYAN II, 0000
MICHEAL L BRYANT, 0000
ROBERT H BUCKINGHAM, 0000
WILLIAM A BULIS, 0000
ANDREW D BURDEN, 0000
CARL A BURKINS, 0000
EDWIN J BURNS, 0000
ANGELO D BURSTION, 0000
DERRICK J BUSSE, 0000
TIMOTHY P CALLAHAM, 0000
MICHAEL S CAMPBELL, 0000
FRANCIS J CAMPION, 0000
TIMOTHY D CARR, 0000
CLINTON A CARROLL, 0000
GUY N CARUSO, 0000
THOMAS G CAWLEY, 0000
ROBERT J CEPEK, 0000
THOMAS CHABY, 0000
ELEFTHERIOS N CHAPAS, 0000
ANNE L CHAPMAN, 0000
WILLIAM E CHASE III, 0000
RICHARD J CHEESEMAN, 0000
BYRON G CHEW, 0000
WILLIAM C CHINWORTH, 0000
HEEDONG CHOI, 0000
JOHN J CHOI, 0000
JAMES L CHRISTIE, 0000
CRAIG A CLAPPERTON, 0000
ROBERT J CLARK, 0000
DAVID D CLEMENT JR., 0000
HEATHER E COLE, 0000
DANIEL M COLMAN, 0000
WILLIAM M COMBES, 0000
DESMOND M CONNOLLY, 0000
JOHN P CONSIDINE, 0000
JAMES M CONWAY, 0000
WILLIAM K COOKE, 0000
CHARLES R CORDON, 0000
CHRISTOPHER M CORGNATI, 0000
MICHAEL R COUGHLIN, 0000
PETER T COURTNEY, 0000
MICHAEL J COX, 0000
GREGORY J COZAD, 0000
MARK A CREASEY, 0000
DENNIS R CREWS, 0000
SPENCER J CRISPELL, 0000
WAYNE A CROSS, 0000
ROGER L CURRY JR., 0000
DONALD E J CZARAPATA, 0000
JEFFREY J CZEREWKO, 0000
MICHAEL R DARGEL, 0000
CARL P DAVIS, 0000
CHRISTOPHER J DENNIS, 0000
TIMOTHY A DERNBACH, 0000
ANTHONY T DESMET, 0000
EDWARD W DEVINNEY II, 0000
STEVEN L DIAL, 0000
NICHOLAS J DIENNA, 0000
DUKE E DIETZ, 0000
KAMRAN A DIL, 0000
KEVIN L DIPPERY, 0000
THOMAS C DISY, 0000
DAVID J DITALLO, 0000
THAD J DOBBERT, 0000
WILLIAM A DODGE JR., 0000
LEONARD C DOLLAGA, 0000
JOHN H DONEY IV, 0000
JOHN M DONOVAN, 0000
ALAN D DORRBECKER, 0000
MICHAEL E DOUGLASS, 0000
EUGENE J DOYLE, 0000
STEVEN E DRADZYNSKI, 0000
JEFFREY B DRINKARD, 0000
TIMOTHY E DRY, 0000
CHRISTOPHER D DRYDEN, 0000
JAMES A DUFFORD, 0000
CHARLES H DUNAVANT JR., 0000
KENNETH E DURBIN, 0000
DANIEL P DUSEK, 0000
JOHN A DUVALL III, 0000
THOMAS A EBERHARD, 0000
DOUGLAS L EDSON, 0000
MARK A EDWARDS, 0000
PAUL F EICH, 0000
EMILSON M ESPIRITU, 0000
JAMES M ESQUIVEL, 0000
ERIK O ETZ, 0000
STEVEN T EVERARD, 0000
WILLIAM L EWALD, 0000
FREDERICK L FACYSON, 0000
GERARD R FEAGLES, 0000
RODOLFO FERNANDEZ, 0000
SCOTT W FEVER, 0000
KORY R FIERSTINE, 0000
JACQUELINE R FINCH, 0000
WILLIAM D FINCH, 0000
ERIK R FINO, 0000
HEIDI A FLEMING, 0000
MATTHEW G FLEMING, 0000
BRIAN P FORT, 0000
GEORGE F FRANZ, 0000
BRYAN P FRATELLO, 0000
FREDERICK P FREELAND JR., 0000
RICHARD A FREY, 0000
WALLACE J GABER JR., 0000
GEOFFREY S GAGE, 0000
PETER G GALLUCH, 0000
EDWARD M GALVIN, 0000
TIMOTHY L GAMACHE, 0000
ROBERT T GARRETSON, 0000
BRIAN M GARRISON, 0000
DOMINIC C GAUDIN, 0000
JASON L GEIGER, 0000
KENDALL GENNICK, 0000
ARTHUR GIBB III, 0000
BRYCE M GIBB, 0000
JAMES F GIBSON JR., 0000
MARK S GILBERT, 0000
CHARLES R GILLUM JR., 0000
DAVID T GLENISTER, 0000
WALTER H GLENN JR., 0000
CHARLES P GOOD, 0000
RICHARD A GOODWIN, 0000
CHRISTOPHER L GORDON, 0000
DANA R GORDON, 0000
ROBERT M GORDON, 0000
BRIAN J GOSZKOWICZ, 0000
OBRA L GRAY, 0000
RANDALL K GREEN, 0000
DEMETRIES A GRIMES, 0000
JEFFREY M GRIMES, 0000
CORNELIUS M GUINAN, 0000
FRANCIS R GUTIERREZ JR., 0000
CARLOS S GUZMAN, 0000
ANDREW J GWYER, 0000
DAVID W HAAS, 0000
RICHARD J J HABERLIN, 0000
HENRY J HAIGLER, 0000
TIMOTHY L HALL, 0000
JOHN H HALTOM, 0000
RANDALL C HARDY, 0000
JOSEPH M HART, 0000
MICHAEL T HART, 0000
BRUCE W HAY JR., 0000
CHARLES J HERBERT, 0000
JEFFREY W HICKOX, 0000
ROBERT R HILL JR., 0000
ANSEL L HILLS, 0000
KARL E HINES, 0000
LYLE E HOAG, 0000
ROBERT I HOAR JR., 0000
SHAUN D HOLLENBAUGH, 0000
CRAIG A HOLTSLANDER, 0000
JAMES B HOSKINS, 0000
KEITH W HOSKINS, 0000
WILLIAM J HOUSTON, 0000
HUGH W HOWARD III, 0000
JAMES E HOWE JR., 0000
BRIAN A HOYT, 0000
JOHN R HOYT, 0000
JOSEPH W HUFFAKER, 0000
DAVID C HUGHES, 0000
ADAM L HUNT, 0000
MICHAEL A HURNI, 0000
DEREK S IKEHARA, 0000
EDWARD J IOCCO, 0000
TIMOTHY E ISEMINGER, 0000
MARK D JACKSON, 0000
MARK H JACKSON, 0000
TROY S JACKSON, 0000
JAMES W JENKS, 0000
MICHAEL H JOHANSSON, 0000
ALLEN T JOHNSON JR., 0000
KEVIN B JOHNSON, 0000
FRANK C JONES, 0000
JAMES M JOYNER IV, 0000
MICHAEL JUNGE, 0000
FREDERICK W KACHER, 0000
EDWIN D KAISER, 0000
MARY A KARAYAKAYLAR, 0000
KYLE G KARSTENS, 0000
ROBERT D KATZ, 0000
STANLEY O KEEVE JR., 0000
MUHAMMAD M F KHAN, 0000
KEITH A KIMBERLY, 0000
BRIAN R KIPLE, 0000
JAMES A KIRK, 0000
CHRISTOPHER F KLINE, 0000
KEITH A KNUTSEN, 0000
MATTHEW A KOSNAR, 0000
MICHAEL A KOSTIUK, 0000
JEFFREY R KRUSLING, 0000
ROBERT J KUNKA, 0000
MICHAEL H KUTYBA, 0000
BRENT J KYLER, 0000
JAMES M LANDAS, 0000
CHRISTOPHER J LANDIS, 0000
JON E LAZAR, 0000
MICHAEL J LEHMAN, 0000
CURTIS C LENDERMAN, 0000
DEREK J LENEY, 0000
DARRYL J LENHARDT, 0000
KEVIN P LENOX, 0000
TIMOTHY G LEONARD, 0000
BRADLEY J LEONHARDT, 0000
MICHAEL LESCHINSKY, 0000
GLEN S LEVERETTE, 0000
JAMES A LEWIS, 0000
JEFFREY M LEWIS, 0000
LLEWELLYN D LEWIS, 0000
MICHAEL D LEWIS, 0000
TODD A LEWIS, 0000
WARREN N LIPSCOMB III, 0000
KENNETH S LONG, 0000
FREDRICK R LUCHTMAN, 0000
TERRENCE MACK, 0000
JOHN D MACTAVISH, 0000
CHARLES W MALONE, 0000
SHAWN P MALONE, 0000
PETER M MANTZ, 0000
NATHAN H MARTIN, 0000
MARK M MARTY, 0000
KENNETH M MASSON, 0000
KENT R MATHES, 0000
GARY L MATHIS, 0000
DONALD G MAY, 0000
CHRISTOPHER M MCCARTHY, 0000
MICHAEL A MCCARTNEY, 0000
JEFFREY W MCCAULEY, 0000
RICHARD C MCCORMACK, 0000
RUSSELL S MCCORMACK, 0000
ALLEN H MCCOY, 0000
DAVID M MCFARLAND, 0000
JAMES P MCGRATH III, 0000
JOHN P MCGRATH, 0000
MICHAEL D MCKENNA, 0000
WILLIAM C MCKINNEY, 0000
VAN P MCLAWHORN, 0000

JOSEPH E MCMAHON, 0000
MICHAEL M MCMILLAN JR., 0000
THOMAS E MCNERNEY III, 0000
GREGORY A MCWHERTER, 0000
TYLER L MEADOR, 0000
KURT C MERKLING JR., 0000
MICHAEL D MICHEL, 0000
JIMMIE L MILLER, 0000
WILLIAM G MILLER, 0000
WILLIAM K MIMS, 0000
DALE R MINICH, 0000
CHRISTOPHER C MISNER, 0000
REY R MOLINA, 0000
THOMAS J MONROE, 0000
KEITH G MOORE, 0000
MICHAEL R MOORE, 0000
SCOTT D MORAN, 0000
KEVIN R MORRISON, 0000
ROBERT K MORRISON III, 0000
BRIAN C MOUM, 0000
PATRICK T MOYNIHAN, 0000
JOSEPH P NAMAN, 0000
MICHAEL D NASH, 0000
PATRICK T NASH, 0000
DAVID A NELSEN, 0000
PAUL V NEUZIL, 0000
CLARK A NICHOLS III, 0000
MICHAEL K NORTIER, 0000
DAVID E NOSAL, 0000
MARK J OBERLEY, 0000
SEAN P OBRIEN, 0000
RICHARD F OCONNELL, 0000
KLAS W OHMAN, 0000
HAL S OKEY, 0000
EDWARD C OLSHAW, 0000
SCOTT E ORGAN, 0000
PAUL J OROURKE, 0000
JAMIE R OTTO, 0000
JOE V OVERSTREET, 0000
DAVID M PADULA, 0000
GREGORY J PARKER, 0000
SCOTT A PARVIN, 0000
LAURENCE M PATRICK, 0000
MICHAEL D PATTERSON, 0000
BRUCE L PECK JR., 0000
MARK E PELTON, 0000
WILLIAM P PENNINGTON, 0000
JOHN A PESTOVIC JR., 0000
AARON S PETERS, 0000
MICHAEL C PETERSON, 0000
JESSICA PFEFFERKORN, 0000
TUNG X PHAM, 0000
CLIFTON T PHILLIPS, 0000
CURTIS K M PHILLIPS, 0000
PETER C PHILLIPS, 0000
ERIC R PHIPPS, 0000
DAVID A PIERSON, 0000
PHILLIP W POLIQUIN, 0000
MALCOLM H POTTS, 0000
MATTHEW S PREGMON, 0000
MARK A PROKOPIUS, 0000
KEVIN J PROTZMAN, 0000
MARK D PYLE, 0000
ANDREW C QUIETT, 0000
GERARD F QUINLAN, 0000
HERBERT R RACE JR., 0000
JAMES R RAIMONDO, 0000
THOMAS A RAINVILLE, 0000
CHRISTOPHER P RAMSDEN, 0000
EUGENE R RATHGEBER, 0000
DEAN T RAWLS, 0000
DOUGLAS E RECKAMP, 0000
CARL S REED, 0000
LEONARD E REED, 0000
PHILIP N REGIER, 0000
JAMES J REICH, 0000
CURT A RENSHAW, 0000
JAY S RICHARDS, 0000
TIMOTHY P RICHARDT, 0000
JOHN D RICHMOND, 0000
JOHN D RICKARDS JR., 0000
TIMOTHY E RIEGLE, 0000
EDWARD J ROTH, 0000
MICHAEL S RYAN, 0000
STEPHEN P RYAN, 0000
JOHN A SAGER, 0000
CHRISTOPHER M SAINDON, 0000
DOUGLAS A SAMPSON, 0000
BENNIE SANCHEZ, 0000
MATTHEW R SANDBERG, 0000
JOHN P SANFORD, 0000
CARLOS A SARDIELLO, 0000
LOUIS J SCHAGER JR., 0000
CRAIG T SCHAUPPNER, 0000
MICHAEL C SCHROEDER, 0000
THEODORE H SCHROEDER, 0000
FRANK J SCHULLER JR., 0000
THOMAS S SCHUMACHER, 0000
JEFFREY R SCHWARZ, 0000
MARK C SCOTT, 0000
SHARI L SCOTT, 0000
JAMES K SELKIRK JR., 0000
SHAWN R SHAW, 0000
DONDI M SHEEHY, 0000
BRIAN K SHIPMAN, 0000
TODD M SIDDALL, 0000
JONATHAN T SKARDA, 0000
CALVIN D SLOCUMB, 0000
ROBERT E SMITH, 0000
WESLEY A SMITH, 0000
PAUL S SNODGRASS, 0000
CHARLES C SPARKS II, 0000
PAUL C SPEDERO JR., 0000
JOHN M SPEREDELOZZI, 0000
KENNETH R SPURLOCK, 0000
BRETTON C STAFFORD, 0000
CHRISTOPHER M STAMPER, 0000
ROBERT E STANDLEY, 0000
DOUGLAS H STANFORD, 0000
ROBERT M STELTENPOHL, 0000
MICHAEL J STEVENS, 0000
JAMES G STONEMAN, 0000
MARK R STOOPS, 0000
KIRK A STORK, 0000
HAROLD W STOUT, 0000
SHELBY STRATTON, 0000
RICHARD W STRAYER, 0000
CHRISTOPHER E SUND, 0000
SCOTT B SWENSON, 0000
DEREK L TEACHOUT, 0000
BRIAN T TEETS, 0000
THOMAS R TENNANT, 0000
KENT F THOMPSON, 0000
RICHARD W THOMPSON, 0000
TODD L TINSLEY, 0000
CLARK O TROYER, 0000
MARK A TRULUCK, 0000
DAVID M TRZECIAKIEWICZ, 0000
JOHN R TUCKER, 0000
ROGER R ULLMAN II, 0000
MONTE L ULMER, 0000
JOHN L VALADEZ, 0000
MICHAEL S VARNEY, 0000
PETER G VASELY, 0000
DOUGLAS C VERISSIMO, 0000
CHARLES H VICKERS, 0000
LAWRENCE S VINCENT, 0000
JOHN F WADE, 0000
DOUGLAS H WALKER, 0000
DAVID E WARD, 0000
JEFFREY A WARD, 0000
JOHN M WARD, 0000
DENNIS J WARREN, 0000
TODD M WATKINS, 0000
TIMOTHY R WEBER, 0000
VICTOR K WEBER, 0000
WILLIAM A WEEDON, 0000
ROBERT D WEISSENFELS, 0000
DANIEL A WELLS, 0000
KEVIN R WESLEY, 0000
MATTHEW G WESTFALL, 0000
JEFFREY D WESTON, 0000
EDWARD J WETZEL, 0000
CRAIG M WEVLEY, 0000
CHRISTOPHER K WHEELER, 0000
ERIC S WIESE, 0000
DONALD L WILBURN JR., 0000
ROBERT J WILLIAMS, 0000
CURTIS S WILMOT, 0000
WILLIAM P WOOD, 0000
HAROLD T WORKMAN, 0000
DANIEL C WORRA, 0000
JR D M WRIGHT, 0000
STEFAN D XAUDARO JR., 0000
THEODORE A ZOBEL, 0000
JOHN M ZUZICH, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate June 24, 2004:

DEPARTMENT OF STATE

JOHN C. DANFORTH, OF MISSOURI, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

JOHN C. DANFORTH, OF MISSOURI, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

DORA L. IRIZARRY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

DIANE S. SYKES, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

PETER W. HALL, OF VERMONT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

WILLIAM DUANE BENTON, OF MISSOURI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

GEORGE P. SCHIAVELLI, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT BRYAN HARWELL, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PAUL V. HESTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HENRY A. OBERING III

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8038 AND 601:

To be lieutenant general

MAJ. GEN. JOHN A. BRADLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY B. KOHLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. REGNI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. WOOLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CHARLES B. GREEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MELISSA A. RANK
COL. THOMAS W. TRAVIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RICHARD A. CODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEORGE W. CASEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

MAJ. GEN. CARL A. STROCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. COLBY M. BROADWATER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH R. INGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RUSSEL L. HONORE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF, ARMY NURSE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3069:

To be major general

COL. GALE S. POLLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GEORGE W. WEIGHTMAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL JAMES G. CHAMPION

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FRANK R. CARLINI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CARLA G. HAWLEY-BOWLAND

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS A. PRITT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS T. GALKOWSKI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HENRY P. OSMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES T. CONWAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. SATTLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT C. DICKERSON, JR.
BRIG. GEN. TIMOTHY F. GHORMLEY
BRIG. GEN. SAMUEL T. HELLAND
BRIG. GEN. RICHARD S. KRAMLICH
BRIG. GEN. RICHARD F. NATONSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. MICHAEL G. MULLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. DONALD C. ARTHUR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JUSTIN D. MCCARTHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JONATHAN W. GREENERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KEVIN J. COSGRIFF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES M. ZORTMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES G. STAVRIDIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN G. MORGAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RONALD A. ROUTE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOHN M. MATECZUN
REAR ADM. (LH) DENNIS D. WOOFTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) WILLIAM V. ALFORD, JR.
REAR ADM. (LH) JAMES E. BEEBE
REAR ADM. (LH) STEPHEN S. OSWALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) PAUL V. SHEBALIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) THOMAS L. ANDREWS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) LEWIS S. LIBBY III
REAR ADM. (LH) ELIZABETH M. MORRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KAREN A. FLAHERTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARSHALL E. CUSIC, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CAROL I. B. TURNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS R. CULLISON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JEFFREY A. WIERINGA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WAYNE G. SHEAR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SHARON H. REDPATH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JAMES A. BARNETT, JR.
CAPT. WENDI B. CARPENTER
CAPT. JEFFREY A. LEMMONS
CAPT. ROBIN M. WATTERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ADAM M. ROBINSON, JR.

AIR FORCE NOMINATIONS BEGINNING EDWARD ACEVEDO AND ENDING SCOTT J. ZOBRIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATIONS BEGINNING MARK L. ALLRED AND ENDING BARR D. YOUNKER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATIONS BEGINNING BRENDA R. BULLARD AND ENDING THOMAS E. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATION OF RICHARD B. GOODWIN.

AIR FORCE NOMINATIONS BEGINNING JEFFREY P. BOWSER AND ENDING GREGORY W. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

AIR FORCE NOMINATIONS BEGINNING BRADLEY D. BARTELS AND ENDING WILLIAM L. STALLINGS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

AIR FORCE NOMINATIONS BEGINNING CHARLES J. LAW AND ENDING DAVID A. WEAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

AIR FORCE NOMINATIONS BEGINNING LOZANO NOEMI ALGARIN AND ENDING BARBARA L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

ARMY NOMINATIONS BEGINNING CHRISTIAN F. ACHLEITHNER AND ENDING RICHARD J. WINDHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

ARMY NOMINATIONS BEGINNING KEVIN C. ABBOTT AND ENDING MARK G. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

ARMY NOMINATIONS BEGINNING LARRY P. ADAMSTHOMPSON AND ENDING TIMOTHY N. WILLOUGHBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2004.

ARMY NOMINATIONS BEGINNING GERALD V. HOWARD AND ENDING DAVID L. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2004.

ARMY NOMINATION OF JOHN J. SEBASTYN.

ARMY NOMINATION OF ELIZABETH J. BARNSDALE.

ARMY NOMINATIONS BEGINNING RAUL GONZALEZ AND ENDING JAMES F. KING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

ARMY NOMINATIONS BEGINNING RICHARD J. GALLANT AND ENDING ERIC R. GLADMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

ARMY NOMINATION OF RANDALL W. COWELL.

ARMY NOMINATION OF JAMES C. JOHNSON.

ARMY NOMINATIONS BEGINNING SHANNON D. BECKETT AND ENDING LEONARD A. CROMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

ARMY NOMINATION OF DAVID P. FERRIS.

ARMY NOMINATIONS BEGINNING DONALD W. MYERS AND ENDING TERRY W. SWAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

ARMY NOMINATIONS BEGINNING EDWARD L ALEXSONSHK AND ENDING EDWARD M ZOELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

ARMY NOMINATION OF SCOTT R. SHERRETZ.

ARMY NOMINATION OF ROBERT F. SETLIK.

ARMY NOMINATION OF PAUL R. DISNEY, JR.

ARMY NOMINATION OF ERIC R. RHODES.

ARMY NOMINATIONS BEGINNING EDWIN E. AHL AND ENDING MARK A. ZERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

ARMY NOMINATION OF ROBERT J. BLOK.

MARINE CORPS NOMINATION OF SCOTT P. HANEY.

MARINE CORPS NOMINATION OF MICHAEL J. COLBURN.

MARINE CORPS NOMINATION OF MICHELLE A. RAKERS.

NAVY NOMINATION OF JAMES K. COLTON.

NAVY NOMINATIONS BEGINNING KEVIN S. LERETTE AND ENDING KATHLEEN M. LINDENMAYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING VICTOR M. BECK AND ENDING ELIZABETH A. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING EDMUND F. CATALDO III AND ENDING GARY S. PETTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING ELIZABETH A. CARLOS AND ENDING PHILIP C. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING PAUL L. ALBIN AND ENDING MARK E. SVENNINGSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING JOHN L. BARTLEY AND ENDING JOSEPH A. SCHMIDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING RICHARD A COLONNA AND ENDING TIMOTHY J WERRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING JOHN M BURNS AND ENDING ROGER W TURNER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING DAN D ASHCRAFT AND ENDING JOHN E VASTARDIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING RODMAN P ABBOTT AND ENDING STEVEN YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING JAMES S BAILEY AND ENDING JEFFREY B WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING RICHARD S. MORGAN AND ENDING TERRY L. M. SWINNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATION OF SUSAN C. FARRAR.

NAVY NOMINATIONS BEGINNING WILLIAM J. ALDERSON AND ENDING HAROLD E. PITTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING AARON L BOWMAN AND ENDING MAUDE E YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING THOMAS J BROVARONE AND ENDING MARK R WHITNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING KENT R AITCHESON AND ENDING KEVIN S ZUMBAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING RICHARD L ARCHEY AND ENDING FRED C SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING THOMAS H. BOND, JR. AND ENDING PAMELA J. WYNFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING KENNETH R. CAMPITELLI AND ENDING TIMOTHY S. MATTHEWS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING JEFFREY J. BURTCH AND ENDING JAN E. TIGHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING EDWIN J. BURDICK AND ENDING STEPHEN K. TIBBITTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING ANDREW BROWN III AND ENDING JONATHAN W. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING JERRY R. ANDERSON AND ENDING JAMES E. KNAPP, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATION OF JOSEPH P. COSTELLO.

NAVY NOMINATIONS BEGINNING RALPH W. COREY III AND ENDING EDWARD S. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2004.

NAVY NOMINATIONS BEGINNING TOBIAS J BACANER AND ENDING SCOTT W ZACKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING CHARLENE M AULD AND ENDING SCOTT M SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING DON C B ALBIA AND ENDING GREGG W ZIEMKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING BRENDA C BAKER AND ENDING MAUREEN J ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING MICHAEL J ARNOLD AND ENDING DANA S WEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING STEPHEN S BELL AND ENDING JAMES A WORCESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING WILLIAM D DEVINE AND ENDING PAUL R WRIGLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING EDWARD L. AUSTIN AND ENDING DAVID H. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING CARLA C BLAIR AND ENDING CYNTHIA M WOMBLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING NORA A BURGHARDT AND ENDING CRAIG J WASHINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING TERRY S BARRETT AND ENDING DEAN A WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING DANELLE M BARRETT AND ENDING MICHAEL L THRALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING MICHAEL D BOSLEY AND ENDING KEVIN D ZIOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING WILLIAM H ANDERSON AND ENDING FRANK D WHITWORTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING THOMAS W ARMSTRONG AND ENDING RICHARD A THIEL, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING JOSEPH R BRENNER, JR. AND ENDING GREG A ULSES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING TODD S BOCKWOLDT AND ENDING FORREST YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING STEVEN W ANTCLIFF AND ENDING MARK W YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATION OF RICHARD L. CURBELLO.

NAVY NOMINATIONS BEGINNING LOUIS E. GIORDANO AND ENDING ROBERT A. LITTLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING JAMES O. CRAVENS AND ENDING RONALD J. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING STEPHEN W BAILEY AND ENDING GARY F WOERZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING JOSEPH J ALBANESE AND ENDING STEVEN L YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING BENJAMIN M ABALOS AND ENDING GLENN T WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING PATRICK S AGNEW AND ENDING DOUGLAS R TOOTHMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING MARK J BELTON AND ENDING ROBERT E TOLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING CIVITA M ALLARD AND ENDING ANN N TESCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING RICHARD D BAERTLEIN AND ENDING JEFFREY G WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATION OF CARLOS VARONA.

EXTENSIONS OF REMARKS

HONORING ASSISTANT SHERIFF RICHARD BRESHEARS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Assistant Sheriff Richard Breshears. Richard Breshears has had a long and exemplary career in law enforcement that has lasted nearly 35 years.

Mr. Breshears began his career as a Stanislaus County Sheriff in 1970. He soon became an investigator, where he dedicated almost 18 years, rising from the ranks of detective to Lieutenant and working on several high profile cases that garnered national attention. In 1991, he was promoted to Captain and served as Commander of both the Custodial and Operations Divisions. In 1997, he was appointed to the position of assistant Sheriff and continues to command the Operations Division.

Mr. Breshears has not limited his dedication to law enforcement and his community to working hours. He has continuously engaged in, and often led activities that allowed him and the Stanislaus County Sheriff's Department to better serve the community. In 1982, he graduated from the FBI academy in Quantico, VA. He has been a member of countless law enforcement associations and organizations over the years. He has dutifully served such organizations as the Stanislaus County Advisory Board on Substance Abuse, the U.S. Attorney's Law Enforcement Executive Council, and as President of the Stanislaus County Police Activities League for the past eight years.

Richard Breshears' selfless service to his community has not gone unnoticed. His community has bestowed upon him such honors as the ''Assyrian Community Presidential Award,'' the California Attorney General's ''Certificate of Commendation for Meritorious Service,'' and the Stanislaus Sheriff Department's ''Medal of Merit'' for exceptional service.

It is my honor and privilege to join the community in recognizing Richard Breshears for his lengthy, dedicated service to his community. Throughout his career, he has distinguished himself as a leader and mentor. I am delighted to recognize his service and his retirement as I wish him the very best in the years to come.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes:

Ms. DELAURO. Mr. Chairman, I rise today to thank the Chairmen and Ranking Members of the Subcommittee and the Committee for their excellent work in crafting a bipartisan bill that will provide our troops with the tools they need to continue their outstanding service to our country.

Our troops have done an amazing job under very difficult circumstances in Iraq and Afghanistan. I fear that their job will only get tougher in the weeks and months ahead, but this bill will help ensure that our troops will be prepared for whatever they may face in Iraq and in the war on terror.

I am especially grateful to my colleagues Mr. MURTHA and Mr. LEWIS for including in the report accompanying this bill important language that calls for a comprehensive study of mental health services available to service members and their families both during and after deployment to combat theaters.

Despite a growing awareness of the importance of mental health issues, there remains too much of a stigma associated with mental health care. The fact is that the pressures of war and lengthy separation from friends and family can take their toll on our soldiers, and we ought to do more to help our brave soldiers and their families.

Mr. Speaker, I have seen this first-hand. The 439th Quartermaster Company is an Army reserve unit based in New Haven. They have performed admirably well in setting up fuel depots in southern Iraq on the road from Kuwait to Baghdad. But they have been in the Iraqi theater for 14 months now, and will be there for at least a few months more. I have been working with Yale University's Child Study Center to make sure the families of this great unit have access to mental health services. But the military ought to do more to help.

I might add that our commitment to our troops should not stop when they return from the field. Experience has taught us that for service members and their families, the difficulties associated with deployment do not always cease when the service member returns. In the case of Reserve and National Guard troops, who often live far from a military installation, it is especially important that top-quality mental health services are available to them to ease the transition from deployment to civilian life.

This benchmark study will give us some indications about how we can overcome barriers to care, and how we can do better by our soldiers, sailors and marines. It is my hope that the Congress will use this study as a starting point to better fund mental health services for military personnel and their families, and I look forward to working with my colleagues on this issue.

So again I thank Chairman YOUNG, Chairman LEWIS, Mr. OBEY and Mr. MURTHA for taking this issue so seriously and including my amendment.

HONORING MERLE McDOUGALD ''DOUG'' WERNER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor and remember Merle McDougald Werner, a correspondent who filed one of the first reports of the D-Day invasion in 1944. Mr. Werner died May 19, 2004 at his home in Falls Church, VA at the age of ninety-one.

Mr. Werner was born January 28, 1913, in Bladen, Nebraska. He attended the University of Nebraska and received a bachelor's degree in journalism from the University of Missouri in 1934. During the years 1934 to 1937, Mr. Werner worked for several newspapers in Nebraska and Wyoming when he became employed with the United Press, a precursor of United Press International located in Des Moines. In 1941, Mr. Werner transferred to United Press' Washington bureau and was appointed as a war correspondent based in London where he worked with Walter Cronkite.

Surrounded by gunfire and deep cold waters, Werner stepped onto Utah Beach four hours after the beginning of the attack in which 156,000 Allied troops took part. He pulled out his typewriter and began an account of the day from a foxhole that was dug for his protection. Mr. Werner's account became one of the first of the invasion to reach Americans in the states.

During World War II, Werner also covered the German bombing of London, the liberation Paris in August 1944, the U.S. occupation of Berlin in 1945 and the Potsdam Conference.

Additionally, Mr. Werner's recollections of his D-Day experiences are on display in a current online issue of the Newseum, a museum dedicated to journalism. He is also believed to be the last surviving journalist of those who accompanied the invasion forces.

Mr. Werner was viewed as a calm and stoic man who considered himself to be very fortunate to have not only survived the war, but also to have participated in covering the biggest news event of his generation.

Mr. Speaker, in closing, I would like to express my gratitude to Merle McDougald Werner for his service to his country. I call upon my colleagues to join me in applauding Mr. Werner's past accomplishments and remembering him for his dedication to his country and fellow Americans.

RECOGNIZING THE IMPORTANCE OF BLUES MUSIC

SPEECH OF

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mrs. BLACKBURN. Mr. Speaker, today I rise to recognize the importance of Blues

music in the Memphis region, across Tennessee, and to people the world over.

The Blues is a historic treasure that must be preserved and studied for posterity. The Blues, created to express the hardship and tough times faced by many in the Delta region, have comforted millions, brought diverse communities of people together, and created a uniquely American tradition.

Almost all the music we know and love today—including jazz, country, even some classical—has been influenced by the Blues. America's musical heritage cannot be understood without the Blues, and Rock and Roll as we know it wouldn't exist.

Memphis has been a wellspring of musical creativity since the first Mississippi Delta bluesmen started drifting north. When the great W.C. Handy arrived on Beale Street from the Delta in 1908, he brought along this magical new genre. Memphis legends like W.C. Handy and B.B. King are just a few among the many legends of Blues music in the United States who should be recognized.

As Co-Chairman of the House Songwriters Caucus and a Tennessean, I am proud to help represent one of America's true music capitals.

Mr. Speaker, I join my colleagues in support of H. Con. Res. 13.

TRIBUTE TO BRISTOL-MYERS SQUIBB COMPANY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Bristol-Myers Squibb Company's Syracuse, New York facility, which will receive the 2004 Presidential Green Chemistry Challenge Award in the alternative synthetic pathways category presented by the United States Environmental Protection Agency (EPA).

Bristol-Myers Squibb earned this great honor through the development of an environmentally friendly synthesis for the cancer drug Taxol®. The EPA's Presidential Green Chemistry Challenge Program has been promoting pollution prevention through voluntary partnership with the chemical community since 1996. The annual awards recognize outstanding accomplishments in the development of chemical technologies that incorporate the principles of green chemistry into chemical design, manufacture, and use. To date winning technologies have eliminated over 460 million pounds of chemical and solvent pollutants, saved over 440 million gallons of water, and eliminated over 170 million pounds of atmospheric carbon dioxide emissions.

I express my congratulations to the men and women of the Bristol-Myers Squibb Company in Syracuse for receiving such an outstanding honor. Bristol-Myers Squibb has truly shown itself to be a leader in environmental technology innovation.

POPULATION CONNECTION'S 2004 ''KID-FRIENDLY CITIES REPORT CARD''

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Ms. BALDWIN. Mr. Speaker, last week Population Connection released its 2004 Kid-Friendly Cities Report Card. This report rates cities in terms of the quality of life they provide for children by using data in sixteen comprehensive areas including health care, education, and community.

I am proud that Madison, my hometown, ranked third among large cities in America in terms of providing a high quality of life for children. We scored very highly in the education and community categories. The people of Madison deserve to feel proud of the quality of life we provide for the children in our city.

There is much good news for Madison in this report, but there's much more to be done. We must remember that far too many children in our city and, indeed, across America are being left behind. I applaud Population Connection for their efforts in working hard to achieve the day that every city is kid-friendly, the day that every kid can look forward to a future that offers unlimited opportunity. This report from Population Connection shows us the map to get there. And while cities and states can do a lot on their own, many of the problems that young people face are national problems that require national solutions.

The first step is to get serious about reducing teen pregnancy. In Madison, like in much of America, this is one of the most significant challenges we face. We should act to ensure that not one more federal penny is spent on ineffective programs, like ''abstinence-only'' programs that leave kids simply uninformed at best and woefully ill-equipped for real-life decision-making at worst. Such programs have been shown to have little to no impact on the likelihood that young people will be sexually active, but they do reduce the chance that young people will use contraceptives when they do have sex, leading to unintended pregnancy and exposure to sexually transmitted infections. Let's put our money into more effective, more worthy programs that can be shown to have a real impact on the lives of young people.

Also, we should act to ensure that every woman, every mother, has access to affordable reproductive health care, family planning and effective contraceptives. Too often, contraceptives are excluded from prescription drug coverage in health insurance plans. Federal funding for family planning for low-income Americans has fallen nearly 60 percent in real dollars over the past two decades, leaving fully half the women who need subsidized family planning aid without access to services. Family planning gives mothers the ability to properly space their births. It makes it more likely that they will receive pre-natal care, and it helps to ensure that every pregnancy is planned and every child is wanted. These programs are worthy of increased investment. The return is enormous. In fact, research has shown that every dollar of public money invested in family planning and reproductive health care saves more than four dollars in future costs.

I urge my colleagues in the United States Congress to take the funds that the president has proposed for failed abstinence-only programs and use it to double the funding for the Title X family planning program. This program has a long history of success in providing basic reproductive health care, family planning information and contraceptives to low-income Americans. We must always remember one basic fact: healthy mothers and healthy children go hand in hand.

We should all be grateful to Population Connection for providing us with this information that can help guide the policies we adopt. Now that they've provided the information, we in Congress must act to adopt policies that will bring us quickly to the day that such a report is unnecessary . . . the day when every city gets an ''A''.

PROTECT PERSONAL PRIVACY BY NOTIFYING CONSUMERS OF THE PRESENCE OF TRACKING DEVICES IN EVERYDAY ITEMS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. KLECZKA. Mr. Speaker, today I am introducing privacy legislation in response to the growing use of technology known as ''radio frequency identification,'' or RFID, that businesses are beginning to use as a means of tracking shipments of goods.

RFID chips, which can be embedded by manufacturers in clothing or other products, transmit unique identification data to a receiver so that a merchant can track the movement or presence of specific goods, such as to verify that a container has a complete order of items inside without opening it. It makes good business sense to keep track of inventory, and RFID offers an easier, more efficient way for many companies to do so.

However, in an age in which the advent of new technology is often accompanied by a loss of control over one's personal information or privacy, consumers should be made aware when an item that they have purchased contains technology that potentially allows for their movements or purchase history to be tracked. Furthermore, a person that so desires should be able to have the tracking chip disabled or removed.

Presently, RFID chips come in all shapes and sizes, with some the size of a grain of rice or smaller. Many of these chips are only able to transmit to a receiver in close proximity, and do nothing more than signal the presence of a specific item of clothing or other retail product. As technology advances, it will be easier for such technology to be linked to the individual's personal information, such as the purchaser's name, address, transaction history, and so forth. In addition, the distances over which RFID chips could transmit to a receiver will undoubtedly increase, enabling the tracking of RFID-tagged goods far from the point of purchase.

My legislation would require the Federal Trade Commission to craft rules to ensure that businesses could not sell products with RFID devices unless the product carries a warning label and the person purchasing the item is provided with the option of having the RFID

device removed or permanently disabled at the time of purchase. This is a common sense solution would allow businesses to continue to utilize this technology while at the same time it would grant consumers the ability to protect their privacy.

Although I recognize that time is running out in the present session of Congress, it is important that this issue be raised. Congress should act to give our constituents the opportunity to have these tracking devices removed or disabled on articles they purchase, and I urge my colleagues to cosponsor this legislation.

TROPICAL FOREST CONSERVATION ACT REAUTHORIZATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to announce that I am joined by TOM LANTOS and 28 of our colleagues in introducing a bill to reauthorize the Tropical Forest Conservation Act (TFCA) through FY 2007. This bipartisan conservation incentive program helps to protect the world's most valuable tropical forests through ''debt-for-nature'' mechanisms.

This bipartisan reauthorization we are introducing today was developed with the Bush Administration, the Nature Conservancy, the World Wildlife Fund, Conservation International, and the Wildlife Conservation Society. The Administration and these highly respected environmental organizations are to be commended for all of their excellent work on the TFCA and this bill.

In the 105th Congress I, along with our former colleagues Lee Hamilton and John Kasich, introduced the legislation that established the TFCA. It was overwhelmingly approved and enacted in 1998. The TFCA was reauthorized in 2001 through the end of this year.

The TFCA is based on the previous Bush Administration's Enterprise for the Americas Initiative (EAI) that allows the President to restructure debt in exchange for conservation efforts in Latin America. The TFCA expands on the EAI and allows protection of threatened tropical forests worldwide. A conservative estimate of 39.5 million acres of tropical forests will be protected by TFCA agreements since its enactment in 1998.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests provide a wide range of benefits. They harbor 50–90 percent of the earth's terrestrial biodiversity. They act as ''carbon sinks,'' absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing greenhouse gases. They regulate rainfall on which agriculture and coastal resources depend, and they are of great importance to regional and global climate. Furthermore, tropical forests are breeding grounds for new medicines. Twenty-five percent of prescription drugs come from tropical forests. The United States National Cancer Institute has identified over 3000 plants that are active against cancer. Seventy percent of them can be found in rainforests.

Regrettably, tropical forests are rapidly disappearing. It is estimated that 30 million acres (an area larger than the State of Pennsylvania) are lost each year. The heavy debt burden of many countries is a contributing factor because they must resort to exploitation of their natural resources (particularly the extraction of timber, oil, and precious metals) to generate revenue to service their external debt. At the same time, poor governments tend to have few resources available to set aside and protect tropical forests. The TFCA addresses these economic pressures by authorizing the President to allow eligible countries to engage in debt swaps, buybacks or reduction/restructuring in exchange for protecting threatened tropical forests on a sustained basis.

The debt for nature mechanisms in the TFCA have proven to be an effective, market-oriented means to leverage scarce funds available for international conservation. The host country places an amount in its tropical forest fund that typically exceeds the cost to the U.S. government of the debt reduction agreement. Furthermore, because these tropical forest funds have integrity and are broadly supported within the host country, conservation organizations are interested in placing their own money in these tropical forest funds producing additional leverage of Federal conservation dollars.

Seven TFCA agreements have been concluded to date: Bangladesh, El Salvador, Belize, Peru, the Philippines, Panama and Colombia. These agreements have generated more than $70 million in long-term income commitments for tropical forest conservation. Private donors have contributed more than $5 million to TFCA swaps, leveraging the U.S. government funds. Active deals are currently being negotiated with Jamaica and Sri Lanka. Several other countries have expressed interest in the program including Guatemala, Ecuador, Paraguay, St. Vincent, Botswana, Costa Rica, the Dominican Republic, India, Indonesia, Brazil, and Kenya.

This bill will improve the TFCA and reauthorize it at $20 million in FY 2005, which is included in the President's budget request; $25 million in FY 2006; and $30 million in FY 2007.

The Tropical Forest Conservation Act is an excellent program that is working well and worthy of reauthorization. I urge all members to support this important, market-oriented approach to conserving the world's most threatened tropical forests.

INTRODUCTION OF LEGISLATION PROHIBITING EXTRAORDINARY RENDITION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MARKEY. Mr. Speaker, the prison abuses at Abu Ghraib were a national disgrace and have rightly been the subject of anger and condemnation. But another torture practice continues to go on without any public attention. Under the name ''extraordinary rendition'', the CIA reportedly sends terrorism suspects, sometimes on the flimsiest of evidence, to foreign countries that are known to employ torture in prisoner interrogation. This practice is against all U.S. and international law and is a moral outrage, and it must be stopped.

The practice of extraordinary rendition, the extra-judicial removal of people in U.S. custody both domestically and abroad to foreign governments that are known to use torture, has received little attention because of the degree of secrecy with which it occurs. Attention was drawn to the practice in September 2002 when Maher Arar, a Canadian citizen, was seized while in transit to Canada through JFK airport, and sent to Jordan and later Syria at the request of the CIA. While in Syria, Arar was tortured and held in a dark, 3-by-6–foot cell for nearly a year. He was ultimately released and detailed his story to the media upon his return to Canada.

Although the more recent numbers have not been made public, outgoing CIA director George Tenet testified to the 9/11 Commission in October 2002 that over 70 people had been subject to rendition before September 11, 2001. Human rights organizations including Amnesty International, Human Rights Watch, the Center for Constitutional Rights and the ACLU have detailed numerous other cases and are pursuing litigation in some of them. On June 21, the Canadian government launched an investigation into Arar's case.

My bill directs the State Department to compile a list of countries that commonly practice torture or cruel, inhuman or degrading treatment during detention and interrogation, and prohibits rendition to any nation on this list, unless the Secretary of State certifies that the nation has made significant progress in human rights. It also specifies that written or verbal assurances from a foreign government that a person will not be tortured are not sufficient basis to override this prohibition. The bill explicitly permits legal, treaty-based extradition, in which suspects have the right to appeal in a U.S. court to block the proposed transfer based on the likelihood that they would be subjected to torture or other inhumane treatment.

Extraordinary rendition is outsourcing torture, and it is morally repugnant to allow such a practice to continue. President Bush has asserted that 'the values of this country are such that torture is not a part of our soul and our being.' The legislation I am introducing today is designed to ensure that we not only ban torture conducted by our own forces but we also stop the practice of contracting out torture to other nations. Torture enabled by extraordinary rendition is outrageous and must be stopped.

40TH ANNIVERSARY OF THE DEDICATION OF THE UKRAINIAN MONUMENT TO TARAS SHEVCHENKO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, on Saturday, June 26, 2004, the Ukrainian-American community will celebrate the 401h anniversary of the Taras Shevchenko monument in Washington, DC. The monument inspired and united Ukrainians to speak about the cruelty and injustice of the former Soviet Union and attracted international support. Since independence, Ukraine has made significant progress in its transition to a democratic society.

Taras Shevchenko continues to serve as a source of inspiration to Ukrainians almost 200 years after his untimely demise. Born into serfdom, as a child, Shevchenko excelled in painting even though he received no formal training. His talent eventually attracted the attention of the best artists, who bought Shevchenko's freedom. A brilliant artist, Shevchenko turned out to be an even more talented poet, who through his works gave strength and hope to millions of freedom fighters. The intensity of his words have resonated in the hearts of many, igniting the fire of freedom and inspiring a continued struggle for liberation. He led not just by his word, but by personal example as well. Throughout his life, Shevchenko organized and participated in societies promoting the liberation of Ukraine from the Russian Empire, which cost him his freedom on several occasions and ultimately cost him his life. Still his legacy endures and on this day we celebrate Shevchenko's great spirit of love for Ukraine, freedom and equality.

As a longtime supporter of the Ukrainian American community, I welcome the community's efforts to unite and stand strong on the issues that concern it in the United States and Ukraine. More than ever Ukraine needs a strong, unified voice in the United States to highlight Ukraine's achievements and evaluate its current policies. I am glad to see that Ukrainian Americans remain active in political and civic life in the United States and continue to cooperate with the governments of the United States and Ukraine.

INTRODUCTION OF H.R. 4658, SERVICEMEMBERS LEGAL PROTECTION ACT OF 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce H.R. 4658, the Servicemembers Legal Protection Act of 2004, legislation to further strengthen the legal and financial rights of military servicemembers, particularly those called up to active duty in Iraq, Afghanistan and other duty stations around the world. This legislation would amend a prior law I sponsored, that President Bush signed last year, the Servicemembers Civil Relief Act, Public Law 108–189.

Mr. Speaker, this morning I chaired a hearing of the Veterans' Affairs Committee to examine how well the federal statutes protecting our servicemembers rights were being enforced. Testifying before the Committee were several servicemembers and family members with personal experiences in which their rights were not properly protected under existing laws.

One witness, Ms. Tammy Kimmel whose husband served in the Army at Fort Hood in Texas, told the Committee that when her husband was ordered to a new duty location, her landlord refused to release her from their joint housing lease as required by law. The landlord claimed that the law required the servicemember to be released, but not the spouse.

The legislation I am introducing today would help prevent such misinterpretations as well as strengthen and expand several existing legal and financial protections.

Mr. Speaker, with more than 150,000 Guard and reserve members activated in the continuing war on terrorism, we must ensure that the laws protecting their rights are fully and faithfully executed and enforced. Congress approved the Servicemembers Civil Relief Act last year precisely because of perceived ambiguities and weaknesses in longstanding federal statutes covering military personnel called to active duty or redeployed to new duty locations.

Regrettably, despite sixty years of federal case law, culminating with the passage last year of the Servicemembers Civil Relief Act, there are still some individuals, businesses, and organizations who cynically refuse to provide all the reliefs required by statute.

We will neither tolerate outright violations nor attempts to distort the clear purposes of the laws Congress has enacted. The evidence from today's hearing is overwhelming and the intention of the law is clear. Those men and women who put their lives on hold and on the line must not suffer economic or legal harm that results from their military service. This Committee and this Congress will continue to do all that can be done to protect the legal and financial rights of all of our servicemembers, whether they are active duty, reserve or Guard.

As introduced, H.R. 4658, the Servicemembers Legal Protection Act, would:

Strengthen the lease termination protections for dependants of servicemembers relocating per military orders;

Expand the definition of court and administrative judgments and rulings covered by the law:

Require that waivers of their rights by servicemembers must be duly executed in separate, clearly written documents:

Extend to plaintiffs the same relief granted to defendants in civil court proceedings:

Extend the housing and automobile lease termination relief to servicemembers relocated from states or territories outside the contiguous United States (e.g., Hawaii, Alaska):

Strengthen the leases termination provisions for servicemembers affected by individual deployments:

Prevent double taxation of servicemembers due to differences in state and local excise, use, or other similar taxes.

Mr. Speaker, the Servicemembers Civil Relief Act that passed last year both restated and expanded the Soldiers and Sailors Civil Relief Act first approved in 1940. This federal statute is designed to help ensure that U.S. military personnel are not disadvantaged when they have been called to active duty and are therefore unable to be present at legal proceedings.

Among the most important protections added by the Servicemembers Civil Relief Act last year were automatic 90-day stays for civil and administrative proceedings, protections for servicemembers and their families from housing evictions, the right of servicemembers and their spouses to terminate housing and automobile leases, and protection from repossessions of automobiles.

Enactment of the legislation I am introducing today, H.R. 4658, the Servicemembers Legal Protection Act, would provide an additional level of support for all of the brave men and women defending our nation and our freedom around the world. I urge my colleagues to look at this important legislation and lend their support to protecting the legal and financial rights of all of our servicemen and women.

A SPECIAL TRIBUTE TO THE CITY OF WAUSEON, OHIO ON THE OCCASION OF THEIR SESQUICENTENNIAL

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. GILLMOR. Mr. Speaker, it is my privilege to pay tribute to a special in Ohio's Fifth Congressional District. This year, the community of Wauseon, Ohio will celebrate the sesquicentennial of its founding.

Mr. Speaker, the City of Wauseon was officially recorded as a town in 1854 upon the arrival of the New York Central Railroad. The City earns its name from the long heritage of the Maumee Indian tribe. The last council of the Maumee tribe was held with the United States government 16 years before the founding of the City. It was at this council that Chief Wauseon conveyed all Maumee tribe lands in the Northwest Territory to the United States Government.

From its very beginning, Wauseon had a strong connection with the railroad. Its very creation came as a result of the railroad moving to Northwest Ohio. The first settlement in Wauseon came in anticipation of the arrival of the New York Central Railroad. Wauseon contributed to the prosperity of our young nation, the strength of our economy and the birth of our industrial might. Wauseon has a deep understanding and appreciation of their vibrant culture and long history.

Today, we honor the June 26th Heritage Days event in Wauseon, Ohio. This event will mark the 150th anniversary of the founding of the City of Wauseon. The festival will include a Civil War encampment, Native American pow-wow, and music and food from the 1850's. Pioneer life will be on display throughout the celebration.

As the county seat of Fulton County and its largest city, Wauseon embraces their long and significant heritage and will continue to share this with visitors and members of their community. Building a community mindful of the past and ready for the future speaks to the wisdom and dedication of Wauseon's citizens.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the diligent effort and unwavering spirit of the citizens of Wauseon. I am confident that Wauseon's sesquicentennial will serve as an essential reminder to the past and promise of our great land.

COMMENDING THE PASCO COUNTY SHERIFF'S OFFICE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to commend the Pasco County Sheriff's Of earning national commendations for its efforts to control crime, make the community safer, and improve the lives of Pasco County residents, many of whom live in my congressional district.

The office, led by Sheriff Bob White, recently became one of the first law enforcement agencies in the country to receive accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA), an honor which only about one of every four law enforcement agencies ever earn.

The Sheriff's Office received this accreditation after an exhaustive review of its policies and procedures. The Office began preparing for its assessment in early 2003 by reviewing its readiness for such a formal and comprehensive review. The men and women in its employ scrutinized hundreds of policies and procedures and revised and rewrote those which needed altering to comply with CALEA standards.

The formal assessment for CALEA accreditation then began last summer. CALEA assessors descended on the Sheriff's office to conduct an inspection which lasted four days. They reviewed files, toured the agency, inspected personnel, tested equipment, listened to presentations, and rode-along on patrols. They then recommended the Office, which met or exceeded nearly all of CALEA's standards, receive full accreditation late last year. The Sheriff's Office must continue to comply with these standards and will undergo the same scrutiny every three years to maintain its accreditation.

The CALEA accreditation means that the Pasco County Sheriff's Office has met accepted law enforcement standards in preventing and controlling crime, increased agency effectiveness and efficiency in the delivery of law enforcement services, improved coordination with other law enforcement agencies, and bolstered employee and community confidence in its goals, objectives, policies, and practices.

Mr. Speaker, I believe that the Pasco County Sheriff's Office is one of the most dedicated and professional law enforcement agencies in the state of Florida and around the country. I am both proud and thankful that Sheriff Bob White and his charges are on the job protecting me and my constituents and representing the law enforcement community so ably and honorably. I hope that our colleagues are as fortunate as my constituents are to have such dedicated men and women protecting them.

HOMEOWNERSHIP OPPORTUNITIES FOR NATIVE AMERICANS ACT OF 2004

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MATHESON. Mr. Speaker, I rise today to express my strong support for H.R. 4471, the Home Ownership Opportunities for Native Americans Act. I was pleased to introduce this bill with my friend and colleague on the Financial Services Committee, Mr. RENZI.

Many Native Americans continue to live in appalling housing conditions even as those in much of the nation have improved. American Indian and Alaska Native populations live in housing that is often and justifiably compared to third world nations. One out of every five Indian homes lacks complete plumbing facilities. Over 90,000, American Indians and Alaska Natives are homeless or underhoused.

On May 3, the Housing Subcommittee of the Financial Services Committee conducted a field hearing on the Navajo Reservation in an effort to better understand the challenges facing Native Americans in obtaining housing and to find ways to improve housing opportunities for Native Americans.

The Home Ownership Opportunities for Native Americans Act is the first of many needed legislative efforts to address the issues raised during our field hearing. This bill makes a simple and necessary correction—it will statutorily confirm a 95% loan guarantee under Title VI of the Native American Housing Assistance and Self-Determination Act (NAHASDA).

While this vital Native American housing program at the Department of Housing and Urban Development (HUD) has operated at a 95% loan guarantee level since its implementation, a recent determination by the Office of Management and Budget (OMB) has indicated that only an 80% loan guarantee level is authorized without further action from Congress. H.R. 4471 makes this needed change and ensures that this important housing program will continue to be used to help Native Americans obtain housing.

I appreciate the strong leadership of my colleague from Arizona, Mr. RENZI, Ranking Member WATERS, and Chairman NEY on this issue. I urge my colleagues to support this legislation and I look forward to continuing to work with my colleagues to address the many difficult challenges facing Native Americans in achieving home ownership.

RECOGNIZING THE SACRIFICE OF AN AMERICAN HERO: SPECIALIST ERIC MCKINLEY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to recognize the very special life of Eric MCKINLEY.

Eric, like most young men, loved his family, enjoyed his job, and dreamed of doing something important with the time given him.

But Specialist Eric McKinley was different from most. Simply put, Eric did more in his brief twenty-four years than many ever will. This local hero volunteered to serve his community, his State, and his Nation for a six year enlistment with the Oregon Army National Guard.

He proudly did his duty, and then he did more. You see, Eric was due to come home and be discharged in early April. His family, his friends, and his coworkers at the bakery shop in Corvallis where he worked longed for his laugh, his smile—his gentle presence.

But it was not to be.

Like a lot of young soldiers, Eric McKinley's service was extended in Iraq because his special skills were needed to rebuild a broken state, protect a delicate peace, and foster a climate within which a vulnerable but growing seed of democracy might take root.

Eric took his duty seriously, he knew the risks, and yet this self-sacrificing man chose to serve. He accepted his charge without complaint, he understood the need of the extension and quietly soldiered on as he always had.

Eric is the face of the Guard—but he is also the face of our community.

His desire was simple: lift young people up; provide them with new and viable alternatives for a healthy life, and provide a place for safe and meaningful fun.

Eric McKinley will not have the opportunity to build his own business as he had dreamed and watch the young people of Benton County enjoy the fun of a safe haven.

We are all now indebted to Eric's spirit and sacrifice. We are all now accountable to seek out the opportunities of tomorrow to help the young people that he cared so much about. We must stretch ourselves to make Eric's vision a new reality. All of us must join together to take up Eric's personal commitment in seeking to provide opportunities for the young people in our lives.

As the seasons come and the time passes, the pain of our loss will slowly subside. But the sacrifice of Eric McKinley will be as significant then as it is today: he gave his all so that others could have life, liberty, and the pursuit of happiness.

Eric's sacrifice must always be remembered.

It is now, and will be forever, our turn to repay the debt.

TRIBUTE TO COMMAND SERGEANT MAJOR BILLY TENTION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SPRATT. Mr. Speaker, I am honored to recognize the career of an extraordinary South Carolinian, United States Army Command Sergeant Major (CSM) Billy Tention. Following 30 years of distinguished service and after reaching the Army's highest enlisted rank, CSM Tention will retire from active duty on July 9, 2004. The significance of this milestone is matched only by his devoted service.

General George C. Marshall once said, ''There is no limit to the good you can do if you don't care who gets the credit.'' This defines the military career of CSM Tention.

Born in September 1953, in Camden, South Carolina, he entered the Army in September 1974, after graduating from Ashwood Central High School. He underwent basic training at Fort Jackson, South Carolina and received his Advanced Training at Fort Sam Houston, Texas. CSM Tention then excelled at every rung up the leadership ladder. From his early days as non-commissioned officer in charge of the Services Branch at Eisenhower Army Medical Center to Hospital Command Sergeant Major at Fort Leonard Wood, CSM Tention has demonstrated the Army's core values: selfless service, loyalty, honor, and integrity.

His dedicated 30-year commitment to the Army speaks of his loyalty, loyalty to his country, the Army, and most importantly, his fellow soldiers. ''Do your duty in all things,'' General Robert E. Lee once said. ''You can never do more. You should never wish to do less.'' CSM Tention did his duty through service in numerous assignments including war-fighting during the first Persian Gulf War and other overseas duty in Europe and Asia. There's an old Army saying: ''Take care of your people,

and they'll take care of you.'' CSM Tention has been taking care of his people for 30 years. Whether it's exceeding recruitment/retention goals, yielding the highest Expert Field Medical Badge graduation rate, or spearheading Dining In's and ethnic recognition programs, CSM Tention's actions reflect the highest respect and honor among seniors, peers, and subordinates alike.

CSM Tention's awards and decorations include two Legions of Merit, the Bronze Star Medal, two Meritorious Service Medals, the Army Commendation Medal, the Army Achievement Medal, 10 Good Conduct Medals, the Kuwait Liberation Medal (Saudi Arabia), the Kuwait Liberation Medal (Kuwait), the Expert Field Medical Badge, the Air Assault Badge, and the Recruiter Badge with 3 Gold Stars.

CSM Tention earned a Bachelor of Arts degree from Columbia College in 2004 and is working towards a Master's degree in Human Resource Management from Webster University.

I am proud to represent all South Carolinians in thanking CSM Tention and his family for their dedication, commitment to country, and service. CSM Tention is a credit to the United States Army and to the United States of America. I wish him all the best as he makes the transition to civilian life.

COMMENDING MILAN OPACICH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend one of Northwest Indiana's most distinguished citizens, Milan Opacich, of Schererville, Indiana. Milan is one of twelve exemplary master folk and traditional artists chosen to receive the 2004 National Heritage Fellowship by the National Endowment for the Arts. On Thursday, September 30, 2004, he will be honored by the United States Government for his artistic excellence and his contributions to the art field. Milan's praiseworthy contributions will be recognized in Washington, D.C., at an awards ceremony on Capitol Hill.

Since 1982, the Endowment has awarded more than 282 National Heritage Fellowships. Recipients include bluesman B.B. King, Irish step dancer Michael Flately, and acclaimed performers Shirley Caesar, Doc Watson, and Bill Monroe. Recipients are nominated, often by members of their own communities, and then judged by a panel on the basis of their continuing artistic accomplishments and contributions as practitioners or teachers. Milan was chosen for his expertise and commitment to passing on his skills and cultural traditions to a new generation. I can truly say that Milan is a dedicated, distinguished and committed citizen. I have known him for many years and consider him a close personal friend.

Milan was born and raised in Gary, Indiana by a Croatian mother and a Serbian father. He became interested in string music at the age of four, and at the age of fourteen he began playing country music. At the age of eighteen he took up tamburitza music. After high school, Milan became a journeyman tool and die maker, honing the skills he used to build the tamburitza, a stringed instrument resembling the mandolin. He built instruments for himself, family, and friends; he also played in one of several orchestras.

In 1958 Milan joined the Gary Fire Department. He set up a small workshop in the basement of the firehouse to continue making his instruments during down times. When he wasn't fighting fires, Milan was in the basement of the firehouse making instruments. He worked for the Gary Fire Department for 20 years, retiring 26 years ago. Milan now resides in Schererville, Indiana. He has converted his garage into a workshop similar to a museum of musical instruments. He has several pictures highlighting the different bands he has played with over the years, most recently the Drina Tamburitza Orchestra. Today he is recognized as this Nation's premiere tamburitza maker. His instruments have been exhibited at both the Renwick Gallery of the Smithsonian Institution and at the Roy Acuff Museum. In 2002, he was named to the Tamburitza Association of America Hall of Fame.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Milan Opacich for his outstanding contributions to the arts. His family and friends should be proud of his accomplishments. I ask you and my other distinguished colleagues to join me in commending Milan Opacich for his lifetime of remarkable accomplishments and enduring service.

HIGHER EDUCATION SUSTAINABILITY ACT OF 2004

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BLUMENAUER. Mr. Speaker, today I am introducing the ''Higher Education Sustainability Act of 2004,'' which would authorize $50 million for six Sustainability Education Centers across the country to develop and implement integrated environmental, economic, and social sustainability programs. Each Sustainability Center will focus on multidisciplinary research, education, and outreach at institutions of higher education.

Sustainable development practices are being advanced by hundreds of U.S. cities and companies and through a variety of international agencies including the United Nations and the world Business Council for Sustainable Development. As population growth, urban development and extreme weather incidents place great stress on ecosystems around the globe, the need for developing innovative and successful sustainable development practices becomes critical to sustaining our economic competitiveness, improving our environmental health and creating more livable communities.

In my home State of Oregon, we have many great examples of sustainable development and livable communities. Portland State University, located in my hometown, provides an excellent example of how to incorporate sustainability throughout the curriculum. Faculty from the departments of social sciences, life sciences, physical sciences, humanities, as well as the professional schools have been working to incorporate sustainability principles in their coursework and research. PSU has developed several new initiatives developed, including a Certificate in Sustainability Program focusing on PSU's partnerships with Asia and Europe.

Portland State University's Sustainability Initiative has placed a high priority on Green Buildings that use smart technology to improve operational performance and produce significant energy savings. Their green Stephen Epler Residence Hall, opened this fall, uses harvested rainwater in restrooms and features low-flow water fixtures for showers and toilets. Its integrated energy design is projected to produce an expected $29,000 a year in annual energy cost savings. PSU will save an additional $275,000 in energy cost across the campus this year simply by installing energy-efficient equipment and lighting fixtures and adjusting temperature settings. These savings translate into the tuition costs for nearly for nearly 80 students—a significant figure, given the rising cost of college today!

These innovations are just a few among many that are already underway in colleges and universities across the nation. This legislation will ensure that we can extend these innovations to all our institutions of higher learning. I look forward to working with my colleagues to pass this bill and make a commitment to making our educational communities more sustainable and livable.

INTRODUCTION OF H.R. 4659, USERRA HEALTH CARE COVERAGE EXTENSION ACT OF 2004

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BROWN of South Carolina. Mr. Speaker, as Chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs, I am pleased to introduce H.R. 4659, the ''USERRA Health Care Coverage Extension Act of 2004.'' I introduce this measure jointly with Representative MICHAEL MICHAUD, ranking member of the Benefits Subcommittee.

The bill would increase to 24 months, up from 18 months, the maximum period of employer-provided health care coverage that an employee covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) may elect to continue to receive while mobilized as a reservist or Guard member. This legislation would also reinstate reporting requirements for the Department of Labor in consultation with the Office of Special Counsel and the Department of Justice on USERRA cases.

Mr. Speaker, due to the technical nature of this bill, I have kept it in draft form until now. This approach has afforded the Committee on Veterans' Affairs the opportunity to take testimony on the bill, today in fact, as part of a hearing titled, ''Protecting the Rights of Those Who Protect Us: Public Sector Compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Improvements to the Servicemembers Civil Relief Act (SCRA).'' I am grateful to Chairman CHRISTOPHER SMITH and ranking member LANE EVANS for convening today's hearing because America has mobilized 387,986 reserve and Guard members in support of Operation

Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom. We need to continue to assist these selfless individuals. About 153,000 of them are still mobilized.

At today's hearing on the draft legislation, six Administration officials testified to the overall support of the bill. Craig Duehring, Principal Deputy Assistant Secretary of Defense for Reserve Affairs, stated in his testimony that, ''Increasing from 18 months to 24 months the maximum period of employer-provided health care plan coverage that an employee covered by USERRA may elect to continue is an important amendment that will align this coverage period with the length of time for which reservists can be mobilized under the current mobilization authority.''

The extension of health care coverage will be especially helpful to federal government employees. Dan Blair, Deputy Director of the Office of Personnel Management, informed the Committee this morning that, ''Last year, we asked agencies how much of the Federal Employees Health Benefits they pay for these reservists. I am pleased to report most agencies pay both shares. Of the 114 agencies surveyed, 96 pay the full premium.'' The ''full premium'' means the employer-employee share. The federal government needs to be the model employer when it comes to reserve and Guard members.

With regard to reinstating the reporting requirements for the Department of Labor, Office of Special Counsel, and Department of Justice, all three supported this measure. In fact, Mr. Charles Ciccolella, Deputy Assistant Secretary for Veterans' Employment and Training at the Department of Labor, stated in his testimony that, ''In the past, the Department found this requirement to be useful.''

With the documented support of the ''USERRA Health Care: Coverage Extension Act of 2004,'' I encourage my colleagues to add their names in support of this timely legislation.

ELKINS HIGH SCHOOL'S VARSITY SOFTBALL CHAMPIONS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. DELAY. Mr. Speaker, I want to take a moment to recognize some special constituents of mine, the members of the Elkins High School varsity softball team from Missouri City, for capping off their perfect 2004 season with the school's first Texas State championship.

To Coach Jim McClanahan, and assistant coaches Jim Smittle and Amy Mattes, thank you for the enormous amount of time and effort you gave to this team and for helping these girls live up to their potential. Without your hard work and dedication, this team could not have gotten where it is today.

And to the team itself—Alyssa Garza, Caryn Danielson, Abbie Palmieri, Amy Palmieri, Brittni Taylor, Courtney Cornett, Erin Howe, Erin Tresselt, Jamie Hinshaw, Jessie Rodriguez, Rachel Isenhower, Ragan Blake, Sam Dyess, Tiffany Williams, Ryan Graybill, Jenna Lamoreux, Shallon Watson, and Ashley Patterson—congratulations! I'm proud to represent you all in the House of Representatives.

While it's pretty clear from their record that there's a lot of talent on this team, you can't win 39 straight games on talent alone. It takes hard work, perseverance, and dedication—virtues this team has exemplified during its stellar season.

It's great to have talent, but it's better to have commitment. As someone once said, ''It doesn't matter how good you are if you don't work hard.''

These girls set themselves a goal this year and accomplished it. To have gone an entire season without a single loss is an amazing achievement and a testament to the character of these young ladies.

I am honored to enter their names and accomplishments into the RECORD today.

IN RECOGNITION OF RITA MORENO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. RANGEL. Mr. Speaker, I rise today to recognize an outstanding performer, actress, and entertainer Rita Moreno for receiving the ''nation's highest civilian award recognizing exceptional meritorious service,'' the Presidential Medal of Freedom.

Rita Moreno has been an inspiration to many throughout her remarkable career as an actress on screen and stage. Her performances have been recognized with Grammy, Tony, and Emmy Awards, and she received an Oscar in 1961 for her performance as Anita in West Side Story. She has, in fact, been listed in the Guinness Book of World Records for her achievements and being the only female performer to have won all four of the most prestigious performing arts awards. Today, June 23, 2004 she will be honored at a White House ceremony with the presentation of the Presidential Medal of Freedom.

A dramatic actress, singer, dancer, comedienne, Ms. Moreno has portrayed a variety of different roles going beyond traditional limitations and proving that Latino performers are not limited to ''ethnic'' roles. Her versatility has led to decades of success on stage, screen, and television.

Ms. Moreno was born Rosa Delores Alverio in Humacao, a small town in Puerto Rico. At the age of five years old, she joined her mother in New York and the following year she started her dancing lessons. Rosita's immense talent became evident at a young age. By the age of thirteen, Rita Moreno had made her Broadway debut in ''Skydrift''. She signed her first movie contract at the age of seventeen.

Ms. Moreno made some thirty films early in her career, and was often typecast as a Mexican spitfire or an Indian maiden. After a decade of these stereotypical roles she was cast as the strong-willed and independent Anita in the movie version of West Side Story. It was only after Rita Moreno won an Oscar for her outstanding performance as ''Anita'', which gained international acclaim, that she was finally recognized as a major talent. Indeed, the film's depiction of ethnic division and urban violence can be seen as a foreshadowing of the civil rights struggles and general social turbulence of subsequent years. Rita Moreno's depiction of a young woman believing in and pursuing the American dream was vivid and memorable.

In the early 1970s Ms. Moreno appeared in children's television programs providing inspiration to Hispanic children, with the intent to assure them of their value as citizens of society. Rita Moreno has also been the guest star on a wide variety of television productions, both here and abroad, including highly regarded educational television programs as well as starring in her own TV series.

Becoming engaged in so many facets of entertainment, Rita Moreno, early in 1978, turned her attention for the first time to live performances, creating an act that has attracted outstanding critical acclaim. All things considered, Rita Moreno's success goes far beyond her ability to act and sing or win awards. She has strived throughout her career to push past the boundaries that have marginalized actors who did not seem to represent mainstream America and cast Latinos and other minorities in menial roles. She continues to keep busy performing concerts across the country as a guest artist with symphony orchestras. In addition to her film, stage, television and concert careers, Ms. Moreno fills her spare time by lecturing to various organizations as well as to university audiences. She is also involved with a number of civic and charitable organizations and events.

Rita Moreno is a member of the Board of Directors of Third World Cinema, a company which is interested in creating opportunities in the film industry for minority groups, and has served as a member of the Board of Directors of the National Foundation for the Arts, the Alvin Alley Dance Company, the Joffrey Ballet and the Los Angeles Theatre Center, as well as many other worthwhile organizations. Ms. Moreno is currently a member of the President's Committee on the Arts and Humanities and a commissioner of the very prestigious Presidential Fellowship Committee.

It is a special honor for me to recognize Rita Moreno and her great work in performing arts and to salute her leadership and achievements.

HONORING BRIAN BRADY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my constituent Brian Brady who is retiring as Chief of Police of Novato, California. He has served in this capacity since 1992, undertaking many innovative projects in the city and earning the respect of the community.

Educated at Golden Gate University and Sonoma State University, Chief Brady served in several cities in California and New Mexico before coming to Novato in 1982 as Captain of both the Operations and Services and Administration Divisions. With a commitment to the principles of Community Policing, he assisted in the development of the city's first Police Advisory and Review Board and the Multi-Cultural Oversight Committee. A broad community collaboration that involved all officers, including service on boards of directors, Community Policing resulted in constant interactions, constructive dialogues and creation of additional successful programs such as:

School Resource Officers project uses uniformed officers on campus as part of the day

to day operations at high schools and middle schools.

Project X is a youth team building project in which officers work with an Auto Shop Class at San Marin High School to build and maintain a drag racing vehicle. It has been painted to look like a police car and has been raced successfully, bringing money back to the program.

Girls Forum, developed after incidents of sexual assault, offers self-defense classes as well as instruction in self-esteem with women officers as role models. It is also supported by Soroptomist and Rotary.

Chief Brady's tenure will be especially remembered for his leadership in confronting hate crimes. I had the privilege of observing his work first hand after the racially motivated stabbing of a young Asian man outside a supermarket in Novato. Under his direction, the Police Department treated the incident as a hate crime from the outset by assigning top staff to the case and comforting the victim. Novato held public meetings to address the crime, resulting in the filming of Not in Our Town II, in which the city's response to hate crime is featured as an example to the nation. He continues to promote the use of diversity materials, including those that deal with lesbians and gays, in local classrooms.

Mr. Speaker, Brian Brady's inclusive vision for police work promotes the best in our communities. It is an honor to consider him a friend and to have shared in some of his inspiration and success.

ENACTMENT OF THE NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2003, H.R. 2424 AND S. 1233

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CUMMINGS. Mr. Speaker, I rise to recognize the enactment of the National Great Black Americans Commemoration Act of 2003, H.R. 2424 and S. 1233, companion legislation that I introduced along with my friend Senator BARBARA MIKULSKI of Maryland. This bill received bipartisan support in both committees of jurisdiction in the House, as well as bicameral support—having passed quickly to the floor from the Senate Judiciary Committee. I thank the President for signing this legislation into law on June 22, 2004.

With valued input from Drs. Elmer and Joanne Martin, founders of the Great Blacks in Wax Museum, I introduced this bill to help bring long overdue recognition to African Americans who have served our Nation with great distinction, but whose names, faces and achievements may not be well-known by the average citizen. Rest assured that this recognition can and will be accomplished and preserved through expansion of the Great Blacks in Wax Museum—a national treasure located in my district in Baltimore, Maryland.

In addition to the 200 existing figures at the museum, I am pleased to inform that a priority will be placed on exhibits presenting the 22 Black Americans who served in Congress during the 19th century. Several of these 22 were born into slavery. All of these Americans proudly served their constituencies and their Nation. Other members from the 1900s such as Senator Edward Brooke, Representatives Julian Dixon (D–CA), Oscar Stanton De Priest (R–IL), Louis Stokes (D–OH), Parren J. Mitchell (D–MD), J.C. Watts, Jr. (R–OK) and others will also receive special recognition. Several of the existing figures depict Colin Powell, Harriet Tubman, Martin Luther King, Jr., Mary McLeod Bethune and former Representatives Mickey Leland of Texas, as well as, Shirley Chisholm and Adam Clayton Powell of New York.

The expanded museum will focus on Black military veterans of various military engagements, including the Buffalo Soldiers and Tuskegee Airmen; on Black judges and prominent attorneys; and on the role of Blacks in the discovery and settlement of America. It will also showcase Blacks who served in senior civilian Executive Branch positions, such as Ralph Bunche (FDR administration), E. Frederic Morrow (Eisenhower administration), Robert Weaver (Johnson Administration), William Coleman (Ford administration), Patricia Harris (Carter administration), Louis Sullivan (George H.W. Bush administration), and others who have not received appropriate recognition.

Lastly, this legislation authorizes assistance in establishing a Justice Learning Center as a component of the expanded Museum complex. The Justice Learning Center will include state-of-the art facilities and resources to educate the public, especially at-risk youth, about the role of African Americans in our nation's judicial system. It will include a special focus on the civil rights movement, and on the role of African Americans as lawmakers, attorneys and in the Judiciary.

Mr. Speaker, the Great Blacks in Wax Museum was founded in 1983 by Dr. Elmer Martin and Dr. Joanne Martin, who started the museum with their own funds carrying a few figures and exhibit materials around the country in their car. Today I am proud to report that the museum currently occupies part of a city block in East Baltimore and includes more than 200 wax figures. It is America's first wax museum of Black history. The museum now receives well over 200,000 visitors a year—more than half of these visitors are school children. I also will mention that several members of Congress and their staff have visited the museum and relayed to me the awesome nature of their visit—how the figures and exhibits both moved and informed—resulting in a truly enriching experience. Enactment makes certain that the Museum can continue its mission to preserve a great part of our nation's history.

I would be remiss if I did not relay to you how important and inspiring this Museum is to its East Baltimore community. The Great Blacks in Wax Museum functions as more than just a museum. It is a stalwart in its community. The Martins established the Museum with the primary motivation "to use education, history and example to help mainly disadvantaged youth overcome feelings of alienation, defeatism and despair." It provides a safe-haven for at-risk youth and offers opportunities for young people in the community to take part in employment, intern and volunteer programs. The Museum has enrichment programs for individuals, families, daycare centers, churches, schools and other non-profit organizations. In keeping with its commitment to community involvement, the Museum's many programs serve as a means for taking learning and cultural enrichment beyond the school walls. The Justice Learning Center will extend the outreach efforts of the Museum to homeless shelters, halfway houses, adult day care, domestic violence centers, youth residential facilities and other places to reach disadvantaged and/or at-risk youth and families.

Mr. Speaker, enactment of this legislation is a testament to the Martins' persistence and vision. Enactment also means that the National Great Blacks in Wax Museum—a national treasure—will receive needed federal support to ensure that generations yet unborn will be told the story of these great Americans. The Museum will assure that History never forgets this legacy.

Finally, again, I want to thank Representative SENSENBRENNER and his staff Joseph Gibson and Katy Crooks, Representative CONYERS and his staff Lillian German, as well as Representatives POMBO and RAHALL and their staffers, Frank Vitello, Richard Healy and David Watkins for all of their hard work in moving this legislation through their respective Committees. I would especially like to thank my legislative director, Kimberly Ross, in seeing this legislation through to its successful end.

PAYING TRIBUTE TO JIM THRASH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Jim Thrash of New Meadows, Idaho. Jim bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the city. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Jim and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Jim and the Storm King Firefighters made on behalf of a grateful community, state and Nation.

Jim grew up in Arizona and moved to Idaho with his wife in 1973 where he taught high school Spanish and social studies, and coached varsity baseball. Jim and his wife owned and operated a big game hunting business in Idaho, and he was a member of the Idaho Outfitters and Guides Association where he was president, served on the board, and chaired the wilderness committee. He joined the McCall Smokejumpers in 1981, an elite group of firefighters who parachute into rough, mountainous terrain to fight wildfires in areas of forests inaccessible by any other means. He was a dedicated member of his crew, and received a great deal of satisfaction from helping others. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the life and memory of Firefighter Jim Thrash. Jim was committed to providing high quality professional fire management services to protect our natural resources; putting himself in harms way for unfamiliar people

and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave man.

HONORING PAUL T. McCARTHY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. KIRK. Mr. Speaker, over 22 years ago, Paul T. McCarthy became the Village Manager of Glenview, IL, located in my Congressional District. Since that time, Mr. McCarthy has played the leading role in the development of one of suburban Chicago's most prosperous communities.

Upon arriving in Glenview, Mr. McCarthy embarked upon an ambitious program to attract businesses and residents to the community. One of his first projects was to improve the bond rating of the Village as an incentive to investors and capital. Within 8 years, Glenview had achieved Moody's highest bond rating of AAA. It has maintained that rating ever since.

With this strong financial foundation, Mr. McCarthy began to implement his vision for the Village. In 1990, he negotiated the Willow Road Corridor Agreement between Glenview and Northbrook. In 1997, he negotiated the purchase of the privately-owned water company, North Suburban Public Utilities. He also oversaw the closing of the Lutter/Krohn landfill and its redevelopment as a golf course. These 3 initiatives, along with numerous other projects, had tangible, beneficial affects upon Glenview residents and were the direct result of Mr. McCarthy's leadership and vision.

Mr. McCarthy's biggest challenge was ahead of him. In the second or third round of military base closings, the massive Glenview Naval Air Station was shut down, opening up thousands of prime real estate acres for development. Mr. McCarthy led the development of this area with extraordinary success. The Glen, as the area is now known, has become a nationally recognized and award winning mixed use development, representing $1 billion in public and private investment.

In his 22 years of service, Mr. McCarthy has led the Village of Glenview with tremendous foresight and success. When he entered city hall as Village Manager, Glenview had a budget of $15.4 million and 180 employees. As Mr. McCarthy retires, the Glenview budget is $80.7 million and the Village employs 320 individuals. Mr. McCarthy's leadership as Village Manager of Glenview, IL, is worthy of the highest commendation. I wish him and his wife much happiness in retirement. Mr. Speaker, I hope my colleagues will join me in recognizing this extraordinary individual.

CONGRATULATIONS TO FRATERNAL ORDER OF POLICE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate the Fraternal Order of Police on their outstanding victory today on the passage of the Law Enforcement Officer's Safety Act (H.R. 218).

This afternoon, H.R. 218 passed the House by a voice vote, affirming this body's support for police officers across America. H.R. 218 is the number one priority for law enforcement across the country and allows qualified off-duty and retired law enforcement officers to carry concealed weapons in any jurisdiction. The bill has broad bipartisan support with 296 cosponsors.

The F.O.P. has been absolutely instrumental in working with Members of Congress to bring this legislation to the floor. The F.O.P. is an outstanding organization that has served their membership well in their tireless work to bring their number one legislative priority to the House Floor. Many of us know the long history of H.R. 218 and I can safely say that were it not for the efforts of the F.O.P., their current President Chuck Canterbury, and former President Steve Young, this bill may have never seen the light of day.

The benefits of H.R. 218 are two-fold—officer safety and improved public safety. Many jurisdictions do not allow off-duty officers to carry concealed weapons. Due to the unique responsibilities and dangers that come with law enforcement, off-duty officers are at a greater risk than most Americans. It is not uncommon for off-duty officers to run into people they have arrested or helped to incarcerate. There have been documented instances where felons have sought retribution against officers who helped to put them in jail or prison. It is only right that the men and women who put their lives on the line everyday when they go to work be afforded to right to protect their families and themselves while they are off-duty.

These concerns apply not only to off-duty officers, but to retired officers as well. A criminal who is seeking retribution does not care that the officer who put them away is retired. It is a disservice to those men and women who risked their lives to perform a public service to be deprived of the right to defend themselves and their families simply because they retired.

Mr. Speaker, I am grateful to the F.O.P. for all their efforts on behalf of H.R. 218 and for cops across the country. Today, I am happy to join with them in celebrating House passage of this crucial legislation and look forward to working with the F.O.P. in the future to see H.R. 218 signed into law.

PAYING TRIBUTE TO ROB JOHNSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Rob Johnson of Redmond, Oregon. Rob bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and every day. Witnessing the awful inferno that fateful July day, I know Rob and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Rob and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Rob grew up in Roseburg, Oregon, and graduated from high school in the top ten percent of his class. He attended Oregon State University and graduated with a Bachelor of Science in business administration with honors in 1991, and passed the Certified Public Accounting Exam on his first attempt. He began working as a firefighter in 1987 to help pay for his education and joined the Prineville Hotshots in 1992, an elite group of firefighters who specialize in wildland fire suppression. An avid outdoorsman, Rob enjoyed skiing, hunting, fishing, water skiing, golf, and soccer. He was a hard worker and dedicated member of his crew. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Rob Johnson. Rob personified the Hotshots credo of Safety, Teamwork, and Professionalism; putting himself in harm's way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young man.

RECOGNIZING KAREN HIRAI OLEN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Ms. SOLIS. Mr. Speaker, I rise today to recognize a true champion and extraordinary public servant, Karen Hirai Olen. Karen has provided an array of services throughout Los Angeles County as an advocate for the physically challenged, impoverished families, and senior citizens. After 35 years of service to the residents of Los Angeles County, she will retire today.

I have personally known Karen and consider her to be a dear friend and advocate of social change. Karen began her career in 1968 as a Social Worker for the Los Angeles County Department of Public Social Services. Karen's passion to ensure the rights of children led her to become a Children's Services Worker from 1969 to 1979. From 1982 to 1986, Karen served as the Director of the Carson/Samoan center where she brought a new approach and innovative concepts to providing extensive quality services, such as the Peace Corps funded Samoan Youth Employment Project which she directed and implemented.

From 1986 to 1988, Karen also served as Project Director for Foodnet where she led a grassroots effort in organizing faith-based organizations and social service agencies to join forces to provide nutritious food to impoverished families.

Karen was later named Director of Centro Maravilla Service Center by the Department of Community and Senior Services for the County of Los Angeles. Through her leadership, residents from Los Angeles County have received direct services such as emergency

food, mediation services, crisis intervention, resource information for victims of domestic violence, and case management for housing.

The residents from the East Los Angeles community greatly respect and admire Karen for her courage, leadership, and compassion. I wish her the very best in her retirement.

LEADER OF DELHI MASSACRE OF SIKHS COMING TO U.S. TO MAKE A SPEECH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BURTON of Indiana. Mr. Speaker, on October 31, 1984, Indian Prime Minister Indira Gandhi was assassinated by her two Sikh bodyguards after she ordered an attack upon the Golden Temple, which is the center and seat of the Sikh religion. In the aftermath of the assassination, thousands of Sikhs were killed in anti-Sikh riots. The massacre was by any definition a brutal atrocity, and one of the most prominent figures accused of helping to orchestrate the violence was Jagdish Tytler.

Now, Mr. Tytler, who led mobs of Hindus in killing Sikhs, some by burning them to death, and who saw to it that Sikh police were locked in their barracks and therefore unable to respond to the massacre, has been invited to speak at the convention of the American Association of Physicians of Indian Origin in San Diego, which begins on June 25th. As someone who has long championed the cause of freedom, democracy, and equal rights for the Sikh community and other oppressed minorities in that part of the world, I am deeply concerned about this man coming to the United States, and I would urge the American Association of Physicians of Indian Origin to reconsider their invitation to Mr. Tytler.

I am also deeply concerned to learn that Mr. Tytler has been given a position in the government of Prime Minister Manmohan Singh. Prime Minister Singh is a Sikh, and the Sikh community naturally had high hopes that Manmohan Singh's appointment to India's top job would bridge the gap between the Sikh and Hindu peoples. It is difficult to understand how this can be accomplished when Prime Minister Singh is willing to bring a person like Mr. Tytler into his government, as many Sikhs, including my good friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, consider Mr. Tytler's presence in the government an affront to the Sikh people.

So long as people like Jagdish Tytler are in the India government, it draws into question whether India is truly willing to uphold the democratic values that it preaches. In addition Mr. Speaker, it should also draw into question the wisdom of the hard-working taxpayers of this country supporting a government that rewards the Jagdish Tytler's of the world with power and authority.

PAYING TRIBUTE TO ROGER ROTH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Roger Roth. Roger bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Roger and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Roger and the Storm King Firefighters made on behalf of a grateful community, state and Nation.

A member of the Oneida tribe of the Iroquois Nation, Roger grew up in Michigan and attended Northern Michigan University. He spent seven summers as a trail crew leader at Isle Royale National Park on Lake Superior. He became a firefighter in 1989, first as a hotshot, an elite group of firefighters who specialize in wildland fire suppression, and then became a smokejumper, providing initial attack on forest fires in remote, mountainous areas. He worked winters for the Fish & Wildlife Service at the Florida Panther National Wildlife Refuge and was a private helicopter pilot. An avid outdoorsman, Roger enjoyed fishing and hunting. He was a hard worker and dedicated member of his crew. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Roger Roth. Roger personified the Hotshots credo of Safety, Teamwork, and Professionalism; putting himself in harms way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave man.

DEMOCRACY CAUCUS AT THE UNITED NATIONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. WOLF. Mr. Speaker, I would like to commend my co-chair of the Congressional Human Rights Caucus and ranking member of the House International Relations Committee, TOM LANTOS, for introducing this important and timely legislation. I would also like to thank Chairman HYDE and Chairman DREIER for their leadership on this important issue.

The strength of the United Nations has been declining in recent years. Corrupt dictatorships now hold many seats on the U.N. Human Rights Commission. It is incredible that the leading world body charged with protecting and exposing human rights has some of the worst human rights abusers sitting in judgment. I was extremely concerned when the United Nations Commission on Human Rights passed a watered down draft discussion on the slaughter occurring in Darfur, Sudan. I commend the administration for taking a stand on the importance on the commission passing strong resolution and applaud the U.S. delegation for walking out when the commission failed in its responsibility to expose and condemn the human rights abuses taking place in Darfur.

It was unfathomable that on May 4 the commission allowed Sudan to renew its seat on the panel. Over one million people have now been displaced in Darfur. Thousands are dying. Women raped. Boys and men slaughtered. The rainy season has begun, and the roads will soon become impassable. Massive numbers face death while the Government of Sudan blocks humanitarian aid, continuing to worsen an already tragic situation. The Government of Sudan must be held accountable for what is occurring in Darfur.

The United States must continue to take a leadership role in calling the world's attention to the human rights abuses occurring across the globe. The creation of a democracy caucus at the United Nations is a first step in reducing the power of abusive nations which sit at the United Nations. This caucus can help fill the seats on the Human Rights Commission with freedom loving democracies which respect and protect the human rights of their people.

TRIBUTE TO BISHOP ZEDEKIAH LAZETT GRADY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Zedekiah Lazett Grady, one of eight legendary leaders of the African Methodist Episcopal (AME) Church who will be retiring this year at the Quadrennial Conference in Indianapolis, Indiana.

Bishop Zedekiah Lazett Grady was born in Loughman, Florida, the son of the late Walter and Sylvia Bynum Grady. He was educated in the public schools of Sanford, Florida and is a graduate of Crooms Academy. He further matriculated at Edwards Waters College and the B.L. Lee Theological Seminary, where he received an Associate of Arts and the Bachelor of Theology degrees. He also attended Allen University, where he received the Bachelor of Arts degree and Dickerson Theological Seminary, where he earned the Bachelor of Divinity and Masters of Divinity degrees. He furthered his graduate theological studies at the Union Theological Seminary in New York, New York and the Urban Training Center in Chicago, Illinois. He has received honorary doctorate degrees from Kittrell College in North Carolina, Allen University, and Edwards Waters College.

Bishop Grady has served the church and African Methodism for well over 40 years as a distinguished pastor, capable administrator, civic organizer, ecumenical leader, social reformer, teacher and Presiding Elder. He has served as pastor in Florida and South Carolina. For almost twenty years he was pastor of my home church, Morris Brown in Charleston, South Carolina. During his tenure there, Bishop Grady burned several mortgages, renovated the sanctuary, purchased and developed additional property, organized and developed several social service programs, and added 1,100 members to the church roll.

While serving as Presiding Elder of the historically rich Edisto District, the South Carolina Conference in the 7th Episcopal District, Bishop Grady distinguished himself by realizing a 10 percent increase in membership each year and increasing the number of pastoral charges from 24 to 35.

Bishop Grady has been lauded for his services as a key negotiator in the 1969 hospital strike in Charleston, South Carolina. He has also served as chairman and vice-chairman of the South Carolina Juvenile Parole Board, strategist and advisor of several State and municipal elected officials, and is a past Chairman of the Charleston Community Race Relations Committee. Bishop Grady was a member of the Charleston Housing Authority and has served as a delegate to five World Methodist Conferences. He also served on the local boards of C&S National Bank and NationsBank. He holds life memberships in Beta Mu Sigma Chapter, Phi Beta Sigma Fraternity, Inc., and the NAACP.

On July 14, 1992, Bishop Grady was elected the 111th Bishop of the African Methodist Episcopal Church and has served in the 16th and 9th Episcopal Districts and currently serves the 1st Episcopal District.

Bishop Grady is married to Carrie Etta Robertson Grady of Winnsboro, South Carolina. They have four children.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Bishop Zedekiah Lazette Grady upon his retirement from the Bishopric. In addition to being a great religious leader, he has been a trusted personal confidant. I am proud to have called him my pastor and even prouder to call him my friend.

PAYNG TRIBUTE TO DON MACKEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Don Mackey. Don bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Don and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Don and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Don grew up in Hamilton, Montana where he attended Hamilton High School. He became a firefighter in 1984 working in the Bitterroot National Forest. He later became a hotshot in 1985 and 1986, an elite group of firefighters who specialize in wildland fire suppression. In 1987 he became a Missoula smokejumper, where he, along with fellow smokejumpers would parachute into rough, mountainous terrain to fight wildfires in areas of forests inaccessible by any other means. He was a dedicated member of his crew, and received a great deal of satisfaction from helping others. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the life and memory of Firefighter Don Mackey. Don was committed to providing high quality professional fire management services to protect our natural resources, putting himself in harms way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave man.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER LORI SYKES OF BRONSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Bronson, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

Lori Sykes teaches Mathematics and Science at Litchfield High School in Litchfield. She is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of her students, Lindsey Teller, said, "She taught me a strong work ethic, as she always expected the very best from me. I felt like she was a real person, not just a teacher." The respect and gratitude of her students speak well of Lori's ability to challenge young minds and encourage them to always put forth their best effort.

Lori Sykes' extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and Lori's impact on her students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Lori Sykes. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students to strive for success.

RECOGNITION OF MAJOR GENERAL WILLIAM H. RUSS' RETIREMENT AND HIS INVALUABLE SERVICE TO OUR COUNTRY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. PALLONE. Mr. Speaker, it is with great honor that I rise today to recognize the accomplishments and career of Major General William H. Russ upon his retirement from the United States Army. Formerly the Commanding General of the United States Army Signal Command of Fort Huachuca, Arizona and the Director for Programs and Architecture, Office of the Director of Information Systems for Command, Control, Communications and Computers in Washington, DC, Major General Russ will be relinquishing his position as Commanding General of the United States Army Communications-Electronics Command at Fort Monmouth, New Jersey on Friday, June 25, 2004.

Before pursuing military education, Major General Russ completed a Bachelor of Science degree in Electronics from Florida A&M University and a Master of Science degree in Public Administration from Shippensburg University in Pennsylvania. His military education includes the Signal Basic and Advanced Courses, the Armed Forces Staff College, and the United States Army War College.

His military career has taken him from serving as Communications Officer for the 1st battalion, 32nd Armor, 3rd Armored Division, United States Army Europe and Seventh Army to his current position as Commanding General U.S. Army Communications-Electronics Command and Fort Monmouth, New Jersey. During that time he has earned numerous military awards and decorations including: Army Distinguished Service Medal, Defense Superior Service Medal, and the Meritorious Service Medal (with four Oak Leaf Clusters), to name a few.

A career such as this merits strong praise, Mr. Speaker, and as such I would like to extend my sincerest gratitude to Major General William H. Russ for his service and dedication to this country. My congratulations go to Brigadier General Michael R. Mazzucchi, who will be assuming Major General Russ' station, and my best wishes to Major General Russ and his family upon his retirement.

PAYING TRIBUTE TO BONNIE HOLTBY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Bonnie Holtby of Prineville, Oregon. Bonnie bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and every day. Witnessing the awful inferno that fateful July day, I know Bonnie and her comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Bonnie and the Storm King Firefighters made on behalf of a grateful community, state and nation.

A third generation firefighter, Bonnie was in her third season with the Prineville Hotshots, an elite group of firefighters who specialize in wildland fire suppression. An exceptional student-athlete, Bonnie participated in basketball, track, cross-country, and weight training during high school, receiving numerous scholar-athlete awards. She was also active in 4–H, which now provides a memorial award in her honor to a 4–H member who exhibits leadership, sportsmanship, and overall success in 4–

H livestock and small animal projects. She was a dedicated member of her crew, and received a great deal of satisfaction from helping others. Above all, she was devoted to her family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Bonnie Holtby. Bonnie personified the Hotshots credo of Safety, Teamwork and Professionalism; putting herself in harm's way for unfamiliar people and places. She made the ultimate sacrifice doing what she loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young woman.

SCOTT LILLY DEDICATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. YOUNG of Florida. Mr. Speaker, I rise today to pay tribute to a dedicated public servant. Scott Lilly has spent 31 years serving the House of Representatives. Scott's career in Congress started in 1973, coincidentally, the same year I was appointed to the Appropriations Committee. While he has held many distinguished positions during his long tenure in the House, most of his time was spent working in some capacity for the House Appropriations Committee.

Scott started and ended his career working for my friend and Ranking Member, David Obey. He had a brief tenure as the Clerk and Staff Director of the House Appropriations Committee and has spent the last nine years as director of the minority staff of the committee.

Scott is an unapologetic liberal and we have vigorous debates and differences in our committee. But Scott never allowed a political dispute to become personal. We could have a knock-down drag-out fight in committee and after it was over Scott and the staff from both sides of aisle would retire to the Committee's appointed space and enjoy an adult beverage. There was never any lingering ill will or hard feelings.

Scott is a consummate professional. His knowledge and expertise of appropriations matters is rivaled by few. He is a shrewd floor tactician and legislative strategist. Scott will now be able to spend more time in the academic world, a world where he is able draw on his great intellect and wealth of Congressional experience. Our loss is his student's gain. Every class he teaches will be enriched by his thoughtful consideration of complex political and policy questions.

Scott will be sorely missed. I can say with confidence that he will not miss our long markups, our late night conferences and the marathon sessions on the floor. He is a great patriot, a great public servant and a great appropriator. I wish him all the success in his future endeavors.

TRIBUTE TO BISHOP FRANK CURTIS CUMMINGS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Frank Curtis Cummings, one of eight legendary leaders of the African Methodist Episcopal Church (AME) who will be retiring at this year's Quadrennial Conference in Indianapolis, Indiana. A native of Alabama, Bishop Cummings is the son of Edmond and Annie M. Cummings.

He received a Bachelor of Arts degree from Daniel Payne College, a Bachelor of Arts degree from Seattle Pacific College, and a Doctor of Divinity degree from Shorter College. Bishop Cummings followed not only God's call but also his country's call and served in the United States Air Force for three years, and attended the Urban Training Center.

Bishop Cummings was ordained an Itinerant Deacon in 1948 and an Itinerant Elder in 1952. While in those positions, he pastored churches in Aldridge, Alabama; Bremerton, Washington; Santa Barbara, California; and St. Louis, Missouri.

In 1968, he was elected Secretary-Treasurer of the AME's Department of Church Expansion. He founded Allen Travel Service and served as the first Black Vice Chairman on the Civil Service Commission in St. Louis. In addition, he served as President of the Board of Directors for the West End Hospital Association.

Bishop Cummings was elected the 95th Bishop of the African Methodist Episcopal Church at the 1976 General Conference in Atlanta, Georgia. He has presided over the 8th, 1st, 11th, and 6th Episcopal Districts, and entertained the General Conference in New Orleans. He also served as national co-chairman of the first National Assemble of Black Churches in April 1984 in New Orleans. Bishop Cummings is married to Martha Colly Cummings and the couple has one child.

Mr. Speaker, I ask you and my colleagues to join me in paying tribute to Bishop Frank Curtis Cummings upon his retirement from the Bishopric. He has provided tremendous leadership for the AME Church. His long history of educational leadership and service will influence future generations for ages to come. AME founder Richard Allen would be deeply proud of his Episcopal descendent.

PAYING TRIBUTE TO DOUGLAS DUNBAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Douglas Dunbar of McKenzie Bridge, Oregon. Doug bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day I know Doug and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Doug and the Storm King Firefighters made on behalf of a grateful community, state, and nation.

Born and raised in Mckenzie Bridge, Oregon, Doug attended McKenzie High School where he was an honor student, all star baseball player, and award-winning saxophonist. He was attending Southern Oregon State College where he was completing his business degree. In 1990 he began working for the Forest Service to help pay for his education. Doug immensely enjoyed the job and the people he worked with on the Prineville Hotshot Crew, an elite group of firefighters who specialize in wildland fire suppression. Doug had a true love for the outdoors, and was an accomplished skier who was pursuing a career in the ski industry. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the life and memory of Firefighter Douglas Dunbar. Doug personified the Hotshots credo of Safety, Teamwork, and Professionalism; putting himself in harm's way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave, young man.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER J. BARRY WELDON

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Jackson, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

J. Barry Weldon teaches Modern American History and Government at Morenci High School in Morenci. He is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of his students, Rosanna Green said, Mr. Weldon is an amazing educator. In everything he teaches he adds excitement for learning. He also taught me important life lessons and influenced me to always try hard and be the best I possibly can be.'' The respect and gratitude of his students speaks well of Barry's ability to challenge young minds and encourage them to always put forth their best effort.

J. Barry Weldon's extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more

important because of its daily influence upon the future leaders of our community and our country, and Barry's impact on his/her students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to J. Barry Weldon. We thank him for his continuing dedication to teaching and his willingness and ability to challenge and inspire students to strive for success.

RECOGNITION OF NADINE ''DINEY'' GOLDSMITH, IN MEMORIAM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. PALLONE. Mr. Speaker, I rise today to honor the late Nadine ''Diney'' Goldsmith, an outstanding woman and community leader. As a business owner, artist, wife, mother, and advocate, Nadine Goldsmith was a great friend to the people of the Sixth District of New Jersey.

In life, Nadine Goldsmith served as a Foundation Trustee at Monmouth Medical Center, a hospital that serves a substantial population of the Sixth Congressional District. With her husband, she funded the creation of the Leon Hess Cancer Center's Goldsmith Wellness Center.

The Goldsmith Wellness Center provided innovative therapy to cancer patients, allowing them to unite their mental wellness with their physical healing. Nadine was never a bystander at her center: she worked closely with Smitha Gollamudi, M.D., Chair of the Institute for Advanced Radiation Oncology, to plan the center's program.

Mr. Speaker, Nadine Goldsmith has given so much to the people in my district. She dedicated her time, her talent, and character throughout her life. She has touched those blessed enough to meet her, and helped many she has never even met. Once again, I ask that my colleagues join me today in honoring this remarkable woman.

PAYING TRIBUTE TO TERRI HAGEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Terri Hagen of Prineville, Oregon. Terri bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Terri and her comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Terri and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Terri was an undergraduate student at Oregon State University working towards a Bachelor of Science degree in Entomology and a Bachelor of Arts in History. Their Department of Entomology now has a Terri Hagen Memorial Library and Scholarship. She was a member of the Onondaga tribe of the Iroquois Nation, and had answered her nation's call to duty, serving in the Army as a medic, and had completed airborne training with the National Guard. An avid outdoorswoman, Terri enjoyed horse training, mountain biking, hiking, hunting, basketball, teaching, swimming, and was a rodeo team roper. Her love of the outdoors and adventurous spirit took her to joining the Prineville Hotshots, an elite group of firefighters who specialize in wildland fire suppression. She was a dedicated member of her crew, and received a great deal of satisfaction from helping others. Above all, she was devoted to her family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Terri Hagen. Terri personified the Hotshots credo of Safety, Teamwork and Professionalism; putting herself in harms way for unfamiliar people and places. She made the ultimate sacrifice doing what she loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young woman.

INTRODUCTION OF THE INTERNET SPYWARE (I–SPY) PREVENTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Internet Spyware (I–SPY) Prevention Act. This important legislation will punish those that use software to break into consumers' computers to conduct nefarious activities.

Spyware is a growing and serious problem. The Federal Trade Commission has testified that ''Spyware appears to be a new and rapidly growing practice that poses a risk of serious harm to consumers.'' Not only does Spyware provide the tools for criminals to crack into computers to commit crimes, but it can also provide the means to alter a computer's security settings or even take over the memory of a users' computer in order to send spam or conduct other despicable acts.

The I–Spy Prevention Act would impose criminal penalties on the most egregious behaviors associated with spyware. Specifically, this legislation would impose up to a five-year prison sentence on anyone who uses software to intentionally break into a computer and uses that software in furtherance of another federal crime. In addition, it would impose up to a two-year prison sentence on anyone who uses software to intentionally break into a computer and then either alters the computer's security settings, or obtains personal information with the intent to defraud or injure a person or with the intent to damage a computer. By imposing stiff penalties on these bad actors, this legislation will help deter the use of Spyware, and will thus help protect consumers from these aggressive attacks.

In addition, this legislation would not interfere with the ability of companies to continue to develop innovative technological solutions to block Spyware. Any successful solution to Spyware must consist of a combination of tough penalties for the really bad actors and innovative technologies to combat Spyware. This legislation leaves the door open for technology to continue to combat Spyware programs.

Mr. Speaker, criminal penalties are necessary to deter the proliferation of the most egregious behaviors associated with Spyware, and I urge each of my colleagues to support this important legislation.

TRIBUTE TO BISHOP HENRY ALLEN BELIN, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Henry Allen Belin, Jr., one of eight legendary leaders of the African Methodist Episcopal Church (AME) who will be retiring at this year's Quadrennial Conference in Indianapolis, Indiana. A native of Louisiana, Bishop Belin is the son of Beatrice Boney Belin and Henry Allen Belin, Sr. His father was an active minister in the 8th Episcopal District for more that 60 years. He received his Bachelor of Arts and Bachelor of Theology degrees from Leland College in Baker, Louisiana and his Masters of Arts degree from the Lampton School of Religion in Jackson, Mississippi.

Bishop Belin pastored, remodeled, and built churches in both the 8th and 13th Episcopal Districts, including Payne Chapel in Nashville, Tennessee. He served as Presiding Elder in the 8th Episcopal District.

Prior to his elevation to the Bishopric, Bishop Belin was elected Secretary-Treasury of the AME Church Sunday School Union at the 1972 General Conference in Dallas, Texas. During his tenure, he bought land and built the new million dollar Publishing House Headquarters and remodeled the John Avery Apartment Complex. As publisher, he produced Cecil Cone's Identity in Crisis in Black Theology, George Champion's Pastor's Manual, volumes I and II, and Black Methodism's Basic Beliefs; George Sewell's Where Are You Going. He also produced Howard Gregg's The History of the AME Church, James Madison Granberry's The History of the AMEC Pension Department, and Robert H. Reid, Jr.'s Irony of African American History. In 1984, he finished one phase of his remarkable career when he published The AME Church Bicentennial Hymnal.

Bishop Belin was elected the 104th Bishop of the African Methodist Episcopal Church at the 1984 General Conference in Kansas City, Missouri, and has presided over the 15th, 16th, 12th, 3rd, and 7th Episcopal Districts.

Bishop Belin is married to Lucinda Crawford Belin, and the couple has three children.

Mr. Speaker, I ask you and my colleagues to join me in paying tribute to Bishop Henry Allen Belin, Jr. He has provided tremendous leadership for the AME Church and his long history of educational leadership and service will influence future generations for ages to come. AME founder Richard Allen would be deeply proud of his Episcopal descendent.

PAYING TRIBUTE TO JON KELSO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Jon Kelso of Prineville, Oregon. Jon bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Jon and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Jon and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Born and raised in Prineville, Jon attended Crook County High School where he was very active in athletics as a member on the golf team, the manager of the football team, a swimming teacher, and a lifeguard. He received a degree in wildlife sciences from Oregon State University, and had completed his first year of studies to become a civil engineer. In 1985, he joined the Prineville Hotshots, an elite group of firefighters who specialize in wildland fire suppression. He was a smoke jumper and a squad boss for the sawyers, a skilled crew that cuts down trees to prevent the spread of fires. Recognizing Jon's excellent academic record and leadership of his hotshot crew, the Bureau of Land Management Wildland Firefighter Academy named a Memorial Award after Jon that goes to the most outstanding firefighter of the class. He was a dedicated member of his crew, and received a great deal of satisfaction from helping others. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Jon Kelso. Jon personified the Hotshots credo of Safety, Teamwork, and Professionalism; putting himself in harms way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young man.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER KATHY RIZOR OF BATTLE CREEK, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Battle Creek, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

Kathy Rizor teaches Advanced Biology at Harper Creek High School in Battle Creek. She is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of her students, Renee Burdick said, ''She encouraged me to excel in all aspects of my life ranging from academics to extracurricular activities. Not only did she facilitate the position of a great educator for me, but she served as a strong leader for my other classmates, Harper Creek and the greater Battle Creek community.'' The respect and gratitude of her students speak well of Kathy's ability to challenge young minds and encourage them to always put forth their best effort.

Kathy Rizor's extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and Kathy's impact on her students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Kathy Rizor. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students to strive for success.

Daily Digest

HIGHLIGHTS:

Senate passed H.R. 4613, Department of Defense Appropriations Act.

House Committees ordered reported 13 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S7349–S7401

Measures Introduced: Thirty-four bills and eight resolutions were introduced, as follows: S. 2572–2605, S. Res. 391–397, and S. Con. Res. 120. **(See next issue.)**

Measures Reported:

Report to accompany S. 2559, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005. (S. Rept. No. 108–284)

H.R. 1572, To designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

S. 2385, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.

S. 2398, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building. **(See next issue.)**

Measures Passed:

Department of Defense Appropriations Act: By a unanimous vote of 98 yeas (Vote No. 149), Senate passed H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, striking all after the enacting clause and inserting in lieu thereof the text of S. 2559, Senate companion measure, and the bill as amended be considered as original text for the purpose of further amendment, after taking action on the following amendments proposed thereto: **Pages S7357–59, S7366–92**

Adopted:

Stevens (for Baucus) Amendment No. 3490, to set aside an amount for a grant to Rocky Mountain College, Montana, for the purchase of aircraft for support of aviation training. **Pages S7366–67**

Stevens (for Corzine) Amendment No. 3491, to make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Navy'', $4,000,000 for Aviation Data Management and Control System, Block II. **Page S7367**

Stevens (for Kennedy) Amendment No. 3492, to make $50,000,000 available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs. **Page S7367**

Stevens (for Leahy) Amendment No. 3497, to set aside an amount for procurement of aircrew bladder relief (ABRD) kits. **Page S7370**

DeWine Amendment No. 3493, to appropriate funds for the crisis in Darfur and Chad. **Pages S7367, S7370–72**

Stevens (for Warner/Allen) Amendment No. 3498, to increase amounts for certain Navy shipbuilding and conversion programs, projects, and activities; and to provide an offset. **Page S7372**

Stevens (for Roberts) Amendment No. 3499, to make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Air Force'', $10,000,000 for the Science, Mathematics, and Research for Transformation (SMART) Pilot Scholarship Program. **Pages S7372–73**

Stevens (for Santorum) Amendment No. 3500, to make available, from amounts appropriated for ''Operation and Maintenance, Defense-Wide'', $5,000,000 for Department of Defense Education Activity for the upgrading of security at Department of Defense dependents schools. **Page S7373**

Stevens (for Santorum) Amendment No. 3501, to make available from amounts appropriated for ''Research, Development, Test, and Evaluation, Army'', $3,000,000 for Medical Advanced Technology for the Intravenous Membrane Oxygenator. **Page S7373**

Stevens (for Lott/Cochran) Amendment No. 3503, to express the sense of Congress on the expansion of the Global Hawk Maritime Demonstration Program to include forward deployed forces of the Navy and

the Marine Corps in the United States Central Command area of operations. **Pages S7374–75**

Stevens (for Reed) Amendment No. 3504, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $3,000,000 to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE). **Page S7375**

Stevens (for Bayh/Lugar) Amendment No. 3505, to make $21,900,000 available for M1A1 Tank transmission maintenance. **Page S7375**

Stevens (for Reed) Amendment No. 3506, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $2,000,000 to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center. **Page S7375**

Stevens (for Biden) Amendment No. 3507, to provide certain authorities related to the transfer of defense articles. **Pages S7375–76**

Stevens (for Mikulski/Sarbanes) Amendment No. 3516, to make available, from amounts appropriated for ''Research, Development, Test, and Evaluation, Air Force'', $7,000,000 for AN/APG–68(V)10 radar development for F–16 aircraft. **Page S7376**

Stevens (for Nelson (FL)) Amendment No. 3517, to make available up to $5,000,000 for the Joint Test and Training Rapid Advanced Capabilities (JTTRAC) Program. **Pages S7376–77**

Stevens (for Shelby) Amendment No. 3518, clarifying the availability of highway trust funds. **Page S7377**

By 89 yeas to 9 nays (Vote No. 147), Byrd Amendment No. 3502, to express the sense of the Senate on budgeting and funding of ongoing military operations overseas. **Pages S7373–74, S7377**

Stevens (for Dodd/Lieberman) Amendment No. 3522, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $10,000,000 for the Broad Area Unmanned Responsive Resupply Operations aircraft program. **Page S7379**

Stevens (for Nickles) Amendment No. 3523, to make available from amounts appropriated for ''Research, Development, Test, and Evaluation, Navy'', $2,000,000 for Handheld Breath Diagnostics. **Page S7379**

Stevens (for Landrieu) Amendment No. 3524, to set aside an amount for the Joint Logistics Information System program for the automated scheduling tool. **Page S7379**

Stevens (for Bunning) Amendment No. 3525, to set aside an amount for the Anti-Sniper Infrared Targeting System. **Page S7379**

Stevens (for Voinovich/DeWine) Amendment No. 3526, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $3,500,000 for Laser Peening for Army helicopters. **Page S7379**

Stevens (for Voinovich/DeWine) Amendment No. 3527, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, $2,000,000 for All Composite Military Vehicles. **Page S7379**

Stevens (for Boxer) Amendment No. 3528, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-wide, $4,500,000 for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR. **Pages S7379–80**

Stevens (for Burns) Amendment No. 3529, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, up to $3,000,000 for the Mobile On-Scene Sensor Aircraft Intelligence Command, Control, and Computer Centers. **Page S7380**

Stevens (for Burns) Amendment No. 3530, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, up to $2,000,000 for the ''Care of Battlefield Wounds'. **Page S7380**

Stevens (for Roberts) Amendment No. 3531, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $8,000,000 for the United States Army Intelligence and Security Command's Information Dominance Center. **Page S7380**

Stevens (for Kyl) Amendment No. 3532, to specify the availability of amounts for the Subterranean Target Identification Program. **Page S7380**

Stevens (for Kyl) Amendment No. 3533, to specify the availability of amounts for the Program for Intelligence Validation. **Page S7380**

Stevens (for Kyl) Amendment No. 3534, to express the sense of Congress on the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism. **Pages S7380–81**

Stevens (for Kyl) Amendment No. 3535, to specify the availability of amounts for the Versatile, Advanced Affordable Turbine Engine. **Page S7381**

Stevens (for Talent) Amendment No. 3536, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, $5,000,000 for X–43C development. **Page S7381**

Stevens (for Pryor) Amendment No. 3537, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, $5,000,000 for medical equipment and combat casualty care technologies. **Page S7381**

Stevens (for Sununu) Amendment No. 3538, to make available up to $2,000,000 for the Advanced Composite Radome Project. **Page S7381**

Stevens (for Levin) Amendment No. 3539, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process. **Page S7381**

Stevens (for Conrad) Amendment No. 3540, to set aside an amount for F–16 Theater Airborne Reconnaissance System upgrades. **Pages S7381–82**

Stevens (for Kohl/Reed) Amendment No. 3541, to ensure the availability of sufficient fiscal year 2004 funding for the Manufacturing Extension Partnership program of the National Institute of Standards and Technology. **Page S7382**

Stevens (for DeWine) Amendment No. 3542, to require reports on mental health services available to members of the Armed Forces of the United States and their dependents. **Pages S7382–83**

Stevens (for Feinstein) Amendment No. 3543, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $5,000,000 for support of the TIGER pathogen detection system. **Page S7383**

Inouye (for Dorgan) Amendment No. 3544, to provide funds for the North Dakota State School of Science, Bismarck State College, and Minot State University. **Page S7383**

Inouye Amendment No. 3545, to set aside an amount for small business development and transition. **Pages S7383–84**

Rejected:

Biden Modified Amendment No. 3520, to appropriate funds for bilateral economic assistance. (By 53 yeas to 45 nays (Vote No. 148), Senate tabled the amendment.) **Pages S7377–79, S7382, S7384**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, and Feinstein. **Page S7392**

Burma Sanctions: By 96 yeas to 1 nay (Vote No. 150), Senate passed H. J. Res. 97, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, clearing the measure for the President. **Pages S7392–95**

Middle East Peace Process: By 95 yeas to 3 nays (Vote No. 151), Senate agreed to S. Res. 393, expressing the sense of the Senate in support of United States policy for a Middle East peace process. **Pages S7395–97**

United Nations Democracy Caucus: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 83, promoting the establishment of a democracy caucus within the United Nations, and the resolution was then agreed to. **(See next issue.)**

Western Shoshone Claims Distribution Act: Senate passed H.R. 884, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, clearing the measure for the President. **(See next issue.)**

AGOA Acceleration Act: Senate passed H.R. 4103, to extend and modify the trade benefits under the African Growth and Opportunity Act, clearing the measure for the President. **(See next issue.)**

Recognizing J. Robert Oppenheimer: Senate agreed to S. Res. 321, recognizing the loyal service and outstanding contributions of J. Robert Oppenheimer to the United States and calling on the Secretary of Energy to observe the 100th anniversary of Dr. Oppenheimer's birth with appropriate programs at the Department of Energy and the Los Alamos National Laboratory. **(See next issue.)**

Legal Representation Authorization: Senate agreed to S. Res. 394, to authorize testimony and representation in the United States v. Daniel Bayly, et al. **(See next issue.)**

Legal Representation Authorization: Senate agreed to S. Res. 395, to authorize testimony, document production, and legal representation in Ulysses J. Ward v. Dep't of the Army. **(See next issue.)**

Commemorating Pennsylvania State University 150th Anniversary: Senate agreed to S. Res. 396, commemorating the 150th anniversary of the founding of The Pennsylvania State University. **(See next issue.)**

Iraq Transition: Senate agreed to S. Res. 397, expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government. **(See next issue.)**

GAO Human Capital Reform Act: Committee on Governmental Affairs was discharged from further consideration of H.R. 2751, to provide new human capital flexibilities with respect to the GAO, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

D.C. Courts Long-Term Care Insurance Participation: Senate passed S. 2322, to amend chapter 90 of title 5, United States Code, to include employees

of the District of Columbia courts as participants in long term care insurance for Federal employees.

(See next issue.)

Adjournment Resolution: Senate agreed to S. Con. Res. 120, providing for a conditional adjournment or recess of the Senate and the House of Representatives. (See next issue.)

Burma Sanctions—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. J. Res. 39, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, that the statutory time limit be yielded back, the resolution be read a third time, and then returned to the Senate calendar. Page S7392

National Defense Authorization Act—Conferees: A unanimous-consent agreement was reached relative to H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, previously passed by the Senate on Wednesday, June 23, 2004, that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Allard, Sessions, Collins, Ensign, Talent, Chambliss, Graham (SC), Dole, Cornyn, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, Clinton, and Pryor. (See next issue.)

Also, a unanimous-consent agreement was reached with respect to further consideration of S. 2400, S. 2401, S. 2402, and S. 2403, Senate companion measures (all passed by the Senate on Wednesday, June 23, 2004); that if the Senate receives a message, with respect to any of these bills, from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without intervening action or debate. (See next issue.)

Appointments:

Parents Advisory Council on Youth Drug Abuse: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, Section 710, 2(A)(ii), appointed the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: Laurens Tullock, of Tennessee.

(See next issue.)

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of the continuation of the national emergency with respect to the Western Balkans; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–89) (See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

By 70 yeas 27 nays (Vote No. Ex. 152), Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit. Pages S7360–66, S7397

Dora L. Irizarry, of New York, to be United States District Judge for the Eastern District of New York.

Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit.

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

George P. Schiavelli, of California, to be United States District Judge for the Central District of California.

William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit.

John C. Danforth, of Missouri, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

John C. Danforth, of Missouri, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

10 Air Force nominations in the rank of general.

14 Army nominations in the rank of general.

8 Marine Corps nominations in the rank of general.

31 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. Pages S7399–S7401

Nominations Received: Senate received the following nominations:

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation.

Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior.

Charles Johnson, of Utah, to be Chief Financial Officer, Environmental Protection Agency.

Ann R. Klee, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Adam Marc Lindemann, of New York, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2005.

Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Gail Daly, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008. (New Position)

Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006. (New Position)

Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008. (New Position)

Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005. (New Position)

Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007. (New Position)

Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004. (New Position)

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009 (Reappointment), to which position she was appointed during the last recess of the Senate.

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

1 Army nomination in the rank of general.

A routine list in the Navy. **Pages S7397–99**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Read First Time: **(See next issue.)**

Executive Communications: **(See next issue.)**

Petitions and Memorials: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Authority for Committees to Meet: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: Six record votes were taken today. (Total—152) **Pages S7377, S7384, S7392, S7395–97**

Adjournment: Senate convened at 10:01 a.m., and adjourned at 9:06 p.m., until 9:30 a.m., on Friday, June 25, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7397.)

Committee Meetings

(Committees not listed did not meet)

HEALTHY FORESTS RESTORATION ACT

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded a hearing to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148), after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and the Environment; Chad Calvert, Deputy Assistant Secretary of the Interior for Land and Minerals Management; James L. Sledge, Mississippi Forestry Commission, Jackson, on behalf of the National Association of State Foresters; Robert Cope, Lemhi County Board of Commissioners, Salmon, Idaho, on behalf of the National Association of Counties and the Idaho Association of Counties; Carol Daly, Communities Committee of the Seventh American Forest Congress, Columbia Falls, Montana, on behalf of the Society of American Foresters; James R. Crouch, Jim Crouch and Associates, Russellville, Arkansas, on behalf of sundry organizations; Tom Partin, American Forest Resource Council, Portland, Oregon; and James Earl Kennamer, National Wild Turkey Federation, Edgefield, South Carolina.

AIRLINE DENIAL AUTHORITY

Committee on Appropriations: Subcommittee on Transportation, Treasury, and General Government concluded an oversight hearing to examine passenger screening and airline authority to deny plane boarding, after receiving testimony from Jeff Rosen, General Counsel, Department of Transportation; Tom Blank, Assistant Administrator, Office of Transportation Security Policy, Transportation Security Administration, Department of Homeland Security; Michael Smerconish, WPHT–AM, Philadelphia, Pennsylvania; Peggy Sterling, American Airlines, Dallas,

Texas; and Christy E. Lopez, Relman and Associates, Washington, D.C.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Commander, Multi-National Force-Iraq, and 2,249 nominations in the Army, Navy, Marine Corps, and Air Force.

Prior to this action, committee concluded hearings on the nomination of General George W. Casey, Jr. (listed above), after the nominee testified and answered questions in his own behalf.

CRC REPORTS

Committee on Armed Services: Committee met in closed session to receive a briefing regarding ICRC Reports on U.S. military detainee operations from officials of the Department of Defense.

AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine security screening options for airports, focusing on the status of the private screening pilot (PP5) program and TSA's plans to implement the Federal screening opt-out provisions of the Aviation and Transportation Security Act, after receiving testimony from Thomas Blank, Assistant Administrator for Transportation Security Policy, Transportation Security Administration, Department of Homeland Security; Patrick Pacious, BearingPoint, Inc., McLean, Virginia; Terry Anderson, Tupelo Regional Airport, Tupelo, Mississippi; and Richard A. Atkinson, III, Central West Virginia Regional Airport Authority, Charleston.

EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded a hearing to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, after receiving testimony from David Applegate, Senior Science Advisor for Earthquake and Geologic Hazards, U.S. Geological Survey, Department of the Interior; Archibald C. Reid, III, Acting Deputy Director, Mitigation Division, Emergency Preparedness and Response Directorate, Department of Homeland Security; Sivaraj Shyam-Sunder, Acting Deputy Director, Building and Fire Research Laboratory, National Institute of Standards and Technology, Technology Administration, Department of Commerce; and A. Galip Ulsoy, Director, Division of Civil and Mechanical Systems, National Science Foundation.

NATIONAL HERITAGE PARTNERSHIP ACT

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 2543, to establish a program and criteria for National Heritage Areas in the United States, after receiving testimony from A. Durand Jones, Deputy Director, National Park Service, Department of the Interior; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Daniel M. Rice, Ohio and Erie Canalway Coalition, Akron, Ohio, on behalf of the Advocacy Committee of the Alliance of National Heritage Areas; and Robert J. Smith, Center for Private Conservation, and Craig D. Obey, National Parks Conservation Association, both of Washington, D.C.

BUSINESS MEETING

Committee on Finance: Committee failed to approve the Committee's recommendation, as amended, to the proposed legislation implementing the U.S.-Australia Free Trade Agreement.

IRAQ

Committee on Foreign Relations: on Wednesday, June 23, Committee met in closed session to receive a briefing on the situation in Iraq with regard to the June 30, 2004 transition from Colin L. Powell, Secretary of State.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 1735, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, with an amendment in the nature of a substitute.

House of Representatives

Chamber Action

Measures Introduced: 36 public bills, H.R. 4677–4712; 1 private bill, H.R. 4713; and 5 resolutions, H. Con. Res. 465–467, and H. Res. 695–697, were introduced. **Pages H4926–27**

Additional Cosponsors: **Pages H4927–28**

Reports Filed: Reports were filed today as follows:

H.R. 3916, to improve circulation of the $1 coin, create a new bullion coin, amended (H. Rept. 108–568); and

H. Res. 694, providing for consideration of H.R. 4614, Energy and Water Development Appropriations Act for fiscal year 2005 (H. Rept. 108–569). **(See next issue.)**

Chaplain: The Prayer was offered today by Rev. Dr. Keith Boone, Pastor, First United Methodist Church in Rockwall, Texas. **Page H4895**

Revising the Budget Resolution for FY 2005: The House rejected H. Res. 685, revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives, by a yea-and-nay vote of 184 yeas to 230 nays, Roll No. 301. **Pages H4908–22**

The measure was considered under a unanimous consent agreement that was reached on Tuesday, June 22.

Suspension: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, June 23:

Recognizing the 40th Anniversary of Congressional passage of the Civil Rights Act of 1964: H. Res. 676, recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964, by a ⅔ yea-and-nay vote of 414 yeas to 1 nay, Roll No. 304. **(See next issue.)**

Child Nutrition and WIC Reauthorization Act of 2004: The House agreed to take from the Speaker's table and pass S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs—clearing the measure for the President. **(See next issue.)**

Resolution Congratulating the Interim Government of Iraq: The House agreed to H. Res. 691, congratulating the interim government of Iraq on its assumption of full responsibility and authority as a sovereign government, by a yea-and-nay vote of 352 yeas to 57 nays, Roll No. 319. **(See next issue.)**

The measure was considered under a unanimous consent agreement reached on Wednesday, June 23. **(See next issue.)**

Spending Control Act of 2004: The House failed to pass H.R. 4663, to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending, by a recorded vote of 146 ayes to 268 noes, Roll No. 318. **Pages H4898–H4908, continued next issue**

Rejected the Stenholm motion to recommit the bill to the Committee on the Budget with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 196 ayes to 218 noes, Roll No. 317. **(See next issue.)**

Agreed by unanimous consent to consider the Young amendment (No. 18 printed in H. Rept. 108–566) out of order and allow it to be subsequently withdrawn. **(See next issue.)**

Agreed to:

Brady amendment (No. 1 printed in H. Rept. 108–566) that establishes a Federal Sunset Commission to review all federal agencies and programs for their efficiency, effectiveness, redundancy, and need (by a recorded vote of 272 ayes to 140 noes, Roll No. 305); and **(See next issue.)**

Kirk amendment (No. 6 printed in H. Rept. 108–566) that requires the Congressional Budget Office to prepare an annual analysis that compares budgeted entitlement spending to actual entitlement spending (by a recorded vote of 289 ayes to 121 noes, Roll No. 310). **(See next issue.)**

Rejected:

Chocola amendment (No. 2 printed in H. Rept. 108–566) that sought to replace the 20 budget functions with a one-page budget that divides spending into five categories (by a recorded vote of 126 ayes to 290 noes, Roll No. 306); **(See next issue.)**

Castle amendment (No. 3 printed in H. Rept. 108–566) that sought to eliminate the requirement of providing budget authority and outlays for the functional categories in the budget resolution (by a recorded vote of 185 ayes to 230 noes, Roll No. 307); **(See next issue.)**

Hensarling amendment (No. 4 printed in H. Rept. 108–566) that sought to impose an entitlement cap whereby the total level of direct spending is limited to inflation and the growth in a given program's beneficiary population (by a recorded vote of 96 ayes to 317 noes, Roll No. 308); **(See next issue.)**

Hensarling amendment (No. 5 printed in H. Rept. 108–566) that sought to provide for an automatic continuing resolution in the event that an agreement is not reached on spending levels by the legal deadline (by a recorded vote of 111 ayes to 304 noes, Roll No. 309); **(See next issue.)**

Ryan of Wisconsin amendment (No. 7 printed in H. Rept. 108–566) that sought to convert the current non-binding budget resolution into a joint budget resolution that if signed by the President would have the force of law (by a recorded vote of 97 ayes to 312 noes, Roll No. 311); **(See next issue.)**

Ryan of Wisconsin amendment (No. 8 printed in H. Rept. 108–566) that sought to establish Budget Protection Accounts which would allow Congress to target spending during the appropriation and direct spending processes and redirect that spending for deficit reduction at the end of the fiscal year (by a recorded vote of 137 ayes to 272 noes, Roll No. 312); **(See next issue.)**

Ryan of Wisconsin amendment (No. 9 printed in H. Rept. 108–566) that sought to initiate enhanced rescission for the President to propose the elimination of wasteful spending identified in appropriations bills (by a recorded vote of 174 ayes to 237 noes, Roll No. 313); **(See next issue.)**

Spratt amendment in the nature of a substitute (No. 15 printed in H. Rept. 108–566) that restores the original Pay-As-You-Go rules as they were originally established under the 1990 Budget Enforcement Act and extended in 1997 (by a recorded vote of 179 ayes to 233 noes, Roll No. 314); **(See next issue.)**

Hensarling amendment in the nature of a substitute (No. 16 printed in H. Rept. 108–566) that sought to make several major changes to the current budget process (by a recorded vote of 88 ayes to 326 noes, Roll No. 315); and **(See next issue.)**

Kirk amendment in the nature of a substitute (No. 17 printed in H. Rept. 108–566) that sought to make a number of changes to the current budget process (by a recorded vote of 120 ayes to 296 noes, Roll No. 316). **(See next issue.)**

Withdrawn:

Young of Florida amendment in the nature of a substitute (No. 18 printed in H. Rept. 108–566) that was offered and subsequently withdrawn that sought to require sequestration of mandatory spending in the event that the OMB baseline estimates of mandatory spending exceed previous estimates due to enacted legislation; require baseline estimates to exclude emergency spending; provide an exception for outlay components of certain expiring receipts legislation when making estimates of mandatory spending legislation; change the start date of the fiscal year to November 1; require sunsetting of all Federal programs (except earned entitlements) effective October 1, 2006, unless reauthorized prior to that date; require an adjustment to Appropriations Committee 302(a) allocations to ensure that the transportation guarantees contemplated in TEALU and Vision 100 are fully met; and make technical and conforming changes to the Balanced Budget and Emergency Deficit Control Act of 1985. **(See next issue.)**

H. Res. 692, the rule providing for consideration of the bill was agreed to by a recorded vote of 217 ayes to 197 noes, Roll No. 303, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 197 nays, Roll No. 302. **Pages H4922–23**

Election Assistance Commission Board of Advisors: The Chair announced the Speaker's appointment of Mr. J.C. Watts, Jr., of Norman, Oklahoma to serve a two-year term on the Election Assistance Commission Board of Advisors. **(See next issue.)**

Presidential Message: Read a message from the President wherein he notified the Congress of the continuation of the national emergency with respect to the Western Balkans—referred to the Committee on International Relations and ordered printed (H. Doc. 108–196). **(See next issue.)**

Senate Message: Message received from the Senate today appears on page H4895.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4928.

Quorum Calls—Votes: Four yea-and-nay votes and fifteen recorded votes developed during the proceedings of today and appear on pages H4921–22, H4922–23, H4923, continued in the next issue of the Record. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:23 a.m. on Friday, June 25.

Committee Meetings

DOD—CONTRACTOR SUPPORT

Committee on Armed Services: Subcommittee on Readiness held a hearing on contractor support in the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Michael W. Wynne, Acting Under Secretary, Acquisition, Technology and Logistics; John J. Young, Jr., Assistant Secretary, Research, Development and Acquisition, U.S. Navy; Marvin R. Sambur, Assistant Secretary, Acquisition, U.S. Air Force; and Tina Ballard, Deputy Assistant Secretary, Policy and Procurement, U.S. Army.

DOD—SMALL CALIBER AMMUNITION PROGRAMS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Department of Defense small caliber ammunition programs. Testimony was heard from the following officials of the Department of the Army: MG Buford C. Blount, III, USA, Assistant Deputy Chief of Staff, G–3; BG Paul S. Izzo, USA, Program Executive Officer, Ammunition; and BG James Rafferty, USA, Deputy Commander, Joint Munitions Command; and public witnesses.

INNOVATIVE HEALTH INSURANCE OPTIONS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing entitled ''Examining Innovative Health Insurance Options for Workers and Employers.'' Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 2929, amended, Safeguard Against Privacy Invasions Act; H.R. 2023, amended, Asthmatic Schoolchildren's Treatment and Health Management Act of 2003; S. 741, Minor Use and Minor Species Animal Health Act of 2004; H.R. 4555, amended, Mammography Quality Standards Reauthorization Act of 2004; H.R. 3981, amended, To reclassify fees paid into the Nuclear Waste Fund as offsetting collections; and H.R. 4600, amended, Junk Fax Prevention Act of 2004.

HOSPITAL BILLING AND COLLECTION PRACTICES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''A Review of Hospital Billing and Collection Practices.'' Testimony was heard from the following officials of the Department of Health and Human Services: Herb Kuhn, Director, Center for Medicare Management, Centers for Medicare and Medicaid Services; and Lewis Morris, Chief Counsel, Office of Inspector General; and pubic witnesses.

OVERSIGHT—PUBLIC ACCOUNTING OVERSIGHT BOARD

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held an oversight hearing on the Public Company Accounting Oversight Board, Testimony was heard from William J. McDonough, Chairman, Public Company Accounting Oversight Board.

MISCELLANEOUS MEASURES; TARGET WASHINGTON: COORDINATING HOMELAND SECURITY EFFORTS

Committee on Government Reform: Ordered reported the following bills: S. 129, amended, Federal Workforce Flexibility Act of 2003; H.R. 3340, To redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building,'' respectively; H.R. 4327, To designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis Missouri, as the ''Vitilas 'Veto' Reid Post Office Building;'' and H.R. 4427, To designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr., Post Office.''

The Committee also held a hearing entitled ''Target Washington: Coordinating Federal Homeland Security Efforts with Local Jurisdictions in the National Capital Region. Testimony was heard from Thomas Lockwood, Director, Office of National Capital Region Coordination, Department of Homeland Security; William O. Jenkins, Director, Homeland Security, GAO; George Foresman, Assistant to the Governor for Preparedness, State of Virginia; Dennis Schrader, Director, Office of Homeland Security, State of Maryland; Barbara Childs-Pair, Director, Emergency Management Agency, District of Columbia; and public witnesses.

LIVING WITH DISABILITIES

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled ''Living with Disabilities in the United States: A Snapshot.'' Testimony was heard from Representative Langevin; Troy Justesen, Acting Assistant Secretary, Office of Special Education and Rehabilitation Services, Department of Education; Don Young, Deputy Assistant Secretary, Office of Health Policy, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following bills: H.R. 4303, amended, American Schools Abroad Support Act; and H.R. 4654, To reauthorize the Tropical Forest Conservation Act of 1998 through Fiscal Year 2007.

The Committee also favorably considered and adopted a motion urging the chairman to request that the following measures be considered on the Suspension Calendar: H.R. 1587, amended, Viet Nam Human Rights Act of 2003; H.R. 4660, to

amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; H. Res. 615, amended, Expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others GroupS (WEOG) at the United Nations; H. Res. 617, amended, Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OCED); H. Res. 652, Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004; H. Res. 667, Expressing support for freedom in Hong Kong; H. Con. Res. 462, Reaffirming unwaivering commitment to the Taiwan Relations Act; H. Con. Res. 304, Expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China; H. Con. Res. 319, amended, Expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha'i community by the Government of Iran; H. Con. Res. 363, amended, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; H. Con. Res. 436, amended, Celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; H. Con. Res. 415, Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; H. Con. Res. 418, Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; H. Con. Res. 422, Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; and S. 2264, Northern Uganda Crisis Response Act.

AFRICA—CONFRONTING WAR CRIMES

Committee on International Relations: Subcommittee on Africa held a hearing on Confronting War Crimes in Africa. Testimony was heard from Pierre-Richard Prosper, Ambassador-at-Large, Office of War Crimes Issues, Department of State; and public witnesses

TRAFFICKING IN PERSONS

Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing on Trafficking in Persons: A Global Review. Testimony was heard from John Miller, Senior Advisor to the Secretary and Director, Office to Monitor and Combat Trafficking in Persons, Department of State; and public witnesses.

IRANIAN PROLIFERATION

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on Iranian Proliferation: Implications for Terrorists, their State-Sponsors, and U.S. Counter-proliferation Policy, Testimony was heard from John R. Bolton, Under Secretary, Arms Control and International Security Affairs, Department of State; Peter Flory, Principal Deputy Assistant Secretary, International Security Affairs, Department of Defense; and public witnesses.

OVERSIGHT—ADMINISTRATIVE CONFERENCE

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law continued oversight hearings on the Administrative Conference of the United States, II: Why is There a Need to Reauthorize the Conference? Testimony was heard from public witnesses.

OVERSIGHT—LIMITING FEDERAL COURT JURISDICTION TO PROTECT MARRIAGE FOR THE STATES

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing entitled ''Limiting Federal Court Jurisdiction to Protect Marriage for the States.'' Testimony was heard from former Representative William E. Dannemeyer, State of California; and public witnesses.

DC—ADDITIONAL COURT; OVERSIGHT—PATENT QUALITY IMPROVEMENT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action H.R. 112, To amend title 28, United States Code, to provide for an additional place of holding court in the District of Columbia.

The Subcommittee also held an oversight hearing entitled ''Patent Quality Improvement: Post-Grant Opposition.'' Testimony was heard from James A. Toupin, General Counsel, Patent and Trademark Office, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Held a hearing on the following bills: H.R. 831, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 2793, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians. Testimony was heard from Representatives Dingell, Rogers of Michigan and Stupak; Aurene

Martin, Deputy Assistant Secretary, Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following: H.R. 4010, National Geologic Mapping Reauthorization Act of 2004; and H.R. 4625, To reduce temporarily the royalty required to be paid for sodium produced on Federal lands. Testimony was heard from P. Patrick Leahy, Associate Director, Geology, U.S. Geological Survey, Department of the Interior; and public witnesses.

AMERICAN AQUACULTURE AND FISHERIES RESOURCES PROTECTION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 3320, American Aquaculture and Fisheries Resources Protection Act. Testimony was heard from Representative Ross; John Hogan, Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 4614, Energy and Water Development Appropriations Act, 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Hobson, Gibbons, Wilson of New Mexico, Visclosky, Eshoo, and Lofgren.

NUCLEAR R&D—IDAHO NATIONAL LABORATORY

Committee on Science: Subcommittee on Energy held a hearing on Nuclear R&D and the Idaho National Laboratory. Testimony was heard from William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology, Department of Energy; and public witnesses.

VOTING EQUIPMENT—TESTING AND CERTIFICATION

Committee on Science: Subcommittee on Environment, Technology and Standards held a hearing on Testing and Certification for Voting Equipment: How Can the Process Be Improved? Testimony was heard from Hratch Szerjian, Acting Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

OVERSIGHT—UPPER MISSISSIPPI AND ILLINOIS RIVERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Upper Mississippi and Illinois Rivers—Recommendations for Navigation Improvements and Ecosystem Restoration. Testimony was heard from Representative Gutknecht; MG Carl Strock, USA, Director of Civil Works, Corps of Engineers, Department of the Army; John Jamian, Deputy Administrator, Maritime Administration, Department of Transportation; A. J. Yates, Administrator, Agricultural Marketing Service, USDA; Benjamin N. Tuggle, Chief, Division of Habitat and Resource Conservation; Jerri-Anne Garl, Director, Region 5, EPA; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs; representatives of veterans organizations; and public witnesses.

CUSTOMS AND BORDER SECURITY ACT OF 2004

Committee on Ways and Means: Subcommittee on Trade approved for full Committee action, as amended, H.R. 4418, Customs and Border Security Act of 2004.

INFORMATION SHARING AFTER 9/11

Select Committee on Homeland Security: Held a hearing entitled "Information Sharing After September 11: Perspectives on the Future." Testimony was heard from James Gilmore, Chair, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 25, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces, 9:30 a.m., SD–106.

House

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''Implementation of the Food Security Provisions of the Public Health Security and Bioterrorism Preparedness and Response Act,'' 9:30 a.m., 2123 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, June 25

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, June 25

House Chamber

Program for Friday: Consideration of H.R. 4614, Energy and Water Development Appropriations Act, 2005 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Bilirakis, Michael, Fla., E1226
Blackburn, Marsha, Tenn., E1223
Blumenauer, Earl, Ore., E1228
Brown, Henry E., Jr., S.C., E1228
Burton, Dan, Ind., E1232
Cardoza, Dennis A., Calif., E1223
Clyburn, James E., S.C., E1232, E1234, E1235
Cummings, Elijah E., Md., E1230
Cunningham, Randy ''Duke'', Calif., E1231
Davis, Tom, Va., E1223
DeLauro, Rosa L., Conn., E1223
DeLay, Tom, Tex., E1229
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Goodlatte, Bob, Va., E1235
Hooley, Darlene, Ore., E1227
Kirk, Mark Steven, Ill., E1231
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McInnis, Scott, Colo., E1230, E1231, E1232, E1233, E1233, E1234, E1235, E1236
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Matheson, Jim, Utah, E1227
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Portman, Rob, Ohio, E1225
Rangel, Charles B., N.Y., E1229
Smith, Christopher H., N.J., E1226
Smith, Nick, Mich., E1233, E1234, E1236
Solis, Hilda L., Calif., E1231
Spratt, John M., Jr., S.C., E1227
Visclosky, Peter J., Ind., E1228
Walsh, James T., N.Y., E1224
Weldon, Curt, Pa., E1225
Wolf, Frank R., Va., E1232
Woolsey, Lynn C., Calif., E1229
Young, C.W. Bill, Fla., E1234

(Senate and House proceedings for today will be continued in the next issue of the Record.)

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