United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JULY 7, 2004 No. 92

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 7, 2004.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord, Your words to the prophet Ezekiel are spoken today to each Member of Congress: ''Look closely and listen carefully. Mark well all that I show you, for this is why you have been brought here.''

Lord, through Your people's election, You have chosen the Members of this Congress and You hold them accountable. With the gift of Your word and wisdom, they are to read the times. Through their own efforts, they come to know Your people and the priority of Your people's needs. Through their common endeavor, they create a broad sweeping vision that holds Your people together as they decide the means to be used and make the laws of this land.

Guide them in this noble construction as You guided Ezekiel. All will be measured according to Your vision and purpose. Before speaking, the exhortation is ''to look closely and listen carefully.'' Only then will words and actions be truly prophetic. For You are the Lord now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LAMPSON 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.

BUILDING PEACE BETWEEN INDIA AND PAKISTAN

(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, as the leaders of India and Pakistan continue their efforts to bring peace to South Asia, a historic visit to Capitol Hill takes place this week by a delegation of parliamentarians from India and Pakistan for a joint political and cultural exchange. These 14 parliamentarians have traveled together as a team to America and represent the future hopes of more than 1 billion people.

While India and Pakistan have lived in enmity for more than 50 years, the people of both nations share similar cultures and ambitions such as respect for family, religious traditions, and the desire to see South Asia prosper financially with peace between these two nations. These parliamentarians represent the symbolic interest of these common interests.

The future of South Asia lies in the hands of its young men and women. I commend the American Council of Young Political Leaders for bringing this delegation of South Asian leaders to America, and I am confident that one day, India and Pakistan will live in peace as neighbors for mutual benefit as we all work together for victory in the global war on terror.

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

THE MIDDLE-CLASS SQUEEZE

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

Mr. LAMPSON. Mr. Speaker, middle-class families are feeling the pinch. They feel it as they try to afford health care, try to keep their jobs, and try to provide a rewarding education for their children.

When I am in southeast Texas, I talk to folks every day who tell me they cannot afford tuition for their children, health care for their parents, or even to provide for themselves. These folks are getting the middle-class squeeze at literally every level. They work harder and harder every day, work more and more hours every day, and make less and less. The middle class is paying more in taxes, and the tax breaks that the rich get are not there for the folks who really need it.

I hope that my colleagues will use the remainder of our time in session to support these families so that our hardest-working Americans do not get left behind.

TODD BUCHANAN

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

Mr. PENCE. Mr. Speaker, one can scarcely imagine a more horrifying and terrifying experience than what happened yesterday to Todd Buchanan as

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his van coasted with its electrical systems failing on Indiana State Road 67. Todd Buchanan is a 39-year-old quadriplegic. The electrical system in his van not only failed, but the sparks ignited a flame; and he sat helpless, unable to extricate himself from his vehicle with no one in sight.

At that moment with smoke and flames beginning to emit from the hood of the car, Allen Webster passing by pulled his car over and immediately began to reach into the flames and into the smoke to extricate him. Muncie police officer Kyle Temple joined as well as nearly a dozen passersby, and one police officer fought through the flames to their own injury to extricate Todd Buchanan safely.

The Bible says ''No greater love has a man than this, that he should lay down his life for his friends.'' Todd Buchanan is alive this morning and grateful to Allen Webster, Officer Kyle Temple, and many others because they brought this proverb to life and showed no greater love on Highway 67 yesterday, and they are rightly remembered on this floor of this Congress today.

CONGRATULATIONS KERRY-EDWARDS

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Senator JOHN KERRY for naming North Carolina's JOHN EDWARDS to the Democratic ticket. As our State's favorite son, Senator JOHN EDWARDS has done North Carolina proud time and again throughout his career as a people's lawyer, in the Senate, and on the Presidential campaign trail. He will do great things for our Nation.

My friend JOHN EDWARDS is in touch with the heartbeat of America because he has lived the American Dream. Growing up in the small rural town of Robbins, North Carolina, JOHN EDWARDS learned the values of hard work, a quality education, and helping lift up those around him who suffered hardship. He is a living example of what we call North Carolina values.

Mr. Speaker, America needs new leadership at the national level to make our country stronger at home and more respected around the world. America needs new leadership that represents the values, dreams, and aspirations of the middle-class families, those families struggling to make it into the middle class and those families struggling to stay in the middle class.

Mr. Speaker, Senator KERRY's choice of JOHN EDWARDS for a running mate is good news for North Carolina and good news for America.

CLINTON DEMOCRATS ARE WRONG ON TAX RELIEF

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

Mr. PITTS. Mr. Speaker, at a recent fundraiser, a group of well heeled Democratic contributors were told: ''Many of you are well enough off that . . . the tax cuts may have helped you. We are saying that for America to get back on track, we are probably going to cut that short and not give it to you. We are going to take things away from you on behalf of the common good.''

If these campaign contributors believe the tax relief affected only a few rich people, they are wrong. If none of this tax relief had become law in 2004, 111 million Americans would pay on an average of over $1,500 more in taxes, 49 million married couples would pay over $2,600 more in taxes, 11 million single women with children would pay over $900 more in taxes, 14 million elderly individuals would pay over $1,800 more in taxes, nearly 5 million individuals and families who currently have no income tax liability would have to pay the income tax.

The fact is middle-class families, small business owners, who have created most of our 1½ million new jobs this year, are not rich as some of our friends would have us believe.

HALLIBURTON AND VICE PRESIDENT CHENEY

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

Mr. STRICKLAND. Mr. Speaker, a recent editorial in the Columbus Ohio Dispatch reads thusly: ''The steady stream of revelations of colossal waste, mismanagement, and possible corruption by Halliburton and other U.S. contractors in Iraq demands an immediate and thorough investigation. At the same time, Vice President DICK CHENEY should be forthcoming with the House Committee on Government Reform.''

Among the accusations, a former logistics specialist said that Halliburton housed employees at $10,000 per day, a five-star hotel in Kuwait. A woman who handled subcontracts said the company paid $100 per bag for laundry service. A former employee said that Halliburton ordered that spare parts be removed from $85,000 trucks; if they got a flat tire, just burn the vehicle. These reports come on top of the fact that when one contract for Halliburton to provide meals was cancelled, the cost of food service decreased by 40 percent.

Halliburton and CHENEY owe the American people answers about how our tax dollars are being spent.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate may not engage in personalities towards the President or the Vice President. Policies may be addressed in critical terms, but personal references of an offensive or accusatory nature are not proper.

ENDING THE VISA LOTTERY

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

Mr. BURNS. Mr. Speaker, we enjoy our current prosperity because of the American work ethic, that hard work, sacrifice, perseverance, and doing the right thing really pay off in the end.

Unfortunately, the visa lottery teaches the exact opposite to those who would immigrate to the United States. It condones crime by allowing illegal immigrants to apply. It promotes fraud by allowing these illegal immigrants to enter the lottery under multiple different names. It lets those who did not work, who did not sacrifice or persevere to step in front of those who did by giving all an equal chance at a visa regardless of skills, education, or even humanitarian needs.

To allow the lottery system to continue to bring 50,000 people a year into our country while completely circumventing our legal and moral code is a crime against every American.

I urge my colleagues to join me and cosponsor the SAFE Act, H.R. 775, and repeal this visa lottery scam.

THREATENED POLLINATORS

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

Mr. BLUMENAUER. Mr. Speaker, on the floor of the House, we are often involved with contentious, hard political choices. Many of the sharpest disagreements deal with the environment. We look forward in the fall to a spirited debate between President Bush and Senator KERRY about their rhetoric and their actions in protecting our environment.

But one critical area that actually brings us together is on exhibit a short 10 minutes away from this House Chamber, down the hill at the National Botanical Gardens. This exhibit deals with the tens of thousands of threatened pollinators who make possible our quality of life, our agricultural bounty, things that range from fresh fruits and chocolate, flowers, even Tequila and other exotic items. These key species, from honey bees, fruit bats, butterflies, are, in fact, at risk. We in Congress, we as the American public, need to be aware of this. This is one of the environmental issues that is not that contentious, it is not that expensive, and, in fact, brings us together. I urge my colleagues to take advantage of the pollinator exhibit at the Botanical Gardens.

HONORING SERGEANT MAJOR ALFORD McMICHAEL

(Mr. BOOZMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Sergeant Major Alford McMichael who will be inducted in the Arkansas Walk of Fame in his hometown of Hot Springs this Friday.

Alford McMichael became the first African American sergeant major of the United States Marine Corps on July 1, 1999. He left that post last year to become the senior enlisted adviser to NATO, the first person to fill this newly created position.

During his 30-plus years in the Marine Corps, Sergeant Major McMichael has earned numerous personal decorations including the Distinguished Service Medal, Legion of Merit, and the Meritorious Service Medal with gold star.

Mr. Speaker, I had the privilege of meeting Sergeant Major McMichael during a NATO parliamentary assembly trip and can attest to how very worthy he is of this tribute. It is my hope that by being honored on the Arkansas Walk of Fame, future generations will learn the inspirational story of Alford McMichael.

HHS IG REPORT

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

Mr. EMANUEL. Mr. Speaker, Inspector General's report released yesterday determined that the Medicare actuary provided accurate cost information about the Medicare bill to a select group of Members of Congress but not to all Members of Congress. This was because the Medicare administrator at the time threatened the actuary, Richard Foster, with the loss of his job if he disclosed the accurate information to all Members of Congress. These Members, the select group, chose to keep this information to themselves from other Members of Congress and, more importantly, from all the American taxpayers who are footing the bill for the $550 billion Medicare bill.

□ 1015

When we debated the Medicare bill on this floor, leaders in this Congress told us it would cost $400 billion, and we believed that this was true to the best of their knowledge. It is unfortunate that Members of this House were disrespectful to the taxpayers who are now going to pay an additional $150 billion, and with their colleagues, they withheld essential information about the true cost of the prescription drug bill. Even before a single senior citizen has received the benefit, taxpayers will be hit with another $150 billion bill.

This unwelcome surprise could have been avoided if this administration, Members of Congress and the leadership had shared the information they had about this bill.

UNFAIR URBAN AREA SECURITY INITIATIVE ALLOCATIONS

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

Mr. SHAW. Mr. Speaker, I rise in protest once again in regard to the unfair allocation of Urban Area Security Initiative grants from the Department of Homeland Security by the city of Miami. Broward County in my district has not received nearly enough, not nearly enough, for the funding it needs to keep our critical infrastructure safe from terrorist attacks.

On Sunday, a man crashed his SUV into a crowded terminal building at the Ft. Lauderdale-Hollywood International Airport in Broward County. He drove it all the way through two walls to the ticket counter. Airport officials were very quick to say, and correctly so, that the crash was not a terrorist act. But it could have been.

Let us not forget that this area was home to the al Qaeda operatives prior to 9/11. Airport security was tight for the holiday weekend, but there were no security measures in place and no physical structures that could have stopped this man from killing or injuring hundreds of travelers in the terminal. Having metal posts along the sidewalks would have made it impossible for this man to drive his SUV into the terminal. Instead, the crash caused $100,000 worth of damage and threatened the safety of hundreds of holiday travelers.

Mr. Speaker, both Broward and Palm Beach Counties are vulnerable targets. This is just one more reason why my district should be designated as its own urban area so that we can improve security measures that will protect our communities.

DELAYED SECURITY MEASURES

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

Mr. DEFAZIO. Mr. Speaker, today the Transportation Safety Administration finally announced that they are going to plug a huge, gaping loophole in aviation security, 15 months after I first brought this issue to their attention.

While Americans nationwide stand patiently in line and the pilots and flight attendants are standing in line, sometimes unnecessarily long lines because of an arbitrary cap on the number of screeners by the Republican majority, unbeknownst to them, hundreds of thousands of people on a daily basis have been filing around security carrying whatever they wanted, just flashing an ID at a guard. That is, all the vendors who work in the airport, the people who have access to the terminal and to the airplanes.

Finally today, today, after being beat over the head for months, the Transportation Security Administration is going to require that those people also go through security so that they will not be able to carry contraband, weapons, drugs or whatever through, to be smuggled aboard airplanes. This will improve security for Americans. It took an awfully long time to get action from the Bush administration to fill this loophole.

HAPPY BIRTHDAY TO PENNSYLVANIA STATE UNIVERSITY

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to honor the 150th anniversary of my district's largest employer, the Pennsylvania State University, which consists of 11 academic schools, 20 campuses throughout Pennsylvania, the College of Medicine, the Dickinson School of Law, and the Pennsylvania College of Technology.

Penn State was founded in 1855 as America's first land grant college and was the first institution in the Nation to offer a degree in agriculture. One in every eight Pennsylvanians with a college degree, one in every 50 engineers in America, and one in every four meteorologists in America are alumni of Penn State, which has the largest dues-paying alumni association in the Nation.

Penn State consistently ranks in the top three universities to receive SAT scores by high school seniors. Penn State hosts the largest student-run philanthropic event in the world benefiting the Four Diamonds Fund for families with children being treated for cancer.

Penn State has excelled at academic and athletic achievements by doing things honorably and exceptionally, by doing things the Penn State way.

Happy 150th birthday, Penn State. I am proud to represent you in Congress and add my voice to those exclaiming, ''We are Penn State.''

HONORING MARLON BRANDO

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

Mr. MORAN of Virginia. Mr. Speaker, every week we recognize all kinds of people and, though deserving, most of us have never heard of them. Today I would like to give some recognition to the passing of a man we have heard of.

I think the movie ''On The Waterfront'' was one of the finest American movies ever made because of the ability of Marlon Brando to depict that heroic struggle of a working class guy to achieve his own individual integrity. Then there was Stanley Kowalski, Don Corleone, and so many other iconic roles throughout Mr. Brando's career.

He was outstanding, but he always defied convention and challenged authority, and so he was always on the outskirts of proper society, but he deserves recognition.

I will always admire him for giving up the Oscar to recognize the shameful treatment that we have given Native Americans. I suspect that God broke the mold when Marlon Brando passed. We need more Marlon Brandos in our society. He was a man who had the courage of his convictions, and for that alone he deserves recognition in this body.

SERENITY IN WASHINGTON

(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 morning I just want to draw a sharp criticism against Members of this House who have sent a letter to Kofi Annan of the United Nations asking for United Nations monitors at our elections in November.

Mr. Speaker, I will have to admit there are people in my district, a great many constituents in my district who do not understand what goes on in Washington. We have a candidate for the highest office in the land who talks about some vague references to foreign leaders who would prefer him. We have a judiciary that seems to have its eye on the international courts. And now we have Members of this body asking for U.N. observers at our elections. We have got borders that are so porous as to be a joke.

The people in my district rightly ask, ''Does serenity mean anything in Washington?''

IN THE EYE OF THE BEHOLDER

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

Mr. McDERMOTT. Mr. Speaker, the last speaker wonders why the rest of the world does not want any more of George Bush. If he would travel outside of his district, he would find out they say it everywhere you go.

I was just in India. This administration's economic policy can best be summed up in the word, ''Oops.'' They like to swagger about how tax cuts for the rich have propelled the U.S. economy to staggering new heights. Staggering is the right word to describe the U.S. economy and what this administration has done to it.

Job creation is nowhere near, not even close to what America needs just to make up for the jobs lost during this administration. The administration can pretend all it wants, but people know that long-term unemployment is the highest in 20 years, few new jobs have been created, the few that have been pay less than the ones they replaced. Health care is crushing family budgets and forcing too many Americans to choose between medicine and food.

Americans know a staggering economy is the mark of an administration that has overstayed its welcome and does not deserve a second chance.

November 2 is exactly 118 days away. Please, Mr. Speaker, let the President know so he can prepare to move out.

LET FREEDOM REIGN

(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, last week was an important one for the United States and the world when Iraq once again became a sovereign nation. I found the transition of power to the Iraqi people to be very appropriate, timely and encouraging.

I believe it was very telling when President Bush in his own hand wrote, ''Let freedom reign,'' just moments after receiving the notice of the transfer of power to the new Iraqi Government.

As American citizens, we should be proud that the United States has aided the Iraqi people in their effort to live free of Saddam Hussein's terror. Through democracy, Iraq and the world can achieve peace and prosperity.

When the Iraqi embassy raised their flag in Washington, D.C., for the first time in recent memory, it was a symbolic gesture for all of those in the free world to say, ''Let freedom reign.''

STOP BRUTALITY IN SUDAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. First, Mr. Speaker, I was going to speak about the outrage of the faulty intelligence analysis given to the American people and to this Congress about weapons of mass destruction in Iraq. But I think it is appropriate, to save lives, to condemn the nation of Sudan, recognizing the pillaging, ravaging and brutality of women and children and families; the burning of African villages; the ethnic cleansing; the genocide that is going on in Sudan; the complete murder and collapse of government; the fact that women are terrorized every day, men are killed, and people cannot live in a decent way of life.

It is time for the government in Khartoum to be condemned. It is time to recognize that the United Nations has to stop this terrible ethnic cleansing and genocide, for we will be reminded of Rwanda where a million died. They are dying daily by the thousands in Sudan. It is time now for us in this Congress to join together with people of good will around the world to stop the murder and condemn it and demand of Khartoum, the Government of Sudan, to be able to stand up against Janjaweed and the Muslim killers that are killing African Muslims.

It is a disgrace. It is an outrage. We must stand together against this brutality.

KEEP THE U.N. OUT OF AMERICAN ELECTIONS

(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 was going to make some comments about overspending and overpromising and the imposition that puts on our kids and grandkids. But just following up on the U.N., I am very concerned about the U.N. and how much that the U.N., as a tool, can accommodate some of our goals in the United States; and I am particularly concerned when some Members have suggested that the U.N. should come in and monitor our presidential elections.

What comes to mind is the fiasco of the Oil for Food program. The U.N. bureaucrats in Iraq did not file reports and bring irregularities to the attention of the Security Council countries that had a particular vested interest, allowing corruption to take place in the Oil for Food program.

I am very concerned, the people of the United States should be concerned, how it works, and the fact that a lot of the individual ambassadors in the United Nations are looking out for nothing except what is in the best interest of their particular country, not what is good for the humanitarian, economic or security efforts of the whole world.

FREE AMERICAN LIBRARIES

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

Mrs. MALONEY. Mr. Speaker, today I will be supporting the Sanders Freedom to Read amendment which would curb the FBI's unlimited power to examine library records without providing evidence that one is under reasonable suspicion of terrorism.

The free library is a great American institution. But under the PATRIOT Act, your local library is no longer free. It can cost you your civil liberties, and in America that makes it very expensive.

We should not have to think twice about how our intellectual curiosity might be analyzed by a Federal investigation. This is a chilling thought in the land of the free. We must protect our country against terrorism. Reinstating laws allowing the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize our national security; it would protect our constitutional right to privacy and make our Nation's libraries free again.

GOOD DEAL FOR SENIORS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today because I understand that the minority leader is calling the Medicare prescription drug card ''a bad deal for seniors.''

With passage of the Medicare bill last year, hundreds of thousands of seniors can now take advantage of the voluntary prescription drug discount cards and finally have relief with their prescription drug costs.

Is giving them choice and control over their prescription drug costs a bad deal for seniors? I think not.

A CMS study showed that seniors using the prescription drug discount cards are saving between 46 and 92 percent on commonly used prescription drugs through the use of generic drugs.

□ 1030

Is cutting in half their prescription costs a bad idea for seniors? I think not. Furthermore, in my district, 21,000 of the poorest seniors will receive an additional $600 cash subsidy to help them with prescription costs. Is helping our Nation's deprived seniors with the thing that they need most a bad deal for seniors? I think not.

THE MIDDLE-CLASS SQUEEZE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, last month's disappointing job creation numbers demonstrate that our colleagues on the other side of the aisle have a lot of work to do to help improve this economy. The economy only created 112,000 jobs last month, less than half of what economists predicted. Over 90 percent of the new jobs that were created were found in the service sector area, and they pay less-than-average hourly wages. Many do not even provide health care benefits. In fact, many people in my own District have to work two and three part-time jobs just to make ends meet to put food on the table.

Wages are now at the lowest point in 2 years, and a typical family is now making $1,500 less than they were last year. Unemployment rates in my district in East Los Angeles and the San Gabriel Valley, I am not proud to say, they are about 10 percent, way above the national average. For Latino youth, youth that I represent, they are experiencing double-digit inflation. Right now, they are also unable to find part-time jobs this summer that they badly need.

Mr. Speaker, I ask that the Republican Party take a second look at our economy. Let us keep those jobs at home, and let us increase the wages of working families.

BUSH'S JUDICIAL APPOINTEES

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

Mr. CONYERS. Mr. Speaker, the President of the United States is in Michigan today complaining of the lack of support he is getting for judicial appointments. I, as the ranking member on the Committee on the Judiciary, rise to point out to our President that the Senate has confirmed 97 percent of the appointees put forward by President Bush and that the vacancy rate on the Federal courts is only 5 percent, the lowest that it has been in 14 years.

The rest of my remarks concern why there is opposition, frequently from Senate Democrats but Democrats in the other body and sometimes Republicans against Ms. Priscilla Owen, Charles Pickering, Miguel Estrada, whose nomination was thankfully withdrawn, Carolyn Kuhl, William Pryor and Janice Rogers Brown.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). Members are reminded to avoid improper references to the Senate.

JUNE JOBS NUMBERS

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

Mr. PALLONE. Last month, President Bush presided over an economy that created only 112,000 jobs, but we have to create 150,000 jobs just to keep up with population increases.

One would think this disappointing news would concern President Bush. Instead, Bush embraced the news, describing it as ''steady growth.'' The President also had the audacity to say our economy does not need ''boom or bust-type growth.''

When is President Bush going to realize that our economy desperately needs a boom; that the failed policies he has been touting over the last 3 years are not creating enough jobs to put millions of Americans back to work; that today's economy is benefiting the wealthiest Americans to the detriment of the middle class?

The economic record of both President Bush and congressional Republicans is an utter failure, and the President's statements show that he is also clearly out of touch with the economic realities that middle-class Americans presently face. Perhaps President Bush has been spending too much time hanging out with his wealthy friends to realize that middle-class Americans are struggling to make ends meet.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2004

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend the High-Performance Computing Act of 1991, as amended.

The Clerk read as follows:

H.R. 4218

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High-Performance Computing Revitalization Act of 2004''.

SEC. 2. DEFINITIONS.

Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting ''and multidisciplinary teams of researchers'' after ''high-performance computing resources'';

(2) in paragraph (3)—

(A) by striking ''scientific workstations,'';

(B) by striking ''(including vector supercomputers and large scale parallel systems)'';

(C) by striking ''and applications'' and inserting ''applications''; and

(D) by inserting '', and the management of large data sets'' after ''systems software'';

(3) in paragraph (4), by striking ''packet switched''; and

(4) by amending paragraphs (5) and (6) to read as follows:

''(5) 'Program' means the High-Performance Computing Research and Development Program described in section 101; and

''(6) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.''.

SEC. 3. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking ''**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**'' and inserting ''**RESEARCH AND DEVELOPMENT**'';

(2) in section 101—

(A) the section heading, by striking ''**NATIONAL HIGH-PERFORMANCE COMPUTING**'' and inserting ''**HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT**'';

(B) in subsection (a)—

(i) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT'';

(ii) by striking paragraphs (1) and (2) and inserting the following: ''(1) The President shall implement a High-Performance Computing Research and Development Program, which shall—

''(A) provide for long-term basic and applied research on high-performance computing;

''(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-

performance computing and networking systems;

''(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

''(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

''(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

''(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

''(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

''(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

''(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.'';

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as so redesignated by clause (iii) of this subparagraph—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraphs:

''(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

''(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

''(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;''; and

(IV) by inserting after subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraph:

''(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and''; and

(v) in paragraph (3), as so redesignated by clause (iii) of this subparagraph—

(I) by striking ''paragraph (3)(A)'' and inserting ''paragraph (2)(D)'';

(II) by amending subparagraph (A) to read as follows:

''(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;'';

(III) in subparagraph (C), by striking ''specific activities'' and all that follows through ''the Network'' and inserting ''each Program Component Area'';

(IV) in subparagraph (D), by inserting ''and for each Program Component Area'' after ''participating in the Program'';

(V) in subparagraph (D), by striking ''applies;'' and inserting ''applies; and'';

(VI) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as so redesignated by subclause (VI) of this clause, by inserting ''and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)'' after ''for the Program'';

(C) in subsection (b)—

(i) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(ii) by inserting ''(1)'' after ''Advisory Committee.—'';

(iii) in paragraph (1)(C), as so redesignated by clauses (i) and (ii) of this subparagraph, by inserting '', including funding levels for the Program Component Areas'' after ''of the Program'';

(iv) in paragraph (1)(D), as so redesignated by clauses (i) and (ii) of this subparagraph, by striking ''computing'' and inserting ''high-performance computing and networking''; and

(v) by adding at the end the following new paragraph:

''(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph.''; and

(D) in subsection (c)(1)(A), by striking ''Program or'' and inserting ''Program Component Areas or''; and

(3) by striking sections 102 and 103.

SEC. 4. AGENCY ACTIVITIES.

Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(1) by amending subsection (a) of section 201 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Science Foundation shall—

''(1) support research and development to generate fundamental scientific and technical knowledge with the potential of advancing high-performance computing and networking systems and their applications;

''(2) provide computing and networking infrastructure support to the research community in the United States, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for all science and engineering disciplines; and

''(3) support basic research and education in all aspects of high-performance computing and networking.'';

(2) by amending subsection (a) of section 202 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Aeronautics and Space Administration shall conduct basic and applied research in high-performance computing and networking, with emphasis on—

''(1) computational fluid dynamics, computational thermal dynamics, and computational aerodynamics;

''(2) scientific data dissemination and tools to enable data to be fully analyzed and combined from multiple sources and sensors;

''(3) remote exploration and experimentation; and

''(4) tools for collaboration in system design, analysis, and testing.'';

(3) in section 203—

(A) by striking subsections (a) through (d) and inserting the following:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

''(1) conduct and support basic and applied research in high-performance computing and networking to support fundamental research in science and engineering disciplines related to energy applications; and

''(2) provide computing and networking infrastructure support, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for science and engineering disciplines related to energy applications.''; and

(B) by redesignating subsection (e) as subsection (b);

(4) by amending subsection (a) of section 204 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

''(1) the National Institute of Standards and Technology shall—

''(A) conduct basic and applied metrology research needed to support high-performance computing and networking systems;

''(B) develop benchmark tests and standards for high-performance computing and networking systems and software;

''(C) develop and propose voluntary standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computing systems in networks and for common user interfaces to high-performance computing and networking systems; and

''(D) work with industry and others to develop, and facilitate the implementation of, high-performance computing applications to solve science and engineering problems that are relevant to industry; and

''(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research on high-performance computing applications, with emphasis on—

''(A) improving weather forecasting and climate prediction;

''(B) collection, analysis, and dissemination of environmental information; and

''(C) development of more accurate models of the ocean-atmosphere system.''; and

(5) by amending subsection (a) of section 205 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Environmental Protection Agency shall conduct basic and applied research directed toward advancement and dissemination of computational techniques and software tools for high-performance computing systems with an emphasis on modeling to—

''(1) develop robust decision support tools;

''(2) predict pollutant transport and the effects of pollutants on humans and on ecosystems; and

''(3) better understand atmospheric dynamics and chemistry.''.

SEC. 5. SOCIETAL IMPLICATIONS OF INFORMATION TECHNOLOGY.

In carrying out its programs on the social, economic, legal, ethical, and cultural implications of information technology, the National Science Foundation shall support research into the implications of computers (including both hardware and software) that

would be capable of mimicking human abilities to learn, reason, and make decisions.

SEC. 6. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) AMENDMENTS.—Section 23 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–9) is amended—

(1) by striking ''and the National Aeronautics and Space Administration'' each place it appears in subsections (a) and (b) and inserting '', the National Aeronautics and Space Administration, and the Department of Energy'';

(2) in subsection (b)(3), by inserting ''the Secretary of Energy,'' after ''the Administrator of the National Aeronautics and Space Administration,'';

(3) in subsection (c)—

(A) by striking ''5'' in each of paragraphs (1) and (2) and inserting ''4'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking ''3'' and inserting ''2''; and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) 3 members selected by the Secretary of Energy; and''; and

(4) in subsection (f), by striking ''the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities'' and inserting ''other Federal advisory committees that advise Federal agencies which engage in related research activities''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 15, 2005.

SEC. 7. REMOVAL OF SUNSET PROVISION FROM SAVINGS IN CONSTRUCTION ACT OF 1996.

Section 14(e) of the Metric Conversion Act of 1975 (15 U.S.C. 2051(e)) is repealed.

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

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4218, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, when we think of how computers affect our lives, we probably think of the work we do on our office desktop machines or maybe the Internet surfing we do in our spare time. We do not normally think of the enormous contribution that supercomputers, also called high-performance computers, make to the world around us.

These powerful machines are used in the development of pharmaceuticals, in modeling the Earth's climate, and in applications critical to ensuring our national and homeland security. They also help ensure our economic competitiveness. In a recent Subcommittee on Energy hearing, we heard how supercomputers can help companies anticipate how new products will behave in different environments using simulations that are called ''virtual prototyping.'' These approaches help companies increase the speed to market for new products.

High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics, and genomics.

The top computer in the world today, the Earth Simulator, is not in the United States. It is in Japan. Some experts claim that Japan was able to produce the Earth Simulator, a computer far ahead of American machines, because the U.S. had taken an overly cautious and conventional approach to computing R&D.

Beginning in the 1990s, the U.S. focused on a single architecture for high-performance computing and emphasized the use of commercially available components over custom-made components. In hindsight, we see that this approach has meant lost opportunities. Japan's Earth Simulator is an example of a road not taken.

The U.S. is still a leader in supercomputing. In fact, 10 of the top 20 most powerful computers in the world today are in the United States. Even so, the Earth Simulator is nearly three times as fast as the most powerful computer in the United States, the ASCI-Q computer at Los Alamos National Laboratory.

The bill we are considering today on the floor, H.R. 4218, will ensure that America remains a leader in the development and use of supercomputers.

To achieve this aim, the bill does four things.

First, it requires that Federal agencies provide the U.S. research community access to the most advanced high-performance computing systems and technical support for their users.

Second, there is more to supercomputing than building big machines. That is why the bill requires Federal agencies to support all aspects of high-performance computing for scientific and engineering applications.

Third, the bill requires the White House Office of Science and Technology Policy to direct an interagency planning process to develop and maintain a research, development and deployment roadmap for the provision of high-performance computing resources for the U.S. research community.

The original legislation that the bill amends, the High-Performance Computing Act of 1991, gave rise to an interagency planning process that has lost the vitality it once had. This provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

Finally, the bill clarifies the missions of each of the Federal agencies that have a role in developing or using high-performance computing.

Mr. Speaker, at a full committee hearing on May 13, Dr. John Marburger of the White House Office of Science and Technology Policy communicated the administration's support for this bill. The bill is consistent with a report written by the High End Computing Revitalization Task Force and released by OSTP on the day of the hearing.

Mr. Marburger and the Bush administration recognize that we cannot imagine the kinds of problems that these supercomputers of tomorrow will be able to resolve, but we can imagine the kind of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world class.

This bill will guide Federal agencies and provide a needed support to high-performance computing and its user communities. Our Nation's scientific enterprise, and our economy, will be stronger for it. I urge my colleagues to support this bill.

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

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

I would like to encourage my colleagues to vote in favor of H.R. 4218, the High-Performance Computing Revitalization Act of 2004, which the gentlewoman from Illinois (Mrs. BIGGERT) and I have introduced. I also want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for her work in developing this legislation.

H.R. 4218 amends the High-Performance Computing Act of 1991, which established a major Federal research and development program in computing and networking that now involves seven agencies and is funded at about $2 billion per year. This bill seeks to reverse a gradual weakening of the planning mechanisms for the research and development program established by the 1991 act.

High-performance computing and communications technology is key to the Nation's economic competitiveness and security, and it is important to prioritize and effectively coordinate activities among the performing agencies. This bill requires formal biennial reviews of the interagency program by the President's Information Technology Advisory Committee in order to provide outside advice for sharpening program priorities and improving program implementation.

H.R. 4218 also attempts to focus more effort by the interagency program on high-end computing. The key requirement is for the Office of Science and Technology Policy to develop and maintain a roadmap for developing and deploying high-end systems necessary to ensure that the U.S. research community has sustained access to the most capable computing systems. In addition, NSF is explicitly required to provide for access by researchers to such computing systems. These requirements are designed to ensure the research community has access to the

most powerful computing systems in the world.

Mr. Speaker, the interagency research program launched in 1991, as I have said, has largely been a great success. It has helped provide the computing and networking infrastructure required to support leading-edge research and to drive technology information forward for the benefit of all of us and society at large.

H.R. 4218 will serve to strengthen the research program and deserves swift, favorable passage. Again, I ask my colleagues for their support of this bill.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I thank the gentlewoman for yielding this time, and I want to rise in strong support of H.R. 4218. I want to particularly thank the gentlewoman from Illinois (Mrs. BIGGERT) for the leadership she has provided and to the gentleman from Tennessee (Mr. DAVIS) in being her partner in this enterprise. This is an important measure, and I proudly rise to give my unqualified support for it.

This measure flows from two simple, unarguable premises: The computing industry has become a fundamental building block of our entire economy, and computing has become an indispensable part of conducting research and development here at home.

That means that it is incumbent on the Federal Government to ensure that it is doing everything possible to strengthen the long-term competitiveness of the computing industry and to ensure that our Nation's researchers have access to the best computers in the world.

The bill is designed to accomplish those two goals by strengthening our existing interagency programs on high-performance computing. Frankly, in recent years, we have taken our eye off the ball a little bit; and as a result, the Japanese now have the fastest computer in the world. Not to worry, we are being challenged. They are breathing down our neck, but we are preparing to respond; and we have to reverse that trend. They have one machine; we have many machines. We are clearly number one in the world, and we are determined to maintain that position.

The administration knows that, and led by Dr. Jack Marburger at the White House Office of Science and Technology Policy, the administration is increasing its focus on this area and issued a new report laying out how it plans to do so.

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This legislation will give additional impetus to those efforts. The bill should ensure that Federal agencies coordinate their efforts both to fund R&D on computing hardware and software and to fund access to the best computers.

I will never forget the testimony I heard some 20 years ago as a junior member of the Committee on Science, that is, before the government began its supercomputing initiative. That testimony came from Nobel Laureate Ken Wilson, who was then at Cornell. He said to us, and this was in the early 1980s, he said to us that he and his students had to go overseas to get the computing resources they needed. We were determined that that would never happen again, and therein was born the supercomputer initiative in America.

In the 1990s, we all know this, in the 1990s we enjoyed unprecedented growth in our economy, for 10 years, quarter-after-quarter, year-after-year growth in the economy, and more jobs being created. The Information Age was upon us. And because of what the government was doing, what we were investing in in supercomputing technology, that was largely made possible.

Mr. Speaker, I urge my colleagues to support this urgently needed, carefully targeted bill that will make sure that the U.S. builds and American scientists can use the best computers in the world. These days, that is a necessary condition for the long-term success of our economy, and we are determined to guarantee the long-term success of our economy.

So to the chairwoman, the gentlewoman from Illinois (Mrs. BIGGERT), and the gentleman from Tennessee (Mr. DAVIS), I commend you both for the outstanding cooperation that was evidenced in developing this measure. I particularly want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for the leadership she has provided. Time after time she has proven that she is there with a solution to the problem. We do not have a problem that we cannot tackle and overcome, and she has proven it once again.

So I urge my colleagues to register their strong support for H.R. 4218.

Mr. DAVIS of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Research of the House Committee on Science.

Mr. SMITH of Michigan. Mr. Speaker, it should concern everyone who has followed technological developments, especially in recent years, to see the United States is falling behind. It has been said a couple of times that Japan's Earth Simulator Computer is now faster and more efficient than anything in the United States.

I congratulate the gentlewoman from Illinois (Mrs. BIGGERT) for her initiative in sponsoring and moving this legislation through the legislative process. Let it be said that everyone agrees that over the last 30 years invention and innovation have been among the greatest driving forces behind the tremendous technological advances that we have had and the ability of the United States to develop high-quality products and the way to produce those products that can be competitive in a world market.

I think at the forefront of our innovation has been the development of these supercomputers. They have allowed us to make new discoveries, design new technologies, and develop new products more quickly and at much lower cost than we would have thought imaginable even 10 years ago.

As chairman of the Subcommittee on Research for the last several years, I have been proud to support our Nation's efforts in these and other important scientific endeavors, and I have been especially interested and strongly supportive of continuous investment, financial and otherwise, of all stages of our tech advancement, from the initial investigation of new concepts down to technology demonstrations and products.

What has also been made clear in recent years is that government alone cannot and probably should not be the sole contributor to America's scientific endeavors. Continuous investment is needed in all contributing sectors of society, certainly from universities to national laboratories to private sector corporations to vendors. That falls back on a goal that we must also have in this country, and that is capable scientists that are going to make invention and innovation happen.

I would just like to bring to my colleagues' attention what a high-tech supercomputer is. According to an April 2003 report, IBM is now looking to develop, in conjunction with Lawrence Berkeley National Laboratory and the Argonne National Laboratory, a system that will perform at twice the level of the Earth Simulator, hopefully by 2005.

In addition, the Department of Energy has contracted with IBM to develop two systems, the ASCI Purple and Blue Gene program that together, listen to this, will be able to perform 460 trillion calculations per second. The Earth Simulator's peak capacity is 40 trillion operations per second. So we are moving ahead, and this legislation is going to help assure that we move ahead, that the United States stay in control.

This is important legislation that will not only help our Nation remain competitive with countries such as Japan, but will help the United States to maintain its leadership in tech advancement. So, again, I thank our Committee on Science chairman and ranking member, and I thank the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. DAVIS of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), who is a member of the Subcommittee on Energy and Water Development of the Committee

on Appropriations, and has been a great help to the scientific community, the Department of Energy, and all its programs, and especially the Office of Science. So we appreciate all his hard work on behalf of them.

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

Mr. WAMP. Mr. Speaker, I certainly appreciate the gentlewoman's leadership. I do come as an appropriator today to say thanks to the authorization committee, and thanks to the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT); the Chair of the subcommittee, the gentlewoman from Illinois (Mrs. BIGGERT); the ranking members, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Tennessee (Mr. DAVIS).

Mr. Speaker, I am proud that Tennesseeans stand together in a bipartisan way today. Of course, I represent the Oak Ridge National Laboratory in Oak Ridge, Tennessee, and Oak Ridge is a lead laboratory for high-speed computing. So I come with great excitement today because our Subcommittee on Energy and Water Development of the Committee on Appropriations has actually gone beyond what we were authorized to do or what the administration asked for on supercomputing, because our chairman, the gentleman from Ohio (Mr. HOBSON), believes, as we believe, that this is the seed corn for the future; that we must make these investments if we are to have a robust economy and a very high quality of life and experience the growth that this country deserves and, frankly, we should expect. And it comes with scientific investment.

Basic research, for years, through the physical sciences, led to the breakthroughs that we enjoy today. Space had a lot to do with it. And then the life sciences of the last 15 years, as we tried to get our arms around diabetes and Alzheimer's and Parkinson's; and so we invested heavily in life sciences. But there is a whole new field that is part of the physical science arena called high-speed computing, computer simulation and modeling. We are going to be able to do things with computers that we will not even need a laboratory for, because we can simulate with the use of high-speed computing. It is a whole new field.

I will tell my colleagues that as we invest in it, our economy will grow and the budget will come closer to balance because we are making these investments. We are not going to balance the budget in the world we live in today by cutting spending, because there are too many needs. But if we grow the economy with these kinds of investments, we can balance the budget.

This is critical. The authorizers have stepped up. This is real good for America. It is great for our laboratory systems. And I want to give a lot of credit, while I have the floor, to the DOE Office of Science, because this administration is way out in front on these investments.

This is the right thing to do. This is where the Congress comes together in the very best way to make investments not for next year necessarily, but for the next generation. They will reap a high return.

So congratulations to the gentlewoman from Illinois (Mrs. BIGGERT). I thank her for her leadership in all science investment for our country. She is helping us on the Committee on Appropriations expand the fence so we can fund these necessary investments. Without the authorization, without the statutory framework that the gentlewoman is establishing today, and the many other times that she has brought quality legislation to this floor, we cannot fund it. With this, we can fund it and then some.

So I thank all involved very much.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume to applaud the efforts of the chairman, the gentleman from New York (Mr. BOEHLERT); the subcommittee chairman, the gentlewoman from Illinois (Mrs. BIGGERT); certainly the gentleman from Tennessee (Mr. GORDON), the ranking member on the Committee on Science, for their work and effort in being sure this legislation came to the committee and then was presented today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume and, in closing, I want to recognize the bill's chief lead sponsor along with me, the gentleman from Tennessee (Mr. DAVIS), and thank the other cosponsors of this important legislation, including the distinguished chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), along with the gentleman from Tennessee (Mr. GORDON), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Michigan (Mr. SMITH). I would thank them all for their support. And I would also have to thank the Committee on Science staff, the majority and the minority, for their hard work.

I also would like to thank the chairman, the gentleman from New York (Mr. BOEHLERT) for holding a full Committee on Science hearing this past May to consider this legislation. At this very successful hearing, the committee received very positive feedback on the bill from the experts on high-performance computing. That is also the hearing where Dr. Marburger, Director of the White House Office of Science and Technology Policy, communicated the administration's support for the bill.

As I said earlier, we must commit to providing sustained support for high-performance computers at our Federal civilian science agencies. Our Nation's scientific enterprise and our economy will be the stronger for that.

Mr. HOLT. Mr. Speaker, I would like to particularly emphasize the importance of high-performance computing in the area of fusion energy science, an area where I have personal experience from my work at the Princeton Plasma Physics Laboratory. Fusion offers the promise of abundant, safe, environmentally attractive energy for the U.S. and the world. The advances in computing over the last decade have revolutionized fusion science at Princeton and elsewhere. Previously scientists made calculations without computers for simplified situations; now they can take into account the details of real experimental conditions.

Previously scientists could only make crude estimates of how for example turbulence in fusion fuel could cool the plasma lower than the very high temperatures needed for fusion; now they can calculate this process in detail. As a result the agreement between experiment and theory has improved dramatically.

A decade or so ago, theoretical estimates could easily differ from experimental measurements by factors of 10 to 100, giving rise to heated scientific debate. How the debate is just as scientific and just as heated, but the argument is about factors like 1.5 or 2—a dramatic difference.

Furthermore, this scientific understanding has led to techniques to quell the turbulent mixing and allow the fusion fuel to get much hotter, producing more fusion energy High-performance computing together with advanced experimental techniques, has truly revolutionized fusion energy science.

Even with these recent advances, there is still much more to be learned about fusion systems through high-performance computing, and H.R. 4218 will help to make that possible. Fusion scientists need to combine all of the individual calculations of physical effects, which have been combined into an integrated simulation model that handles all of the different aspects of a fusion system—all at the same time. Such a model will allow fusion researchers to predict in detail the behavior of complete fusion systems and will allow them to design the cost-effective power plans that will be need in the future.

This is truly a grand challenge that requires the level of high performance computing envisioned in H.R. 4218. It is also a grand challenge for humanity. Recent events have certainly reminded us that we need the abundant, safe and clean power that fusion can provide. Thus I strongly support H.R. 4218 for the advances it will produce in fusion energy science, as well as elsewhere in American science.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4218, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF ENERGY HIGH-END COMPUTING REVITALIZATION ACT OF 2004

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing, as amended.

The Clerk read as follows:

H.R. 4516

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy High-End Computing Revitalization Act of 2004''.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) HIGH-END COMPUTING SYSTEM.—The term ''high-end computing system'' means a computing system with performance that substantially exceeds that of systems that are commonly available for advanced scientific and engineering applications.

(2) LEADERSHIP SYSTEM.—The term ''Leadership System'' means a high-end computing system that is among the most advanced in the world in terms of performance in solving scientific and engineering problems.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program of research and development (involving software and hardware) to advance high-end computing systems, and shall develop and deploy such systems for advanced scientific and engineering applications.

(b) PROGRAM.—The program shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) conduct research in multiple architectures, which may include vector, reconfigurable logic, streaming, processor-in-memory, and multithreading architectures;

(3) conduct research on software for high-end computing systems, including research on algorithms, programming environments, tools, languages, and operating systems for high-end computing systems, in collaboration with architecture development efforts;

(4) provide for sustained access by the research community in the United States to high-end computing systems and to Leadership Systems, including provision for technical support for users of such systems;

(5) support technology transfer to the private sector and others in accordance with applicable law; and

(6) ensure that the high-end computing activities of the Department of Energy are coordinated with relevant activities in industry and with other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the National Security Agency, the National Institutes of Health, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Environmental Protection Agency.

(c) LEADERSHIP SYSTEMS FACILITIES.—

(1) IN GENERAL.—As part of the program carried out under this Act, the Secretary shall establish and operate Leadership Systems facilities to—

(A) conduct advanced scientific and engineering research and development using Leadership Systems; and

(B) develop potential advancements in high-end computing system hardware and software.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary shall provide access to Leadership Systems on a competitive, merit-reviewed basis to researchers in United States industry, institutions of higher education, national laboratories, and other Federal agencies.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available for high-end computing, there are authorized to be appropriated to the Secretary to carry out this Act—

(1) $50,000,000 for fiscal year 2005;

(2) $55,000,000 for fiscal year 2006; and

(3) $60,000,000 for fiscal year 2007.

SEC. 5. SOCIETAL IMPLICATIONS OF INFORMATION TECHNOLOGY.

In carrying out its programs on the social, economic, legal, ethical, and cultural implications of information technology, the National Science Foundation shall support research into the implications of computers (including both hardware and software) that would be capable of mimicking human abilities to learn, reason, and make decisions.

SEC. 6. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) AMENDMENTS.—Section 23 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–9) is amended—

(1) by striking ''and the National Aeronautics and Space Administration'' each place it appears in subsections (a) and (b) and inserting '', the National Aeronautics and Space Administration, and the Department of Energy'';

(2) in subsection (b)(3), by inserting ''the Secretary of Energy,'' after ''the Administrator of the National Aeronautics and Space Administration,'';

(3) in subsection (c)—

(A) by striking ''5'' in each of paragraphs (1) and (2) and inserting ''4'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking ''3'' and inserting ''2''; and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) 3 members selected by the Secretary of Energy; and''; and

(4) in subsection (f), by striking ''the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities'' and inserting ''other Federal advisory committees that advise Federal agencies which engage in related research activities''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 15, 2005.

SEC. 7. REMOVAL OF SUNSET PROVISION FROM SAVINGS IN CONSTRUCTION ACT OF 1996.

Section 14(e) of the Metric Conversion Act of 1975 (15 U.S.C. 2051(e)) is repealed.

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

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4516, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, in light of the bill just considered by this body, I am sure many of our colleagues are wondering why we are considering another high-performance computing bill and what the difference is between this bill and the one just approved. In a nutshell, the bill we are considering right now, H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, authorizes specific research and development activities that the Department of Energy will need to undertake to meet the mandates laid out in H.R. 4218, the bill just considered by the House.

H.R. 4516 strengthens the interagency planning process for high-performance computing R&D. It also makes clear that the Department of Energy, through its Office of Science and the National Science Foundation, are the two lead agencies within the Federal Government responsible for providing U.S. researchers with access to the most advanced computing facilities in the world.

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The bill under consideration now complements H.R. 4218 by spelling out in detail the R&D that the Department of Energy should be doing to help ensure that America remains a leader in the development and use of super computers.

More specifically, H.R. 4516 does three things. First, it requires the Secretary of Energy to establish and operate high-end computing facilities involving leadership-class machines that are among the most elite in the world.

Second, the bill directs the Secretary to conduct advanced scientific and engineering R&D using these leadership-class systems and to continue to advance the capabilities of high-end computing hardware and software.

Finally, the bill requires that these computing facilities be made available on a competitive, peer-reviewed basis to researchers from U.S. industry, institutions of higher education, national laboratories, and other Federal agencies.

Mr. Speaker, last fall the Department of Energy's Office of Science released its 20-year facility plan, a prioritized list of the most important facilities needed to advance multiple fields of scientific endeavor over the next 2 decades. The second-highest priority identified on the Department's list was ultra-scale computing. Ultra-scale or high-end computing ranks high on the Department of Energy's priority list, because these computers are essential tools for achieving the next

generation of scientific breakthroughs in a variety of fields central to the Department of Energy's mission.

In many cases, dramatic breakthroughs will require increasing computing power by a factor of a hundred or in some cases by a factor of a thousand. While attaining these increases may seem daunting, the history of computer development has taught us that, with a sustained commitment to research, such gains are within our reach. That is why Secretary Abraham recently announced the selection of a team including Argonne National Laboratory, Oak Ridge National Laboratory, IBM, Cray and other partners to develop and build a new high-end computing facility.

When completed, this new user facility will outpace the world's current number one computer, Japan's Earth Stimulator. H.R. 4516 supports this new initiative of the Department of Energy and ensures that the Department can fulfill its responsibility to help lead the Federal Government's supercomputing R&D efforts.

Mr. Speaker, by renewing our commitment to high-end computing research and development at the Department of Energy, the United States can regain its competitive edge in the development and use of supercomputers and recapture the distinction of being home to the world's most powerful computer. Again, our Nation's scientific enterprise and our economy will be the stronger for it.

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

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

Mr. Speaker, the gentlewoman from Illinois (Mrs. BIGGERT) and I are pleased to bring H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, for consideration in the House today.

H.R. 4516 authorizes the Department of Energy to advance high-end computing, and the House Committee on Science has held several hearings that have emphasized its importance to achieve progress in many fields of science and engineering.

The gentlewoman from Illinois (Mrs. BIGGERT) and I also introduced H.R. 4218 that we just considered to strengthen existing interagency planning and budgeting mechanisms for high-end computing.

In response to the needs for greater resource and focus, we have introduced this bill, H.R. 4516. This legislation focuses on activities at the Department of Energy, which has been a major player in the development of supercomputing since its earliest days.

Tennessee's Oak Ridge National Lab will lead a partnership supported by DOE to build the world's most powerful supercomputer by 2007. I am thrilled that the Center for Computational Science at Oak Ridge will soon be the new home of the word's largest and fastest computer.

H.R. 4516 authorizes research and development activities needed to develop future supercomputing systems and, equally important, provides for the sustained development and deployment of the most capable computing system for use by U.S. researchers for academia, industry, and Federal labs.

These computing systems will truly be national resources that will address important problems related to national security, economic competitiveness, health care, and environmental protection.

H.R. 4516 responds to an identified national need for Federal support of supercomputing. I commend this bill to my colleagues and ask for their support.

Mr. Speaker, I commend the gentlewoman from Illinois (Mrs. BIGGERT) and the Committee on Science for their work on developing and bringing this bill to the floor for the consideration of the members of the subcommittees of the House of Representatives.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, in closing, I would like to thank my colleague, the gentleman from Tennessee (Mr. DAVIS), once more for his work as a lead sponsor of this legislation, and I would also like to thank the minority and the majority staff of the Committee on Science for their time and effort and ideas. With the passage of this legislation, the Department of Energy will continue to revolutionize the use of supercomputers, ensuring the competitiveness of American science and industry. I would urge my colleagues to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4516, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL WINDSTORM IMPACT REDUCTION ACT OF 2004

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to establish a National Windstorm Impact Reduction Program, as amended.

The Clerk read as follows:

H.R. 3980

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Windstorm Impact Reduction Act of 2004''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.

(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.

(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—

(A) cost-effective and affordable design and construction methods and practices;

(B) effective mitigation programs at the local, State, and national level;

(C) improved data collection and analysis and impact prediction methodologies;

(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and

(E) public education and outreach.

(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) The term ''State'' means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(3) The term ''windstorm'' means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, tornado, or thunderstorm.

SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program (in this Act referred to as the ''Program'').

(b) OBJECTIVE.—The objective of the Program is the achievement of major measurable reductions in losses of life and property from windstorms. The objective is to be achieved through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging implementation of cost-effective mitigation measures to reduce those impacts.

(c) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the Director shall establish an Interagency Working Group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and other Federal agencies as appropriate. The Director shall designate an agency to serve as Chair of the Working Group and be responsible for the planning, management, and coordination of the Program, including budget coordination. Specific agency roles and responsibilities under the Program shall

be defined in the implementation plan required under subsection (e). General agency responsibilities shall include the following:

(1) The National Institute of Standards and Technology shall support research and development to improve building codes and standards and practices for design and construction of buildings, structures, and lifelines.

(2) The National Science Foundation shall support research in engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(3) The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(4) The Federal Emergency Management Agency shall support the development of risk assessment tools and effective mitigation techniques, windstorm-related data collection and analysis, public outreach, information dissemination, and implementation of mitigation measures consistent with the Agency's all-hazards approach.

(d) PROGRAM COMPONENTS.—

(1) IN GENERAL.—The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this Act shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of, other public and private hazard reduction efforts.

(2) UNDERSTANDING OF WINDSTORMS.—Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.

(3) WINDSTORM IMPACT ASSESSMENT.—Activities to improve windstorm impact assessment shall include—

(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;

(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and

(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.

(4) WINDSTORM IMPACT REDUCTION.—Activities to reduce windstorm impacts shall include—

(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials;

(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and

(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.

(e) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this Act, the Interagency Working Group shall develop and transmit to the Congress an implementation plan for achieving the objectives of the Program. The plan shall include—

(1) an assessment of past and current public and private efforts to reduce windstorm impacts, including a comprehensive review and analysis of windstorm mitigation activities supported by the Federal Government;

(2) a description of plans for technology transfer and coordination with natural hazard mitigation activities supported by the Federal Government;

(3) a statement of strategic goals and priorities for each Program component area;

(4) a description of how the Program will achieve such goals, including detailed responsibilities for each agency; and

(5) a description of plans for cooperation and coordination with interested public and private sector entities in each program component area.

(f) BIENNIAL REPORT.—The Interagency Working Group shall, on a biennial basis, and not later than 180 days after the end of the preceding 2 fiscal years, transmit a report to the Congress describing the status of the windstorm impact reduction program, including progress achieved during the preceding two fiscal years. Each such report shall include any recommendations for legislative and other action the Interagency Working Group considers necessary and appropriate. In developing the biennial report, the Interagency Working Group shall consider the recommendations of the Advisory Committee established under section 5.

SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

(a) ESTABLISHMENT.—The Director shall establish a National Advisory Committee on Windstorm Impact Reduction, consisting of not less than 11 and not more than 15 non-Federal members representing a broad cross section of interests such as the research, technology transfer, design and construction, and financial communities; materials and systems suppliers; State, county, and local governments; the insurance industry; and other representatives as designated by the Director.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in the science and engineering of windstorm impact reduction;

(2) the effectiveness of the Program in carrying out the activities under section 4(d);

(3) the need to revise the Program; and

(4) the management, coordination, implementation, and activities of the Program.

(c) BIENNIAL REPORT.—At least once every two years, the Advisory Committee shall report to Congress and the Interagency Working Group on the assessment carried out under subsection (b).

(d) SUNSET EXEMPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this Act shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this Act—

(1) $8,700,000 for fiscal year 2006; and

(2) $9,400,000 for fiscal year 2007.

(b) NATIONAL SCIENCE FOUNDATION.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) $8,700,000 for fiscal year 2006; and

(2) $9,400,000 for fiscal year 2007.

(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $3,000,000 for fiscal year 2006; and

(2) $4,000,000 for fiscal year 2007.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this Act—

(1) $2,100,000 for fiscal year 2006; and

(2) $2,200,000 for fiscal year 2007.

SEC. 8. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking ''By January 30, 1982, and biennially thereafter'' and inserting ''By January 30 of each odd-numbered year''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3980, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I would like to thank the gentleman from New York (Mr. BOEHLERT) and his staff for their leadership and support for allowing me to bring this important piece of legislation before the Committee on Science. I would also like to thank the gentleman from Kansas (Mr. MOORE), who introduced this bill with me, and all of the cosponsors of H.R. 3980 for their support.

Windstorms in the United States, such as hurricanes, tornadoes, continue to cause high levels of injuries, deaths, business interruption, and property damage. Unfortunately, the level of losses due to the windstorms increase each year and will continue to escalate unless technology generation, education, and public policies are improved.

On May 11, 1970, tragedy struck my hometown of Lubbock, Texas. An F5

tornado ripped through downtown Lubbock. Six people were killed, and 500 were injured. The tornado had winds estimated in excess of 200 miles an hour and damaged or destroyed a large portion of our city.

In a few moments between 9:35 p.m. and the time the funnel lifted into the cloud, the tornado devastated a community along an 8½ mile-wide path. It wrought havoc along a track that was 1½ miles wide in downtown Lubbock to one-fourth mile wide as it passed over the National Weather Bureau's office located at the airport. The twister was responsible for $125 million in damage, and an estimated 15 square miles of the city was damaged or destroyed.

The National Weather Service estimates that between 1995 and 2002, hurricanes, tornadoes, and thunderstorm winds caused an average of $4.5 billion in damage every year. Texas alone averages 124 tornadoes every year, which is more than double the average of any other State.

Over this past Memorial Day weekend, for example, 175 tornadoes were reported across the country, bringing the preliminary total for May to 544. The storms were responsible for 8 deaths and millions of dollars in damages in 12 States.

June 1 was the official start of hurricane season, and forecasters are predicting an above-normal Atlantic season. Officials anticipate 12 to 15 tropical storms for the season, with six to eight systems becoming hurricanes, with two to four of those becoming major hurricanes.

Last year, Hurricane Isabel, one of the storms to affect the United States, caused 17 deaths and more than $3 billion in damages. Technological advancements in the second half of the century have contributed to better, more accurate severe weather watches and warnings from the National Weather Service, ultimately saving countless lives. Advancements in computer technology also led to progress in numerical weather prediction, allowing meteorologists to apply physics in replicating motions of the atmosphere.

But even as we build on our current weather prediction successes and create new resources to predict windstorms at a greater rate, the United States continues to sustain billions of dollars each year in property damage and economic losses due to wind storms, and the human costs are all too painful.

Over the last 5 years, Texas Tech University Wind Engineering Research Center has received funding under a cooperative agreement with the National Institute For Standards and Technology to research the detrimental effects of windstorms on buildings and to reduce the loss of life from windstorm events. Their work has led to many accomplishments on the national scope. This year alone, they will receive $900,000 to carry on research to improve the economy of shelters and wind-resistant construction.

A variety of cost-effective windstorm hazard mitigation measures exist, and many more are undergoing important research and development at universities like Texas Tech University across this Nation. However, these efforts are not being coordinated at the Federal level to improve the general public's understanding of windstorm impacts, and we are not doing a good job of encouraging implementation of cost-effective mitigation measures for our citizens.

Improving the wind resistance of buildings can only be achieved when there is a demand for wind-resistant construction by homeowners. Hurricane Isabel, the tornado in Lubbock that was so destructive more than 30 years ago, and the 544 tornadoes in the month of May alone are serious reminders of how vulnerable we are and how serious we should be about severe weather safety and preparedness.

Here is what we can do about it. The objective of the National Windstorm Impact Reduction Program is to achieve measurable reduction in loss of life and property from windstorms. In a coordinated effort between academia, the private sector and the Federal Government, this legislation will improve distribution of current research findings, develop cost-effective and affordable windstorm-resistant systems, and develop outreach techniques for the general public.

The aim of this act is also to enable the marketplace to form incentives. Improving our understanding of how wind impacts buildings, enhancing the scope and detail of damage data collection, and measuring the degree to which varying mitigation techniques can lessen that impact will make it possible to quantify the value of mitigation. This information will give policymakers, private industry, and individual homeowners the tools to make decisions that take windstorm vulnerability into consideration.

An investment in windstorm impact reduction will pay significant dividends and will save lives, decrease property damage, and reduce the cost of Federal disaster relief in the future. Therefore, I urge Members to vote ''yes'' on H.R. 3980.

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

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

I would like to thank the gentleman from New York (Mr. BOEHLERT) for following through on his promise to mark up legislation on windstorms in the 108th Congress. I would also like to thank the gentleman from Texas (Mr. NEUGEBAUER) for sponsoring with me this important legislation. I would also like to thank the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from North Carolina (Mr. JONES), who have worked with me over the past three Congresses. And finally, staff member Jim Turner of the Committee on Science staff and Brian Pallasch of the American Society of Civil Engineers, and my staff person, Jana Denning, have worked tirelessly over the past 5 years on this legislation, and they all deserve thanks.

Almost 6 years ago, my hometown of Wichita, Kansas, was hit by an F4 tornado which plowed through the suburb of Haysville, killing six, injuring 150, and causing over $140 million in damage. The devastation of this attack motivated me to try to do something.

I put together a bill modeled after NEHRP, the successful earthquake research program begun over 30 years ago. My goal is to mitigate loss of life and damage to property due to wind and related hazards. We can do this through early warning of tornadoes, better emergency response, and better design and construction of buildings. I reviewed comments from the American Society of Civil Engineers, the National Association of Home Builders, the insurance industry, meteorologists, emergency managers, academia, industry, and the manufactured housing associations to try to fine-tune this legislation.

On May 4, just last year, almost 4 years to the day after the deadly 1999 Kansas and Oklahoma tornadoes, tornadoes touched down again in metropolitan Kansas City and the surrounding suburbs, as well as in many of my congressional colleagues' districts, destroying property, killing people and injuring our constituents.

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These tornadoes, Mr. Speaker, did not check to find out if they were hitting a Republican or Democratic district. Tornadoes are truly an equal-opportunity destroyer. This is not a Republican bill. It is not a Democratic issue. It is a human issue, and it is a human tragedy. And we need to deal with this, and we are dealing with this. And I am grateful to my colleagues across the aisle for dealing with this on a bipartisan basis. These windstorms destroy lives. I have seen it in my own district, and I know that many of my colleagues have as well.

I thank, again, the gentleman from Texas (Mr. NEUGEBAUER) for his work on this legislation with me.

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

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

Mr. Speaker, I wanted to just summarize a little bit about this bill and to also let folks know that this bill has a lot of endorsements from people that are very active in this type of engineering: the American Society of Civil Engineers, the National Association of Mutual Insurance Companies, the Manufacturing Housing Institute, the National Association of Wind Engineering, Applied Technology Council, and the International Code Council. These are the organizations that are actively involved in this kind of research, and

they wholeheartedly support and endorse this bill.

One of the things that this bill does is it creates a national windstorm impact reduction program, and it improves our understanding of windstorm issues. And it also brings about a collaboration of the private sector and the public sector so that we can begin to commercialize a lot of the important research that is going on. It really does not do us any good to do a lot of good research in this country if we do not get it into the hands of the people that can actually use that, and those are the homeowners and the building owners around this country.

It also brings some oversight to the process and creates a National Advisory Committee who will oversee the various research. They will be reported back to and given an opportunity to give progress reports to the Congress to make sure that we are providing adequate oversight for the important research dollars that we are providing for this type of research.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, first let me thank the gentleman from Texas, and I also want to thank the gentleman from Kansas (Mr. MOORE), who has also worked awfully hard on this legislation.

But I have to admit, Mr. Speaker, that I am a bit in awe of the work that the gentleman from Texas has done to get this bill this far. As has been said, many lives and billions of dollars are lost during hurricanes and tornadoes due to really poor mitigation techniques, from the structure of buildings to the planning of evacuation corridors. Hurricane Andrew, for example, in 1992 resulted in $26.5 billion in losses and 61 fatalities. Southern Dade County, by the way, Miami/Dade County, is still recovering from the effects of Hurricane Andrew. Hurricane Hugo in 1989 resulted in $7 billion in losses and 86 fatalities.

I am fortunate to help represent the International Hurricane Research Center, a research center in Florida International University, which is directed by Dr. Leatherman. It was established after Hurricane Andrew. It serves as Florida's center for hurricane research, education, and outreach. Of course, their work really serves the entire Nation. The center has led research on everything from appropriate housing techniques to beach erosion and coastal vulnerability. Like many other wind-related institutions, the International Hurricane Research Center supports this legislation. The sponsor of this legislation was mentioning a number that did. This is one more, which I know the gentleman is aware of, and, again, it will make significant steps in mitigating the effects of wind-related hazards throughout the United States.

This legislation, is a, I think, very important piece of legislation, and the gentleman from Texas has done an incredible job shepherding it through the process; and, again, I am in awe of the job that he has done. This legislation creates a National Windstorm Impact Reduction Program in order to improve understanding of windstorm impacts and develops implementation of cost-effective mitigation measures. This will use the vital research already done to implement a uniform policy that will ultimately lead to better-built office buildings, homes, structures, in order to lessen the impact of hurricanes and tornadoes and other windborne tragedies.

It establishes a National Advisory Committee on Windstorm Impact Reduction. Again, this group will routinely assess the effectiveness of the program and make recommendations if any changes are needed down the road. The sponsor has been very key on making sure that there is strong oversight, and I want to thank the sponsor for his leadership there and not only on this issue but particularly on this issue, on this bill.

And, again, I want to thank the sponsor, the gentleman from Texas, and the gentleman from Kansas (Mr. MOORE), who also, I repeat, has done a lot of work. I am in awe of the work that has been done on this bill, and it is a privilege to support this bill here on the floor today.

Mr. MOORE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3980 and applaud the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for introducing it and getting it to the floor for passage today.

Mr. Speaker, H.R. 3980 would establish the National Windstorm Impact Reduction Program to achieve major measurable reductions in losses of life and property from windstorms. This is critically important to Members like me whose districts are prone to catastrophic windstorms such as hurricanes.

Mr. Speaker, I am proud to represent one of the most beautiful places under the American Flag, the U.S. Virgin Islands. While we live in an area that sees its share of hurricanes every year, prior to 1989 we were spared for over 60 years of being hit by one of these storms. Since September, 1989, however, when Hurricane Hugo hit with sustained winds in excess of 200 miles per hour, our islands were changed forever. The devastation wrought by this storm was astronomical. However, just as we were beginning to recover from the legacy of Hurricane Hugo, we were hit with a second devastating storm in September of 1995, Hurricane Marilyn. Since then we were hit by at least four other major storms, the last one being Hurricane Lenny in 1999.

Mr. Speaker, if having to deal with recovering from a major natural disaster was not enough, Hurricanes Hugo and Marilyn left the Virgin Islands with an even more ominous legacy. It almost wiped out the availability of affordable windstorm insurance in the territory.

The lack of available affordable homeowners insurance in the Virgin Islands remains a serious problem for many of my constituents today. With the huge payouts associated with the September 11 attacks and natural disasters of 2 years ago, insurance companies' costs have skyrocketed. To keep from falling into the red, many are passing their costs on to homeowners in the form of higher premiums. For the Virgin Islands, added risk of hurricanes, increased seismic activity, and the lack of competition among insurers make it more difficult for my constituents to find relief from these skyrocketing premiums.

While H.R. 3980 does not directly address the problem of the availability of affordable disaster insurance, it has the very real potential of lowering these costs in the long run if it is successful in lowering or reducing the losses to life and property from hurricanes and other windstorm disasters.

Mr. Speaker, windstorms and the damage and destruction they bring result in higher and higher costs to our Nation every year. Any effort which will result in the reduction of these costs will yield untold benefits for all of us. For this reason I urge my colleagues to support H.R. 3980. And I once again want to thank the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for introducing it and bringing it to the floor today.

Mr. NEUGEBAUER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this bill, and I want to congratulate the gentleman from Texas (Mr. NEUGEBAUER) for bringing this bill forward. Bills in this area have been proposed for many years; but through the gentleman from Texas's (Mr. NEUGEBAUER) efforts, we now have a bipartisan measure that the House can pass.

The gentleman from Texas (Mr. NEUGEBAUER) is what I refer to as an impact player. Some people come to this House, the people's House, and take a few years, understandably, to get sort of settled in and to begin to have an impact. He just took a couple of months, and he has had an impact. And this bill is a direct tribute to his tenacity and determination to get something done, and I want to thank him for that on behalf of the entire committee on a bipartisan basis.

Windstorms cause damage and deaths every year throughout the country. Far too much damage, far too many

deaths. One is unacceptable. We may not be able to do anything about the weather, but we can do more than talk about it. We can build and retrofit structures so they are better able to survive windstorms. But we can do that successfully and affordably only if we conduct the research and development needed to learn more about storms and about structures. That is exactly what this bill will enable us to do.

This is not a vain hope. Congress created the same kind of program for earthquakes in the late 1970s. And as a result, we are able to do much more today than we were 30 years ago to make structures earthquake resistant. We hope this similar program will yield a similar result for windstorms.

So in this bill we are following a proven formula. So again let me congratulate once again the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for this bill. They worked together in a bipartisan basis to fashion something that earns our support.

Let me thank also the Committee on Transportation and Infrastructure, and I am privileged to serve on that committee also, for working with us on the FEMA portions of this bill. And let me thank the American Society of Civil Engineers and the other groups that have guided us in drafting the bill. We did not just get in some closet someplace and say this is a problem, how do we deal with it. We reached out under the gentleman from Texas's (Mr. NEUGEBAUER) leadership and the gentleman from Kansas (Mr. MOORE), and we invited opinion, we invited input; and as a result of all that, we were able to fashion something that is pretty darn good, and I am proud of it. And I want to commend it to the attention of my colleagues and urge its overwhelming adoption.

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. STENHOLM), who helped get an initial ''big wind earmark'' that brought $3.8 million to Texas Tech's Wind Disaster Research Program in 1998 and helped lay some of the foundation for the bill that is now going to come to the floor for a vote.

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

Mr. Speaker, I rise in strong support of H.R. 3980. With the rain, wind, hail, and tornadoes that passed through West Texas last month and again today, this legislation could not be more timely.

This bill will give us the tools to research the effects of these storms, and it will provide us with a foundation from which we can learn how to minimize the damages associated with them. A working group comprised of officials from many Federal agencies will be formed to assess ways to reduce losses of life and property caused by these storms. As a farmer from West Texas, I know how damaging tornadoes and windstorms can be, and I understand the importance of this legislation. In the past I have strongly supported the efforts of research entities like the Texas Tech Wind Science Center to study ways to mitigate the damages caused by large windstorms. The Wind Science Center at Texas Tech has done yeomen's work identifying the best ways to reduce structural damage to properties caused by high winds associated with tornadoes and hurricanes. As a member of the Wind Hazard Reduction Caucus, I have supported efforts to make available the resources needed to study and minimize the damaging effects of these windstorms.

As has already been pointed out, in 1997 I worked on a bipartisan, bicameral basis with Senator KAY BAILEY HUTCHISON to ensure the Texas Tech Wind Science Center got its first Federal earmark of $3.8 million, which was included in the fiscal year 1998 appropriations bill. As is quite often the case, when some folks do not understand, quite frankly, what wind is all about, some suggested this was pork. We contacted the then-Chief of Staff for the White House, Erskine Bowles, and requested that the funding be supported by President Clinton and be kept off the line item veto list. These efforts paid off. The center has since received anywhere from $1.1 million to $2.4 million each year since then.

I want to close by thanking the gentleman from Kansas (Mr. MOORE) for his work on this issue and the gentleman from Texas. The gentleman from Kansas (Mr. MOORE) first introduced this legislation in 1999, and he has been a champion of wind hazard reduction efforts since he has come to Congress. I know that he is happy to have this bill on the floor, as I am here today happy to support these measures again and encourage my colleagues to support this legislation.

□ 1130

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

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), the newest Member of the House of Representatives.

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

Mr. Speaker, I rise today in support of H.R. 3980, the National Windstorm Impact Reduction Act of 2004. In an average year, more than 1,000 tornadoes are reported in the United States. With winds that can reach in excess of 200 miles per hour, these storms cause an average of more than 80 deaths and over 1,500 injuries per year.

In South Dakota, we have our fair share of severe weather. In the summer months, this takes the form of violent thunderstorms that often contain powerful winds. In fact, barely 1 year ago, South Dakota experienced the worst tornado outbreak in its recorded history. June 24, 2003, will be forever known in South Dakota as ''Tornado Tuesday.'' In one 24-hour period, we had a confirmed 67 tornadoes touch down in the State.

This ''superstorm'' produced over 350 weather warnings, and at least one tornado reached F–4 status, meaning it had winds reaching over 260 miles per hour. Miraculously, no one lost his or her life on this day, but at other times we have not been so lucky.

On May 30, 1998, a category F–4 tornado pummeled the small community of Spencer, South Dakota. The town of 400 residents was almost totally destroyed and six people lost their lives.

We have also experienced loss on my State's Indian lands. On June 4, 1999, a deadly tornado swept across the Pine Ridge Indian Reservation. One person was killed and the property damage was widespread. More than 1,000 people were left temporarily homeless.

Because the people of South Dakota have seen firsthand the devastation that tornadoes and strong straight-line winds can bring, I am proud to support this legislation. It would create incentives for Federal agencies to work together to address the threats caused by wind damage. It would also improve our understanding of windstorms and how they create such intense devastation.

I believe that we need a proactive approach that will mitigate the damage caused by these remarkable natural events. This bill will save lives, result in decreased property damage and reduce the overall cost of Federal disaster relief.

I appreciate the bipartisan efforts of my colleagues, the gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. NEUGEBAUER) in moving this important legislation forward, and I urge all Members of this House to support the bill.

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

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise today in support of this National Windstorm Impact Reduction Act. This legislation will help us take great strides in reducing the loss of life and property from windstorms.

We in North Carolina know all too well how devastating tropical storms and hurricanes can be. While flooding from hurricanes is often the culprit for the majority of the deaths, the winds generated from these storms range from 74 to 155 miles an hour or more, indiscriminately wreaking havoc to lives and property wherever they strike.

The National Windstorm Impact Reduction Act will develop windstorm impact reduction projects that could lead to new designs and construction practices that could mitigate, if not withstand, the force and damage generated by these high windstorms. This is an important piece of legislation, which I encourage all Members to support.

I want to congratulate the gentleman from Kansas (Mr. MOORE) for his work and leadership on this issue. Kansas does not have the hurricane problems that my State has, but I know its position in the middle of Tornado Alley makes it a life-and-death issue for the State of Kansas. So I thank the gentleman.

As a Member of the House Committee on Science, the gentleman from Kansas (Mr. MOORE) has been fighting to improve research in wind-related hazards for years. I have been proud to cosponsor and support very similar legislation that he introduced both in this Congress and during the 107th Congress.

Very simply, this legislation will save lives in North Carolina, in Kansas and throughout this country. I congratulate my friend and colleague on his success in this effort, and urge my colleagues to vote for H.R. 3980.

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

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

Mr. Speaker, I just want to close by saying that this bill consolidates and coordinates windstorm research that has been going on throughout multiple agencies and brings oversight to that process, and I think that is very important. I think the American people expect us to oversee the moneys that we are appropriating and authorizing; but it also is a public and private partnership, and the whole goal of this bill is to make sure that we get the important research out of the laboratories and into practical solutions that are going to be saving lives and reducing property damage.

So I encourage my colleagues to vote yes on H.R. 3980, the National Windstorm Impact Reduction Act of 2004.

Mrs. BIGGERT. Mr. Speaker, I rise today to support H.R. 3890, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I'd like to commend my colleague from Pennsylvania, MELISSA HART, for introducing this important legislation.

During a very busy week in May, I chaired two Energy Subcommittee hearings on the issues of energy efficiency R and D. The first hearing took a broad look at research and development in the area of energy efficiency.

The second hearing focused on the legislation under consideration today, H.R. 3890. This bill authorizes a research and development program at the Department of Energy aimed at improving the energy efficiency of the metals industry.

Some may have wondered why we didn't simply combine the two hearings, on similar topics, into a single hearing. But there were two main reasons why it was important to give the metals industry initiative a dedicated place on the Subcommittee's calendar, and why the Department of Energy has an initiative focused on this one industry to begin with.

First of all, the metals industry is highly energy-intensive. Taken together, the steel, aluminum, and copper industries account for more than 10 percent of industrial energy usage in the United States. President Bush's National Energy Plan recognized that improving energy efficiency in our most energy-intensive industries could yield large improvements in productivity, product quality, safety, and pollution prevention.

Second, we have a strategic national interest in helping our metals industry remain competitive. For any industry, energy efficiency means increased production without increased energy consumption or costs. Improving energy efficiency helps improve the bottom line, making American metal products more competitive on the global market. That means more jobs here at home.

But energy efficiency is more than that. Reducing energy use reduces our emissions of pollutants and greenhouse gases, and it increases our energy security. In this way, energy efficiency just makes sense—dollars and cents—for the nation. Again, I commend Ms. HART for all her hard work on this legislation, and I urge my colleagues to support the bill.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988 REAUTHORIZATION

Ms. HART. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3890) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, as amended.

The Clerk read as follows:

H.R. 3890

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

SECTION 1. AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out this Act for fiscal year 2005, an amount equal to the amount appropriated for the same purposes for fiscal year 2004, and $20,000,000 for each of the fiscal years 2006 through 2009.''.

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking ''coatings for sheet steels'' and inserting ''sheet and bar steels''; and

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

''(K) The development of technologies which reduce greenhouse gas emissions.''.

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 4(b)—

(A) in the subsection heading, by inserting ''AND REPORT'' after ''MANAGEMENT PLAN'';

(B) by striking ''Within 6 months after the date of enactment of this Act'' and inserting ''Not later than 6 months after the date of enactment of the Act enacting this sentence'';

(C) by striking ''to expand the steel research and development initiative to include aluminum and''; and

(D) by inserting '', and shall transmit such plan to Congress'' after ''carry out the purposes of this Act''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

GENERAL LEAVE

Ms. HART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3890, as amended.

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

There was no objection.

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

Mr. Speaker, I would first like to thank the gentlewoman from Illinois (Chairman Biggert) and the ranking member, the gentleman from Connecticut (Mr. LARSON) of the Subcommittee on Energy of the Committee on Science, and also the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON) of the full Committee on Science, for working with me on H.R. 3890, a bill which will reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The legislation reauthorizes the Steel and Aluminum Competitiveness Act of 1988, which established a public-private research initiative, with cost sharing from industry, focused on improving industrial energy efficiency in the steel and aluminum smelting and fabrication industries.

The bill would result in improved energy efficiency in the domestic metals industries, thereby improving our international competitiveness in those industries. Improved industrial energy efficiency also offers environmental benefits through reduced emissions per unit of steel or aluminum produced. It can also help reduce the future demand for energy in the industrial sector, which is extremely important as we see rising fuel prices.

The bill authorizes $13.3 million for this program in fiscal year 2005, the same level that was appropriated for fiscal year 2004. For the outyears, that

is, fiscal years 2006 through 2009, the bill authorizes $20 million per year, for a total $93.3 million over the 5-year cycle of the legislation.

This bill is right for industry, Mr. Speaker; it is good for our energy security, and it is good for the environment.

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

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

Mr. Speaker, I want to commend the gentlewoman from Pennsylvania (Ms. HART) for her work on H.R. 3890, a bill to reauthorize the steel and aluminum research and development program at the Department of Energy. This energy conservation program is part of the Industries of the Future program in DOE's Office of Industrial Technologies. It is carried out through cost-shared partnerships with industry.

Past research under this program has made such steel mills and aluminum production facilities less polluting, more efficient and more productive.

The budgets for such programs have been cut significantly during the past 3 years, Mr. Speaker. This sends the wrong message to American workers, who are relying on these industries to remain competitive in a global market.

By reauthorizing the metals R&D program at H.R. 3890's authorization funding levels, we can give appropriate support for this research program. Restoring this funding will benefit the domestic steel and aluminum industries, the manufacturers who use American steel and aluminum in their products, and, ultimately, the American consumer.

Mr. Speaker, I recommend support for the bill by my colleagues.

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

Ms. HART. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank my colleague, the gentlewoman from Pennsylvania, for her work on this bill.

Mr. Speaker, I rise to support the reauthorization of this very worthy program. As we all know, the last few years have been difficult for America's steel industry and continuing the Metals Initiative will go a long way towards easing those burdens.

This Nation's steel industry is second to none, and it is this Congress' responsibility to do everything in its power to enable American-produced steel to compete in a global economy.

The Metals Initiative lends private industry the resources it needs to develop energy-saving technologies that increase productivity and cut pollution. These innovations are a vital component to a strong American steel industry.

I can think of few other programs that offer so much with a prudent investment. Not only does this program create jobs by making the steel industry more competitive and reduce environmental impacts caused by steel production, but any costs incurred are recouped. A portion of all royalties realized by these new technologies are repaid until the full Federal investment has been recovered.

At a recent hearing held by the Subcommittee on Energy of the Committee on Science, U.S. Steel cited just one example of how the company has utilized these moneys. Several projects have been funded through the Metals Initiative to research and develop Advanced High Strength Steels.

This steel allows for the creation of lightweight cars that maintain the same standards of safety currently available to today's drivers. By using Metals Initiative funds, Advanced High Strength Steels production requires 171 million fewer gallons of gasoline, 4 million fewer barrels of oil, and emits 2.1 million fewer tons of carbon dioxide per year.

Such innovation reduces our dependency on both foreign steel and foreign oil, while further contributing to a safer road system and a healthier environment for us all.

This Nation would not be what it is today were it not for the contributions of the American Steel Industry and American steelworkers. Congress should recognize the significant strides the industry has taken to remain competitive despite many obstacles.

I strongly urge my colleagues to support H.R. 3890.

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

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

Mr. Speaker, this initiative is one that is not as common for government, I think, as the American people would like to see. It is designed to help industry to become more efficient in its processes, but also more efficient in its use of energy. So, in the long run, it helps preserve American jobs.

That is why we are here today, Mr. Speaker. We are working on efficiency in technology and efficiency in energy use and, obviously, better emissions.

□ 1145

It is important to our industries to be competitive worldwide as we move this legislation forward.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. HART) that the House suspend the rules and pass the bill, H.R. 3890, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AMENDMENTS ACT OF 2004

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1856) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1856

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004''.

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended by striking subsection (e).

SEC. 3. SCIENTIFIC ASSESSMENTS AND RESEARCH, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLANS.

Such section 603 is further amended—

(1) in subsection (a) by adding at the end the following:

''In developing the assessments and plans described in subsections (b), (c), (d), (e), and (f), the Task Force shall work with appropriate State, Indian tribe, and local governments to ensure that the assessments and plans fulfill the requirements of subsections (b)(2), (c)(2), (d)(2), (e)(2), and (f)(2). Additionally, the Task Force shall consult with appropriate industry (including agriculture and fertilizer industry), academic institutions, and nongovernmental organizations throughout the development of the assessments and plans.''; and

(2) by striking subsections (b) and (c) and inserting the following:

''(b) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL BLOOMS.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004 and should consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

''(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

''(c) SCIENTIFIC ASSESSMENT OF FRESHWATER HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater locations such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

''(2) The freshwater harmful algal bloom scientific assessment shall—

''(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater locations, including estimations of the frequency and occurrence of significant events;

''(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

''(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

''(d) NATIONAL SCIENTIFIC RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLAN INTO REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

''(2) The plan shall—

''(A) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

''(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

''(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations.

''(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.

''(e) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

''(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating hypoxia;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

''(f) LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.—(1) The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, shall provide for local and regional scientific assessments of hypoxia or harmful algal blooms, as requested by State, Indian tribe, or local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

''(2) The scientific assessments under this subsection shall examine—

''(A) the causes and ecological consequences, and the economic costs, of hypoxia or harmful algal blooms in that area;

''(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

''(C) other topics the Task Force considers appropriate.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended to read as follows:

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary of Commerce for research, education, monitoring, demonstration, and technology transfer activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $19,000,000 for each of fiscal years 2005, 2006, and 2007, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this title. Of such amounts for each fiscal year—

''(1) $1,500,000 for each of fiscal years 2005, 2006, and 2007 shall be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

''(2) $3,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, with $1,000,000 of such amount used to carry out research on freshwater harmful algal blooms;

''(3) $4,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the research program described in section 603(d)(3);

''(4) $7,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) project;

''(5) $2,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used for activities related to research and monitoring on hypoxia; and

''(6) $1,500,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the activities described in section 603(f).

Amounts authorized under paragraphs (2), (3), (4), and (5) shall only be used to support competitive, peer-reviewed research programs. ''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1856, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, it is timely that we are considering this bill about harmful algal blooms and hypoxia. Just last week, beaches in the Chesapeake Bay were closed due to a harmful algal bloom.

I introduced H.R. 1856 more than a year ago after learning about the nationwide problems caused by harmful algal blooms, also known as HABs, and also, the harmful effects from hypoxia. Harmful algal blooms are dense mats of toxic algae that can harm marine animals and humans. Hypoxia occurs when an algal bloom depletes oxygen in the water and leaves behind conditions that essentially choke all of the marine life in the affected area.

Harmful algal blooms and hypoxia occur nationwide in areas including the Chesapeake Bay, California, the Pacific Northwest, the Great Lakes, and the Gulf of Mexico. In 1998, Congress passed a 3-year bill authorizing harmful algal bloom and hypoxia research programs with a focus on the dead zone in the Gulf of Mexico and Pfiesteria in the Chesapeake Bay. Since the authorization of these important research programs expired, I decided to reexamine the issue at a hearing in the Committee on Science last year.

At that hearing we learned that successful research supported by the 1998 authorization enabled scientists to move closer to being able to predict HAB outbreaks; and in some regions, they have learned enough about the phenomena to start developing mitigation and control methods. We also learned that the occurrence of harmful algal blooms and hypoxia is increasing in fresh-water locations such as the Great Lakes, and there is sometimes a disconnect between the research being performed and the local resource managers who should benefit from the science. In response, I developed H.R. 1856 to amend and update the 1998 act. Today, I offer a manager's amendment that reflects discussions with the Committee on Resources and the Committee on Transportation and Infrastructure who are also interested in this bill. I especially want to thank the

gentleman from Tennessee (Mr. DUNCAN) from the Committee on Transportation and Infrastructure, the chair of the Subcommittee on Water Resources, as well as the gentleman from Maryland (Mr. GILCHREST) from the Committee on Resources, chair of the Fisheries Subcommittee, for their help in guiding this bill through the process. Also I thank my colleagues on the Committee on Science, including the gentleman from New York (Chairman BOEHLERT) and my friend, the gentleman from Washington (Mr. BAIRD), who have provided useful input. I appreciate all of their help in improving the bill.

The manager's amendment maintains the current level of authorization for harmful algal blooms and hypoxia programs at the National Oceanic and Atmospheric Administration, better known as NOAA, and maintains that current level of authorization at $19 million annually over the next 3 fiscal years. It adds fresh-water regions such as the Great Lakes as an important focus area for harmful algal bloom and hypoxia research.

The bill also increases participation of local resource managers to ensure that the research is prioritized to address the questions facing people managing these problems. Also, the bill requires that NOAA administer all research funding through a competitive, merit-based, peer-reviewed process.

Finally, the bill reauthorizes funding for effective programs that evolved out of the 1998 act. For example, the MERHAB program, which stands for Monitoring and Event Response For Harmful Algal Blooms, partners State and local research managers with university researchers. Research from this program has resulted in innovations such as rapid test kits that beach managers can use directly in the field to test for harmful algal blooms. These kits eliminated the need to take samples back to a lab and wait days for confirmation of the presence of toxins, providing an early warning for the public about harmful algal blooms.

H.R. 1856 does not mandate any specific regulatory actions. It is purely a research, development, and demonstration bill, with a goal of improving our understanding of these phenomena so that we can predict their occurrence and develop tools for improved detection and mitigation of these problems.

Mr. Speaker, I urge my colleagues to support the manager's amendment and the underlying bill.

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

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

Mr. Speaker, I am pleased to offer my support for H.R. 1856, the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004, authored by my colleague and friend, the gentleman from Michigan (Mr. EHLERS). I thank my colleague on the Committee on Science and my colleague on the Committee on Transportation and Infrastructure, the gentleman from Tennessee (Mr. DUNCAN), for working with me to develop language that will move the research results of this program from the laboratory and the field closer to their application. I would also like to thank the members of the Committee on Science for their support and help in this effort.

Since the inception of this program in 1998, we have developed a better understanding and appreciation for the dimensions and complexity of harmful algal blooms and hypoxic zones. We have made progress in identifying harmful species and in providing timely information to fisheries and recreational managers to prevent human health problems. However, we have not been very successful in developing and implementing management strategies or technologies to reduce the frequency or the intensity of the blooms.

Harmful algal blooms are not just an unpleasant nuisance. They are hazardous to human health, damaging to fish and wildlife, and they are economically devastating to the coastal communities that depend on coastal resources for their livelihoods. The razor clam fisheries, for example, along the coast of Washington have experienced three extended closures in the past 10 years. Each one of these represents the loss of over $10 million to coastal communities in my home State. I can tell my colleagues that local restaurants, hotels, and the tourism industry depend on the annual influx of clam diggers; and when the beaches are closed, they lose millions of dollars in important revenue and jobs.

Also, Washington State's Hood Canal region of the Puget Sound has experienced harmful algal blooms that threaten to create an ecological dead zone. Due to the proliferation of harmful blooms, levels of dissolved oxygen in Hood Canal have declined during the past several years to such an extent that many fish, shellfish, and invertebrate species are threatened. Indeed, last fall, two dozen species of fish washed up on Hood Canal's beaches, unable to survive in the oxygen-depleted waters. In an effort to protect Hood Canal's increasingly threatened ecosystem, the Washington Department of Fish and Wildlife has been forced to close much of the canal to fishing, costing rural Washington communities valuable jobs. Oxygen levels drop during the summer, and State officials expect significant losses as this summer continues.

Our States need funding to implement plans to identify and eradicate the causes and to prevent such blooms. We must act now to clean our coastal waters and restore the ecological and economic health of our fisheries. I urge all of my colleagues to support H.R. 1856. And again, I commend the gentleman from Michigan (Chairman EHLERS) for his leadership on this issue.

Mr. Speaker, we have no other speakers, and I yield back the balance of my time.

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

Mr. Speaker, I would like to say a few words for the Members who may not understand what harmful algal blooms are, and I also want to emphasize that this bill does not increase authorization or funding above the previous bill; it maintains the same level at $19 million per year, and we believe that will be sufficient to continue the project.

Harmful algal blooms are sometimes referred to as a ''red tide.'' These are algae that for some reason proliferate very rapidly under certain conditions, and the net effect of that is that they consume so much oxygen and produce toxins that they basically create a dead zone. In the Gulf of Mexico, it is not unusual to have a dead zone equal in size to the State of New Jersey. Obviously, this is not only harmful to the Gulf of Mexico, but also harmful to the fishing industries who like to use that area because of the large number of fish that are killed by the lack of oxygen and the toxins.

What is of special concern is that the harmful algal blooms now are appearing in fresh-water areas, particularly the Great Lakes, one of the greatest sources of fresh water not only in this Nation, but in the world.

We want to head that off very early, and try to find out precisely what is happening in the Great Lakes that would allow these harmful algal blooms to develop there and create the same difficulties that we have observed in the Gulf of Mexico, as well as in the State of Washington in the bay area around Seattle and Puget Sound.

Mr. Speaker, I think it is absolutely essential for us to address this. We reached the conclusion after our hearing that a great deal of good research has been done, that the emphasis now can switch from research, although not entirely; we must continue some research, but we also have to convert that into action now. The gentleman from Washington (Mr. BAIRD) in particular has a problem in the Puget Sound area that has to be addressed immediately. We hope that, as a result of this bill, we will see greater action through demonstration projects, and more than demonstration projects as time goes on, so that we can deal with this problem, actually solve it, and get rid of the harmful algal blooms and the hypoxia which occurs and which kills other organisms.

So, Mr. Speaker, I am pleased that this bill has reached this point. I want to thank the gentleman from Washington. He is one of the most helpful committee members on the Committee on Science, but particularly on this bill because of his expertise and the situation they have in the State of Washington. He has been most helpful in our discussions; and I hope that, as a result of this action, we will be able to address the problems in the State of Washington as well as other areas of the Nation.

Mr. Speaker, I want to also express my thanks to the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Maryland (Mr. GILCHREST) for their work on moving this bill through the Committee on Transportation and Infrastructure, as well as the Committee on Resources. Finally, I thank the gentleman from New York (Chairman BOEHLERT) for his hard work bringing this bill to the floor today.

Mr. Speaker, H.R. 1856 will provide a timely update for these important programs that help our coastal communities deal with harmful algal blooms and hypoxia. I urge all of our colleagues to support H.R. 1856.

Mr. EMANUEL. Mr. Speaker, as someone concerned with the health of the Great Lakes, I rise in support of H.R. 1856, the Harmful Algal Bloom and Hypoxia Research Amendments Act.

I would also like to thank my distinguished colleague from Michigan for offering this bill as well as for his leadership on this and other issues of importance to the Great Lakes.

As has been noted, harmful algal blooms are dense patches of toxic algae, which can poison marine life.

Harmful algal blooms can also become airborne and cause respiratory problems in humans.

Worse still, when the toxic algae decays, it can cause hypoxia, or a condition where all the oxygen in the water surrounding the algal bloom is consumed, resulting in a ''dead zone'' where no living thing can survive.

These algal blooms plague the Gulf of Mexico, the Chesapeake Bay and many of the Great Lakes, notably Lake Erie.

In fact, a recent report estimates that more than half of the Nation's estuaries experience hypoxic conditions at some time each year.

Economic impact of harmful algal blooms in United States average annually $50 million, but individual outbreaks can cause economic damage that far exceed the annual average.

Total public health impacts due to shellfish poisoning from harmful algal blooms averaged $22 million between 1987–1992.

H.R. 1856 will help us to better understand harmful algal blooms by increasing and updating research programs at NOAA.

But, importantly, H.R. 1856 will begin new research into Great Lakes algal blooms, which present different challenges and concerns than their ocean relatives.

Indeed, this bill will do a lot to help us better understand just one of the many problems facing the Great Lakes, and ultimately help us to begin to restore the health of one of our greatest national treasures.

This bill is a good first step, and I hope it will renew this body's interest in providing resources to conserve our nation's lakes and oceans, including the Great Lakes.

For this reason I support H.R. 1856, and urge my colleagues to do so as well.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 1856, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE WORLD YEAR OF PHYSICS

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 301) supporting the goals and ideals of the World Year of Physics.

The Clerk read as follows:

H. CON. RES. 301

Whereas throughout history physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on and derive many of their tools from fundamental discoveries in physics and applications thereof;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges related to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with his groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to his most famous equation, $E = mc^2$;

Whereas 2005 will be the 100th anniversary of those important scientific achievements; and

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of the World Year of Physics, as designated by the General Assembly of the International Union of Pure and Applied Physics;

(2) encourages the American people to observe the World Year of Physics as a special occasion for giving impetus to education and research in physics as well as to the public's understanding of physics;

(3) encourages all science-related government agencies and nongovernmental organizations, the private sector, and the media to highlight and give enhanced recognition to the role of physics in social, cultural, and economic development as well as its positive impact and contributions to society; and

(4) encourages all those involved in physics education and research to take additional steps, including strengthening existing and emerging fields of physics research and promoting the public's understanding of physics, to ensure that support for physics continues and that physics studies at all levels continue to attract an adequate number of students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 301, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased that we are considering this resolution recognizing the importance of physics to our everyday lives. This resolution supports the goals and ideals of the World Year of Physics and at the same time celebrates the 100th anniversary of Einstein's development of the theory of relativity. I am certain we are all familiar with the equation E=mc2 which, for the first time, recognized that mass is a form of energy and in fact could be converted into energy. This was a key factor in discovering nuclear fission and nuclear fusion.

The resolution recognizes the important contributions of physicists to technological progress and the health of many industries. I could go on and on listing all the various benefits that we have developed in today's world resulting from the work of physicists. Many people do not realize, for example, that some of the most important developments in health care come directly from the world of physics. As an example, x-rays were discovered by a physicist. The CAT scan was developed based on work that physicists had done. And MRI imaging, which is very useful for health diagnosis and research, was developed by physicists resulting from work done on nuclear magnetic resonance, which was discovered while I was still a graduate student.

In addition, what has developed with lasers is a very important aspect of what was at first a small, unknown field of research, very related to the field of research in which I received my doctorate. Discovery of lasers was the first proof of something that had been developed years ago theoretically, that photons passing through a material in an excited state would result in the emission of additional photons precisely in phase and at the same frequency as the photon that initiated the emission. That was the heart of developing the laser.

The ramifications and uses of the laser are so numerous that I can scarcely begin to mention them. They are used in surgery. They are used in factories to cut steel and to cut out patterns for clothes. In many, many other areas lasers play an extremely important role.

As I said, I could go on and on talking about the contributions that physicists have made to technological

progress in many industries, but this resolution, in addition to recognizing that, encourages the people of the United States to observe next year as the World Year of Physics in conjunction with the United Nations declaration of 2005 as the International World Year of Physics.

As a physicist, I recognize the physics principles that are part of our everyday lives. From mechanics and gravity to optical technologies that enable our CD players, physics is all around us. Through physics we can explore the depths of the universe and black holes, as well as the tiniest parts of the atom. And what has always fascinated me about my study of the atomic nucleus and also my readings in cosmology is that we humans are basically at the center of that scale. We are about as far removed from the size of an atomic nucleus, as we are from the size of the universe. I think it is just absolutely marvelous that we can explore our world in both the smaller and larger directions and have not reached limits at this point.

This resolution encourages the American public to take note of the physics used every day and encourages them to learn more about it. I hope that the American people will observe the World Year of Physics by supporting physics education and research. I encourage physicists and educators to engage the public, especially the children, in physics to inspire the next generation of scientists and engineers.

I commend the American Physical Society for promoting the World Year of Physics. This is a perfect opportunity to recognize and celebrate the importance of physics in our lives, promote public understanding of physics, and express our support for physics research and education.

I urge my colleagues to support H. Con. Res. 301, supporting the goals and ideals of the World Year of Physics.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 301 which recognizes the goals and ideals of the World Year of Physics. I want to congratulate the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT) for bringing this resolution forward. I also personally want to say how much I enjoy serving with the gentlemen on the Committee on Science and what a rewarding experience it is to have two physicists on the Committee on Science itself. Some of the more esoteric details we often turn to these gentlemen to help us understand.

Physics, of course, is the discipline that underpins all of science in some way, and so much of our technology deals with the most fundamental understanding of the properties of matter. Emerging fields such as nanotechnology, information technology and biotechnology are substantially based on the results of fundamental discoveries in physics.

The General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics. This will be the 100th anniversary of Albert Einstein's remarkable series of scientific papers on the photoelectric effect, the size of molecules, Brownian motion, and, of course, the theory of relativity itself.

This makes 2005 an appropriate year to recognize the importance of physics to the advance of civilization and the important role physics plays in social, cultural and economic development in our society and throughout the world.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support for its passage by the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I want to thank my colleague from Washington (Mr. BAIRD) and the gentleman from New Jersey (Mr. HOLT) for their work in bringing this resolution to the floor today.

As I mentioned before, the gentleman from Washington (Mr. BAIRD) has been most helpful in the Committee on Science. The gentleman from New Jersey (Mr. HOLT) and I, as the two physicists in the Congress, have worked together closely on many issues, including this one. So I want to recognize both of them for their work and for their long history in recognizing the importance of not only physics but science in general.

I urge all of my colleagues to vote for H. Con. Res. 301.

Mr. HOLT. Mr. Speaker, physics is all around us. Physics has been highly successful in explaining many of the phenomena governing our natural world; it was a basis for the Renaissance and the enlightenment of western civilization. Through physics we can explore the diverse phenomena from the existence of black hole and to the composition of the atom and nucleus. Understanding mechanics, gravity and propulsion allowed us to develop machinery, bridges and rockets while knowledge about electricity and magnetism and matter led to lasers, light bulbs, telescopes, fiber optics, the internet and the huge market of consumer electronics.

Physics research creates technological innovations, which drives the world's economic growth and markets. It has changed human life for the better. It has made major contributions to cutting-edge technologies such as Nanotechnology, Biotechnology and Information Technology. Physics research will help us to solve major new challenges in homeland security and find new energy sources.

In 2005, we celebrate the 100th anniversary of Einstein's theory of relativity. This resolution is the perfect opportunity to recognize and celebrate the importance of physics to our lives.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 301.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 701

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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes. 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: section 108; beginning with ''Provided'' on page 48, line 13, through the colon on line 19; beginning with ''and'' on page 57, line 24, through page 58, line 2; section 603; beginning with ''or (6)'' on page 97, line 21, through the semicolon on line 23; and section 607. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. 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. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), 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. Speaker, H. Res. 701 is a traditional open rule providing for consideration of H.R. 4754, the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act of 2005.

The rule does not restrict the normal open amending process in any way, and any amendments that comply with the standing Rules of the House may be offered for consideration.

H. Res. 701 provides 1 hour of debate in the House on the bill, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. H. Res. 701 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.

In order to facilitate the consideration of amendments on the floor, the rule gives the Chair the ability to provide priority in recognition to those Members who have preprinted amendments in the CONGRESSIONAL RECORD. Finally, H. Res. 701 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by noting the work of the subcommittee in bringing this legislation forward to the House floor. The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) testified together before the Committee on Rules yesterday in bipartisan support of their work product, and they have done a good job in setting the funding priorities of these departments and agencies within the budgetary limitations we currently confront.

Mr. Speaker, debate time on the rule should primarily focus on the fairness of this rule and the wide open amendment process that it outlines for House debate and consideration. However, I do want to note that this appropriations bill maintains the continuing pledge of the House to meet the challenge of international terrorism and to ensure that law enforcement across the Nation has the resources necessary to combat crime in America.

Funding for the Department of Justice, in particular, is indicative of the Committee on Appropriations' obligation to provide the necessary funds to address terrorism, increase our Nation's intelligence capabilities and maintain a focus on law enforcement threats such as illegal drugs, cybercrime and espionage.

Mr. Speaker, this rule provides for an open amendment process for consideration of the Commerce, Justice, State and the Judiciary appropriations bill. I urge my colleagues to support the bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

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

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

Mr. Speaker, I wanted to commend the chairman and the ranking member of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, my good friends, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their hard work and cooperation in drafting the Commerce, Justice, State appropriations bill for fiscal year 2005.

The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) took an absurdly low Presidential budget request, worked with the gentleman from Florida (Mr. YOUNG) to produce a decent allocation and made the best of a bad situation.

For example, I am pleased that the bill restores funding for the Manufacturing Extension Partnership. The Fiscal Year 2004 Omnibus Appropriations Conference Report cut the program by 60 percent to just $39.6 million, and the President's fiscal year 2005 budget requested $39.2 million for the program. The M-E-P program serves small businesses, and these small businesses would be severely hurt if last year's cuts were extended.

I have firsthand knowledge of the value and importance of the M-E-P program, because the Massachusetts M-E-P is headquartered in my congressional district. Earlier this year, I joined 157 of my colleagues in a letter to the Committee on Appropriations requesting $106 million for the M-E-P program. The restoration of this funding in this bill will help ensure the sustainability of our domestic small manufacturing industry and its high-quality jobs, and I want to again thank the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) for working to support this important program.

But even though the entire fiscal year 2005 CJS appropriations bill provides $240 million above President Bush's overall request, still some serious deficiencies remain.

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For instance, I am deeply concerned about the lack of funding for the Economic Development Administration. EDA is an agency that is chiefly responsible for providing assistance to urban areas for revitalization. Any cuts to this program, especially in these difficult economic times, will seriously jeopardize the revitalization efforts that are currently under way in urban areas, like Attleboro, Massachusetts, in my congressional district, as it continues to move through the legislative process and into conference negotiations.

I am also disappointed that this bill zeroes out funding for the Small Business Administration's 7(a) subsidy program and the SBA's Microloan Technical Assistance program. The microloan program helps low-income and unemployed individuals become self-sufficient. There is strong data showing that the household income for low-income recipients increased by 72 percent over 5 years and that more than half of these entrepreneurs moved beyond the poverty line during that time. The microloan program should be maintained, not sacrificed.

Additionally, Congress created the 7(a) program to help small businesses with the high costs associated with starting a new business. It is the largest SBA financing program and is a real lifeline for small businesses. The gentleman from New York (Ranking Member SERRANO) offered an amendment in the Committee on Appropriations that would have restored funding for this important program. Unfortunately, it was defeated by a party-line vote. Later this afternoon, a bipartisan amendment will be offered to restore funding for this important small business program, and I urge all of my colleagues to support this effort on behalf of our small businesses and entrepreneurs.

Finally, Mr. Speaker, I am extremely disappointed that this bill reduces funding for the COPS program and for State and local law enforcement grants. Although the fiscal year 2005 CJS appropriations bill provides $3 billion for these programs, it is $103 million less than last year's funding level. While this is an improvement, a vast improvement, over the President's request, which zeroed out many of these programs, I think we can still do better.

These grants are vital for the safety and the protection of our cities and towns all across this country. More than 118,000 officers around the country have been funded through this program. Community policing and neighborhood activism make a real difference in the battle for public safety. During these difficult economic times, our State and local budgets are very, very tight. It is critical that the Federal Government act as a partner in the area of public safety.

In my congressional district, for instance, the COPS program recently provided $3.75 million for 50 new police officers in Worcester, $225,000 for three new police officers in Attleboro, and $75,000 for an additional police officer in Seekonk. Homeland security starts with hometown security, and we should be doing more for the COPS program, not less.

Mr. Speaker, this is not a perfect bill, but it is a good one. The funding deficiencies in this bill I hope can be worked out in the conference, and I am confident that the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Ranking Member SERRANO), two Members who I have extremely high regard for, will work

with the other body to provide the necessary funding for these important programs.

I want, once again, to commend the committee for its hard work, and I urge my colleagues to join me in supporting this bill.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from Georgia for yielding time to me.

I would just like to take my time here to discuss an amendment which I am afraid I cannot write so it would be germane to the legislation that will be before us for which this rule has been written, but it does pertain to Commerce-Justice-State, and it pertains to something that is happening in this country.

On September 13, the automatic assault weapon ban is going to expire. If I looked at my calendar correctly, that is 17 legislative days from now. This is a ban which has been in effect for a period of 10 years now in this country. It is supported by the President of the United States, that is, the extension of it. It is supported by both Presidential campaigns; and in my judgment, it is very, very important that we bring this, however we possibly can.

We are talking about semiautomatic weapons. In this case, we are talking about the AK–47, Uzis. We are talking about high levels of ammunition, depletion of guns in rapid time, various aspects that have frankly caused every law enforcement entity that I know of in the United States of America to support this ban.

We also know that there has been a reduction in crime with the use of these weapons since the ban has been in effect. In fact, that reduction has been more than 65 percent since the ban went into effect in 1995. So we now have a situation in which we have proven, I believe, that the assault weapon ban is something that actually makes sense as far as the safety of Americans is concerned.

As far as the right to bear arms and the rights that are prevalent, I believe in those. I believe they should be continued, but I do believe that the assault weapon ban needs to be continued as well.

It also shows that most Americans believe this. If one looks at polls, they virtually in every category, or 75 percent or more of Americans believe that we should continue this assault weapon ban.

I have legislation introduced, and that legislation would do that for 10 years. It does not change another word. It just extends it for 10 years because I believe it has worked well.

My concern is are we going to be able to bring it to the floor in a reasonable period of time that will allow a debate, that will allow a vote on this so we can consider it before the House of Representatives, a piece of legislation which seems to be so supported by so many individuals living in America today. I would encourage the leadership to consider this.

I do not frankly think it should be an amendment to an appropriation bill, or an amendment to anything. It should have its own set of committee hearings, its own time on the floor of the House of Representatives and the opportunity to vote for it. So I will not introduce an amendment.

I do appreciate a great deal the time yielded to me by the gentleman from Georgia to discuss this. I would encourage the leadership of the House and the Senate to take a good look at this legislation and make absolutely sure that that date does not come and go without us doing anything about it.

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

We have no other requests for speakers, but let me just close by again saying that while I wish the overall funding level for this bill were higher and I wish there was more money available for the COPS programs and for a number of other small business programs, I nonetheless want to again commend the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from New York (Mr. SERRANO), the ranking member, for really an excellent job. They have worked together in a bipartisan way, and the entire subcommittee deserves credit for the final product that is before us, a bill which I will support.

Let me also conclude, Mr. Speaker, by saying something that I rarely get an opportunity to say, but I gladly say it today, and that is, I support this rule.

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

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

I also want to commend the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Ranking Member SERRANO) for a very fine job done under strained circumstances. I urge my colleagues to support this rule and support the underlying legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular and other extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4754.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The Chair designates the gentleman from Washington (Mr. HASTINGS) as chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

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

Mr. Chairman, I am pleased to bring the fiscal year 2005 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill before the House. In this bill, we have taken an austere allocation and done our best to arrive at a bill that funds important national priorities, including counterterrorism, State and local crime-fighting and embassy security. The result is a solid bill, and I encourage the Members to support the bill today; and my understanding is that we will finish the bill today.

I want to thank the gentleman from Florida (Chairman YOUNG) for supporting us. I also want to thank the gentleman from New York (Ranking Member SERRANO) for his help in crafting the bill. I very much appreciate the close and cooperative relationship we have established, and I want to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, for his assistance.

The recommendation we bring before the House today includes $39.8 billion in discretionary spending. Program increases are focused on most critical areas including counterterrorism, State and local law enforcement, assistance to American manufacturers,

and protection of the Judiciary, and the security of our personnel overseas.

As my colleagues know, Mr. Chairman, we are operating under a very restrictive budget resolution, which is $1.6 billion below the President's request overall for nondefense discretionary spending. Our subcommittee allocation is .6 percent above the President's request for our agencies.

The bill continues the major progress we have made in the fights against terrorism and crime, and builds on the important gains of the past few years on embassy security. At the same time, it also reflects our commitment to responsible stewardship of public funds.

For the Department of Justice, the recommendation includes $20.6 billion, $900 million above the request. We have restored needed funds for State and local crime-fighting to keep our streets and schools safe. The bill also includes significant increases for Federal law enforcement for both terrorism prevention and traditional law enforcement. A $38 million anti-gang initiative will provide both enforcement and prevention funding, including $20 million for State and local grants and $18 million for additional Federal law enforcement efforts.

For the FBI, the bill provides $5.2 billion, $100 million above the request, to provide 1,100 additional agents, analysts and support staff for intelligence and counterterrorism activities. We have also established a new intelligence directorate in the FBI and given the Bureau additional retention, recruitment and retirement authorities with the concurrence of the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform. I thank him for that help and cooperation, and the country will be better for it.

We maintain the commitment to fighting illegal drug activities with $1.7 billion for the DEA, the full amount requested. With this increase, we will now have restored the total number of Federal agents working on drug cases to a number above the pre-9/11 levels.

The bill includes $3 billion for proven State and local law enforcement crime-fighting programs, restoring $886 million to the highest priority programs, including Juvenile Justice and the SCAAP, most of which the administration proposed to eliminate or drastically reduce.

For the Department of Commerce and related trade agencies, the recommendation includes $5.76 billion, a decrease of $186 million below 2004, which is largely a result of the reduction of lower priority spending in NOAA and elimination of the ATP program.

Full funding is included to empower our trade agencies to negotiate, verify, and enforce trade agreements that are more free and fair, and to ensure an even playing field for American businesses.

The bill includes vital assistance to the ongoing recovery of our manufacturing sector. Members on both sides have spoken to us about this. So $106 million is included for the Manufacturing Extension Partnership program. It is an increase of $67 million above the current request and the current year, and this is important for creating jobs throughout the entire country. The bill also includes $4 million for the Bureau of Economic Analysis, including funding for a study on the economic impacts of offshoring on the U.S. economy.

The bill continues funding for critical core programs of NOAA. The National Weather Service and NOAA's satellite programs are funded at the full requested level; and funding is continued, as requested, for many established ocean and fisheries programs.

The bill preserves the vitality and innovation of our economy with a historic funding increase for the Patent and Trademark Office to reduce the growing backlog in patent processing. The bill provides for $1.52 billion in spending, the same amount that the PTO expects to collect this year in fees.

□ 1230

And finally, under Commerce we are fulfilling the Department's constitutional responsibility to conduct the census. We provide an increase of $149 million to support the ramp-up of the 2010 decennial census, including funding for the American Community Survey.

For the Judiciary, the recommendation provides $5.2 billion, an increase of $391 million above 2004, to enable the courts and probation offices to process record caseloads.

For the State Department and the Broadcasting Board of Governors, the recommendation includes $8.9 billion, an increase of $299 million over 2004, and $80 million below the request.

Within this total, we are providing $1.57 billion, the full request for worldwide security improvements and replacement of vulnerable facilities and funding to support over 100 new positions aimed at improving security and strengthening the visa process.

The bill also includes $1.84 billion, the full amount requested for international organizations and peacekeeping.

We strongly support public diplomacy and international broadcasting to continue television broadcasting to Iraq, which was initiated last year and is very critical for the effort now taking place in Iraq. As sovereignty is transferred to an Iraqi government, we need to maintain the lines of communication with the Iraqi people and assure that they are receiving accurate and balanced news and information. This bill will also ensure that the broadcasting to Iraq continues without disruption.

For Related Agencies, the recommendation provides inflationary increases to most agencies, again fully funds the FTC's Do-Not-Call program, and includes a $102 million increase for the SEC to protect American investors.

For the SBA, the recommendation provides a 6 percent increase for operations and additional funds above the request for the Small Business Development Centers. The bill adopts the President's request for the 7(a) business loan program, which provides for up to $12.5 billion in general business loans, an unprecedented level, without requiring an appropriation.

The bill provides $335 million for the Legal Services Corporation, $6 million above the request. The committee has worked over the past few years to successfully bring Legal Services away from controversy. The bill again continues our commitment to provide civil legal aid to those who cannot afford counsel and are seeking justice.

In closing, Mr. Chairman, this is a summary of the recommendations before you today. It will strengthen the operations of Federal, State and local law enforcement agencies. It provides needed assistance to ensure that our economy and our manufacturing sector continue to grow. It provides for a secure and effective diplomatic operations overseas. It enables the judicial branch to successfully manage its growing workload. It represents our best take on matching needs with resources.

With that, Mr. Chairman, I would also want to close by thanking the staff. The staff has worked very, very hard, and in fact, not many people realize how hard these staff members work. And I want to thank the members of the subcommittee staff who are putting in very long hours on the 2005 CJS bill. All members and staff of the subcommittees have worked hard, and put in long hours that I believe will be helpful to the country.

I want to particularly thank Mike Ringler, the clerk of the subcommittee who has led this through the House appropriations process. I also want to thank Christine Kojac, John Martens, and Anne-Marie Goldsmith for their tireless efforts. Their work is much appreciated.

I also want to thank our detailee, Jonathan Mattiello, who has lent his support to the bill. In my personal office, Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman and Neil Siefring for their efforts and work with the subcommittee. And from the minority staff, because we have had a good working relationship which I think can be a model, I want to thank David Pomerantz, Lucy Hand, whom I have known a long while, all the way back to the days where she worked for Mr. Lehman on the Committee on Appropriations, Subcommittee on Transportation, Treasury and Independent Agencies; Linda Pagelsen, Nadine Berg and Rob Nabors, who have worked with our staff in a bipartisan manner to produce this bill.

I want to thank them, and I want the American public to know and Members of the House to know who they are.

Mr. Chairman, I yield to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I appreciate the fact you are attempting to close general debate here. I did want to come over and compliment you and the gentleman from New York (Mr. SERRANO) on the excellent legislation here. I particularly appreciate the kind of support we Nebraskans have received from the subcommittee in the past in dealing with the very real methamphetamine problem, we have, but secondly, I also wanted to compliment the subcommittee on providing funding above the administration's request for the Judiciary.

I know the Nebraska Federal District Court was concerned that the so-called ''hard freeze'' initially proposed would cause layoffs and furloughs, and the Federal court has already taken a big hit in Nebraska with the loss of a temporary judgeship in May of 2004, when one of the judges took senior status.

So it is my opportunity today not only to compliment you but to send a message to the two authorizing judiciary committees that this judgeship and the failure to fill it is creating real hardships for the people of Nebraska, for the judges, for the law enforcement personnel and, I think, for justice. There is a saying that ''justice delayed is justice denied,'' and I am afraid that is just about to be the case in Nebraska.

So you have done your job as an Appropriations subcommittee, and I thank you for the things that I have mentioned and for the other things that relate to the State, Commerce, and Justice departments.

Mr. Chairman, I thank the distinguished gentleman from Virginia (Mr. WOLF) for yielding me this time.

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

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

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

Mr. SERRANO. Mr. Chairman, I rise in support of the bill providing appropriations for the Commerce, Justice, State, Judiciary and related agencies for fiscal year 2005.

From the outset, I must say the 302(b) allocation given to the subcommittee, in our opinion, was too low. I am grateful to the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), however, for providing $226 million above the request; and I am impressed with how much the chairman of our subcommittee, the gentleman from Virginia (Mr. WOLF), was able to accomplish within the allocation he was given. On the whole, I think the distribution of funds is quite fair and sensible and reflects priorities I believe most of us would share.

I would be remiss if I did not say how much of a pleasure it is to work with Chairman WOLF on this bill. Our working relationship and our friendship are major factors in producing it. I must also say that I am very grateful for the openness and fairness with which the chairman's staff has treated mine. Much is said, Mr. Chairman, about the poisonous atmosphere in the House these days, but that is not the case on this subcommittee, and I credit the gentleman from Virginia (Mr. WOLF) for that. His attentiveness and that of his staff to the needs of our side have been terrific, even if they could not always do everything we would like.

Mr. Chairman, I thank Chairman WOLF and the staff, Mike and Christine, John, Anne-Marie, and Jonathan have served the committee well, as have on our side David, Linda, and Laura, and on my personal staff Lucy, Nadine, Diaraf, Sean and Jennifer. I wonder at times, Mr. Chairman, if the American people have a full understanding of the fact that behind the work that is seen on the House floor and in press conferences there is always such a large number of young, dedicated people who put together so much of the work that goes on in this House, and I think it is something we should always remember.

Again, Chairman WOLF was able to accomplish much. To list just a few highlights, the bill includes full funding or better for the FBI, the DEA, international organizations, worldwide embassy security, and most of the related agencies. Also, much more than requested for MEP and SCAAP. Funding levels on which we can build for NOAA. Continuing support for the Office of Privacy and Civil Liberties Protection in Justice.

I am also gratified that the bill and report direct the EEOC not to proceed with its workforce repositioning without complying with the committee's reprogramming procedures, which will give us essential oversight of potentially very disruptive changes proposed by that agency.

I do worry that first responder funding shortfalls between the Homeland Security bill and this one, despite the efforts of Chairman WOLF and our previous chairman, the gentleman from Kentucky (Mr. ROGERS), to improve on deeply flawed request levels, represent a one-two punch at our public safety agencies.

I regret the inability to give the SBA the resources it needs, although there will be amendments today to restore funding for the 7(a) business loans program and microloans, or to fund programs such as TOP and PTFP, where real needs will go unmet.

I also would have liked to address a serious problem that the restrictions on the use of non-Federal funds pose for the Legal Services Corporation grantees, which face administrative and financial burdens probably unmatched by any other class of Federal grantees, but that is a discussion for another day.

One other issue I would like to mention is the census. Halfway between decennials, few Members pay much attention to the Census Bureau. But accurate statistics about the Nation's population and activities collected, analyzed, and published by the Bureau are crucial to both government and the economy. Not only is membership in this House apportioned according to census data, indeed the Constitution requires 10-year censuses for that purpose, but many important decisions and many Federal grant programs are based on accurate census information, both from the decennial and from other periodic censuses. Business, too, relies on census data for final decisions on marketing, locating facilities, and the like. The census is of extraordinary importance to minority communities because it is the basis for their ability to establish their identity and secure their rights.

As the chairman knows, the Census Bureau is a bureau that I always feel plays a special role in the South Bronx and, indeed, throughout our society. Whenever anyone gets up and speaks about we have such a number of this and a number of that, and this happened and that is happening, those figures are always taken from the work of the Census Bureau, and so we not only tip our hats to them but show them our support.

Again, Chairman WOLF has shown exceptional sensitivity to what the Census Bureau needs to continue its activities and prepare for the 2010 short-form-only decennial, and I thank him for that.

Again, Mr. Chairman, I believe that this bill is a good one, and I will support it as it continues to move through the process. Once again, I thank Chairman WOLF for his support, for his kindness, for his friendship, and above all, for being a man of great conviction who sticks with issues that other people dare not bring up, as we will see during this debate.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Chairman, today the House is considering the spending levels for the U.S. Federal Court system contained in H.R. 4754. Unfortunately for the State of Nebraska, it is not the level of funding for the Judiciary that is at issue, it is the failure of this Congress to address the problem of the loss of a Federal judgeship in Nebraska.

Since 1999, the judges of the Nebraska Federal District Court have requested Congress to either convert a temporary judgeship to a permanent one or at least extend the temporary judgeship. However, on November 22, 2003, even that last option was lost when the authority for the temporary position expired.

My colleagues in the Nebraska delegation have introduced legislation in this House and in the Senate to restore

this single judgeship. The Senate Bill, S. 878, passed in the Senate in 2003, but this House has yet to take action.

This situation has created a major hardship for our Federal judiciary in Nebraska. The Nebraska district has the third highest per judge criminal caseload in the country. It exceeds the caseloads of the districts like Los Angeles, New York City, Chicago, and Miami. According to Nebraska Chief Judge Richard Kopf, ''The criminal caseload has exploded over the last 5 years. From 1998 to 2003, it has risen 97 percent.''

□ 1245

The chief judge has indicated that criminal cases take priority over all civil cases because of the United States Constitution, which requires that defendants have a speedy trial. This need to deal with the criminal docket has a major impact on lawyers and their clients with civil matters before the Federal courts.

Nebraska State Bar President John Grant has noted, ''Without the four judgeships, very few noncriminal cases will be handled. Cases concerning Social Security benefits, health insurance coverage, civil rights and personal injury are not going to be heard on a timely basis.''

This is an important issue to the State of Nebraska.

Mr. SERRANO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FARR).

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

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

I am rising today to discuss this bill because it cuts the NOAA funding by 15 percent and ignores essentially the two in-depth ocean reports released to Congress this past year. I thank the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, for a commitment that they made during the full committee markup to work to increase the funding levels for the ''National Ocean Service'' and for the National Marine Fishery Service during conference. I appreciate their acknowledgment that the levels need to be increased.

I also want to thank our ranking member, the gentleman from Wisconsin (Mr. OBEY), for stating his concern on the NOAA funding cuts. I am deeply concerned about NOAA. With the commitments in mind, I want to highlight the funding levels for some of the NOAA programs. The hardest hit, and I would reference a bipartisan letter that was sent to the Committee on Appropriations by 59 Members of the House, the Coastal Zone Management Grants and the Coastal Nonpoint Pollution Grants, both of which States heavily rely on. Florida, for example, loses $345,000; Virginia has a net loss of $620,000; California also has a net loss of $620,000. This may not seem like much when we are usually dealing in millions and billions, but to the States who rely on these funds for ongoing coastal zone management and nonpoint source grants, it is a great deal of money.

The Cooperative Fisheries Research Programs were cut also by $20 million. These programs bring the fishing community together with scientists to better understand fishery resources. This is a big issue that both of the ocean reports talked about, the fact that the right hand on science does not necessarily work well with the left hand on fisheries, and we need to make sure these two groups come together, and the fishermen understand the science, and the scientists better understand the economics of fishing so we can better meld these two groups together. We cannot do this if we are cutting the programs that bring people together.

Another area, the Marine Mammal Protection area, will be severely hampered under the House mark which, once separate lines are combined, equals roughly $4 million. The National Marine Fisheries Service will not be able to fund top-priority studies as identified by the multi-stakeholder take reduction teams. The National Marine Fisheries will not be able to design or implement fishery management plans that protect marine mammals. The agency will not be able to conduct research on population trends, health and demographics of marine mammals, and the National Marine Fisheries will not be able to carry out the education and enforcement programs.

The other program that was affected by this was the Marine Mammal Health and Stranding Response Program which was cut last year and that has not yet been resolved. The program funds our investigations of die-offs of large numbers of marine mammals, including the recent bottlenose dolphin die-off in Florida, which involved more than 100 animals.

If we combine the cuts in the State Coastal Zone Management Grants and the Coastal Nonpoint Pollution Grants, both of which are, as I said, relied on heavily by the States, you get these additional losses. So without these funds, we lose the opportunity to study and to work with the States in implementing good programs.

In my constituency, I have 24 national organizations which have signed a letter to every Member of the House, which describes deep concerns with the NOAA funding. They have fundamental problems with the cuts that NOAA received.

I believe the commitment made by the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) to increase funding levels is sincere and they will work on that in conference. The NOAA programs such as the ones I have highlighted will ensure that our future in the oceans will remain vital and components of our economy and our communities and our lives will be sustained.

Lastly, because of the good work done by both the Pew Commission and the National Oceans Commission, we will be able to implement with these fundings some of the strong recommendations they made for healthy oceans.

Mr. Chairman, I submit the following letters for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 2004.

Hon. FRANK WOLF,
Chairman, Commerce, Justice, State and the Judiciary Subcommittee, Appropriations Committee, House of Representatives, Washington, DC.

Hon. JOSÉ SERRANO,
Ranking Member, Commerce, Justice, State and the Judiciary Subcommittee, Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN WOLF AND RANKING MEMBER SERRANO: As Members concerned with our nation's diverse and productive coastal areas, we are requesting your support for funding the National Oceanic and Atmospheric Administration (NOAA). Our oceans and coasts support more than 2.8 million jobs, generate more than $54 billion in goods and services per year, and are the most popular destinations for recreation and tourism in the U.S.

Established by Congress in 2000, the Conservation Trust Fund dedicates $560 million in FY05 for critical coastal conservation programs within NOAA. We greatly appreciate the Subcommittee's full use of this funding over the last four years to provide vital support for high priority coastal conservation initiatives and urge the Subcommittee to again make full use of this fund in FY05.

On the eve of the release of the U.S. Commission on Ocean Policy draft report, we ask for your assistance in meeting the significant challenges and threats now confronting our oceans. We recognize the Committee has extraordinarily difficult choices to make this year; however, the continued health and prosperity of our coastal communities depend on our willingness to invest today to preserve our nation's coastal legacy for future generations. We respectfully request the Subcommittee seriously consider the funding levels for the following programs.

COASTAL ZONE MANAGEMENT

State Coastal Zone Management Grants—$80 million. These funds, which are matched dollar for dollar, are critical to support the efforts of 34 states and territories to reduce the impacts of coastal development, expand public access, reduce the damages from coastal hazards, restore and protect critical habitats and support the nation's important and diverse coastal communities.

Coastal Nonpoint and Community Resource Improvement Grants—$10 million. We urge the Subcommittee to reject the Administration's proposed termination of this program. This funding is only a fraction of what is needed by states to address polluted runoff, the most significant source of pollution of coastal waters.

National Estuarine Research Reserve System (NERRS)—$20 million grants, $15 million acquisition and construction. This funding will enable NERRS to support the addition of a new Reserve to the current system of 26 and fund the ongoing coastal stewardship training, research and education programs and construction needs.

Coastal and Estuarine Land Conservation Program—$60 million. Nowhere in the nation is the threat of ecosystem fragmentation, sprawl and habitat loss more prevalent than

in our nation's coastal zone. In the first three years of this program, CELCP funds have leveraged non-federal funds and protected thousands of acres of coastal lands in 25 states.

MARINE CONSERVATION AND OCEAN EXPLORATION

National Marine Sanctuaries—$40 million operations, $10 million construction. The National Marine Sanctuary Program protects our nation's most unique and nationally significant marine ecosystems and resources. Level funding for operations in FY05 is critical to reducing staffing shortages, supporting conservation, community outreach, research, and education programs, and updating sanctuary management plans as required by law. We support no less than the fully authorized level for operation of sanctuaries and encourage the committee to recognize the pressing need for higher levels. In addition, we support $10 million for construction, as the backlog in facilities maintenance remains a significant operations liability at many sanctuaries.

Coral Reef Construction—$28.25 million. Coral reef ecosystems are among the most diverse, biologically productive, economically valuable, and threatened marine habitats in the world. Increased resources are urgently needed to reduce land-based pollution and address overfishing, diseases, and other threats to coral reefs. Funding for local action strategies will support on-the-ground solutions, such as critical monitoring, mapping, restoration, outreach and protection activities that reduce threats to coral reefs.

Ocean Exploration—$13.9 million. Less than 5% of the ocean has been explored or characterized to the same degree of resolution as we have characterized Mars and Venus. Ocean exploration is the vital first step in a new approach to ocean resource management, improved marine science and education, and a new vision for ocean stewardship. We urge the Subcommittee to support last year's funding level to demonstrate U.S. leadership in this important global issue.

SUSTAINABLE FISHERIES, MARINE MAMMALS AND INVASIVE SPECIES

Fisheries, Research and Observer Programs—$75 million. Recent scientific reports conclude that too many of our nation's fisheries are on the brink of collapse. Reducing the backlog in research days-at-sea and increasing fishery observer coverage and cooperative research efforts will give managers baseline information critical to better managing our fisheries. We commend the Subcommittee's efforts for increase funding in these areas in FY04 and urge $25 million for expanding stock assessments, $20 million for cooperative research, including data collection and analysis, and $30 million for regional and national fishery observer programs in FY05.

Vessel Monitoring System (VMS)—President's request of $9.3 million. VMS is a satellite-based fishery enforcement system that provides real-time catch data from participating vessels in a range of fisheries. The President's request would allow for the establishment and implementation of VMS systems and placement of transponders onboard many of the estimated 10,000 boats in the U.S. commercial fishing fleet. VMS programs augment existing enforcement efforts at approximately 1% of the cost, enhance data collection, and benefit fishermen by improving safety at sea and allowing fishing right up until a quota is reached.

Marine Mammal Protection—$9.1 million. This funding will help NMFS more fully assess and take measures to recover depleted and strategic marine mammal species, such as common dolphins, pilot whales and bottlenose dolphins, through take reduction team activities as well as other research, conservation and recovery efforts.

Endangered Species Act, Cooperative Agreements with States—$4 million. This cooperative program makes funding available on a competitive, matching basis to carry out conservation activities at the state and local level. Providing $4 million to the states in FY05 would support local researchers, non-governmental organizations, and volunteers to accomplish monitoring, restoration, science and conservation of species at risk of extinction.

Invasive Species Initiative—$5.5 million. This funding will be used by NOAA's Invasive Species reducing the potential for invasive species to be introduced in US ports and coastal waters, and to promote increased collaboration among the many groups working to understand invasive species, including NOAA, other agencies, and the scientific community.

Our oceans are a public trust whose stewardship is critical to our economy, our environment, and our future. We greatly appreciate your past support for these programs and your consideration of our requests.

Sincerely,

James Greenwood, Wayne T. Gilchrest, Curt Weldon, E. Clay Shaw, Jan Schakowsky, Madeleine Z. Bordallo, Frank Pallone, Jr., Sam Farr, Tom Allen, Dennis Cardoza, Michael H. Michaud, Jo Bonner, Jeb Bradley, Timothy V. Johnson, John Conyers, Jr.

Sheila Jackson-Lee, Chris Smith, Gene Green, John M. McHugh, Bart Stupak, Susan A. Davis, Loretta Sanchez, Anthony D. Weiner, Peter Deutsch, Jerrold Nadler, Carolyn B. Maloney, Gary L. Ackerman, Eliot L. Engel, Dale E. Kildee, Ed Markey.

Robert Wexler, Tom Petri, Eni Faleomavaega, Betty McCollum, Kendrick B. Meek, George Miller, Ileana Ros-Lehtinen, Raúl M. Grijalva, Earl Blumenauer, Tom Lantos, Tammy Baldwin, Alcee L. Hastings, Jim McDermott, Jay Inslee, Adam B. Schiff.

Mike McIntyre, Mike Thompson, James Langevin, Lois Capps, ———, Neil Abercrombie, Jim Saxton, Frank A. Lobiondo, Anna Eshoo, Aníbal Acevedo-Vilá, Edward Case, Barbara Lee, Bob Etheridge, ———.

JULY 7, 2004.

FUNDING FOR AMERICA'S OCEANS AND COASTS SLASHED NEARLY HALF A BILLION DOLLARS IN THE FY05 CJS BILL

DEAR REPRESENTATIVE: The Fiscal Year 2005 (FY05) Commerce, Justice, State Appropriations bill that you will consider today guts funding for critically needed ocean and coastal protection activities and abrupt climate change research. The bill slashes $446 million for the National Oceanic and Atmospheric Administration (NOAA) from FY04 enacted levels, disregarding mounting scientific evidence and recommendations for greater investments. We oppose these deep cuts to NOAA and ask that they be rectified in the final bill.

The U.S. Commission on Ocean Policy, appointed by President Bush, recently released its preliminary report and confirmed the health of America's oceans is in severe decline. The Commission noted that our nation's current investments in ocean science, management and conservation are inadequate to address the major threats facing ocean ecosystems and coastal communities. This bill flatly ignores the Commission's warning about the state of our ocean and coastal resources, taking a step backwards at a time we should be making bold new efforts to protect the waters that give us life.

In addition, a bi-partisan letter signed by 61 Members of Congress in April called for providing adequate funding levels in key programs, such as coastal zone management; fisheries research, management, and enforcement; national marine sanctuaries; coral reel conservation; and marine mammal protection. Unfortunately, the bill not only fails to accept many of the increases the Congressional letter sought, but makes further cuts to the already inadequate Administration request for many of these programs.

Conservation Trust Fund. We are very disappointed to note that the bill fails to live up to Congress' groundbreaking commitment in 2000 to fully fund NOAA's part of the Conservation Trust Fund. The dedicated level for FY05 should be $560 million. Abandoning the historic Conservation Trust Fund is a significant retreat from a bi-partisan agreement to restore and sustain America's environmental legacy.

National Marine Fisheries Service. The status of roughly two-thirds of our commercially caught ocean fish populations is unknown due in large part to lack of resources for basic research and regular stock assessments. In addition, bycatch reduction and essential fish habitat protection are critical conservation priorities that do not receive appropriation attention. Finally, inadequate resources hamper the agency's ability to keep pace with the need for proper enforcement coverage. While we appreciate the Subcommittee providing additional funds for expanding fisheries stock assessments, the following programs are below FY04 appropriation levels: fishery observer programs, cooperative research, essential fish habitat protection, and protected resources (marine mammals, sea turtles).

National Ocean Service. Activities that support managing coastal zones and national marine sanctuaries, restoring coral reefs, protecting sensitive coastal and estuarine lands areas, and reducing coastal pollution merit increased funding. However, the bill's devastating 31 percent cut—$160 million—to the National Ocean Service's budget will jeopardize efforts to maintain and improve the quality of our coasts and will abolish entire portions of programs such as national marine sanctuaries, coral reef conservation, coastal state nonpoint pollution grants, and other vital conservation initiatives of the National Ocean Service.

Pacific Salmon Recovery. Pacific Northwest salmon are a vital part of that region's economic, cultural, and environmental well-being and an important part of our nation's history and commitment to the native peoples of this land. Unfortunately, many salmon runs in the Pacific Northwest continue to decline, and federal funding is currently insufficient to meet federal salmon recovery goals up and down the West Coast. The bill cuts $20 million from the Administration's request for conservation and habitat restoration and recovery grants for Pacific salmon populations.

Abrupt Climate Change Research. Funding for Abrupt Climate Change Research ($2 million) and Paleoclimate research ($1.3 million) has been zeroed-out, and the overall NOAA budget for climate and global change research has been reduced by an additional $6 million. These NOAA research programs are vital to improving our understanding of the impacts of climate change. Already, scientific and anecdotal evidence shows that increased temperatures from climate change are impacting ecosystems around the world. The National Academy of Sciences (NAS) recent report stated there is increased evidence that the climate does not respond to change gradually but rather in sudden, abrupt changes. The NAS called for additional

research on sudden climate change, which is why these NOAA programs are so important.

While we appreciate the Committee's ongoing work to limit the number of anti-environmental riders attached to this bill, we oppose the woefully inadequate funding levels for NOAA and urge that they be rectified in the final bill. We thank you for considering our request.

American Cetacean Society, American Rivers, Animal Protection Institute, Coast Alliance, Conserve Our Ocean Legacy, Defenders of Wildlife, Endangered Species Coalition, Hawaii Wildlife fund, International Fund for Animal Welfare, International Wildlife Coalition, League of Conservation Voters, National Audubon Society, National Environmental Trust, Natural Resources Defense Council, Oceana, Sierra Club, The American Society for the Prevention of Cruelty to Animals, The Fund for Animals, The Humane Society of the United States, The Marine Mammal Center, The Ocean Conservancy, The Whale and Dolphin Conservation Society, The Wilderness Society, U.S. Public Interest Research Group.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in support of H.R. 4754, the CJS Appropriations Act for Fiscal Year 2005. I commend the chairman, the gentleman from Virginia (Mr. WOLF), for producing what I believe to be an excellent bill, and the ranking member, the gentleman from New York (Mr. SERRANO) as well; and I urge my colleagues to join in supporting this legislation.

There are many reasons to support this bill. I want to note one program in particular, the Manufacturing Extension Partnership. I thank the gentleman from Virginia (Mr. WOLF) for recognizing the importance of the MEP program to our Nation's manufacturers by funding it at $106 million. At that level, all MEP centers will continue to provide their valuable service to this country's manufacturers.

The MEP program, as has been discussed, is a Federal-State private network of over 60 centers with 400 locations in all 50 States. In fiscal year 2002 alone, MEP served approximately 18,000 small- and medium-sized manufacturers nationwide. These manufacturers reported an additional $2.8 billion in sales, $681 million more in cost savings, and 35,000 more jobs simply as a result of their projects in these MEP centers.

In my district alone, which has over 1,500 manufacturing companies, 92 percent of which are under 100 employees, Tru-Val Tubing Company in Waterford, Michigan, has seen dramatic improvements in productivity from the training provided by the MEP. The MEP center in Michigan, called the Michigan Manufacturing Technology Center, taught Tru-Val how to streamline the processes and reduce their inventory.

By embracing the concept of ''lean thinking,'' Tru-Val can now produce more products in less space. The result is higher productivity and huge savings for the company. In fact, because of these improvements, Tru-Val has been able to increase its employees from 85 to 120. It is truly a success story. And for these reasons, I strongly support the MEP program, and I urge my colleagues to support this bill.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I would like to follow up on the statements made by the gentleman from California (Mr. FARR) with regard to the coastal and ocean levels of funding in the bill.

First of all, let me say that the gentleman from Virginia (Mr. WOLF) and our ranking member, the gentleman from New York (Mr. SERRANO), have over the years made major commitments to our oceans and coasts. And so when we say today we would like to see more funding placed in conference for things like NOAA, marine mammals, coastal zone management, it in no way takes away from what these two gentlemen and the subcommittee have accomplished over the years.

I think the reason that we feel very strongly right now that there needs to be more of a funding commitment in these ocean- and coastal-related activities is because of the reports that came out by the National Ocean Commission and Pew Ocean Commission, which both stress the need for a lot more funding in these programs. They basically pointed to the decline of the ocean environment and increasing stress on the ocean and coastal areas over the years; and also because of the lack of scientific understanding, that more money was needed for basic science so we understand what the problems are in oceans.

I do not want to repeat everything that the gentleman from California (Mr. FARR) said, but as was mentioned, there is a 15 percent cut in funding for NOAA. There is about $160 million less than the fiscal year 2004 enactment for the National Ocean Service and other programs like fisheries, marine mammals and coastal zone management which could use more funding.

We are hoping during the conference these needs will be addressed. Knowing both the chairman and the ranking member, I am sure they will make every effort to try to accomplish that when we go to conference in having to deal with the other body. I thank the gentlemen for their support over the years, and I hope we can see increased funding for these vital programs given the recent reports from the National Ocean Commission and the Pew Ocean Commission.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I rise to compliment the work of the gentleman from Virginia (Mr. WOLF) and what the subcommittee has done on this bill, which tends to be controversial on occasion. The markup in subcommittee and full committee, led by the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO) went extremely well, which was a little unusual because the bill does tend to attract some interesting debate on occasion. The gentlemen worked in partnership to bring a good bill.

As the gentleman from Virginia (Mr. WOLF) stated earlier, the 302(b) allocation was a little lean, but all of the 302(b) allocations were a little lean this year. They did a good job and produced a good bill with a lean 302(b) allocation.

And I want to take a minute to give a status report. As of today, the Committee on Appropriations has marked up 10 of the 13 bills in subcommittee, 7 of the 13 bills in the full committee. This will be the fifth bill passed through the floor, and the legislative branch will be passed on tomorrow. That means that we are moving very quickly considering we got off to a very late start since we did not get the deeming budget resolution until May 19.

The committee has worked very effectively and worked pretty much on a bipartisan basis, and all of the members have been contributors to the work effort. We are moving the bills with pretty good votes on the floor. Again, I just wanted to give this brief status report and again say to the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) what great leaders they are and what great leadership they have provided the subcommittee and the full committee as they brought this bill to this point where we will pass this bill and send it to the other body today.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I want to congratulate the gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) for their excellent efforts on this important legislation.

Mr. Chairman, I want to say a few words about a limitation amendment that I will be offering at the end of this bill. That amendment is modeled after H.R. 1157, the Freedom to Read Protection Act, which I have offered and which has 145 bipartisan cosponsors. This legislation is supported by a wide range of groups across the ideological spectrum, from those who are very conservative to those who are very progressive.

The amendment I will be offering later is cosponsored by the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL) and the gentleman from New York (Mr. NADLER). This amendment addresses section 215 of the USA PATRIOT Act, and it is a section which has engendered a great deal of controversy.

Mr. Chairman, there is no disagreement in this body or in the United States of America that our country has got to do everything that it can to prevent another 9/11, to prevent acts of

terrorism against the American people. But I think there is also widespread belief in this body and throughout this country that we can and must fight terrorism without undermining the basic constitutional rights that have made this a free country.

All over this country, in hundreds of cities which have passed resolutions, in four States which have passed resolutions, among hundreds of different organizations, there is a concern that within the USA PATRIOT Act in section 215 it gives the right of the government, with virtually no probable cause, to go into our libraries, to go into our bookstores and to ascertain the reading habits of the American people. That is not, I believe, what this country is about or what this body believes in.

So we are going to be offering an amendment that would disallow the government from gaining the reading records of people who buy books at bookstores or take books out of the library or use Internet service in the library.

I am delighted we have so much support for this legislation.

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Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

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

I come to the floor today to thank the gentleman from Virginia (Mr. WOLF), chairman of the subcommittee, and, of course, the gentleman from New York (Mr. SERRANO), ranking member. But the gentleman from Virginia (Mr. WOLF) just got back from the Sudan. He has a passion for human beings, all human beings, and he works to protect their life. And I just thank him for that work. In human rights there is really not a Member of this House that cares more, that does more, that goes into more dangerous places than the gentleman from Virginia (Mr. WOLF). I thank him and I thank him for this bill.

In the foothills of Appalachia, where I live, in east Tennessee, methamphetamine production has been overtaking us. But I want to thank the leadership of this subcommittee, going back to when the gentleman from Kentucky (Mr. ROGERS) was the chairman of this subcommittee, this subcommittee began to resource what is now the East Tennessee Methamphetamine Task Force. It is 42 counties. We have seized over 3,500 meth labs in the last 5 years in east Tennessee, 3,500, with the support of this subcommittee at $1 million a year. It sounds like a lot of money. In the scheme of things in this bill, it is not; but 3,500 labs have been seized.

I want to hail Sandy Mattice, our U.S. Attorney; Russ Dedrick, our assistant U.S. Attorney; and the entire task force, who are sheriffs, local government, the DEA, the FBI. It is a true local-State-Federal partnership. It is state of the art, and we are winning the battle on methamphetamine; but it is destroying families. In these pockets of pain in rural America, methamphetamine production is catastrophic; but this is very helpful, the money that this subcommittee is targeting, putting in to help organizations like the East Tennessee Meth Task Force. It needs to be done at the local level.

This is really a grassroots effort, not a Federal program. But the Federal Government is assisting local government, fighting this problem. And we cannot clean the labs up without the Federal money. We do not have the resources at the local level, and the coordination needs to happen at the local and regional levels. It is happening in east Tennessee. And I thank the committee and the people that are in the field fighting methamphetamine production to save our children.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise in strong support of this bill. It makes great strides in protecting our Nation. First off, it fully funds the FBI, $5.2 billion, which is a significant increase over current year, some $687 million more than this year. And especially important to me is the language in the bill that encourages the FBI to work closely with the Department of Homeland Security to complete an interoperable system as soon as possible, to help us check people coming across our borders against the FBI's criminal watch list.

That is terribly important because we have had some unfortunate experiences on the border of murderers making it across the border after having been stopped; but the inability to check against the criminal records of the FBI needs to be remedied forthwith, and this bill has language encouraging that.

And then, as the gentleman from Tennessee just said, this bill fully funds the President's Prescription Drug Abuse Program. And for those of us in the parts of the country where prescription drug abuse, like the overuse and abuse of Oxycontin, it is terribly important that we tackle this problem head on, and that is what this bill does. In my district, we have started an organization called UNITE, which stands for Unlawful Narcotics Investigations, Treatment and Education. There are literally thousands of people now involved with the support of this subcommittee in a three-pronged attack against methamphetamine and prescription drug abuse: investigations and the law enforcement part of getting rid of the pushers; treatment for those who are addicted and need treatment; and, of course, education to try to encourage young people, especially, to stay away from the abuse of these drugs. And this bill supports that program, and I thank the chairman for that especially.

The bill fully funds the DEA, $70 million above the current level. It has $10 million for the Prescription Drug Monitoring Program, which allows States to receive grants to establish a program to prevent people from double-filling prescription drugs and using the excess for sale as pushers. It includes $50 million for drug courts, which I believe in very strongly. We are seeing that work in my district, among others, where the power of the law is used for the good of people who are arrested and have no other crime except the use of drugs. And the drug courts work, and they rehabilitate people back into society in a good way. And then there is $60 million in the bill for methamphetamine hot spots, a problem that is particularly important in the rural parts of America.

And then the bill reinforces the presence of the U.S. abroad. There is $1.5 billion for Embassy Security, Construction and Maintenance, which is $148 million over current levels. And, most importantly, I think, it continues the efforts to right-size the staffing at the embassies, saving us money and improving efficiency at all the places where Americans serve abroad in our embassies and consulates. Those are some of the more important features of the bill as far as I am concerned.

I want to compliment the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), ranking member. I had the pleasure of working as chairman of this subcommittee for 6 years, working with the gentleman from New York (Mr. SERRANO), who was ranking at the time; and I found him to be especially helpful in constructing a good bill. And certainly the gentleman from Virginia (Chairman WOLF) has just done a great job, in my judgment, a very challenging bill this year because of lack of funds. So I compliment the chairman and the ranking member for bringing to us a very worthy bill, and I urge 100 percent support of it.

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

Mr. Chairman, I would like to take this opportunity to thank and congratulate the gentleman from Kentucky (Mr. ROGERS), the gentleman from Virginia (Chairman WOLF), and the gentleman from Tennessee (Mr. WAMP) for bringing this issue to our attention.

Too often in this country when we speak about drug abuse and drug addiction and the problems related to drugs, the image that the American people get is that of youngsters in the inner cities. Yet one of America's so misunderstood secrets is the fact that drug addiction and drug abuse is a problem that plagues the whole society. And I really think that before the gentleman from Virginia (Chairman WOLF), the

gentleman from Kentucky (Mr. ROGERS), and the gentleman from Tennessee (Mr. WAMP) started to speak about this issue, this House was not fully aware of that. They put it on the map. They put provisions in this bill to deal with it. We have worked on allocating dollars to deal with the issue. And I think the country will benefit and attention will be focused, Mr. Chairman, on the fact that this is a national problem.

We can speak about the issues that can really hurt the society in the long run, and certainly right up there, in my opinion, with the everlasting, unfortunate, lingering racial problems in this country is the fact that so many members of our society abuse drugs and are caught up in the horrible use of drugs. Again, in the inner city it is easier to see. We see it on street corners. We see it in front of buildings. We see it in school yards where there are thousands of students attending one school. In some of the rural and suburban communities, it is not seen the same way. It does not have the same face. But it does have the same suffering; it does have the same pain; and it threatens the society we live in in the same way.

So I want to thank the three gentlemen for that, having brought this to the House's attention.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman is absolutely correct. In my rural district in Kentucky, it is an epidemic of the abuse of Oxycontin, particularly, but methamphetamines as well. And we have had dozens of young people die from the overabuse of these very addictive drugs, and it truly is an epidemic, and it strikes rich and poor, urban and rural. It does not matter. Wonderful families are broken up by this. People dying, families ruined, no place to go for treatment, no hope involved.

And I want to compliment the gentleman for further drawing attention to this real epidemic that is sweeping the whole country, not just the cities, but I think probably especially now the rural areas. And I compliment him for bringing this up again, but also the chairman and him for including funds to help us fight it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, another additional comment is the fact that the gentleman from Virginia (Chairman WOLF) has done a lot of work especially in this bill on the issue of gang violence, again, one of those issues that a lot of people relate to certain parts of the country and certain types of communities. Yet we find out that gang violence is spreading throughout the country. And this bill begins to address it in a proper and strenuous way.

Interestingly enough, those of us who have lived in the inner city know that there is a relationship between gang violence and drug abuse and drug addiction because those who do not use drugs but who become millionaires by providing the drugs make sure that people who are in gang-related activities and other activities in the community become addicted. Their line of business is to get people addicted, and this is the way they do it.

So it is interesting that we are speaking today on a bill that addresses both issues. But the main point here is for the American people to fully understand that this is not a disease, this is not a condition, this is not a crime that is only related to certain parts of our community. It is related to the whole Nation; and it threatens us, in my opinion, as much as anything else. Years from now if we do not deal with this issue, if we let the full Nation go the way that some communities have gone, we will regret the fact that we missed an opportunity.

So I am proud to be part of this effort today, and I congratulate again the gentleman from Tennessee (Mr. WAMP), the gentleman from Kentucky (Chairman ROGERS), and the gentleman from Virginia (Chairman WOLF).

Mr. FARR. Mr. Chairman, I rise today in support of the Sanders-Otter-Conyers-Paul-Nadler Freedom to Read amendment. This amendment curtails one of the most invasive provisions of the Patriot Law by prohibiting law enforcement from making sweeping searches and seizures of library and bookstore patron records.

We can all recall October 2001 when the PATRIOT Act was hastily passed by this body. Many of us, myself included, didn't have the chance to read this lengthy and complicated legislation in the few hours we had before the vote. I voted against the unseen legislation because I was concerned that its passage would amount to the blind abandonment of our civil liberties. As the details of the PATRIOT law came to light, it became all too clear that this law contained numerous infringements on our long-held civil liberties.

Today, we all know what is in the PATRIOT law, and our constituents know too. In my district, the local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, CA, have all passed resolutions expressing their concerns with the anti-privacy and antiliberty portions of the PATRIOT Act. Supporting this amendment is an opportunity to respond to those concerns and rollback one of the most invasive provisions of the PATRIOT law.

Passing the Freedom to Read amendment would ensure that library or book store records relating to an American who is not the subject of an investigation will not end up in the government's hands without the benefit of the protections of the courts. I would urge my colleagues to stand up for the civil liberties that our country has always stood for and pass the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I submit the following statement of comparative budget authority.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	105,564	186,551	103,045	-2,519	-83,506
Intelligence policy and review	---	---	21,861	+21,861	+21,861
Joint automated booking system	18,974	20,309	20,000	+1,026	-309
Automated Biometric Identification System-Integrated Identification system integration	5,046	5,054	5,054	+8	---
Legal activities office automation	26,749	---	50,000	+23,251	+50,000
Narrowband communications	102,085	101,971	100,000	-2,085	-1,971
Counterterrorism fund	989	---	---	-989	---
Administrative review and appeals	191,494	202,518	202,518	+11,024	---
Detention trustee	805,530	938,810	938,810	+133,280	---
Office of Inspector General	60,200	63,813	63,813	+3,613	---
Total, General administration	1,316,631	1,519,026	1,505,101	+188,470	-13,925
United States Parole Commission					
Salaries and expenses	10,498	10,650	10,650	+152	---
Legal Activities					
General legal activities:					
Direct appropriation	612,029	657,135	639,314	+27,285	-17,821
Radiation exposure compensation act	1,975	---	---	-1,975	---
Emergency appropriations (P.L. 108-106)	15,000	---	---	-15,000	---
Subtotal	629,004	657,135	639,314	+10,310	-17,821
Vaccine injury compensation trust fund (permanent)	3,985	6,333	6,333	+2,348	---
Legal activities office automation	---	80,510	---	---	-80,510
Antitrust Division	132,911	136,463	135,463	+2,552	-1,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Direct appropriation	20,911	35,463	34,463	+13,552	-1,000
United States Attorneys	1,510,193	1,547,519	1,535,000	+24,807	-12,519
United States Trustee System Fund	166,157	174,355	172,850	+6,693	-1,505
Offsetting fee collections	-158,157	-169,355	-167,850	-9,693	+1,505
Interest on U.S. securities	-8,000	-5,000	-5,000	+3,000	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,193	1,220	1,220	+27	---
United States Marshals Service:					
Salaries and expenses (non-CSE)	712,203	742,070	752,070	+39,867	+10,000
Construction	13,918	1,371	1,371	-12,547	---
Total, United States Marshals Service	726,121	743,441	753,441	+27,320	+10,000
Fees and expenses of witnesses	156,145	177,585	177,585	+21,440	---
Community Relations Service	9,426	9,833	9,833	+407	---
Assets forfeiture fund	21,530	21,759	21,759	+229	---
Payment to radiation exposure compensation trust fund	---	72,000	72,000	+72,000	---
Total, Legal activities	3,078,508	3,352,798	3,250,948	+172,440	-101,850
Interagency Law Enforcement					
Interagency crime and drug enforcement	---	580,632	561,033	+561,033	-19,599

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Bureau of Investigation					
Salaries and expenses	4,033,796	4,563,921	4,289,028	+255,232	-274,893
Counterintelligence and national security	484,947	495,000	916,000	+431,053	+421,000
Direct appropriation	4,518,743	5,058,921	5,205,028	+686,285	+146,107
Foreign terrorist tracking task force	60,949	56,349	---	-60,949	-56,349
Construction	11,056	---	10,242	-814	+10,242
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,215,270	+624,522	+100,000
Drug Enforcement Administration					
Salaries and expenses	1,703,038	1,815,719	1,815,719	+112,681	---
Diversion control fund	-118,561	-154,216	-154,216	-35,655	---
Subtotal	1,584,477	1,661,503	1,661,503	+77,026	---
Interagency drug enforcement	550,609	---	---	-550,609	---
Total, Drug Enforcement Administration	2,135,086	1,661,503	1,661,503	-473,583	---
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	870,357	+43,068	---
Rescission	---	-1,500	---	---	+1,500
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	870,357	+43,068	+1,500
Federal Prison System					
Salaries and expenses	4,414,313	4,706,232	4,567,232	+152,919	-139,000
Buildings and facilities	393,515	---	189,000	-204,515	+189,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,429	+36	---
Total, Federal Prison System	4,811,221	4,709,661	4,759,661	-51,560	+50,000
Office of Justice Programs					
Justice assistance	188,124	1,710,664	217,000	+28,876	-1,493,664
(By transfer)	(6,632)	---	---	(-6,632)	---
Rescission	---	-53,471	---	---	+53,471
Total, Office of Justice Programs	188,124	1,657,193	217,000	+28,876	-1,440,193
State and local law enforcement assistance:					
Local law enforcement block grant	222,633	---	---	-222,633	---
Boys and Girls clubs (earmark)	(79,628)	---	---	(-79,628)	---
National Institute of Justice (earmark)	(9,953)	---	---	(-9,953)	---
USA FREEDOM corps (earmark)	(2,967)	---	---	(-2,967)	---
Justice assistance grants	---	---	634,000	+634,000	+634,000
Boys and Girls clubs (earmark)	---	---	(80,000)	(+80,000)	(+80,000)
National Institute of Justice (earmark)	---	---	(15,000)	(+15,000)	(+15,000)
USA FREEDOM corps (earmark)	---	---	(5,000)	(+5,000)	(+5,000)
Indian assistance	14,842	---	15,000	+158	+15,000
Tribal prison construction	(1,991)	---	(2,000)	(+9)	(+2,000)
Indian tribal courts program	(7,963)	---	(8,000)	(+37)	(+8,000)
Indian grants	(4,977)	---	(5,000)	(+23)	(+5,000)
State criminal alien assistance program	296,843	---	325,000	+28,157	+325,000
Cooperative agreement program	1,979	---	---	-1,979	---
Byrne grants (formula)	494,739	---	---	-494,739	---
Byrne grants (discretionary)	157,443	---	110,000	-47,443	+110,000
Miscellaneous appropriations (P.L. 108-199)	49,705	---	---	-49,705	---
Drug courts	38,095	---	50,000	+11,905	+50,000
Other crime control programs	3,851	---	3,862	+11	+3,862
Assistance for victims of trafficking	9,894	---	10,000	+106	+10,000
Prescription drug monitoring	6,926	---	10,000	+3,074	+10,000
Prison rape prevention	36,784	---	52,175	+15,391	+52,175
State prison drug treatment	---	---	35,000	+35,000	+35,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Intelligence sharing	---	---	10,000	+10,000	+10,000
Miscellaneous appropriations (P.L. 108-199)	2,237	---	---	-2,237	---
Total, State and local law enforcement	1,335,971	---	1,255,037	-80,934	+1,255,037
Weed and seed program fund	57,926	---	51,169	-6,757	+51,169
Community oriented policing services:					
COPS enhancement grants	---	---	113,000	+113,000	+113,000
Hiring	118,737	---	---	-118,737	---
Training and technical assistance	---	17,625	---	---	-17,625
Bullet proof vests	24,737	---	25,000	+263	+25,000
Tribal law enforcement	24,737	20,000	---	-24,737	-20,000
Meth hot spots	53,482	20,000	60,000	+6,518	+40,000
Police corps	14,842	---	20,000	+5,158	+20,000
COPS technology	156,740	---	130,000	-26,740	+130,000
Interoperable communications	84,106	1,550	---	-84,106	-1,550
Criminal records upgrade	29,684	---	50,000	+20,316	+50,000
DNA backlog/crime lab	98,948	---	175,788	+76,840	+175,788
Paul Coverdell forensics science	9,894	---	---	-9,894	---
Crime identification technology	23,971	---	---	-23,971	---
Gun violence reduction	29,684	---	30,000	+316	+30,000
Southwest border prosecutors	29,684	---	40,000	+10,316	+40,000
Offender reentry	4,948	---	15,000	+10,052	+15,000
Safe schools initiative	4,552	---	---	-4,552	---
Police integrity grants	9,894	10,000	---	-9,894	-10,000
Management and administration	29,684	27,914	27,914	-1,770	---
Rescission	---	-53,471	---	---	+53,471
Total, Community oriented policing services	748,324	43,618	686,702	-61,622	+643,084
Violence against women office	383,551	362,477	383,551	---	+21,074
Juvenile justice programs	348,989	---	349,000	+11	+349,000
(Transfer out)	(-6,632)	---	---	(+6,632)	---
Public safety officers benefits:					
Death benefits	49,054	63,054	63,054	+14,000	---
Disability and education benefits	2,968	---	6,410	+3,442	+6,410
Total, Public safety officers benefits program	52,022	63,054	69,464	+17,442	+6,410
Total, Office of Justice Programs	3,114,907	2,126,342	3,011,923	-102,984	+885,581
United States Attorneys (sec. 111)	14,842	---	---	-14,842	---
Local law enforcement block grant (sec. 113)	544	---	---	-544	---
Rescission (sec. 114)	-100,000	---	---	+100,000	---
Total, title I, Department of Justice	19,800,274	19,944,739	20,846,446	+1,046,172	+901,707
Appropriations	(19,885,274)	(20,053,181)	(20,846,446)	(+961,172)	(+793,265)
Emergency appropriations	(15,000)	---	---	(-15,000)	---
Rescission	(-100,000)	(-108,442)	---	(+100,000)	(+108,442)
(Transfer out)	(-6,632)	---	---	(+6,632)	---
(By transfer)	(6,632)	---	---	(-6,632)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	41,552	39,552	41,552	---	+2,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission					
Salaries and expenses	57,682	61,700	61,700	+4,018	---
Total, Related agencies	99,234	101,252	103,252	+4,018	+2,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	391,102	401,513	401,513	+10,411	---
Offsetting fee collections	-13,000	-8,000	-8,000	+5,000	---
Direct appropriation	378,102	393,513	393,513	+15,411	---
Bureau of Industry and Security					
Operations and administration	60,358	76,516	61,265	+907	-15,251
CWC enforcement	7,128	---	7,128	---	+7,128
Total, Bureau of Industry and Security	67,486	76,516	68,393	+907	-8,123
Economic Development Administration					
Economic development assistance programs	285,083	289,762	289,762	+4,679	---
Salaries and expenses	30,244	30,565	30,565	+321	---
Total, Economic Development Administration	315,327	320,327	320,327	+5,000	---
Minority Business Development Agency					
Minority business development	28,556	34,461	28,899	+343	-5,562
Total, Trade and Infrastructure Development	888,705	926,069	914,384	+25,679	-11,685
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	74,211	88,400	78,211	+4,000	-10,189
Bureau of the Census					
Salaries and expenses	192,761	220,425	202,765	+10,004	-17,660
Periodic censuses and programs	431,464	608,171	571,116	+139,652	-37,055
Total, Bureau of the Census	624,225	828,596	773,881	+149,656	-54,715
National Telecommunications and Information Administration					
Salaries and expenses	14,450	22,101	15,282	+832	-6,819
Public telecommunications facilities, planning and construction	21,769	2,538	2,538	-19,231	---
Information infrastructure grants	14,842	---	---	-14,842	---
Total, National Telecommunications and Information Administration	51,061	24,639	17,820	-33,241	-6,819

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Patent and Trademark Office					
Current year fee funding	1,222,460	1,314,653	1,314,653	+92,193	---
Spending from new fees (proposed legislation)	---	208,754	208,754	+208,754	---
Total, Patent and Trademark Office	1,222,460	1,523,407	1,523,407	+300,947	---
Offsetting fee collections	-1,222,460	-1,314,653	-1,314,653	-92,193	---
Total, Economic and Information Infrastructure	749,497	1,150,389	1,078,666	+329,169	-71,723
SCIENCE AND TECHNOLOGY					
Technology Administration					
Office of Technology Policy					
Salaries and expenses	6,343	8,294	6,547	+204	-1,747
National Institute of Standards and Technology					
Scientific and technical research and services	340,743	413,886	366,856	+26,113	-47,030
Industrial technology services	216,480	39,190	106,000	-110,480	+66,810
Construction of research facilities	64,271	59,411	43,132	-21,139	-16,279
Working capital fund	---	8,982	8,982	+8,982	---
Total, National Institute of Standards and Technology	621,494	521,469	524,970	-96,524	+3,501
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,658,251	2,377,841	2,245,000	-413,251	-132,841
(By transfer from Promote and Develop Fund)	(62,000)	(79,000)	(79,000)	(+17,000)	---
By transfer from Coastal zone management	---	3,000	---	---	-3,000
Deobligations returned	-15,000	---	---	+15,000	---
Total, Operations, research, and facilities	2,643,251	2,380,841	2,245,000	-398,251	-135,841
Procurement, acquisition and construction	979,708	898,510	840,000	-139,708	-58,510
Pacific coastal salmon recovery	89,052	100,000	80,000	-9,052	-20,000
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	---	956	---	---	-956
Foreign fishing observer fund	---	191	---	---	-191
Fisheries finance program account	-8,000	-4,000	-4,000	+4,000	---
Total, National Oceanic and Atmospheric Administration	3,701,011	3,373,498	3,158,000	-543,011	-215,498
Total, Science and Technology	4,328,848	3,903,261	3,689,517	-639,331	-213,744
Departmental Management					
Salaries and expenses	46,791	56,021	52,109	+5,318	-3,912
Office of Inspector General	20,894	22,249	22,249	+1,355	---
Total, Departmental management	67,685	78,270	74,358	+6,673	-3,912
EDA conveyance (sec. 209)	989	---	---	-989	---
Procurement, acquisition and construction (sec. 212)	6,065	---	---	-6,065	---
Lobster (sec. 213)	495	---	---	-495	---
Non-pollock west coast groundfish (sec. 214)	495	---	---	-495	---
Total, Department of Commerce	5,943,545	5,956,737	5,653,673	-289,872	-303,064

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescission (sec. 215)	-100,000	---	---	+100,000	---
Total, title II, Department of Commerce and related agencies	5,942,779	6,057,989	5,756,925	-185,854	-301,064
Appropriations	(6,042,779)	(6,057,989)	(5,756,925)	(-285,854)	(-301,064)
Rescission	(-100,000)	---	---	(+100,000)	---
(By transfer)	(62,000)	(79,000)	(79,000)	(+17,000)	---
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,896	1,985	1,985	+89	---
Other salaries and expenses	52,901	56,137	56,137	+3,236	---
Total, Salaries and expenses	54,797	58,122	58,122	+3,325	---
Care of the building and grounds	10,480	10,579	9,979	-501	-600
Miscellaneous appropriations (P.L. 108-199)	15,906	---	---	-15,906	---
Total, Supreme Court of the United States	81,183	68,701	68,101	-13,082	-600
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,237	2,257	2,257	+20	---
Other salaries and expenses	18,231	22,750	20,679	+2,448	-2,071
Total, Salaries and expenses	20,468	25,007	22,936	+2,468	-2,071
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,721	1,757	1,757	+36	---
Other salaries and expenses	12,217	13,316	13,131	+914	-185
Total, Salaries and expenses	13,938	15,073	14,888	+950	-185
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	274,504	289,877	289,877	+15,373	---
Other salaries and expenses	3,680,532	4,030,367	3,887,367	+206,835	-143,000
Direct appropriation	3,955,036	4,320,244	4,177,244	+222,208	-143,000
Vaccine Injury Compensation Trust Fund	3,159	3,471	3,471	+312	---
Defender services	598,116	681,612	676,469	+78,353	-5,143
Fees of jurors and commissioners	57,213	62,800	62,800	+5,587	---
Court security	274,580	383,282	379,580	+105,000	-3,702
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,888,104	5,451,409	5,299,564	+411,460	-151,845
Administrative Office of the United States Courts					
Salaries and expenses	65,305	72,154	68,635	+3,330	-3,519
Federal Judicial Center					
Salaries and expenses	21,214	22,126	21,737	+523	-389
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	29,000	36,700	36,700	+7,700	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Sentencing Commission					
Salaries and expenses	12,224	13,456	13,304	+1,080	-152
Total, title III, the Judiciary	5,131,436	5,704,626	5,545,865	+414,429	-158,761
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,384,013	3,626,343	3,580,000	+195,987	-46,343
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Worldwide security upgrades	639,896	658,701	658,701	+18,805	---
Worldwide IT infrastructure	39,579	---	40,000	+421	+40,000
Emergency appropriations (P.L. 108-106)	120,500	---	---	-120,500	---
Total, Diplomatic and consular programs	4,183,988	4,285,044	4,278,701	+94,713	-6,343
Capital investment fund	79,158	155,100	100,000	+20,842	-55,100
Office of Inspector General	31,370	30,435	30,435	-935	---
Educational and cultural exchange programs	316,633	345,346	345,346	+28,713	---
Representation allowances	8,905	8,640	8,640	-265	---
Protection of foreign missions and officials	9,894	9,600	9,894	---	+294
Embassy security, construction, and maintenance	524,423	626,680	611,680	+87,257	-15,000
Worldwide security upgrades	852,335	912,320	912,320	+59,985	---
Emergency appropriations (P.L. 108-106)	43,900	---	---	-43,900	---
Emergencies in the diplomatic and consular service	989	7,000	7,000	+6,011	---
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	---	---
Emergency appropriations (P.L. 108-106)	115,500	---	---	-115,500	---
Repatriation Loans Program Account:					
Direct loans subsidy	605	612	612	+7	---
Administrative expenses	600	607	607	+7	---
(By transfer)	(1,000)	(1,000)	(1,000)	---	---
Total, Repatriation loans program account	1,205	1,219	1,219	+14	---
Payment to the American Institute in Taiwan	18,585	19,482	19,482	+897	---
Payment to the Foreign Service Retirement and Disability Fund	134,979	132,600	132,600	-2,379	---
Total, Administration of Foreign Affairs	6,321,864	6,533,466	6,457,317	+135,453	-76,149
International Organizations					
Contributions to international organizations, current year assessment	999,830	1,194,210	1,194,210	+194,380	---
Contributions for international peacekeeping activities, current year	450,056	650,000	650,000	+199,944	---
Emergency appropriations (P.L. 108-106)	245,000	---	---	-245,000	---
Total, International Organizations and Conferences	1,694,886	1,844,210	1,844,210	+149,324	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	25,726	30,300	26,800	+1,074	-3,500
Construction	3,513	8,545	4,475	+962	-4,070
American sections, international commissions	8,849	10,756	9,356	+507	-1,400
International fisheries commissions	19,097	20,800	19,097	---	-1,703
Total, International commissions	57,185	70,401	59,728	+2,543	-10,673

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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other					
Payment to the Asia Foundation	12,864	8,880	13,000	+136	+4,120
International Center for Middle Eastern-Western dialogue	6,926	---	---	-6,926	---
Eisenhower Exchange Fellowship program	495	500	500	+5	---
Israeli Arab scholarship program	371	375	375	+4	---
East-West Center	17,692	13,709	5,000	-12,692	-8,709
National Endowment for Democracy	39,579	80,000	51,000	+11,421	-29,000
Total, Department of State	8,151,862	8,551,541	8,431,130	+279,268	-120,411
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	540,292	533,111	601,740	+61,448	+68,629
Emergency appropriations (P.L. 108-106)	40,000	---	---	-40,000	---
Broadcasting to Cuba	---	27,629	---	---	-27,629
Broadcasting capital improvements	11,275	8,560	8,560	-2,715	---
Total, Broadcasting Board of Governors	591,567	569,300	610,300	+18,733	+41,000
Total, title IV, Department of State and Related Agency	8,743,429	9,120,841	9,041,430	+298,001	-79,411
Appropriations	(8,178,529)	(9,120,841)	(9,041,430)	(+862,901)	(-79,411)
Emergency appropriations	(564,900)	---	---	(-564,900)	---
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	---	---
(By transfer)	(5,000)	(5,000)	(5,000)	---	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,187	1,200	1,200	+13	---
Commission on the Abraham Lincoln Study Abroad Fellowship Program					
Salaries and expenses (P.L. 108-199)	497	---	---	-497	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	491	499	499	+8	---
Commission on Civil Rights					
Salaries and expenses	9,001	9,096	9,096	+95	---
Commission on International Religious Freedom					
Salaries and expenses	2,968	3,000	3,000	+32	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,598	1,831	1,831	+233	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,781	1,900	1,900	+119	---
Equal Employment Opportunity Commission					
Salaries and expenses	324,944	350,754	334,944	+10,000	-15,810

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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Communications Commission					
Salaries and expenses	273,947	292,958	279,851	+5,904	-13,107
Offsetting fee collections - current year	-272,958	-272,958	-272,958	---	---
Direct appropriation	989	20,000	6,893	+5,904	-13,107
Federal Trade Commission					
Salaries and expenses	185,505	205,430	203,430	+17,925	-2,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Offsetting fee collections, telephone database	-23,100	-20,000	-21,901	+1,199	-1,901
Direct appropriation	50,405	84,430	80,529	+30,124	-3,901
HELP Commission					
Salaries and expenses	2,968	---	1,000	-1,968	+1,000
Legal Services Corporation					
Payment to the Legal Services Corporation	335,282	329,300	335,282	---	+5,982
Marine Mammal Commission					
Salaries and expenses	1,836	1,890	1,890	+54	---
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,979	2,000	2,000	+21	---
Securities and Exchange Commission					
Salaries and expenses	811,500	913,000	913,000	+101,500	---
Prior year unobligated balances	-120,000	-20,000	-20,000	+100,000	---
Direct appropriation	691,500	893,000	893,000	+201,500	---
Small Business Administration					
Salaries and expenses	322,322	326,259	322,322	---	-3,937
Miscellaneous appropriations (P.L. 108-199)	497	---	---	-497	---
Office of Inspector General	12,864	14,500	14,500	+1,636	---
Surety bond guarantees revolving fund	---	11,400	11,400	+11,400	---
Business Loans Program Account:					
Direct loans subsidy	1,890	---	---	-1,890	---
Guaranteed loans subsidy	78,299	---	---	-78,299	---
Administrative expenses	126,653	129,000	128,000	+1,347	-1,000
Total, Business loans program account	206,842	129,000	128,000	-78,842	-1,000
Disaster Loans Program Account:					
Direct loans subsidy	55,597	78,887	78,887	+23,290	---
Administrative expenses	113,159	118,354	117,000	+3,841	-1,354
Gainsharing	---	---	---	---	---
Total, Disaster loans program account	168,756	197,241	195,887	+27,131	-1,354
Total, Small Business Administration	711,281	678,400	672,109	-39,172	-6,291
State Justice Institute					
Salaries and expenses	2,227	---	2,227	---	+2,227

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AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States - China Economic and Security Review Commission					
Salaries and expenses	1,979	2,000	3,000	+1,021	+1,000
United States Institute of Peace					
Operating expenses	17,099	22,099	23,000	+5,901	+901
Emergency supplemental appropriations (P.L. 108-106)	10,000	---	---	-10,000	---
Total, United States Institute of Peace	27,099	22,099	23,000	-4,099	+901
Total, title V, Related agencies	2,170,012	2,401,399	2,373,400	+203,388	-27,999
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)	-67,326	---	---	+67,326	---
Counterterrorism fund (rescission)	-40,000	---	---	+40,000	---
Legal Activities					
Assets forfeiture fund (rescission)	-61,608	---	---	+61,608	---
Federal Prison System					
Buildings and facilities (rescission)	-51,895	---	---	+51,895	---
Office of Justice Programs					
State & local law enforcement assistance (rescission)	-21,600	---	-20,000	+1,600	-20,000
Community oriented policing services (rescission)	-6,378	---	-61,000	-54,622	-61,000
Juvenile justice programs (rescission)	-15,900	---	---	+15,900	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmostpheric Administration					
NERRS construction (rescission)	-2,500	---	---	+2,500	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-13,000	---	---	+13,000
Travel and tourism (rescission)	-40,000	---	---	+40,000	---
Total, title VII, Rescissions	-307,207	-13,000	-81,000	+226,207	-68,000
Grand total:					
New budget (obligational) authority	41,480,723	43,216,594	43,483,066	+2,002,343	+266,472
Appropriations	(41,398,030)	(43,338,036)	(43,564,066)	(+2,166,036)	(+226,030)
Emergency appropriations	(589,900)	---	---	(-589,900)	---
Rescissions	(-507,207)	(-121,442)	(-81,000)	(+426,207)	(+40,442)
(Transfer out)	(-11,632)	(-5,000)	(-5,000)	(+6,632)	---
(By transfer)	(73,632)	(84,000)	(84,000)	(+10,368)	---

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the overall bill before us today. Chairman WOLF and Ranking Member SERRANO have joined together in a bipartisan fashion to present a bill that adequately reflects the funding priorities for our Nation in the area of Commerce, Justice, State, Judiciary and related agencies.

I am especially pleased that money was added to the bill to confront the growing problem with gang activity that jurisdictions throughout the country are facing. In my congressional district and in the northern Virginia region, we are dealing with a growing gang problem that if left unchecked, will expand significantly in a very short time. The additional resources in this bill will help enable our law enforcement officials to acquire the necessary tools to tackle this problem before it grows out of hand. Efforts to increase law enforcement capabilities and strengthen community prevention programs are required to meet the rising gang threat head on.

While I am generally supportive of the funding levels provided in the bill, there are also a number of issues that should be addressed in this bill and others that should be deleted.

An area in which this bill needs amending concerns the USA PATRIOT Act. Communities throughout the country including Arlington County and the city of Alexandria in my district, have recently expressed serious objections with a number of provisions included in the USA PATRIOT Act passed in October 2001.

I share the concerns of my constituency and feel that these issues did not receive the appropriate public debate needed on such sensitive subjects as the protection of our civil liberties. In my opinion, the Attorney General's interpretation of definitions in the PATRIOT Act have eroded our basic civil rights and threaten to further damage the public's image of the Justice Department and Federal law enforcement in general. For these reasons and others, I am supporting amendments to the bill which would stop funding for certain Justice Department activities related to section 213 and section 215 of the PATRIOT Act.

Section 213, also known as the ''sneak and peek'' provision, authorizes the issuance of delayed notification search warrants for physical evidence through a court order from the secret Foreign Intelligence Surveillance Court Act (FISA). These delayed notification warrants allow federal law enforcement to conduct a secret search and seizure of physical evidence without alerting the target until an unspecified time after the search is completed. The amendment introduced by Representative OTTER seeks to impose reasonable limits on the government's ability to obtain sneak and peek warrants. It would continue to allow the authorization of a court issued delayed warrant if the life or physical safety of an individual were endangered, if it would result in a flight from prosecution or if it would result in the destruction or tampering of the evidence sought under the warrant. This amendment would also require notification of a covert search within seven days, rather than an undetermined ''reasonable period'' currently in law. Unlimited, additional seven day delays at the court's discretion will be available under the Otter amendment and the same provisions subjected to the original warrant apply for each extension.

A second amendment that would curtail one of the more troubling provisions in the USA PATRIOT Act concerns section 215. Section 215 has the effect of requiring public libraries and booksellers to submit themselves to secret searches of purchase and checkout records with minimal justification from the FISA Court. Librarians and booksellers across the country fear that this is causing a ''chilling effect'' and making users self-censor their reading choices.

While the Attorney General has released figures on how the PATRIOT Act has been used in the past 2 years which state that this provision has yet to be employed, the fact remains that the law raises questions of future federal mis-use of this provision. The Sanders-Paul-Conyers-Nadler Freedom to Read amendment would restore and protect the privacy and first amendment rights of library and bookstore patrons which were in place before the USA PATRIOT Act. The amendment would not stop law enforcement from accessing these records, it would simply require them to do it with regular court-ordered search warrants or grand jury subpoenas.

While the PATRIOT Act remains an area the underlying bill does not reform, another subject which was confronted in full committee and that passed is equally troubling. I opposed in full committee, an amendment offered by Representative TIAHRT which would prevent the city of New York from having access to federal gun tracing data in a lawsuit against gun manufacturers. Not only did this appropriations rider set a troubling precedent in that it was directed specifically to affect an ongoing court case, it also hampers future lawsuits that could be aided by this data. I am strongly opposed to the inclusion of this language in the bill. We need to be at a minimum maintaining our current common sense gun control measures, not weakening existing laws.

Mr. Chairman, in conclusion, while not everything I would have liked to have seen is in this bill, it is a good balance of the priorities our law enforcement, small businesses and other related agencies require. I am supportive of this measure and look forward to a continued debate of the issues not addressed in the bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4754, the Commerce, Justice, and State, the Judiciary, and related agencies Appropriations bill for fiscal year 2005.

H.R. 4754 provides $39.8 billion in budget authority and $40.4 billion in outlays—an increase of $878 million in BA and $1.7 billion in outlays from fiscal year 2004. Budget authority in the bill is $240 million above the President's fiscal year 2005 budget request.

H.R. 4754 contains $983 million in BA savings, including $902 million in BA and $341 million in outlays from mandatory spending changes; and $81 million in rescissions of previously enacted BA.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the conference report on the concurrent resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation of the Subcommittee on Commerce, Justice, and State, the Judiciary, and related agencies and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee. H.R. 4754 also complies in fiscal year 2005 with section 302(f) of the Congressional Budget Act. Section 302(f) prohibits consideration of bills in excess of a subcommittee's 302(b) allocation.

This bill is a clear exercise in setting priorities and responsible spending practices. I was encouraged to see that the Appropriations Committee was able to work within the budget framework that we outlined earlier in the year to find the available resources to increase funding for the Department of Justice by $275 million over the 2004 level and $624 million for the Federal Bureau of Investigation [FBI]. It is certainly appropriate to shift resources from some lower-priority programs at the Department of Commerce toward more important and higher-priority public safety and crime prevention programs at the Department of Justice.

Making those tough priority decisions isn't always easy but it can be done and needs to be done until we get our financial house back in order.

Today, I applaud the members of the Appropriations Committee for demonstrating that they can set priorities which fit within the overall framework established by the budget resolution.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 4754, a bill making appropriations for the Departments of Commerce, Justice, State and the Judiciary for FY2005. In particular, this Member would like to thank the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee and the distinguished gentlemen from New York (Mr. SERRANO) for their hard work under difficult budget circumstances.

As a member of the House Caucus to Fight and Control Methamphetamine, this Member strongly supports the inclusion of $60 million for methamphetamine enforcement and cleanup, otherwise known as the ''hot spots'' program. These funds are critical in State and local efforts to combat the scourge of methamphetamine that is sweeping across our country.

This Member also appreciates the subcommittee's commitment to Nebraska's efforts to fight a growing plague in Nebraska—the manufacture, trafficking, and abuse of methamphetamine. The Nebraska State Patrol will continue the work began with the $1.8 million appropriated over the past 2 years, with an emphasis on funding for the cleanup of clandestine labs. Federal dollars are critical to the success of Nebraska's anti-meth efforts.

Of additional concern is the strong link between methamphetamine abuse and crime. Methamphetamine manufacture, use and trafficking has completely changed the face of crime in Nebraska—especially nonmetropolitan Nebraska. Crime resulting from methamphetamine abuse is soaring, which places great demands on law enforcement. Certainly, methamphetamine use and related crime is the top law enforcement problem in Nebraska. In fact, a study entitled, ''The Rebirth of Rehabilitation: Promises and Perils of Drug Courts, 2000,'' noted that ''an individual who has a severe addiction, to methamphetamine, commits nearly 63 crimes a year.''

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 4754.

Mr. SERRANO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $124,906,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,078,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2004: *Provided further,* That not to exceed 26 permanent positions, 21 full-time equivalent workyears and $3,305,000 shall be expended for the Office of Legislative Affairs: *Provided further,* That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,990,000 shall be expended for the Office of Public Affairs: *Provided further,* That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 2, line 7, after the dollar amount insert the following: ''(reduced by $27,000,000)''.

Page 3, line 22, after the dollar amount insert the following: ''(reduced by $33,251,000)''.

Page 77, line 17, after the dollar amount insert the following: ''(reduced by $10,421,000)''.

Page 92, line 16, after the dollar amount insert the following: ''(reduced by $8,460,000)''.

Page 94, line 2, after the dollar amount insert the following: ''(increased by $79,132,000)''.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Chairman, I first want to congratulate the gentleman from Virginia (Mr. WOLF), chairman of the Commerce, Justice, State, Judiciary and Related Agencies Subcommittee; and the gentleman from New York (Mr. SERRANO), ranking minority member, for crafting an excellent bill. Regardless of how this amendment turns out, I am going to vote for it and encourage the rest of the Members of Congress to vote for it. It is very difficult to balance all the conflicting interests, and I commend them for coming up with a good bill.

With all due respect and honor to the gentlemen, I offer this amendment today to freeze funding for SBA 7(a) guaranteed lending program at last year's level.

□ 1315

The 7(a) is the flagship lending program of the Small Business Administration. This amendment means small businesses will be able to get started and grow. The 7(a) program is on track to create and retain half a million jobs this year. It has a proven track record by providing approximately 30 percent of the long-term financing needs for all small businesses.

Increasing fees on small business borrowers and lenders, particularly as interest rates are rising again, puts another barrier in access to capital and crimps our national economic recovery.

No matter how anybody states it, if this amendment fails, small business borrowers and lenders will face a fee or tax increase based on the amount of loan starting October 1 by as much as 100 percent. Some may characterize this as only a few dollars up front. But as the truth in lending disclosure form shows, he or she will pay up front at the time of the signing of the loan documents, hundreds if not thousands of extra dollars. The fee for a typical $100,000 loan would increase from $850 to $1,700.

On top of the up-front fee, lenders will once again see their annual fee on the outstanding balance of 7(a) loans made after October 1 increase, just after they shot up 30 percent this past April to keep the 7(a) program functional in fiscal year 2004. These fees cannot be passed on to the borrowers.

Many lenders, particularly small community banks that serve rural areas, are seriously considering leaving the program. Fewer banks offering 7(a) loans will translate into decreased access to credit for small businesses, which will result in fewer jobs created.

Mr. Chairman, my congressional district just dropped below 10 percent unemployment. Manufacturing jobs leveled off for 4 months. We lost another 11,000 this past month. We are not out of the woods yet. On top of it, the Fed decides to raise the interest rate. The last thing that we need is to have more of a crimp in capital access for the small businesses.

The amendment does not increase business spending. In fact, the Congressional Budget Office estimates the amendment will reduce outlays by $7 million in fiscal year 2005 by offering cuts in other programs.

The reductions are in other programs. The reductions will not be sensitive. They are in the Department of Justice General Administration Account. The Legal Activities Office Automation Program gets cut by $33 million for a program that they never asked for; the National Endowment For Democracy gets cut by a little over $10 million, which is still $1 million above the fiscal year 2004 level; and the salaries and expenses account at the SBA would make up the difference, to reach a $79,132,000 appropriations level for 7(a). That account would be cut by $8.46 million.

So the purpose of this amendment in making the tough choices is to keep funding level, keep the 7(a) program where it is, and although I support the goal of eventually getting the 7(a) program to a zero subsidy rate, now at the time we are just starting to see the light at the end of the tunnel, just starting a recovery, this is not the time to impose additional fees and taxes, not only upon the people that borrow the money, but upon the lenders that make it all possible.

Mr. Chairman, I again urge my colleagues to shift this $79 million from other accounts to the Small Business Account in order to help out the small businesses and keep the 7(a) program alive.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Commerce, Justice, State appropriations bill, and commend the gentleman from Virginia (Chairman WOLF) for crafting a fair and balanced bill, including the Justice Department, Commerce and State, as well as the Federal Judiciary. I would like particularly to comment on several issues of importance to me.

First, this bill provides a 4 percent increase for the International Trade Administration of the Department of Commerce. The ITA serves several important functions that promote economic growth for U.S. workers and firms, including the opening of foreign markets for U.S. goods and the enforcement of trade laws and agreements. I join the chairman in strongly urging the Commerce Department to carefully analyze market trends in order to anticipate unfair trade practices and consult with foreign governments to preempt the requirement for unfair trade cases to be filed. This is particularly helpful to small- and medium-sized companies that have neither the time nor the resources to file lengthy and costly trade cases, but they do deserve the protection of our U.S. trade laws.

Further, I would like to highlight the directive to the Commerce Department to contract with the National Academy of Public Administration to conduct a comprehensive study of the effects of offshoring jobs on the United States workforce and economy. Many manufacturing jobs have left my congressional district in recent years, and I believe it is critical to have accurate data of where jobs are going and what economic impact this job movement is having on the U.S. economy.

I support the $10 million increase over the request for public diplomacy programs in this bill. It is important that we counter the anti-American sentiments that are being voiced in foreign public opinion polls and reflected in foreign media content. Public diplomacy is a critical tool to spread the message of who we are as Americans. The person-to-person exchanges that are promoted by these programs allow for the development of personal, long-term relationships that lead to mutual understanding and respect. We must continue to support these programs worldwide, but in particular, we must focus on programs with the Arab and Muslim world.

Mr. Chairman, I urge support of this important appropriations bill that funds our national and international security needs.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the ranking member, the gentleman from New York (Mr. SERRANO) as well as the gentleman from Virginia (Chairman WOLF) for their work on this important legislation. The bill before us has attempted to do the most with a limited amount of dollars. One area where it falls short is the Small Business Administration.

As the ranking Democrat on the House Committee on Small Business, I always hear, during good economic times or bad, small business owners need access to affordable capital in order to be successful. That is why I always say access to capital is access to opportunity in this country.

Small business owners have told me stories of having to max out credit cards, having to borrow money from relatives, and having banks ask them to put their homes up as collateral for a $20,000 loan, all so they can afford to start a new business or expand an existing business.

The amendment I am offering today with the gentleman from Illinois (Chairman MANZULLO) will restore funding for the 7(a) loan program to fiscal year 2004 levels, $79 million. This amendment offsets several programs, but keeps the funding consistent with their fiscal year 2004 level. These are the real challenges facing small enterprises, and this is the whole reason the 7(a) loan program was created.

The 7(a) program is a public and private partnership for banks, lenders and small businesses. The 7(a) program is this country's largest source of long-term small business lending for both the private and public sectors, providing 30 percent of this Nation's long-term loans.

Given its tremendous success over the years, it is unbelievable to me that this critical loan program has been under nothing but attack from the Bush administration. This is the same administration that claims to be the champion of small business. The first thing this administration did 4 years ago was to eliminate funding for the 7(a) program. Then, earlier this year, the 7(a) program was shut down, and this happened because the Bush administration ignored Congress' warning and they ignored the industry. They simply chose to ask for less funding than what this loan program requires.

Now, today, we face a new issue for the 7(a) program. This same administration wants to zero out the program's funding and let small businesses and lenders pay more. We heard small business owners say this was unfair, and we promised to do something about this. Well, that is what we are doing today, delivering that promise to our small businesses.

What is so ironic is that we are talking about a successful small business lending program here. For every 60 cents, the 7(a) program provides $100 in loans. They have continually done more with less. A decade ago, they received $300 million in the appropriations process, and now we are asking for only one-third of that. Last year alone, the 7(a) program touched over 350,000 jobs.

The most unfortunate part is that over the past 10 years, the 7(a) program has managed to do more for small firms in an environment where they were being overcharged by the government. We fixed this problem in a bipartisan manner in 2001, but the Bush administration wants to go back to the days when small businesses were taxed.

Well, let me tell you, it is not what our Nation's small businesses want and it is not what we want. President Bush travels across the country touting his small business agenda, but his talk proves to be rhetoric; his actions do not match his words.

If you vote against this amendment today, then you are voting to increase the costs facing small businesses. Our hope is that this amendment passes, which would allow the 7(a) loan program to do record volumes with the same amount of money.

It is these small business owners who use the 7(a) program that serve as anchors for our economy. The truth of the matter is, this is an outstanding loan program, and this is the right thing to do. With this amendment, we will be enabling our Nation's small businesses to continue creating the jobs that we so desperately need.

If you support our Nation's economy, if you support job creation and small business, then you will vote ''yes'' on this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to rise in support of the Manzullo-Velazquez amendment to the Commerce, Justice bill. But before I speak to that amendment, I want to commend the very distinguished chair of the committee and the ranking member for their leadership in bringing this bill to the floor.

As one who served many years ago, in my earlier time with the Committee on Appropriations, on this subcommittee, I have an appreciation for the many difficult decisions that you have to make and the great opportunity there is for the American people in this particular appropriations bill.

I also want to take the opportunity to acknowledge the tremendous leadership of the gentleman from Virginia (Chairman WOLF). He knows this, but I want to take a public opportunity to say that there is no person in this House that I admire more than I do the gentleman from Virginia (Mr. WOLF). He is a champion for human rights throughout the world, and as one who has spoken out, as with many of our colleagues in the Congressional Black Caucus, on the situation in the Sudan, I want to recognize his exceptional leadership in that regard and say how much we all appreciate your visit, your trip there, and your relentless, persistent advocacy for the underprivileged throughout this world, in this case in particular, in Darfur. I know many of us are eager to hear a report of the gentleman's trip there.

Once again, I thank the gentleman from Virginia (Mr. WOLF) for being the great challenge to the conscience that he has been in his service in Congress.

I would like to now address the amendment that is being proposed to improve the small business access to 7(a) loans. As you may know, Mr. Chairman, the SBA 7(a) loan program is the most commonly used Small Business Administration loan, and backs approximately $11 billion in loans to small businesses each year. And yet it has faced shutdown caps and restrictions this year and received no funding under the latest Bush budget and Republican appropriations bill.

The President's budget proposes to run the program solely through fee increases, substantially raising the costs for small businesses to use the program and taking billions of dollars out of the economy.

Democrats, and in this case in a bipartisan way with the gentleman from Illinois (Mr. MANZULLO), are fighting to adequately fund the 7(a) loan program and make more loans available to small businesses.

We know that small businesses, Mr. Chairman, are the engine of our economy. They account for 95 percent of employers in our country, create half of our gross domestic product and create three out of four new jobs nationwide.

We have a chance today to save the 7(a) program, and I hope that our colleagues will join the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Chairman MANZULLO) in supporting the bipartisan amendment. It will provide fuel to our small businesses which run our economic engine.

I would like to again recognize the leadership of the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking Democrat on the Committee on Small Business, and the gentleman from Illinois (Mr. MANZULLO) for cosponsorship of this amendment.

We are very proud of the service and leadership of the gentlewoman from New York (Ms. VELÁZQUEZ). She is making history in her role as the ranking member on a full committee in the House; and in her service on that committee and in this body she has been a champion for small businesses.

□ 1330

I know she will be joined by the gentlewoman from Oregon (Ms. HOOLEY) and others from the committee who have worked very hard.

When we had our small business summit in June, small businessowners came from around the country, and access to capital was one of their top priorities. Passing this amendment will go a long way to addressing the need for capital. Capital attracts talent, talent attracts capital, the dynamic goes on and on. And while we want to promote the growth of many, many more jobs in our country, it is important that we do so by creating much more equity for potential businessowners and for current businessowners.

With that, I urge my colleagues to support the Manzullo-Velázquez amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentlewoman for her comments, too; and I appreciate it very much.

I rise in strong opposition. Let me just say that I think the intention of the amendment is a good intention, so I want to thank them for their comments. But the amendment really does not work, and I know it has been dramatically changed, it really does not work what it was supposed to do. If it were passed, the SBA would not be able to use the money for the 7(a) loans because it puts it into an administrative account and not into 7(a). So it just does not do what people would like it to do.

The amendment would augment the administrative appropriation for the business loan account. Because subsidy and administrative loans must be separately appropriated pursuant to the Federal Credit Reform Act, the Manzullo-Velázquez funds could not be used.

It would also violate OMB guidelines. We have followed the President's request for the 7(a) program. This program can provide for $12.5 billion in loans, an unprecedented level, without the appropriation. The Small Business Administration is very, very strongly opposed to this.

But the programs that this would go after; this would take money out of the National Endowment for Democracy and out of the initiative with regard to the Middle East. It would scuttle that program. As my colleagues will recall, the original request for that was $80 million. That has now been reduced in this bill to $50 million. This would take that money out. The President's Greater Middle East Initiative would basically be eliminated with this amendment.

I would remind the sponsors that during the President's State of the Union message, he told the Nation and the world that he would double the funding for the National Endowment for Democracy. The National Endowment for Democracy was established by Congress during the Reagan administration and probably has done more to bring about democracy and freedom in the world than almost anything else that we have done.

Last year the NED budget totaled $39.6 million. The President called for doubling the NED budget; and with this bill, it calls for a $10 million increase, and we would now take that away. It would also deal with the whole issue of an administrative account at the Justice Department. The amendment proposes to reduce the Department of Justice General Administrative Account by $27 million. The bill already reduces this account by $62 million below the request. It would have an impact on counterterrorism, and some might say it could have a devastating impact on the war on terrorism. The only increase provided for above the fiscal year 2004 level for this account is $9 million for inflation to maintain current staff. We would, in essence, take that away.

There are many other reasons, and in the interests of time, and I know the gentleman from Illinois (Mr. HYDE) is here to speak against it and there are others, but, the amendment does not do what it says they would like to do. Because the reason it does not do that is because had it been put in that account, it would have been ruled out of order. Members from both sides came and said they wanted the Legal Services Corporation protected and we protected it. And others, Members on this side wanted a Manufacturing Extension Program, we protected an increase. When they wanted State and local law enforcement, we did that. So they are having an even more difficult time finding the cuts, so they are now going to NED. Earlier today, they were at international broadcasting, and now they are sort of scurrying around.

Secondly, to wound NED, the National Endowment for Democracy and the Middle East Initiative would be horrible. And lastly, to wound the Justice Department and the effort on the war on terrorism is horrible.

So I urge all Members, if you had an amendment which would have done what you would have liked to have done, that is one thing. This amendment does not do it.

So I urge defeat of the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me at the outset say that the gentleman from Virginia (Chairman WOLF) knows that I know how difficult it was to put this bill together and to deal with the issues that this bill takes care of. He is right, we had to move around with a smaller allocation. In fact, the gentleman from Florida (Chairman YOUNG) was gracious enough to admit that the allocation, I think he said, was thin. Yet within that allocation, we were able to come up with a bill that I think we can all support.

But in the middle of that bill, or actually at the beginning of the bill, there is this gaping hole, this problem with the SBA now. There are different views as to how much of a problem this truly represents. But the fact of life is that many people on both sides of the aisle feel that it is a problem and one that needs to be dealt with.

Now, in committee, full committee, I proposed an amendment which would have provided the $79 million by declaring an emergency. What I basically did at that time was move emergency disaster funds and replace the 7(a) allocation in its place. By the way, that amendment was not approved; otherwise, we would not be here right now. Under our rules, that same amendment, then, cannot be presented on the floor because of the way it was presented, and so we have this one where we have dollars that we shift around in the bill.

I am not going to repeat what everybody has said. But in so many communities throughout this country, the small business community and the providers of loans believe that this is an important amendment; that this is an amendment that should, in fact, be approved and one that both sides of the aisle can support.

So with the respect and admiration that I have for my chairman, and knowing well that I was an architect in putting this bill together and our staffs were, nevertheless, I feel that this is an amendment that should be approved; and I will hope that on both sides it can get the sufficient votes to pass.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Manzullo-Velázquez amendment.

Mr. Chairman, I am grateful to our colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), for their conscientious and cooperative efforts reflected in this bill. Despite the inadequate allocation the committee had to start with, they were able to redirect much-needed resources to a number of law enforcement programs, to antigang initiatives, to scientific research, and to business programs.

As I said when the Homeland Security appropriations bill came to the floor, I am concerned about how the cuts to the COPS program and the Byrne grants for local law enforcement will affect our first responders' ability to protect us from, and to respond to, terrorist attacks. But I commend my colleagues for the improvements they have made in the President's budget request.

Today, I rise in support of the amendment being offered by the chairman and the ranking member of the

Committee on Small Business to restore funding for the Small Business Administration's flagship 7(a) loan program. With all due respect to my friends on the Committee on Appropriations, these are the two Members who spend the most time dealing with small business issues and have the best understanding of small business programs.

The fact that the two of them have come together to offer this bipartisan amendment should be all the proof that most Members need that 7(a) does, in fact, need Federal funds to survive. But for those who are not willing to take their word for it, let us look at the facts. Small businesses are the number one job creators in this economy. 7(a) loans account for nearly 30 percent of all long-term loans for small businesses in America. This is a program that has returned an estimated $12 billion to the economy with only a $120 million investment. I cannot understand how anyone could say that 7(a) is not good business.

The administration is apparently still clinging to their claim that 7(a) can continue entirely as a fee-based program. They say we could simply increase fees to make up the difference in funding. We could. But if we did so, any company hoping to take out a $150,000 7(a) loan would have to ante up something like $10,000 in fees just to get the loan. In private real estate markets that would be like a mortgage broker charging seven points just to process a mortgage application. Such a policy would kill 7(a). That is why the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) have decided to offer this amendment, and I strongly encourage my colleagues to support it.

Mr. Chairman, this bill unfortunately shortchanges small business in yet another respect, zeroing out funding for the very successful microloan program.

Microenterprises are the foundation of our economy, and although a microenterprise by definition has fewer than five employees, they account for something like 17 percent of our employment in this country. In the 12 years it has been in existence, the microloan program has resulted in 19,000 microloans responsible for the creation of more than 60,000 American jobs. In my district alone, this program has resulted in 223 loans totaling $1.26 million.

That is a huge impact. Each of those loans represents a new business, a new American realizing his or her dream. The economic effects of each of these loans ripples and expands throughout the local, State, and ultimately, the national economy. The gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) will offer an amendment later to restore most of the funding for the microloan program, and I urge my colleagues to support their amendment.

Mr. Chairman, America's small businesses represent the dreams, the innovation, the drive that have made this country great. Especially as we struggle to replace the 1.2 million American jobs that have been lost in the last 3 years, we need to ensure that the programs best qualified to create jobs are given the resources that they need. The 7(a) program and the microloan program have proved themselves in creating jobs, building businesses, and expanding our economy. I urge my colleagues to give them the resources to continue.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my respect and admiration for the gentleman from Illinois (Mr. MANZULLO) is very large, but it does not extend to this amendment. I hope this amendment does not pass, and I will tell my colleagues my reasons.

I am very concerned that in adding $10 million to the program that the gentleman wishes to nourish will result in that size of a cut from the National Endowment for Democracy. If ever there was a time we needed public diplomacy, we need the services of the National Endowment for Democracy to help tell the truth about America throughout the Middle East, as well as the rest of the world, it is now. This is not the time to be cutting these funds, and this Manzullo amendment would end up doing that.

Small business is very important, we all agree. Small business we trust has been adequately compensated in this general legislation, and even if this method of funding the program the gentleman wishes to protect is removed, the program will continue, I am informed, because it can be funded in other manners.

But in any event, this is a very important amendment. It is one that if it passes would limit our ability to tell the story that we need to tell throughout the Middle East and the rest of the world about democracy and freedom. We are on the defensive now. This is no time to tie us in knots.

So with warm respect for the gentleman from Illinois (Mr. MANZULLO), I respectfully hope this amendment is defeated.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the chairman and the ranking member, the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), for their leadership. In spite of the cuts in funding and the sacrifices that we are having to make in terms of budget shortfalls, they are showing their leadership in providing as much funding as possible for those critical programs that are endemic to working families.

Mr. Chairman, I do rise, though, in strong support of the amendment offered by my colleagues on the Committee on Small Business, the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, which would provide full funding for the Small Business Administration's primary lending program, the 7(a) loan program.

□ 1345

Mr. Chairman, we on the Committee on Small Business have heard small business owners throughout this country, and they are all saying the same thing, that the one hurdle faced by America's 23 million small businesses is gaining access to affordable capital. I believe that the Manzullo-Velázquez amendment, which maintains the $79 million in funding provided to the agency last year, helps SBA reach its goal of providing small companies with the financing they need through the agency's access to capital lending programs. Without this funding provided for businesses by this amendment, many small businesses could be denied the loans they need to be successful.

Funding for this program, and if it is not restored, small businesses will be unable to target new markets, grow or even hire new workers. The 7(a) loan program is the SBA's core lending program and accounts for roughly 30 percent of all long-term small businesses in America. In addition, these loans are the only source of affordable long-term financing for many of our Nation's small businesses, especially minority- and women-owned businesses.

As the ranking member on the Subcommittee on Tax, Finance, and Exports, I understand the importance of small businesses to our Nation. They employ 97 percent of our Nation's workforce and are often called the engine of the Nation's economy. Without the funding provided for by this amendment, both lenders participating in the program and borrowers will be faced with higher fees; some lenders could be forced to withdraw from the program, leaving small businesses with fewer options for financing.

Mr. Chairman, the passage of this amendment is critical to the capital needs of thousands of small businesses. I urge its passage.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member on the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman for yielding. A concern was raised by the gentleman from Virginia (Mr. WOLF) regarding the properness of where the amendment places the money within SBA. With all due respect, Mr. Chairman, because the SBA 7(a) program was eliminated, a program account does not exist. But I want to read from the committee's report and the gentleman says, ''The committee recommends a total of $128 million under this account for administrative expenses related to business loan programs.''

So what we have done is to operate within the constraints that the committee provided us. And regarding the concern that was raised about the

money, $10 million that had been taken from the National Endowment for Democracy, even by taking the offset of $10 million, the program remains funded at last year's level. And we do support spreading democracy, but we also support creating jobs in our country.

Mr. MCCOTTER. Mr. Chairman, I move to strike the requisite number of words.

In many ways, it is with somewhat of a heavy heart that I rise in support of the amendment, especially as the gentleman from Virginia (Mr. WOLF) has been so helpful in restoring the Manufacturing Extension Partnership funds which will help my State of Michigan, and because of the enormous respect I have for the chairman of the Committee on International Relations on which I sit, the gentleman from Illinois (Mr. HYDE).

But being from Michigan, my small businesses have asked me to come and support this amendment and ask that we not raise these fees at a time when the Fed is raising our interest rates. As the backbone of our economy, our small businesses deserve no less during difficult times, especially while, despite a recovering economy, pockets of persistent downturn remain, many of them in the industrial States, one of which I represent.

As for the National Endowment for Democracy, in many ways it is important to remember that democracy begins at home. It will be very difficult to continue to mobilize Americans' resolve to spread democracy abroad if in an economic downturn we are tempted to turn inward towards our own struggling economy.

The continued support of small business, the perpetuation of their entrepreneurial dreams, is the seed of democracy which we are endeavoring to sow throughout the world. Let us not forget them and turn our backs today.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my good friends, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the House Committee on Small Business.

I speak as a former president and chief financial officer for 20 years of a small business firm, and I speak as a former member of the Committee on Small Business. I understand how difficult it can be to access capital when you run a small business or when you want to start one. Restoring $79 million for the Small Business Administration's SBA 7(a) loan guarantee program in fiscal year 2005 is a step in the right direction.

The 7(a) loan guarantee program deserves among the SBA's business loan program to help qualified small businesses obtain financing when they might not be eligible for business loans through small lending channels. It provides 30 percent of all long-term small business financing. This program is also the SBA's most flexible business loan program since financing under the 7(a) loan program can be guaranteed for a variety of general business purposes. Regardless, funding for the 7(a) program has dwindled from approximately $330 million a decade ago down to only $79 million today as borrowers and lenders have absorbed much of the program's costs.

Many small businesses are attempting to emerge from the current economic downturn and they do not have the balance sheets necessary to obtain conventional financing. Consequently, they need the 7(a) program.

It has been my experience that start-up businesses in particular rely on the 7(a) loan guarantee as the last resort to access desperately needed capital. The SBA 7(a) loan program is vital to the funding of these small businesses. Without a supportive funding appropriation, many small businesses simply will not be financed and many jobs will not be created.

My State needs this program to be funded. They have contacted me repeatedly, requesting my assistance, and I have responded in kind, cosigning letters requesting funding for the program. Today is the day we need to heed the call of most, if not all, of our small business constituents who comprise such a large percentage of all businesses in the United States.

I support restoring funding for the 7(a) program. I urge my colleagues to support small business and the Manzullo-Velázquez amendment to this legislation.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Today is an important day for small business, their owners, their employees, those out of work and desperately searching and, indeed, the entire American economy.

In June, our economy was estimated to add 112,000 new jobs. Make no mistake, this is a significant number, especially for those individuals that found these new jobs and for their families. However, there are still far too many individuals and families that are suffering from the effects of unemployment, and unfortunately, that number of new jobs falls drastically short of the number of new jobs needed each month just to keep up with the growing working population. Yet, here we are on a day when Oregon's unemployment is still 6.7 percent.

There is a bill before us that seeks to cut all funding for the Small Business Administration's loan program, 7(a). The SBA 7(a) loan program is vital to America's small business, and American small businesses are vital to the American economy and the American worker.

Demand for more small business loans, especially 7(a) guaranteed loans, have increased dramatically as America's small businesses seize a glimmer of hope that we are emerging from our recession. To pull the very rug out from under them by cutting funding to the 7(a) program just when they see this glimmer of hope is nothing short of cruel. These SBA 7(a) loans are especially important to start-up businesses which are so reliant on ready access to capital.

These start-up businesses are our future. They will be where our new growth comes from. It makes no sense whatsoever to cut their access to capital when our economy needs every boost of stimulus it can get.

A vote for the Manzullo-Velázquez amendment is a vote for America's small business which, in turn, is a vote for America's economy and the American worker. That is why I am supporting this amendment to restore the funding needed for the 7(a) SBA program, and that is why I am asking all of my colleagues on both sides of the aisle to join me in this effort.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am reluctant to rise in opposition to this amendment, because of its sponsor. I know that his heart is in the right place. The gentleman from Illinois (Mr. MANZULLO) is an outstanding chairman of the Committee on Small Business. I know that he has worked very hard for the strength of small businesses because he understands, as most of us do, that without all of our small businesses in America, we would not have any big businesses because the big businesses rely on small businesses in order to get the job done. But the sponsors of the amendment are of the opinion that there is no money or that the 7(a) loan program needs more money.

In this bill, if I remember correctly, the gentleman from Virginia (Mr. WOLF) provides $12.5 billion in loan guarantees for this program. So we have not forgotten this program in the appropriations bill. The amendment does not really add money to the loan program anyway. It adds money to the SBA administrative account and, therefore, will not even be spent on the loan program as the drafters intend.

At the same time, and this is my larger concern, the amendment cuts not only other SBA administrative functions, hurting the agency that oversees the loan programs, but it also reduces programs in the Department of Justice, impacting homeland security initiatives, by $60 million. The impact of this would be devastating on the war on terrorism. For example, the cuts include the office that oversees Foreign Intelligence Surveillance Act applications which are vital to the war on terrorism and which are vital to keep track of terrorists who may try to enter this country. I believe that there are more prudent ways to address the gentleman's issue.

Again, I would like to compliment him for his strong commitment, not only as a Member of the House, but as chairman of the Committee on Small

Business, and for his support of small businesses because, again I will repeat, that small businesses are important to this Nation and are important to our economy. Small businesses create many of the jobs that Americans hold and draw paychecks from. Without our very successful number of small businesses, the large businesses in America would find it very difficult to function because they do rely on small businesses.

So, all in all, I do not think this money is certainly not needed for the loan program. But it would not be invested in the loan program anyway. But what it does is take money away from homeland security programs in the Department of Justice, and I just think that is a mistake.

Ms. BORDALLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Manzullo-Velázquez amendment to the fiscal year 2005 Commerce, Justice, State Appropriations Act and mainly to support small business.

This amendment will provide the necessary funding to maintain the integrity of the Small Business Administration's flagship small business lending mechanism, the 7(a) loan guarantee program.

Mr. Chairman, I represent the Territory of Guam, where 90 percent of our businesses are small businesses.

□ 1400

I applaud the bipartisan leadership demonstrated by our dynamic duo, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), in constructing this amendment; and I am proud to have worked with my colleagues on the committee, whether participating in hearings or writing letters or meeting with small business owners, so that we can today arrive at a consensus that reflects the needs of the small business community and the role of the Federal Government to help foster growth, innovation and jobs in this important economic sector.

The 7(a) loan guarantee program is a principal source of funding for small businesses, representing 30 percent of all long-term small business borrowing in the United States. Oftentimes, the 7(a) program is the only source for long-term financing on reasonable terms for small businesses, particularly those in poor, rural, and underserved areas. These small firms represent the future of our economy, as they account for 75 percent of all new jobs created in the United States.

Consider these statistics: the current Federal burden for supporting every $100 of a 7(a) loan is 60 cents. Statistics also show that a new job is created in the small business sector for every $33,000 of loans.

Mr. Chairman, that means that it costs the Federal Government only $198 to create an additional job for the economy through the 7(a) program. A Federal program that demonstrates this level of success should never, ever be cut back, but, rather, expanded.

Suspending Federal funding of the 7(a) program will result in an increased cost to small businesses, as banks will pass new costs on to their 7(a) customers in the form of higher fees.

There is also fear that some banks, particularly in poor, rural and underserved areas, will no longer see the incentive of offering 7(a) loans and will suspend this financing mechanism altogether. This will have the effect of halting both economic and job growth at a time, Mr. Chairman, when we are just beginning to recover from the recent economic downturn.

Recognizing the budget challenges this year, the Manzullo-Velázquez amendment modestly proposes to fund the Federal subsidy of the 7(a) program at fiscal year 2004 levels. It is also budget-neutral. This amendment is supported by Democrats and Republicans, by small business owners throughout the country and by banks that offer federally backed financing mechanisms.

Mr. Chairman, this is the right thing to do, and I hope my colleagues will vote in favor of the Manzullo-Velázquez amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the Manzullo-Velázquez amendment to H.R. 4754, the Commerce, Justice, State appropriations bill. I strongly support the Small Business Administration's (SBA), 7(a) business loan program and have joined some of my colleagues from Connecticut in advocating improvements and increases in the program.

I understand the serious issues facing small businesses today and believe that, as the backbone of our community, it is vital we do what we can to help them thrive and I appreciate the spirit of the amendment.

But this is not what the amendment does in its entirety. It cuts $60 million out of the Department of Justice and $10 million out of the National Endowment For Democracy. And so, therefore, the amendment is fatally flawed.

If my colleagues believe that the cold war still exists, they could probably make an argument for this amendment. They could probably say we do not need the National Endowment For Democracy as much as we do today, and they could probably say that the Department of Justice does not need the initiatives that it needs; but the Cold War is over, and the world is a far more dangerous place. We have to deal with the issues that confront us.

The idea that we would contain and react to threats and have mutually assured destruction in the days of the Cold War has been replaced by the need for detection and prevention. Our actions may have to be maybe preemptive and maybe sometimes even unilateral, but the key part is prevention and detection; and there is no way we are going to be able to detect and prevent, in my judgment, if we are not doing more to give our intelligence community the skills to detect and to prevent.

We have a letter from the Department of Justice that makes clear that, to accommodate an additional $10 million cut in the OIPR budget for intelligence, they would need to forego requested adjustments to base, including the funding needed to support the annualization of second-year costs for 16 OIPR positions. This would further degrade OIPR's ability to process FISA's applications for intelligence searches and surveillances before the foreign intelligence surveillance court of review, when the number of applications has increased significantly since September 11, 2001. The letter goes on.

This is crazy at this time to act like somehow this is pre-September 11.

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

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I listened to the debate, and I just want to make a couple of closing comments. One, this does hurt NED. At this time for the Middle East to do this is just not good.

Secondly, it hurts the war on terrorism. Thirty people from my district died in the attack on the Pentagon, and we heard it. Lastly, and I know this is not the intention of the sponsors, this is not, I say, the intention of the sponsors, but the reality of this amendment is that this is a subsidy to put money into the bankers' pockets. That is basically what it is. If one were helping the poor or the hungry or the people that really need it, one ought to support the amendment; but look and listen to the groups that contacted us, the American Bankers Association. This is an amendment to put money in the pockets of the bankers, not the poor, not small business, and for those reasons, in addition to the National Endowment For Democracy when we are trying to get peace in the Middle East on the war on terrorism.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding; but with all due respect, I sit on the Committee on Financial Services.

The CHAIRMAN pro tempore (Mr. MCHUGH). The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

(By unanimous consent, Mr. SHAYS was allowed to proceed for 1 additional minute.)

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. For members of the subcommittee of Congress to be

here doing the job for a financial institution is completely wrong.

This amendment will address a Hispanic woman who goes shopping around to make a loan and is being denied a loan by commercial banks. Unless we have a loan guarantee, and my colleagues know that we hear time and time again about minority businesses, women-owned businesses who are denied loans through traditional financial institutions, this amendment helps those people who are trying to set up their businesses or expand their businesses.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, I understand what the gentlewoman is doing and I admire that. I think her purpose is very, very good and I think on the microloan issue is exactly right. That is why the gentleman from New York (Mr. SERRANO) and I have an amendment to restore that and deal with this. I want to make sure the record should state that is not the gentlewoman's purpose of doing it, and so I only attribute the honorable, the most wonderful.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman would further yield, we can mix oranges and apples. Microloan and 7(a) are two completely different programs.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by recognizing the hard work of the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO). I know this is a difficult bill, and I know there is not a lot of money available.

Let me more importantly, however, recognize the bipartisan spirit and hard work of the gentleman from Illinois (Mr. MANZULLO), the Chair of the Committee on Small Business, and also the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member.

This is an absolutely critical bill. This is not a bill for the banks. This is a bill for the small businesses in America that are struggling. This is a bill for the companies in this country that are trying to create jobs. We have a sluggish, sputtering economy. We have just raised interest rates on these same small businesses.

We hear a lot of rhetoric on this floor about the engine of our democracy, creating jobs, we love Main Street, we want to support small businesses; but when it comes time to make a policy decision, which is where we are today, so many people have all kinds of reasons why we should not put creating jobs and helping small businesses at the front of the line.

Yes, there is a need for democracy funds; and, yes, there is a need for 16 additional personnel to process visas. And we can get that money. We wasted more money on Halliburton than this bill involves. That money can be obtained. The fact of the matter is this is an absolutely critical bill.

Now, it is amazing to me to hear people dismiss cavalierly the needs of the small business community. Why? Because unlike many big businesses and unlike the Halliburtons, these small businesses are creating jobs here in the United States. These are not jobs that are going to be exported or offshored. These are jobs here in our local communities.

The gentlewoman from New York (Ms. VELÁZQUEZ) cited the example of minority businesses who go around shopping for loans and that cannot get those loans without this program. This program created 300,000 jobs in America last year. This program used $79 million and leveraged that into loans totaling over $12 billion. Those loans, those jobs are the things that make America work.

So it seems to me that for the relatively modest sum of $79 million we ought to give small businesses and job creation in America a greater priority and fund other worthy causes that have been discussed on this floor through other means.

We have given great tax cuts to very wealthy people. I mentioned Halliburton. We have given them loads of money; and they have misused it, overcharged the United States. The money can be found to address my colleagues' concerns, and they are worthy concerns; but today, we have to ask ourselves a very fundamental question. Are we serious about helping the small businesses in our community? If we are, we should support the Manzullo-Velazquez amendment and restore the funding for the 7(a) loan program.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. SMITH of Michigan. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I thought I would recite the names of some of the organizations that are in favor of the Manzullo-Velázquez amendment. Sure, we have the American Bankers Association that is in favor of it, but just listen to the names of these groups that represent small businesses.

The Asian American and Hotel Owners Association; Women Impacting Public Policy, that is over 2.5 million women-owned small businesses. The Air Conditioning Contractors of America, those are all small businesses. American Society of Farm Managers and Rural Appraisers, those are small business people. American Society of Appraisers, those are small business people. America's Community Bankers, those are many small community banks in rural areas. Financial Services Roundtable, banks of all sizes, including large banks. Independent Community Bankers of America, those are mostly small banks, many in rural areas.

International Franchise Association, thousands and thousands of small business owners across America. National Association of Government Guaranteed Leaders, NAGGL, that represents people that get small business loans. National Association for the Self-Employed, I think the average membership of their group is less than five employees.

National Association of Women Business Owners, small business people. The National Bankers Association, National Black Chamber of Commerce, the National Small Business Association, the Small Business Legislative Council, the Appraisal Institute. The Tire Industry Association, these are guys that have tire shops across the country. The United Motorcoach Association, these are guys that buy buses for tourism, et cetera; and the U.S. Chamber of Commerce, which represents the large and small businesses.

The reason all these groups are behind the Manzullo-Velázquez amendment is that the core purpose of the Small Business Administration is to make capital available to small businesses, and why the SBA is fighting small businesses is beyond the recognition of the chairman of the Committee on Small Business. I cannot understand it, why the SBA is fighting this bill, which is the core program of the entire SBA.

□ 1415

It does not make sense. $79 million in the huge $3 trillion budget that we have is not a lot of money. But what it does amount to is the doubling of the fee of the little guys that get loans of under $150,000. The little ones get hit, the very ones that are trying to make this Nation recover.

In my district, we just dropped below 10 percent unemployment and the Fed raised the interest rate. I stand here in the gap as the chairman of the Committee on Small Business to say the Small Business Administration is wrong on this issue, and they ought to be ashamed of themselves for fighting this Congress to defund the very program that has made the SBA the organization that it is.

Sure, I could get very impassioned over little people. I come from a small business. My dad had a grocery store and then a restaurant, and the family restaurant continues today. And if my brother wants to get a loan from the SBA, why should his fees be doubled?

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, although I support the intention of the chairman of the Committee on Small Business, my concern would be where the money comes from. So, in the MEP program, it is already sacrificing, and this also takes funds out of that. So I do not know how to rebalance.

Mr. MANZULLO. If the gentleman will continue to yield, this does not take funds of the MEP.

Mr. SMITH of Michigan. Well, Mr. Chairman, this takes funds out of the Justice Department, and that is part of the sourcing of funds that I understand the money would come from. And I will be happy to yield for a final word from the chairman.

Mr. MANZULLO. Well, I commend the chairman for funding the MEP program, but out of Justice this comes out of the administration account. It has nothing to do with FBI agents or the DEA or people involved in those positions.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time once again, let me ask a question of the chairman. Where is this $60 million of the funds coming from in Justice?

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

Mr. SMITH of Michigan. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the letter from Justice says it would be ''devastating to the management of the Department, including the Office of Intelligence Policy and Review's support for the Foreign Intelligence Surveillance Act.'' It also says, ''This would further degrade OIPR's ability to process FISA applications.''

Ms. MAJETTE. Mr. Chairman, I move to strike the requisite number of words, and I rise today in support of this bipartisan amendment offered by my colleagues on the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), the chairman, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

This amendment would restore funding for the Small Business Administration's signature 7(a) loan program to the fiscal year 2004 levels of $79 million. The underlying bill would eliminate funding for this critical program, potentially crippling many small businesses that rely on the 7(a) program as their only source of capital.

The number one problem cited by America's small businesses is gaining access to affordable capital. As you know, the 7(a) loan program provides loans on favorable terms to small businesses and allows funds to be used for operating capital. The SBA offers the program through private lenders and the SBA guarantees 50 to 80 percent of the loan's amount. The 7(a) loan program accounts for 30 percent of all long-term small business lending, and it is a proven catalyst for job creation and economic development.

This loan program has proven itself productive and successful. Last year, in Georgia, 1,498 loans were issued for a total of $367 million under the 7(a) program. And in my district, Georgia's Fourth Congressional District, 184 loans were issued, totaling $47 million. Those loans kept and produced jobs in our community. Those loans supported the very businesses that managed to weather a weak economy, and now some wish to take those loans away.

Small businesses cite access to capital as their main barrier to growth. By not fully funding the 7(a) program, we will be denying vital funds to small businesses across the country. This means fewer small businesses, less growth in those that survive, and fewer jobs created.

I urge my colleagues to support this amendment and to restore funding for a program vital to our small businesses, our families and our economy.

Mr. WATT. Mr. Chairman, will the gentlewoman yield?

Ms. MAJETTE. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding to me, because it will not take me 5 minutes to do what I want to do. I am with my colleague, the gentleman from Illinois (Mr. MANZULLO), on this. I do not understand the priorities that the Small Business Administration are using when they talk about not supporting a loan program that has generated 360,000 jobs in the last year.

How could this administration, that has lost as many jobs as it has through the almost 4 years of being in office, now be talking about doing away with a program that is a job creation mechanism? I, for the life of me, do not understand that. And the only thing I can say is, this is just not rational decision-making being made.

This argument that somehow we are going to restore these funds by increasing fees on small business people who apply for the loans just makes even less sense to me. Because those are the very people who need the money without additional fees being generated and charged and assessed to them.

So the priority setting here in an appropriations process tells a lot about the values of an administration and the values of an SBA. And, apparently, this SBA and this administration simply do not care about small businesses or about job creation, even though it is giving lip service to it throughout the country.

I think we should support this amendment, and I appreciate the gentlewoman yielding to me. It does not take a long time to say this administration's priorities are out of whack on this issue, and we should support the amendment that has been offered by the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. MANZULLO), who cannot understand the priorities that this Republican administration is putting forward any more than we can on this side.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentlewoman yield?

Ms. MAJETTE. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, in reference to the fact that this amendment takes money from homeland security, I will say that there is nothing in this amendment that will take money from homeland security. The offsets are from DOJ automation projects.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the virtues of the small businesses have already been outlined time, time, and time again. The only question is what is the biggest problem that small businesses have in this country? The biggest problem that small businesses have is access to capital. How do they get the money that they need to really start up? How do they get the money to expand? How do they get the money to operate? Without capital, there can really be no small businesses.

So it seems to me that, notwithstanding all of the difficulties that have been cited about where the money is or what we have to do with it, if we do not generate it, if we do not produce it, then we do not have the businesses that we need.

I would simply urge support for the Manzullo-Velázquez amendment, and also indicate support for the microloan program. I come into contact with hundreds of small business people every week, every month, who, with just a little bit of money, would really help them over what they call the ''hump.'' It would keep them in business, keep them employed, and keep the economy thriving.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the first order of business is to acknowledge the good work that the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) have done on this appropriation with the deck of cards they have been given. I think this debate should stray away from the work that has been done by the appropriators. We already know the vigorous debate that has taken place between the budget people and the appropriators, trying to find dollars where they may not be.

Let me just say that as a member of the Select Committee on Homeland Security, I believe we have unanimity in at least recognizing that homeland security is important. We may do it differently, but we understand it is important and we want to secure the homeland.

I frankly believe there are ways to improve the resources necessary to do what is important for the American people, secure the homeland, and also do what the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), want us to do, and that is to rebuild the crumbling infrastructure of the SBA 7(a) loan program.

Let me cite, if I might, and compliment Milton Wilson, who heads my SBA agency in the Houston region, talk about the many, many hundreds of small businesses that have created jobs in Houston. When we were falling on our very knees just about 3 years ago and Enron laid off 5,000 employees in my community, the domino effect was enormous from businesses that were supported by this very large company and other energy companies who felt the brunt of the economic engine failing in this country.

Now, we just realized that we only created in the last month 112,000 jobs

when, in actuality, to be even minimally healthy economically, we needed to create 150,000. Well, Mr. Chairman, the place to create those jobs is through small businesses.

I am frankly disappointed to announce to the American public and my colleagues that 2 days before Christmas, just a year ago, the administration encouraged or announced significant changes to the 7(a) program. Two weeks later, the SBA shut the program down. What does that mean to small businesses, which are basically the infrastructure of America?

They are the job creators of America. That is what all of us say. When we go home to our districts, it is the small business owners that we encounter, with all their ups and downs. The only way they have been able to access dollars has been to use their credit cards, with their usurious interest rates. That is how they have been funding their businesses.

These are the floral shops, these are the cleaners, these are the small computer offices, these are the human resource offices. These are the small businesses of America. Frankly, they may be in Houston, they may be in Jackson, Mississippi, they may be in Charlotte, North Carolina, they may be in New York, they may be in Ohio and Illinois and California. All over America, what is happening is that we are losing the ability for these small businesses to engage in business by getting these kinds of loans.

According to the GAO, over the past 10 years, small business lenders and borrowers have paid over $1 billion in miscalculated government fees and under-the-table taxes. This was fixed by a bipartisan move 2 years ago, yet the administration wants to go back to a time when lenders and borrowers were overcharged. That does nothing but hurt our small businesses.

So this amendment that has been offered by the distinguished gentlewoman from New York and the distinguished gentleman from Illinois is, frankly, the right way to go. And I would like to be able to say to the ranking member and the chairman of this subcommittee, let us go find some dollars somewhere where they are not needed, like the enormous tax cuts that are taking away from the working men and women of America. Let us go find money that will support the 7(a) loan program that can, in effect, provide the resources that are necessary to create jobs.

Who would stand on the floor of the House today and ignore the fact that we only created 112,000 jobs? The only way we can add to those jobs, besides boosting our manufacturing, is to give small business the ability to secure loans that will help them grow their businesses. They grow them two employees, three employees, and five employees at a time.

This is not about responding to a constituency, the small business community of America, it is about responding to Americans who need jobs.

□ 1430

I support this amendment because I believe it is a viable amendment. This program generated more than 60,000 jobs last year across America. It is not going to create any jobs if we continue to dumb down the program and do not provide it with the resources it needs.

In closing, the ranking member and the chairman of the subcommittee have worked with what they had to work with. I also want to acknowledge that we are all supporters of the National Endowment for Democracy, but we need to find dollars to do the important business of America: securing the homeland, providing loans for small businesses, and creating jobs. If we do that, we will improve the quality of life in America. I ask Members to support this amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from Illinois (Mr. MANZULLO) and that he be permitted to control that time.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair would advise Members that under the unanimous consent request, the 15 minutes for the proponent is controlled by the gentleman from Illinois (Mr. MANZULLO), so he would have any prerogative to yield such time to other Members.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to yield half of my allotted 15 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ) and that she may control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of the Manzullo-Velázquez amendment to restore funding to the SBA 7(a) program.

In its fiscal year 2005 budget, the administration dealt a near-mortal blow to our Nation's small businesses by taking the funding from that program to zero. This amendment breathes new life into it by restoring that funding. It is critical to at least maintain funding for SBA's 7(a) loan program to last year's level of $79 million. Providing just level funding will leverage more than $13 billion in lending opportunities under the 7(a) program. But if this bill passes without the Manzullo-Velázquez amendment, small businesses will be required to pay nearly $80 million currently subsidized by the Federal Government, the equivalent of a new tax on small business.

Today, with double-digit rising health care costs, expanding energy costs, and pressure from overseas competitors, this increase is more than our small businesses can bear.

The 7(a) loans spur economic development in underserved areas like my district in the Virgin Islands, especially the island of St. Croix. The 7(a) loans are used to purchase land or buildings to expand existing facilities. These loans are used to buy new equipment, machinery, or even furniture.

In sum, the 7(a) loan program is SBA's core lending program, as Members have heard, and accounts for roughly 30 percent of all long-term small business borrowing in America. I want to thank the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for their leadership and their strong passionate bipartisan effort to salvage this program which is so critical to the small business sector and thus to the economic health of our Nation.

I urge my colleagues to walk the talk and support America's small businesses by supporting this amendment. Without this amendment, the 7(a) lending program and many of our small businesses will not survive.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I think in any debate, whether it is this amendment or any other amendment, I do not think we should ever question any Member's commitment or dedication to the war on terror. The funding that is sought in this particular amendment will not jeopardize our effort on the war on terrorism, and I think we need to start off with that understanding so we remain focused on the true intent of this particular amendment, and that is the very lifeline or lifeblood to small businesses in securing loans.

Small businesses already operate at great disadvantage. They do not get the same deductions as big corporations. They cannot go and establish their headquarters offshore and abroad to avoid paying taxes. This is all about the American dream. This is all about sweat and toil and commitment to this great capitalist system that makes this great democracy the great democracy that we have today.

We will never support democracy without a strong economy. I look at this as the greatest investment we can possibly make. We have to remain focused on the true intent of this particular amendment. These will be loans

that are being made because of the funding in the guarantee. These are loans that would not be made otherwise. This is not a subsidy to banks. It is about risk, and there is nothing wrong with taking risk into consideration. We make that accommodation which makes money and capital available to the small businesses, the very strength of our economy, which lends credence, which lends viability to this great democracy. This is what it is all about, and I would hope everyone in this Chamber when we vote today will support small businesses throughout this country.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

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

Mr. CASE. Mr. Chairman, I rise in strong support of the Manzullo-Velázquez amendment. I came to this Congress and asked to serve on the Small Business Committee. Coming from a State that has 96 percent of its businesses as small businesses, 60 percent of its businesses as minority-owned businesses, I came here ready to roll up my sleeves believing that Washington, D.C. cared about small businesses.

Let us put this amendment into perspective and ask ourselves is that true. As we look at the actions of this administration, and many times this Congress, Members have to say that small business has not been treated well. I have sat on the Committee on Small Business, as bipartisan a committee as there is in this Congress, where we are all trying to help small business, and I have watched as the discussion has turned to small businesses being squeezed out of the Federal procurement process. I have watched as we have had hearings on all of those measures to help small businesses, from reducing paperwork, the Paperwork Reduction Act, and instead we see this administration presiding over increases in paperwork. Regulatory relief, this administration presiding over huge increases in regulation, and the Small Business Administration coming in to us and trying to defend the actions of the Office of Management and Budget telling them to cut, and we see the pain in their eyes when they have to carry that policy down here.

Now we find ourselves facing an amendment that should never have had to have been brought to the floor of this House to preserve a program which has been the flagship program of small business, and we are being put in a box where we have to elect between two different things that we both support. Of course we support it.

But I have to ask, why do we not take a look at the billion dollar sole source contracts for huge businesses that are out there? This is a blip on the radar screen when we compare it to that. This is not about banks. Banks are consolidating. Big banks are getting bigger. Small banks are getting wiped out. Small banks serve small businesses; small businesses are not cared for by the big banks. They are being squeezed out. Take it to a rural community in my district, Na'alehu, a small mom and pop operation, trying to get just a little capital to get going; and if they are going to the big banks, they are not going to get that capital.

Mr. Chairman, I rise in strong, unqualified support of the bipartisan Manzullo/Velázquez amendment to save the Small Business Administration's section 7(a) small business loan program.

Mr. Chairman, the Small Business Administration (SBA) was created 51 years ago by President Dwight D. Eisenhower to meet a critical nationwide capital shortage. SBA's top priority was to provide small companies with access to capital through its lending programs. The 7(a) loan program is the signature program within the SBA. Over the last decade, the SBA has approved more than 424,000 loans for over $90 billion, assisting countless small businesses across the country with their basic capital requirements.

Tragically, funding of the 7(a) program is in grave danger of being eliminated. Should the administration prevail in its attempt to dismantle this proven program and Congress proceed on its current path, our Nation's small businesses would have to bear an additional $80 million in SBA expenses, and the fees per loan would increase by over $1,000. These loans are the only source of affordable, long-term financing for many of our Nation's small businesses, as 7(a) loans spur economic development in underserved areas, are used to purchase land or buildings or expand existing facilities or buy new equipment, machines, or even furniture, and provide long-term working capital including accounts payable—allowing small businesses to start and continue in business where otherwise if may not be possible.

In my own state of Hawai'i, for example, the viability of small business is the linchpin to economic vitality. In 2002, the most recent year for which numbers are available, the SBA Office of Advocacy estimates that there were 28,800 small businesses in my state, representing 96.7 percent of all business in Hawai'i.

Hawai'i is also home to one of the largest percentages of minority-owned businesses. Minority-owned businesses represented 57.8 percent of the state's businesses and they generated $14.8 billion in revenues in the most recent year for which this data is available.

The SBA and its programs are critical to the sustainability of our economic base. In Hawai'i, FY03, the SBA made 269 loans worth nearly $29 million. Of that number, 132 of those loans, worth nearly $15 million—nearly half of all loans—were made to companies operating in the rural communities of the Second District that I represent.

The situation is even more promising for my state in this fiscal year. Through May 31, 2004, the SBA had approved 260 loans, worth about $18.5 million to Hawai'i small businesses. Rural small business have received 61 of those loans—representing over $6 million.

The 7(a) program is also crucial to small businesses because of recent consolidation of banks and other financial institutions throughout the country. My state is no exception. According to the Federal Reserve Board, there were 13 small-business-friendly banks in Hawai'i in 1998. In 2002, that number had shrunk to 7. Of those seven in 2002, four had assets between $1 billion and $10 billion. Because small business traditionally depend on local banks services and use commercial bank lenders, this recent consolidation has not had a positive effect upon lending to small businesses.

During my time in Congress, as a member of the House Committee on Small Business as well as the Blue Dog and New Democrat Coalitions, I have argued for fiscal responsibility during our budget and appropriations process. The SBA's 7(a) program is a perfect example of a federal effort that is entirely consistent with this needed approach, for it both increases revenue-generating economic activity and pays for itself. By supporting, nurturing and growing small businesses, we are allowing these companies to increase in size, revenue, employment and purchasing power, ultimately benefiting the community where that company is located as well as the country as a whole. And these are repayable loans, not outright grants.

Mr. Chairman, this is a crucial amendment for all concerned, not least the small businesses of my Second District of Hawai'i. According to a survey published by the National Federation of Independent Business in May of this year, the top three "severe problems" for small-business owners is cost of health insurance, liability insurance and workers' compensation. Let's not give these small businesses one more reason to fail in these trying times. Let's pass this important amendment. It is the right thing to do, and I implore my colleagues to support the Manzullo/Velázquez amendment and support the underlying bill.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Chairman, I have the utmost respect for the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ); but since I said that, Members know what position I am taking on their amendment. I am adamantly opposed to it.

I appreciate their hard work, their commitment to the small business sector of our economy; but this amendment is wrong. Every single Member in a bipartisan way should oppose it for several reasons.

First, I want to talk about the fact that the gentleman from Virginia (Mr. WOLF) and I came here 24 years ago, elected to serve in Congress the same day Ronald Reagan was elected President of the United States. One of the great visions put forth in 1985 in a speech delivered by President Reagan at Westminster College at Fulton, Missouri, was establishing the National Endowment For Democracy.

The notion behind this was the goal of ensuring that, rather than simply pursuing bullets, we would pursue ballots. What are we trying to do in the

Middle East, in Iraq, and in other parts of the world? We are trying to do everything we possibly can to encourage self-determination, the rule of law, respect for democratic institutions, political pluralism. Why are we doing that? We are doing that in an attempt to help these people and to try and diminish the threat of engaging militarily.

So this amendment, as well intentioned as it is, is bringing about a cut in the funding for that institution, the National Endowment for Democracy, which has done a phenomenal job all over the globe helping people who have been trying to claw their way to self-determination to have the kind of success that is so important.

In the State of the Union message delivered by the President delivered right here, he called for a doubling of the funding for the National Endowment for Democracy. While the subcommittee of the gentleman from Virginia (Mr. WOLF) has not quite gone to the level the President has requested, the $50 million level is a very good and important start because we know that we have been working to build these democratic institutions as part and parcel of the global war on terror, and we are having success and so we should not in any way jeopardize that.

Passage of this amendment undermines the effort that we are leading in moving towards democratization around the world.

Number two, the global war on terror, we are looking at a $60 million cut if we were to pass this amendment for the Department of Justice, which would tragically undermine the ability to deal with the very important threat that we live with every single day and have lived with every single day since September 11 of 2001, and that is the threat of global terrorism. We have seen activities take place just within the last few days, actions taken to keep ships that potentially posed a threat to our security offshore, and a wide range of other things which the Department of Justice has been involved in to try and help us turn the corner on the global war on terror.

As we look at these issues, as well intentioned as this amendment may be, I think we should look at the people who join us in opposition. Hector Barreto, the director of the Small Business Administration, a fellow Californian who has provided great leadership at the SBA, he is opposed to this amendment. They oppose this amendment at the Small Business Administration.

And as we look at the overall impact of this amendment, it is not even going to go towards its intended goal. This goes toward administrative expenses and will not provide assistance within the 7(a) program. It is well intentioned, but the amendment does not do anything like it is designed to do; and with what it does do, it undermines our quest towards encouraging democratization around the world, helping the people of Iraq in their quest to build those democratic institutions which are so important, and it threatens our overall goal of trying to deal with the global war on terror.

For every single reason, I believe it is important for us to do everything we can to in a bipartisan way vote ''no'' on this amendment.

□ 1445

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The issue has been raised here by the gentleman from California as to the National Endowment for Democracy. The fact is the National Endowment for Democracy is funded $1 million above last year's level. So that is not the issue before us today. The issue before us is whether we are going to take care of our small businesses, our small businesses which provide us with growth, which provide us with strength, which provide us with an economic base in this country. That is why this amendment is so important.

One of the biggest obstacles to entrepreneurs is establishing and growing a small business. And if entrepreneurs cannot get access to capital, they often have to turn to more costly alternatives. Without access to financing, companies are unable to target new markets, growth, and even hire new workers. That is why the 7(a) program is so important. The 7(a) loan program is the SBA's core lending program. Over the last decade, the SBA has approved more than 424,000 loans for over $90 billion. Think about it, $90 billion pumped into our economy to support small business growth.

Unfortunately, despite the immense popularity of this program, the Bush administration has continued its efforts to systematically dismantle this important program. The recent budget request by this administration for the 7(a) program has steadily declined while demand for 7(a) loans has continued to increase. As a result, the SBA was recently forced to shut down the loan program, injuring thousands of small businesses and lenders that had submitted applications for loans. After the outcry from the business community, the SBA reopened the program; but they capped all 7(a) loans, thus limiting the ability of American small businesses to get financing.

One of the key ways to help stabilize the 7(a) program is by providing more funding, and that is what this amendment does today. A bipartisan amendment offered by the gentleman from Illinois (Chairman MANZULLO), our chairman on the Committee on Small Business, and the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member. They have come together. This is the most bipartisan committee in the United States Congress, and they reached an agreement on an amendment. I applaud that effort to reach bipartisan support, and I urge my colleagues to support the Manzullo-Velazquez amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

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

I simply want to respond to the comments of my good friend from New Mexico and say at the outset that this notion of a $1 million increase in funding for the National Endowment for Democracy does not even maintain a level at the inflation rate that it is; and this is a program which, remember, the President of the United States asked us to double, he asked us to double the funding for the National Endowment for Democracy. Why? Because when we think about the kind of success that it has had since we saw the demise of the Soviet Union and the Berlin Wall come down, what we have witnessed in the emergence of tremendous democracies of Eastern and Central Europe, the kind of effort that has been put into place, bringing about leaders who have addressed us in joint sessions of Congress like the former President of Poland, Lech Walesa, like the man who went from prisoner to President in 6 months in Czechoslovakia, Vaclav Havel. These people were able to enjoy success in large part due to the work of the National Endowment for Democracy.

What is it we want? We want throughout the world for people to enjoy the same kind of liberties that are now taken for granted in Eastern and Central Europe, and this program needs to have a dramatic increase. And I believe it is very important for us to do everything we possibly can to ensure the further success of the National Endowment for Democracy.

I also think it is important to note that this administration is strongly committed to the small business sector of our economy. There is no doubt about the fact that keeping the tax rates low for small businessmen and -women, encouraging economic growth, keeping interest rates low for small businesses, they are the backbone of our economy. But dramatically expanding a program when we have the director of the Small Business Administration opposed to this kind of a program, when, again, this amendment, this amendment does not allow the funding to get to that program. There already is a $12.5 billion level, as the gentleman from Virginia (Mr. WOLF) has just informed me. It seems to me that it is the right thing for us to do to oppose this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 30 seconds.

I would just like to respond to the fact that the gentleman was talking about the National Endowment for Democracy. The numbers do not lie. They

are right here. The National Endowment for Democracy was funded $39.5 million. The full committee provided $51 million. It is on page 77 of the bill. If we take $10 million, they still have more than $1 million from last year.

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I think that is what my friend from New Mexico was arguing. And my point is that if that would take place, it would not even allow us to maintain the inflation rate that we have. That is why that it needs to be substantially higher than that.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the State of California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I thank the gentleman for yielding me this time.

I have heard all the rhetoric; and sitting 6 years on the Committee on Small Business, I cannot help but wonder. We talk about funding small business and the engine of our economy, which is the small business, and yet we do not put money behind it to make it work. We talk like we want to help small business; yet we put billions, billions with a ''b,'' into loans, into grants, into whatever for the airline industry. We cannot put in 79 lousy million into small 7(a) loan programs, that for every $33,000 loaned, they would create one new job. Talk about $79 million versus $12.5 billion that we can be able to have our economy move forward; yet we are scrabbling around and arguing about why we should not take this money and invest it in the source of job development that this country so dearly needs.

Let me ask the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), do they really think that it is the time to cut small business when we most need it?

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I will not be using that full amount, but I did want to rise once again to commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Chairman MANZULLO) for their excellent leadership in bringing this amendment to the floor. I again want to commend the distinguished gentleman from Virginia (Mr. WOLF), chairman of the full committee, for his great leadership in bringing a very important appropriations bill to the floor; and I thank the gentleman from New York (Mr. SERRANO) also for moving this section 7(a) provision in full committee. Although he was not successful, his leadership was important to the momentum that we have today. I thank him for his leadership.

Mr. Chairman, I just want to close by saying this one thing: I always say that the only thing more optimistic than starting a new business is getting married. In order to take on the responsibilities of a marriage or a business, a person has to be very entrepreneurial, very optimistic, very confident. There are so many risks involved in starting a small business. At the very least, we should have access to capital so that we can increase the equity, the ownership that the American people have in businesses that do create jobs, that do create capital in our country, which in turn attracts the talent that we need to be internationally competitive.

This is a very important amendment today. It is not to say that the decisions that have to be made to fund it are not difficult; and as I said earlier, I commend the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), ranking member, for the difficult decisions they had to make to bring this Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act to the floor.

But we have to choose in favor of small businesses in our country if we are going to grow the economy. Small businesses are the engine of the economy. We cannot just talk about supporting small business. We have to put our resources there and give them access to the capital they need to succeed to accompany the great optimistic spirit and entrepreneurial spirit that they bring to the endeavor of starting a new business.

So with that, Mr. Chairman, I urge our colleagues to support this bipartisan Manzullo-Velázquez amendment.

The CHAIRMAN pro tempore (Mr. MCHUGH). The gentleman from Virginia (Mr. WOLF) has 8 minutes remaining, and the gentleman from Illinois (Mr. MANZULLO) has 2 minutes remaining.

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

Let me first address the issue of offsets. We take $33.251 million out of a program that the President did not even request, this Legal Activities Office Automation Program at the Department of Justice, $33 million out of a program they never even requested.

I voted and continue to support the war on terrorism, but we reach a certain point when we have to ask ourselves, when do we take care of our own? When do we take care of the little people? This is not an outrageous request to ask that we have level funding this year that we had last year; $79 million is a lot of money, but compared to how far it goes to continue the program is something else.

The problem here is this: we all want to get away from this subsidy. I am in favor of a zero subsidy rate and have continued to work towards that each year that I have been chairman of the Committee on Small Business. To do it all at once at a time when the Fed has just increased the interest rate, when the unemployment in the district that I represent has just fallen below 10 percent, and at a time when small entrepreneurs continue to scramble for capital is simply unwise. To have a complete recovery, we need to make sure that the resources, the loans, are there for the little people, the ones that get up early in the morning and work 18 hours a day, sometimes 7 days a week, just for the opportunity to make a lot less money than they could working somewhere else, but who choose to do that because the spirit of entrepreneurship rings within their heart, because they know that eventually they will create more jobs and add to the economy.

That is what this bill does. It restores the same amount that they would have had last year, and I ask my colleagues to vote in favor of the Manzullo-Velázquez amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

□ 1500

Mr. Chairman, a lot has been said about this amendment today, and I want to reiterate my respect and admiration for the chairman, the gentleman from Virginia (Mr. WOLF), and the fact that I cannot run away from the issue that we both participated in putting this bill together. But as I said in my original comments, and I will say again, even when we approved and supported this bill, as I do now and I would ask all my colleagues to do so for final passage, I still knew that there was a problem that had to be dealt with, and the most glaring of those problems was the 7(a) issue.

It is for that reason that I stood up today and continue to stand in support of the amendment. I think the amendment speaks to an issue of a constituency throughout this country that is not only based in the lending institutions, heaven forbid I should ever be accused of supporting the lending institutions at that level, but people who feel that this is a good program and should continue to exist.

Because of my support for the bill, I am very leery when we put forth any cuts, but I must say that I am not totally upset about cutting the National Endowment for Democracy, because every so often what they partake in is improperly trying to overthrow governments that they should not be involved in. So I am not going to cry tonight if we indeed take some money from them.

However, I understand the concern of many members of the subcommittees. I would just hope that we see this for the greater good, which is the need to have this program restored, to have this hope fulfilled. And if we do that, if we do that, I think that we would have gone a step ahead of where we were a couple hours ago in saying that this was a good bill. The bill then would be a great bill, and that is my support.

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

Mr. Chairman, let me thank the gentleman from New York for his comments. Let me try to close and put some things in perspective.

The gentleman from Illinois said that the administration did not make any requests for the legal activities office automation. The President did. So we cannot just throw things out. The President requested $80 million. We, the subcommittee, the gentleman from New York (Mr. SERRANO) and I, only provided $50 million. This amendment cuts $33 million, leaving only $17 million.

Now, what would the impact of that be? Cutting the program any further would delay the deployment of needed information technology and improvements to the Bureau of Prisons, the U.S. Attorneys, the Marshals Service, Federal law enforcement, who continue to be criticized for not being able to connect the dots; and if we now give the Justice Department the ability to make standardized its information technology systems, we will be hindering their ability to share the information. The results could be catastrophic.

That was the whole issue at the 9/11 hearings, the lack of sharing of information. If we expect Federal law enforcement to prevent acts of terrorism, the FBI must be able to have surveillance applications approved in a timely manner.

So the amendment proposes a $33 million reduction in the Department's legal activities office, which funds the Standard Office Automation System, which 15 Department of Justice components operate, their mission and critical applications, the U.S. Attorney, Marshals Service, Bureau of Prisons, civil and criminal and many others.

So they did ask for it. What the gentleman from Illinois said was not accurate. They did ask for it, and the committee was not able to fund the entire amount. I was saying to my friends on the other side and on this side, part of the reason we were not able to do it is we wanted to put money in the manufacturing extension program, MEP. The administration's numbers were 39. We got up to 106. It is like no good deed goes unpunished.

We also wanted to protect the Legal Services Corporation for justice, justice for the poor. We actually have $6 million in here, above, to go after $60 million now with regard to the antiterrorism activity, eliminating funding for processing intelligence. I mean, I would have hoped that the gentleman from Illinois would have found another place, but in the war on terrorism that is just not the place to go.

Also, the gentleman from Arizona (Mr. UDALL) made the comment about NED. Well, that amount barely would keep up with the rate of inflation. We want to bring about democracy for China. In China today, Catholic priests and bishops are being persecuted. There are 11 bishops in jail in China today.

The gentleman, and I know he has an interest, I was in Tibet where the Chinese are persecuting the Tibetans. We want to bring democracy to Tibet. They are also persecuting the Muslims up in the northwest portion. Nobody speaks out for the Muslims in China. We are trying to have the money for the National Endowment for Democracy to help bring about democracy in China.

The Evangelical Protestant Church, ripped apart; we want to help. We want to do what we did for Eastern Europe or what we did for the Soviet Union. My friends on this side, Ronald Reagan would never have supported this amendment to take all this money out of the National Endowment for Democracy. It almost makes me sick. We came here in 1980, as the gentleman from California (Mr. DREIER) said, to bring about freedom.

What about Syria? Should not we try to bring about democracy and freedom in Syria? Should not we try to do something in Egypt? Should not we try to do something in Iran and places like that? And I commend the gentleman and the gentlewoman for what they are trying to do, but it does not make sense to take it from the war on terrorism and to take it from the National Endowment for Democracy.

Strangely enough, too, and I think people have to know, this amendment would result in a RIF of 160 SBA employees. So they want to give to one area but RIF from another area. Now, I understand they had a hard time finding it. They had a hard time finding it.

We protected the Legal Services Corporation. They had a hard time finding it because we protected MEP. They had a hard time finding it, because many on their side and my side said we need COPs grants, we need State and local law enforcement grants.

They asked me, ''Can you help us out?'' And the gentleman from New York (Mr. SERRANO) will say many on that side spoke to me about this, and we said we are going to try to help, because we know it is a problem.

We also put in money for a new antigang initiative. We also put in money to study offshoring, because I believe personally it is a problem.

So you have not taken it from any of those areas. You take from terrorism, you take from the National Endowment for Democracy, you take from the administrative account and RIF SBA employees.

Administrator Baretto reiterated zero subsidy is not only good for the taxpayer, but for the stability of the program, the most crucial aspect of the program, according to borrowers and lenders.

He also wrote to me a letter the other day and said, ''I am confident the bill will continue to improve the 7(a) program by serving the capital needs of small businesses in the most efficient and effective manner.''

I understand what both sponsors have been trying to do, and I guess indirectly the gentleman from New York (Mr. SERRANO) and I should probably take it as a compliment that they had to struggle to find something. But we are in a war on terrorism.

I was the author of the National Commission on Terrorism, 1998. I had just gotten back from Algeria, where 100,000-some people had been gutted, killed. It was the year of the Nairobi bombing. It was the year of the Tanzania bombing. I introduced a bill for the National Commission on Terrorism, the Bremer Commission.

I could not get any support from either side of the aisle, so I put it in the appropriations bill and we passed it, and Bremer went on, and all the recommendations were made. On the cover of the National Commission on Terrorism report, which I authored, was a picture of the World Trade Center on fire. But it was not the World Trade Center from 9/11, because the report came out in the year 2000; it was the attack on the World Trade Center in 1993.

I just do not believe you could not have found some other place. You could have found some other place.

So, Mr. Chairman, I urge Members to vote ''no,'' because we ought not cut terrorism funding, we ought not cut the National Endowment for Democracy.

Mr. FARR. Mr. Chairman, I rise in opposition to the CJS appropriations committee recommendation to eliminate funding for the SBA 7(a) program and in support of the Manzullo-Velázquez Amendment. The challenges for small businesses in this stagnant economic climate are formidable—rising health insurance costs, increasing energy expenses and dramatic outsourcing competition. The SBA 7(a) program is the only source of affordable, long-term financing for many of our nation's small businesses. It offers assistance to established small businesses and acts as a catalyst to energize and foment the entrepreneurial spirit that, as Americans, we must celebrate and nurture.

The 7(a) program not only serves as a lifeline to entrepreneurs, it also creates American jobs. Small businesses account for approximately 75 percent of the net new jobs in America. The SBA 7(a) program annually generates 360,000 jobs. If the Bush administration is truly serious about growing the economy and creating jobs on Main Street instead of offering tax cuts for Wall Street, they should not have zeroed out this program in their budget.

We must continue to fund this important program that is instrumental to fostering the entrepreneurial spirit. How can we deny our constituents the chance to realize the American dream and create their own business and be their own boss? Every job counts in this economy and the U.S. government has the obligation to foster free enterprise and small businesses by funding the SBA 7(a) program.

Mr. OBERSTAR. Mr. Chairman, I rise today in support of the Manzullo-Velázquez amendment to the Commerce Justice State Appropriations bill. This amendment will provide critical funding for a program that is fundamentally important to our small businesses: the Small Business Administration's (SBA) 7(a) loan program.

American small businesses' number one problem is gaining access to affordable capital. Many small businesses face substantial barriers in accessing capital, and are often forced to turn to more costly lending alternatives. As a result, small businesses are often financially strapped with insurmountable debt before their companies have even had a chance to get off the ground. Without access to financing, like that embodied by the 7(a) loan program, companies are unable to target new markets, hire new workers and ultimately succeed.

The 7(a) loan program is the SBA's core lending program and accounts for roughly 30 percent of all long-term small business borrowing in America. 7(a) loans spur economic development in underserved areas. 7(a) loans are used to purchase land or buildings, or to expand existing facilities. 7(a) loans are used to buy new equipment and machinery as well.

Most importantly, the 7(a) program creates jobs. Small businesses are the number one job creator in America, accounting for 3 of every 4 new jobs added to the economy. For every $33,000 in 7(a) loans, a new job is created. Just last year, the 7(a) loan program generated 360,000 jobs across America. However, if funding of the 7(a) program is not maintained at its current level our economy and our people will lose many of those jobs, as well as any new jobs and new small businesses that would be created with the help of the 7(a) program.

The CJS bill that we consider today provides no funding for the 7(a) program. As the federal deficit will hit a record $477 billion this year, fiscal restraint is important, but this program has already sacrificed significantly over the last few years. According to the General Accounting Office, over the past ten years small business lenders and borrowers have overpaid a billion dollars in miscalculated government fees. Instead the Bush administration and the SBA argue that simply maintaining fees at these "historic" levels will be good enough to support a robust 7(a) program.

This is just plain wrong. If the CJS bill is approved without this amendment, small businesses will be required to pay the nearly $80 million currently subsidized by the federal government. Based on FY 2003 loan volume and distribution, fees on small businesses will increase by over $40 million. Fees per loan will increase by over $1,000.

The Manzullo-Velázquez amendment will ensure that small businesses can still benefit from the program by restoring funding for the 7(a) program to the FY04 level of $79,132,000. This amendment will foster further economic recovery, and stronger job creation. For the good of the economy, for the good of our workforce and for our future, I encourage my colleagues to support the Manzullo-Velázquez amendment.

The CHAIRMAN. All time for debate has expired on this amendment.

The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

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

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 137, not voting 15, as follows:

[Roll No. 328]

AYES—281

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gerlach
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—137

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berman
Biggert
Blunt
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Fossella
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Greenwood
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Keller
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
McCrery
Miller (FL)
Miller (MI)
Miller, Gary
Moran (VA)
Myrick
Northup
Norwood
Nunes
Nussle
Osborne
Pearce
Peterson (PA)
Petri
Pitts
Portman
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Taylor (NC)
Thomas
Thornberry
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Brown (OH)
Cardin
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
Istook
John
Jones (OH)
LaHood
McInnis
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1538

Messrs. MORAN of Virginia, BURTON of Indiana, QUINN, COX, GARY G. MILLER of California, TURNER of Ohio, BEREUTER, PETERSON of Pennsylvania, FOSSELLA and GINGREY changed their vote from "aye" to "no."

Messrs. HOLDEN, COBLE, TIAHRT, NEY, BURGESS, BOOZMAN, FORBES, SCHROCK and Mrs. JO ANN DAVIS of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount, insert "(decreased by $1,000,000)".

Page 84, line 11, after the first dollar amount, insert ''(increased by $1,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment seeks to add $1 million to the U.S. Civil Rights Commission, having little negative impact on this appropriations legislation.

It is clear, as we have celebrated the 40th anniversary of the 1964 Civil Rights Act, that civil rights in America is still a challenge. And the necessity of government intervention raises its head every day. In fact, as I stand on the floor today, recently over the weekend in Houston, there was a bombing of a Muslim mosque or a mosque, obviously suggesting that not only are there problems with civil rights, but there are also questions of whether hate crimes are still being perpetrated throughout the United States.

The mission of the United States Commission on Civil Rights is to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability or national origin; or by reason of fraudulent practices, to study and collect information related to discrimination or denial of equal protection under the laws for a variety of reasons such as race, color, religion, sex, age, disability or national origin, or the administration of justice; to appraise Federal laws and policies with respect to discrimination or denials of equal protection under the law because of such differences; to serve as a national clearinghouse for information with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability or national origin; to submit such findings and recommendations to the President and Congress and to issue public service announcements.

We know, under the leadership of Dr. Mary Frances Berry, they have sought to be current and they have sought to be provocative, as well as they have sought to be, if you will, aiding in fighting against discrimination in this Nation. They were the first to go in in the election in 2004. They worked on a commission advancing environmental justice. They also worked on opposing the ban on racial data collection. They were very much part of tackling the discriminatory practice of eliminating so-called felons from their right to vote.

They have been working very hard against racial profiling, providing for corporate diversity and other areas. They worked very hard on the issues dealing with affirmative action.

There is no doubt that the Commission's work is needed, but yet there are problems; one, in the amount of staffing. We were apprised by a letter that I signed on May 5, 2004, written by both the chairmen of the Senate and House Committees on the Judiciary, a letter to the U.S. Commission on Civil Rights, highlighting some concerns that we need to be concerned about: An audit that has not occurred in the last 13 years to be able to determine what the needs of this particular agency are at this time and, as well, to be able to assure the proper use of Federal dollars.

Some might think than an audit might bring about a demise of this particular agency. I would offer to say that all of us want to know the facts to be able to provide the right kinds of resources for an agency that are necessary to be strengthened, that needs to have better staffing and better support services so that it can do its job.

Clearly, the work of this commission has not yet ended. The celebration of the 40th anniversary of the Civil Rights Act of 1964 is only an indication that we must continue our work.

I would hope my colleagues would see the value in this amendment, particularly in its concern for ensuring that the Civil Rights Commission is both strengthened and, as well, that we have an appropriate audit that has not taken place in the last 13 years.

One of the things that I hope my colleagues recognize is that we should not condemn the messenger for the message. The U.S. Civil Rights Commission reinforces the fact that civil rights in America is still a work in progress. It needs more resources, more staff, and certainly it needs more competency as it relates to providing the resources to give it the utensils, if you will, the tools to do its job.

I would hope my colleagues would find in this legislation the ability to support this amendment or at least begin to look at working with the U.S. Civil Rights Commission and Dr. Berry and her efforts to make it the very best agency that it can possibly be.

Mr. Chairman, I rise today to offer an amendment to H.R. 4754, the CJS Appropriations Act. I offer this amendment to increase funding to the Civil Rights Commission by $1 million. In order to achieve the goals of my proposal, the Salaries and Expenses account under Title I, General Administration would be reduced by $1,000,000 and the account designated for the Commission on Civil Rights in Title V, Related Agencies would be increased by $1,000,000.

Too many times, I have made requests to the Department of Justice to investigate civil rights matters, which have resulted in a stack of more unresolved investigations. The Department of Justice should not be the only vehicle to which requests are made considering the existence of the U.S. Commission on Civil Rights. The U.S. Commission on Civil Rights should help to ameliorate the stain placed on the Department of Justice, but it cannot do so without adequate funding.

The mission of the Commission on Civil Rights is:

To investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices;

To study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;

To appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;

To serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;

To submit reports, findings, and recommendations to the President and Congress; and

To issue public service announcements to discourage discrimination or denial of equal protection of the laws.

I have requested investigations to be conducted by the Department of Justice regarding such cases as the death of Eli Eloy Escobar II. This incident involved the shooting death of a 14-year-old boy whose civil rights were likely violated. The possible misuse of Houston Police Department law enforcement positions was questioned. These types of occurrences are becoming more like the norm instead of an anomaly. Tragically, in the same month of the shooting death of Eli Eloy Escobar II, a Houston police officer shot and killed Jose Vargas, 15, because the youth and his friends "looked suspicious" in a movie theater parking lot. Given that, in the current situation, I requested that the Department of Justice analyze these facts to ensure that there is not a pattern of civil rights violations by government officials under "color of law."

Just a couple of months ago, a Harris County Deputy Sheriff shot 25-year old Hiji Eugene Harrison to death in the course of making a traffic stop. In this case, I requested an investigation by the Department of Justice regarding three alleged circumstances of this incident that may involve a violation of civil rights. I have requested an investigation of Josiah Sutton's case, a young man wrongly convicted of rape, who will be released from prison with a tarnished record because of the reservations of the district attorney in this case. Yet another example of civil rights abuse. Most recently, I requested an investigation to be conducted by the Department of Justice because of the possible civil rights violation of Houston Community activist Quanell X, who was arrested by the Houston Police Department after he attempted to deliver a wanted suspect.

While my inquiries of the Department of Justice are, indeed, necessary, their outcomes have been unresolved or ongoing. These floating investigations would be resolved more expeditiously if more funding were provided to the U.S. Commission on Civil Rights, which is currently known to be deprived of resources. Increased funding would enable the Commission to aid in the resolution of Department of Justice investigations, many of which remain unresolved.

In closing, Mr. Chairman, I would like to urge my colleagues to pass the Jackson-Lee amendment not only because of the necessary efficiency of the U.S. Commission on Civil Rights, but also because of this opportunity to protect the civil rights of all Americans.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentlewoman to

see if we can help her resolve that issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I might, and I appreciate the offer to work with me on this, I would hope that in the work that we would be looking at, we would be considering the lack of resources and staffing that they have in order to complete their task.

I know this is a challenging commission because their work is always not the most pleasant. It does not make people the most happy, if you will, but it is vital work because the work of civil rights, as I know you and the ranking member know, is very vital work.

□ 1545

So I am hoping that we could work along the line of providing the adequate resources, along with studying the needs of the commission through an audit that has not taken place in 13 years.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman.

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentlewoman to see if we can work on this problem for a resolution of it. It is my understanding the gentlewoman was withdrawing the amendment. The gentlewoman wanted a commitment that we would work with her; is that correct?

Ms. JACKSON-LEE of Texas. As I mentioned, yes, I was mentioning the issues that needed to be addressed for the commission and was hoping that we could specifically work along those lines

Mr. WOLF. Mr. Chairman, if the gentlewoman would further yield, we will work with her, yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there were several parts of this legislation on which the Committee on Government Reform could raise points of order. I have had discussions with the chairman on these issues, and I just want to go through them and through the agreements that I think the chairman and I have on these items.

In section 108, the Personnel Management Demonstration Project through the Bureau of Alcohol, Tobacco and Firearms. It permits bonus and incentive pay for more than 200 ATF forensic experts. We think this has merit. We wish that they had gone through the committee of jurisdiction on this instead of just writing this into the law, but we will not raise a point of order on that section.

The section pertaining to the National Technology and Information Administration, Spectrum Management, this provision allows the NTIA to collect fees from Federal agencies for providing spectrum allocation services for those agencies. These fees provide approximately 80 percent of NTIA's budget. As was true last year, the Parliamentarians ruled those are within our committee's jurisdiction. We ask that in the future, as the appropriators look at these areas, they consult with us; but we will not raise a point of order on this issue.

Section 201 permits the Department of Commerce to make advance payments on contracts without regard to the general prohibition on such advance payments and the narrow exceptions to provisions set out under title 31. Again, this is within the purview of the Committee on Government Reform. I understand this has been in the legislation in previous years. We ask in the future they work with us in crafting language so it is consistent with what we are seeing in other Federal agencies.

Section 603 requires contracts for consulting services to be a matter of public record. We believe they already are and is redundant. We will not raise a point of order on that section.

Finally, section 605 under the bill before us requires a 15-day notification to the Committee on Appropriations before any of the CJS agencies can engage in certain acts that would require their reprogramming of appropriated funds, including contracting out or privatizing. We believe this is within the purview of the Committee on Government Reform and would ask the chairman that as this goes to conference, if this provision remains in and we do not raise our point of order, if we include notification to the Committee on Government Reform as well. We think it is important we work in tandem and in partnership with the appropriators, both the authorizers and appropriators together. The chairman, I think, wants to do this. We have had some miscommunication at the staff level. I just want to clarify that as this moves forward they can include us in this language should we, as I intend, not raise a point of order on that.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we would gladly share that with the gentleman, and let me also say that I appreciate his willingness to allow us to move ahead on employee changes with regard to the FBI, which I think will strengthen the country. The gentleman is a good friend, and we will certainly do that.

On these other issues next year, I think a lot of this language has really been in the appropriations bill long before I was ever, ever involved; but we will be glad to consult with the gentleman as we move forward.

Mr. TOM DAVIS of Virginia. I thank the chairman.

Finally, Mr. Chairman, we did work closely with the gentleman, as he noted, on a number of other improvements to civil service which I think will make the FBI and some other agencies more effective in recruiting and retaining the best and brightest.

Just for the chairman's notice, we do intend to raise a point of order on section 607 regarding the Buy America Act, as we have on every other appropriations bill.

I thank the chairman for his courtesies and compliment him on what I think is otherwise an excellent bill.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would further like to engage the chairman and the ranking member in a brief colloquy.

Mr. Chairman, I had an amendment which I believe the chairman is aware of.

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

Mr. WYNN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we are not aware of any amendment from the gentleman, but I will be glad to talk to him. Maybe I should look at it first. We do not have anything from him.

Mr. WYNN. Mr. Chairman, my intention would be not to introduce it.

Mr. WOLF. Well, let us chat about it and see what happens.

Mr. WYNN. Mr. Chairman, I thank the chairman. Basically, it was an amendment dealing with the issue of drug courts, which, as the gentleman knows, is a very important diversionary program designed to provide drug users with a program of intense scrutiny, rehabilitation, drug testing, counseling and the like which has proven to be very successful in reducing drug crimes. It has an outstandingly low recidivism rate.

Studies from the American University, the Columbia University, as well as the National Institute of Justice, have all indicated that where we have a criminal placed in a drug court program there is a very low rate of recidivism.

For this reason, we believe this program ought to be funded robustly. The program was authorized at $60 million. The committee reported a funding level of $50 million, and I would like to ask the chairman if he would work with the ranking member and myself in conference to see if we could boost that funding level from $50 to the authorized $60 million.

Mr. WOLF. Mr. Chairman, if the gentleman would yield, we will work with the gentleman to the best of our ability that we can. I think drug courts make a lot of sense.

Our problem has been just allocations from legal services to NAP and

others, but certainly we will work with the gentleman as we get to conference. My colleague has my commitment on that.

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

Mr. WYNN. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, as I told the gentleman from Maryland, the gentleman from Virginia (Mr. WOLF) has been very much aware and supportive of these kinds of issues, and as this bill moves to conference, sometimes there is a window of opportunity to do some things. While we cannot promise what the end result will be, we certainly promise the gentleman from Maryland that we will work together with him to see that this moves along in a better way.

Mr. WYNN. Mr. Chairman, well, I would like to first thank the chairman for his willingness to work with me on this issue, as well as the ranking member. I would like to thank him. I know this is a tough bill, and there is not a lot of money to work with. So I appreciate any cooperation and support my colleagues can give me.

AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 26, line 20, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 28, line 4, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment is an amendment that we have had the challenge of discussing for the last couple of sessions of Congress, and that is, dealing with the viability of the Nation's DNA lab.

Since it has come to our attention in the criminal justice system of the value of DNA lab work as relates to the promotion of individuals' innocence or guilt, many of whom have sat on death row, some of whom have been convicted of rape while the actual rapists have gone free, I believe it is imperative that we continue on the President's commitment to eliminate the backlog of DNA analysis and as well the backlog of cases that permeate around the Nation. This $10 million added to the $175 million would make good on our promise to believe in justice.

I am citing, if you will, the troubles that we have experienced in one particular area with a gentleman by the name of Josiah, I will simply use his first name, who sat in jail starting at the age of 17 when he was sentenced to 25 years in prison in 1999 until he was released last year at the age of 21 on the basis of a conviction that proved to be false.

The question there, of course, was a faulty DNA lab. To add insult to injury, our own district attorney, Chuck Rosenthal, refused to join in a request for a full pardon. It was only after the advocacy of many in our community, including elected officials, my office and led by the ministerial community in Houston, that this particular individual was set free.

Josiah, however, is an example of the results of faulty DNA testing around the Nation. It was through this case and many others that the House Committee on the Judiciary considered themselves a viable part of fixing the problem. That problem was fixed by legislation that argued for and worked toward decreasing the backlog of cases of those who are sitting on death row for many of those who likewise are involved in cases that a DNA correction could improve.

I supported H.R. 3214, the Advancing Justice Through DNA Technology Act. As I expressed at that time, this technological tool must be improved because it plays such a key role in streamlining and expediting our criminal justice system. Our law enforcement agencies are becoming increasingly more reliant upon the analysis of the DNA tool to verify or rule out the identity of a suspect or charge an individual in processing criminal justice cases. We will not be able to reach the level of decreasing the backlog unless we invest and put our money where our intent is.

This simple request of $10 million takes it out of the salaries and expenses of the Department of Justice to be able to focus on increasing and improving the DNA lab. It also allows for laboratories around the country to apply for grants to improve the training, to improve the staffing, to improve the analysis, and to expedite the analysis which expedites justice.

I cannot imagine a more important aspect of our work here in this Congress than to promote justice; and adequate, secure, safe and skilled DNA staffing and adequate DNA labs will be part of improving justice.

I would ask my colleagues to support this amendment.

Mr. Chairman, I rise today to offer an amendment to H.R. 2754, the Commerce, Justice, and State Department Appropriations bill. It would call for the reduction of the Salaries and Expenses account in Title I, General Administration (page 2, line 7) by $10 million, the increase of the Community Oriented Policing Services (COPS) account in Title I by $10 million (page 26, line 20), and the specific increase of the provision in that account that deals with DNA analysis (page 28, line 4) by $10 million, amounting to an overall reduction in outlays by $7 million for fiscal year 2005.

In November 2003, I supported H.R. 3214, the ''Advancing Justice Through DNA Technology Act,'' of which I was a co-sponsor. As I expressed at that time, this technological tool must be improved because it plays such a key role in streamlining and expediting our criminal justice system. Our law enforcement agencies are becoming increasingly more reliant upon the analysis of deoxyribonucleic acid (DNA) to verify or rule out the identity of a suspect or a charged individual in processing criminal cases. The more reliant we become, the more our individual rights are at stake. We must, however, significantly raise the bar of our technology and the standards of review for DNA and ballistics crime lab accreditation to minimize mistakes that cost people years of their lives. The Jackson-Lee amendment seeks to so minimize the margin of error that threatens individual liberties and rights.

CRIME LAB ACCREDITATION

The certification of our crime labs for conformance to our accepted standards is done by groups such as the American Society of Crime Laboratory Directors (ASCLD). The accreditation process is part of a laboratory's quality assurance program that should also include proficiency testing, continuing education and other programs to help the laboratory give better overall service to the criminal justice system. Certification and accreditation are done via a process of self-evaluation led by individual crime laboratory directors.

Our labs are not functioning at optimum levels, and this sub-par performance translates to the miscarriage of justice and prosecution of innocent people. Improvement of lab performance begins with tighter employment policies for the lab staff. For example, the ASCLD's Credential Review Committee has a DNA Advisory Board and codified standards for its technical staff. The following was taken from its website:

DNA Advisory Board Standard 5.2.1.1 provides a mechanism for waiving the educational requirements for current technical leader/technical managers who do not meet the degree requirements of section 5.2.1 but who otherwise qualify based on knowledge and experience. Consequently ASCLD has established this procedure for obtaining a waiver.

One waiver is available per laboratory if the current technical leaders/technical manager does not meet the degree requirements of DAB Standard 5.2.1. Waivers are available only to current technical leaders/technical managers. Waivers are permanent and portable for the recipient individual. A laboratory may request a second waiver if the first recipient leaves the employ of the laboratory.

Although experience is quite important in selecting staff, formal education and increased resources are vital when it comes to technical performance and the legal implications of that performance. We are in desperate need of dollars and appropriate legislation to set forth and maintain the standards of DNA/ballistics lab accreditation.

TEXAS LAW AND CRIME LAB ACCREDITATION

In 2001, Texas passed a law formalizing a process for post-conviction access to DNA testing. The Texas Court of Criminal Appeals, however, has not applied the law as it was designed to work and has denied access to testing in a number of cases.

The Texas House passed a bill in April of this year requiring crime laboratories that test DNA to meet accreditation standards, a law designed to prevent future scandals like the one that recently plagued the Houston Police Department.

The Houston Judicial System convicted Josiah Sutton in 1998 for the rape of a woman

whose body was dumped in a Fort Bend County field. But the Court eventually granted him bail in March after an independent lab determined that he was sentenced to 25 years in prison for a rape he didn't commit. An audit and an ongoing series of retesting of DNA samples by the Texas Department of Public Safety and a crime lab professional from Tarrant County revealed potential contamination problems at the subject lab as well as poor working conditions and inadequate training. Attorney Neufeld remarked that "[t]he most important question for the people of Houston and the people of Texas is, 'What went wrong that allowed this young man to be convicted for a crime he didn't commit?' 'And it is absolutely clear that what you have going on is a system of malpractice by the Houston crime laboratory that allows its criminalists to distort and conceal evidence.'" What I fear about the dangers of poor training and placement of checks may be summed up by what Neufeld added,

> One of the biggest problems of . . . [crime labs] is that they [are] much more concerned with being a servant to the police and prosecutors than they [are] to science . . . [a]nd if people want to pursue a career in science, the word science has to come before law enforcement.

The objectivity that is required to make forensic science effective must be divorced from the latitude exercised by some of our law enforcement personnel. Therefore, we must include adequate technology and resources to prevent injustice and the ruination of young lives like the young Houston man, Josiah Sutton.

Furthermore, other problems with DNA testing in criminal cases affect the inmate directly. The discretion with which the decision whether to use DNA testing leaves room for inconsistent adjudication and differential treatment of convicted persons. Statutory guidelines regarding when to order the test would exclude some cases that might not meet the standards but still might deserve testing. Moreover, some inmates who seek exoneration may request executive clemency. In addition to requiring very difficult measures to achieve justice, some argue that the tests administered are inadequate because they do not provide specific, clear, and fair procedures for inmates to bring claims of innocence.

In addition to negligent handling or unskilled analysis of DNA evidence, the backlog of cases causes our criminal justice system to crumble despite the level of sophistication of our technology. Houston police have turned over about 525 case files involving DNA testing to the Harris County district attorney's office, which has said that at least 25 cases warrant re-testing, including those of seven people on Death Row. The numbers will grow significantly as more files are collected and analyzed, according to the assistant district attorney supervising the project.

The Fort Worth police crime lab's serology/DNA unit has been criticized recently for a backlog that was slowing down court cases. The unit's performance suffers from understaffing and overworking.

My concern as to the practice of using these DNA tests is that the inmates' civil liberties and rights to due process are continually placed into jeopardy because of a lack of resources. Furthermore, our staffing and personnel problems threaten to undermine the benefits of technology.

Mr. Chairman, I urge my colleagues to support the Jackson-Lee amendment to increase funding for DNA analysis and crime laboratories so that individual liberties may be better preserved and protected.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The amendment proposes to reduce the Department of Justice's general administration account by $10 million. The bill already reduces the account by $90 million below the request.

Based on the passage of the Manzullo amendment, the reduction will result in massive layoffs and RIFs and hinder the Justice Department's ability to deal with the whole issue of terrorism. I mean, put this on top of Manzullo, it would be devastating.

In regards to the DNA program, and I strongly support that and so does the gentleman from New York (Mr. SERRANO), the gentlewoman proposed to increase this bill. We fully fund the President's $176 million DNA initiative. This is a $77 million increase, a $77 million increase over the current level. This is the largest increase provided to any State and local law enforcement program. It is an increase of 44 percent.

So I urge rejection of the gentlewoman's amendment. It proposes an unacceptable funding reduction, in addition to the Manzullo reduction, with something that we have had additional funding with a 44 percent increase. I oppose the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Let me first continue to do what I have always done and that is to show my respect for the gentlewoman from Texas who always speaks to these issues with great compassion and with great concern; and under normal circumstances, one could agree with her, but these are not normal circumstances: one, because this budget is so tight; two, as I keep repeating, because I believe the chairman has been very fair in providing dollars; and, lastly, we just had an amendment where we were looking for $79 million for SBA. Well, if I add this correctly, this program went up from last year's just about that amount, $79 million. So this program has done very well.

To now strike at legal activities account for another $10 million, I really do not think it is necessary, and so I would oppose it and hope everyone else would; but in anticipation of a good decision by the gentlewoman from Texas, I will now yield to her.

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, and I do respect his opposition. It comes down to simply the question of whether or not we have enough money, so I respect his responsibility for this particular appropriation.

I would just say to the gentleman that we are both supporters and advocates of a better justice system, and enhanced funding to help with DNA labs across the country, I believe, is an effective way to utilize this money.

To the distinguished gentleman from New York and to the chairman I must say that it is tragic that we have had to take money and spend it on a 7(a) program that should have been funded for small businesses, which I supported, I understand that, but let it be known, as a member of the Committee on the Judiciary, and the work we do as authorizers, that every day we are finding DNA labs across the country that contribute to the backlog. We are backlogged in Washington. These dollars were simply to add that provision.

I accept the responsibility that my colleague has. He has to tighten the belt and to worry about where the money is coming from. I hope that as we look forward to working in conference that we will find a way to be able to address squarely this backlog problem, making sure that DNA labs will be able to function as they should.

With that, I ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Mr. OXLEY. Mr. Chairman, I move to strike the last word.

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

Mr. OXLEY. Mr. Chairman, as many of us know, the Child On-line Protection Act, or legislation better known as COPA, was signed into law on October 21, 1998. I was the author of that legislation, which was designed to shield minors from Internet pornography. And despite my attempt to craft a narrowly tailored requirement involving only commercial, on-line pornographers to screen out minors before they distribute or sell pornographic materials on the Internet, by verifying their clients' adult status through the use of credit cards, adult access codes, or other reasonable technologies, last week the Supreme Court, on a 5-to-4 vote, voted to uphold a preliminary injunction that would block COPA from being implemented. This is now 6 years into this issue.

After COPA was enacted, the Supreme Court ruled that mechanisms designed to filter minors away from graphic and obscene images on the Web may not be the least restrictive alternative available to accomplish our goal of protecting minors from porn on the Internet.

I echo the opinion expressed by Justice Stephen Breyer, who wrote in dissent, ''My conclusion is that the Act, as properly interpreted, risks imposition of minor burdens on some protected material, burdens that adults wishing to view the material may overcome at modest cost.'' In other words, Justice Breyer felt that the burden ought to be on the pornographer, not on the parents to provide this kind of protection for their children.

The popularity and growth of the Internet presents opportunities for minors to access information that can frustrate parental supervision and control. Seventy million individuals visit pornographic Web sites each week, of which about 11 million are minors. This is not a Playboy magazine type of situation. These are very, very graphic and very, very much other than the usual centerfold one might expect. Once posted on the Internet, sexually explicit material has entered all communities and virtually any home that has access to the Internet.

Minors often stumble upon sexually explicit material on the Internet by mistake. To use one example, they use copycat URLs to take advantage of innocent mistakes. A child searching the Internet for the official Web site of the White House can be confronted by hard core pornography by mistyping www.whitehouse.com, rather than www.whitehouse.gov. In my mind, COPA's requirement that purveyors of pornographic material on the Web utilize technological safeguards was the practically available and least restrictive way to limit minors' access.

In light of last week's disappointing decision, I was pleased to see the report language for H.R. 4754, which includes $2.605 million for 25 new positions to investigate and prosecute adult obscenity and child exploitation crimes. This level of funding is in addition to the $5.2 million which is included in this bill for the investigation and prosecution of these crimes by the existing staff at the Department of Justice. My thanks go out to the chairman, the gentleman from Virginia (Mr. WOLF), for his leadership in this regard.

Because of the magnitude of the problem of adult obscenity and child exploitation, I believe these 25 new positions at the Department of Justice are a good start. However, I believe it is not proportionate to the volume of obscenity being disseminated by the Web sites of commercial American pornographers. Type the word ''sex'' into a Internet search engine like Google, and you will get 180 million hits.

Today, pornography accounts for more than one-tenth of all on-line consumer purchases. According to one study, purveyors of pornographic material on the Web earned $12 billion in revenue last year. In the space of a generation, a product that was once available in the back alleys of big cities is now delivered directly into homes by some of the biggest companies in the United States. I have serious concerns that the Congress' $7.8 million is simply not enough to handle the problem.

If the distinguished chairman would join me in a colloquy, I would ask him if he supports the prosecution of adult obscenity and child exploitation crimes.

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

Mr. OXLEY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, my answer is ''absolutely.''

Mr. OXLEY. Reclaiming my time, Mr. Chairman, I look forward to working with the chairman to ensure these crimes are investigated and prosecuted by the Department of Justice.

Mr. WOLF. If the gentleman will continue to yield, as the gentleman said, the bill includes $2.6 million and 25 positions.

Secondly, I want to thank the gentleman, because I went over to the Center for Missing and Exploited Children in Alexandria, and every member of the court ought to go over there and see it. Those two decisions from the court have severely hurt law enforcement with regard to child exploitation.

So, the gentleman from Ohio (Mr. OXLEY) is absolutely right. And if the gentleman comes up with language that he thinks would be appropriate to put on this bill, I will do anything. And I thank the gentleman for what he has done.

I cannot understand, and I stipulate that all the men and women on the court are good people, but I cannot understand. The decision by Justice Kennedy is actually shocking. So I agree with the gentleman, and we will work with him and do anything we can to help.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in order to enter into a colloquy with the chairman and the ranking member, would the chairman allow me to ask a question about the funding for the American Community Survey?

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Virginia.

Mr. WOLF. I certainly will allow the colloquy.

Mrs. MALONEY. Mr. Chairman, I understand the committee has reduced the funding for the American Community Survey by $19 million. I was concerned about that cut, but I have been told that the Census Bureau has assured the committee that these cuts will have no effect on the quality of the survey; is that correct?

Mr. WOLF. If the gentlewoman will yield once more, that is correct. The Census Bureau and the Department of Commerce have informed us that the American Community Survey can be fielded successfully with the funds allocated in the bill. That is correct.

Mrs. MALONEY. I thank the Chairman.

Currently, this bill does not include group quarters in the American Community Survey for fiscal year 2005. My understanding is that the Census Bureau agrees that students in dorms, inmates in prisons, seniors in nursing homes, some assisted living facilities, and those on military bases in the United States do not need to be included in the survey this fiscal year, and this will not impact accuracy for 2010. Is that also correct?

Mr. WOLF. Mr. Chairman, if the gentlewoman will continue to yield, that is my understanding. The Census Bureau has informed the committee that the survey can be fielded successfully in 2005 without including people living in group quarters.

I would also say to the gentlewoman that there is an amendment to this bill by the gentleman from New York (Mr. WEINER) coming up later on today, which will cut $106 million out of Census. With a cut of $106 million out of Census, Katie bar the door. Census will not be able to do the job.

So I appreciate the gentlewoman's raising this. Her questions are exactly right, but with the adoption of the Weiner amendment, everything we are saying would be wiped out.

Mrs. MALONEY. Reclaiming my time, Mr. Chairman, I agree, and I feel that we need to fund the census. We have to get ready for the census that is to come, and if we do not fund it now, then the census will not be accurate when the time comes to go forward and get an accurate accounting of Americans.

Mr. Chairman, if the ranking member, the gentleman from New York (Mr. SERRANO), would allow me to ask a question about the funding for research on migration into and out of the United States, I understand the committee did not fund a new initiative proposed by the Census Bureau. The Census Bureau was going to spend $1.23 million in fiscal year 2005 to improve the migration estimates and demographic analysis.

As my colleague from New York will remember, the Census Bureau estimates failed to capture the dramatic increase in the migration of Hispanics during the 1990s, and as a result, those estimates were seriously flawed. Is it correct that the committee has eliminated funding to improve those estimates?

Mr. SERRANO. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, the gentlewoman is correct, and I share her concern.

During the last 2 decades of the 20th century, the Census Bureau did not provide sufficient investment in these programs to keep up with the changing social and demographic character of the country. Eventually, the system failed, due to lack of attention.

I was encouraged when the President's budget requested funds to reverse that trend. I am going to work with the chairman to see if there is some way we can rectify this situation in conference.

Mrs. MALONEY. Reclaiming my time, Mr. Chairman, I thank the gentleman and I appreciate his efforts to assure funding not only for the 2010 census, but for the many other important programs at the Census Bureau. I believe this small amount of research funding now will pay great dividends

down the road, and that the failure to fund this research will have serious consequences for the accuracy of a great many census programs besides the 2010 census.

Mr. SERRANO. Mr. Chairman, if the gentlewoman will yield once again, I want to thank her for her tireless work on the census. I share her enthusiasm in this area, and I assure her that we will continue to try to make their work easier and better.

Mrs. MALONEY. Mr. Chairman, I thank the chairman and the ranking member.

Mr. CASTLE. Mr. Chairman, I move to strike the last word, and I rise to enter into a colloquy with the chairman, the gentleman from Virginia (Mr. WOLF).

I rise today on behalf of myself, the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Pennsylvania (Mr. PETERSON) to request that as the gentleman moves forward with this appropriation bill, he will work to include language in conference with the Senate that will instruct the Secretary of Commerce, in cooperation with the Secretaries of Energy and Labor, to study the economic impacts of rising natural gas prices on energy-intensive industries in the United States and potential market adjustments, including energy-intensive industries shifting operations overseas.

We are concerned about the growing imbalance between natural gas supplies and the ever-increasing demands of this fuel source. The goal of this study would be to better understand what effects the volatile rise in natural gas prices and decreases in domestic supply have had on U.S. energy-intensive industries, including how they operate their facilities in the U.S., reducing United States production, postponing plant expansions, and shifting work to parts of the world where energy prices are lower.

The U.S. today has the highest natural gas prices in the industrialized world, forcing companies to shift jobs overseas to countries with greater supply and lower energy costs. U.S. chemical companies have lost an estimated 78,000 jobs since the natural gas shortage began in 2000.

Mr. Chairman, these economic numbers are alarming, and we need to take a closer look at how these energy costs are affecting our country's economic recovery. We hope Chairman WOLF will support this request as he undergoes the difficult task of guiding the fiscal year 2005 Commerce, Justice, State and Judiciary appropriations bill through this process. We thank the gentleman for his leadership on these important economic issues.

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

Mr. CASTLE. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, let me tell the gentleman from Delaware that if we can do it, we will do it. We will work with him as we move through the process, but stay in touch as we get ready to go to conference.

I thank the gentleman for raising it, as well as the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Pennsylvania (Mr. PETERSON). I think all three gentleman are right on target, and it is a good idea.

Mr. CASTLE. I thank the gentleman, Mr. Chairman.

AMENDMENT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. CROWLEY:

Page 2, line 7, after the dollar figure insert ''(reduced by $50,000)''.

Page 2, line 11, after the dollar figure insert ''(reduce by $50,000)''.

Page 33, line 21, before the semicolon, insert ''(increased by $50,000)''.

Mr. CROWLEY. Mr. Chairman, it is with no great joy that I rise to offer this amendment. My amendment seeks to transfer $50,000 from the Department leadership account funds at the Office of the Attorney General and shift those funds to the Public Safety Officers Benefits Program under the Office of Justice Program. These funds should be used by the Office of Justice Programs to provide the resources to issue the Public Safety Officer's Medal of Valor posthumously to the 414 public safety officers who lost their lives on September 11, 2001.

After those awful events of September 11, our whole Nation unified together as one people.

□ 1615

We looked with long-deserved respect at our police and fire fighters and emergency medical technicians, as well as court officers, for their heroism and their bravery.

Remember, Mr. Chairman, these are the people who were running into the buildings when everyone else was attempting to escape those buildings. As a posthumous honor for these fallen heroes, I worked with Republicans and Democrats to pass a resolution 2½ years ago, expressing the sense of Congress that the Public Safety Officers Medal of Valor be presented to the public safety officers who had perished for outstanding valor above and beyond the call of duty during the terrorist attacks in the United States on September 11.

That resolution unanimously passed by a vote of 409 to 0. Then under Senator LEAHY's leadership in the Senate, he secured passage of a resolution in that body which was identical to the one that passed here with the unanimous vote just a short while later. While nonbinding, these resolutions put the Congress on record as urging special recognition through the issuance of the Medal of Valor for those individuals. In fact, the authorizing legislation of the Public Safety Officers Medal of Valor allows the special recognition and permits the Attorney General to issue, ''and in extraordinary cases,'' an increase in the number of recipients in a given year for this award.

September 11 was an extraordinary case, and the heroism we saw that day was more than extraordinary. Unfortunately, after a number of meetings with the Attorney General's office and several calls to the White House, still after 2½ years, no action has been taken, nor is it apparent that any action on this issue is forthcoming.

Last year, thank you to the gentleman from Virginia (Mr. WOLF) and to the gentleman from New York (Mr. SERRANO), at my request, they graciously included language in their bill urging the Attorney General to posthumously award the Public Safety Officers Medal of Valor to the 414 public safety officers who perished on September 11 of 2001. I do not understand the holdup of the issuance of this medal.

While I do not begrudge those brave officers who have already received these honors in 2002 and 2003, I believe that the Attorney General should immediately issue these same awards to our heroes of 9/11.

When this amendment passed, and I understand through a negotiation with the majority, they are willing to accept this amendment, it would have been the third time that this House has acted to instruct the Attorney General's Office and the administration to issue the Medal of Valor to those men and women, public safety officers, who fell on 9/11.

We have a medal in place already. We do not need to create a new medal to give to those who paid the ultimate sacrifice and demonstrated the highest acts of bravery on that day. If those who fell on 9/11 do not deserve this medal, I do not know who would. It would be an honor for those who have received it already and an honor for those who will one day receive this medal to know that they are among the 414 men and women who gave the ultimate sacrifice in bravery on 9/11.

Now, it is my understanding in conversations with the administration that there is a hold on issuing this, after 2½ years of foot-dragging on issuing this medal, that there may be an attempt to create a new medal to give at maybe another time. I do not want to specify. I do not know when that time may be, but I would hate to see that this be done for political purposes.

Two and a half years have gone by. Enough time has happened and dragged by. These men and women and their families have been through so much already. They have been anticipating the receipt of this medal, and yet the administration has failed to cooperate and issue this medal to these 414 families who so deservedly are expecting this medal.

I think it is time to put politics aside and stop dragging feet and have this medal that is already in existence. We do not have to create another one. We do not have to spend hundreds of thousands of dollars to create a new medal.

One exists today, already, to give to those families and the men and women who paid the ultimate sacrifice in such a brave way on 9/11.

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment. My dad was a policeman in the city of Philadelphia over 28 years. We will, one, accept the amendment, and what we will do is try to do more than that. We will try to work with the gentleman and his office and call down to the Justice Department.

I will personally place a call to see, I mean, why should we wait until this bill gets signed? Why should we not do something next month, do something in September, do something quickly?

So, one, we will accept the amendment, so it is accepted; but, two, we will make a call and work with the gentleman's office, if he can work with our staff, and we will try to see if we can make a call by the end of this week so he will get some sense of relief.

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

Mr. WOLF. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the chairman's demonstration of desire to make this a reality by what he has just said on the floor, and I too am the son and the grandson of a police officer. And I think most people know that my first cousin was killed on 9/11, John Moran, as well as numerous friends of mine who were police officers and fire fighters. So there is a personal element to this issue as well.

I do appreciate the gentleman's offer to verbally contact the administration and the Attorney General's Office, and I hope, again, that something can be done after 2½ years of really, if nothing else that I can describe, just dragging feet. I wish I had a better answer as to why this has not taken place already. It is not the Senate. It certainly is not you, Mr. Chairman, or anyone in this House.

We have spoken unanimously in the past, and as I said before, this is the third time on the floor that we will have spoken. So I appreciate the gentleman's advice and his counsel on what he will do on his side to make this a reality before this goes any further.

Mr. WOLF. Mr. Chairman, my father's badge number was 3990, and we will get the gentleman an answer by Friday if we can.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to commend the gentleman from New York (Mr. CROWLEY), my friend and colleague, for this effort. Our eyes do not deceive us. It is not $50 million. It is not $50 billion. It is $50,000. But in so many ways it is trillions, because it affects people who have been hurt. And while the gentleman from New York (Mr. CROWLEY) is not to wear this on his sleeve, I happen to know that, as we all do, his family was touched by this tragedy. And so the support that he continues to give the victims and the families is one that makes a lot of sense to all of us.

Again, we have done so much to honor those folks who have served and who gave their lives and the families that were touched; and yet this little symbol, and it is little in the sense of what it costs and yet gigantic in what it means to people, is something that should move ahead.

Mr. FOSSELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend the gentleman from New York (Mr. CROWLEY) and commend the chairman for doing this. There is nothing that can bring back those brave heroes from September 11, but clearly for so many who lost their lives from Staten Island, Brooklyn, and throughout the city and region, this is one way that our country continues to honor them. I think it is fitting, appropriate and overdue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman from Virginia (Mr. WOLF) that the report accompanying this bill calls for an external review of the NOAA laboratories and of the management of NOAA's research activities. As the gentleman knows, these issues have been of great interest to the Committee on Science, and indeed are addressed in an NOAA Organic Act that I recently introduced.

Our committees have worked together on these issues of research management, and I would like some assurance from the chairman that our committees will continue to work together on this matter. I would not want to see any directive coming from the Committee on Appropriations in this or any other bill regarding the management and structuring of science at NOAA that did not reflect agreement between our respective committees.

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

Mr. BOEHLERT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we thank the gentleman for his comments. I appreciate our cooperative relationship, particularly since I have known the gentleman since he was a staffer for Mr. Pirnie and I was a staffer for Mr. Biester a long time ago. Absolutely, I can assure the gentleman we will not direct NOAA to make any changes in the structure of its science programs that the gentleman's committee would not approve.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for that cooperation and assurance.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. BONILLA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–584) on the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

□ 1629

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4754) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 2, line 6, through line 22.

Are there further amendments to this paragraph?

The Clerk will read.

The Clerk read as follows:

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $20,000,000, to remain available until September 30, 2006.

INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

For necessary expenses for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $5,054,000, to remain available until September 30, 2006.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings ''Salaries and Expenses, General Legal Activities'', and ''General Administration, Salaries and Expenses'', and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, the Office of Justice Programs, and the United States Parole Commission, $50,000,000, to remain available until September 30, 2006.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $100,000,000, to remain available until September 30, 2006: *Provided*, That the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $202,518,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $938,810,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended. *Provided further*, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $63,813,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,650,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $639,314,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That none of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

□ 1630

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 5, line 22, strike ''expended:'' and insert ''expended, and of which $1,000,000 shall be available for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373):''.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

Mr. KING of Iowa. Mr. Chairman, I offer this amendment today to enforce existing Federal law that prohibits localities from refusing to allow their officers to report aliens who commit crimes to the immigration authorities. My amendment would provide funding for the Department of Justice to enforce current law, which is section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

Section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 does not allow localities to prevent their police officers from reporting immigration information to the Federal Government. However, some cities have continued to refuse to allow their officers to provide information to the Federal Government. Without this information, the Federal immigration authorities cannot take steps to remove these criminal illegal aliens from American streets. Under these so-called sanctuary policies in certain cities, the police cannot report the illegal aliens who commit crimes to the immigration authorities for deportation.

As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back on to the streets rather than being deported. This sanctuary policy has disastrous consequences for future victims.

Repeat offenses by criminal illegal aliens are preventable crimes. These offenders should have been removed from the United States as soon as their first crime was discovered. Their prompt removal prevents future crimes. We can act to prevent crime by funding enforcement of section 642 by the Department of Justice.

An unfortunate situation that occurred in New York City, a crime that could have been prevented by enforcement of section 642, indicates the urgent need for our action. On December 19, 2002, a 42-year-old mother of two was seized and brutally assaulted in a shanty near railroad tracks in Queens. She and her boyfriend were robbed by a group who then took the woman to the woods, leaving her boyfriend unconscious. During the 2-hour attack, she was abused and her life was threatened. A police canine unit rescued her before her attackers could carry out their deadly threats. In response, the New York Police Department arrested five aliens, four of whom had illegally entered the country and three with extensive arrest warrants in New York City.

This crime could have been prevented. Four of the five suspects had entered the country illegally. Three of these had prior arrests and convictions, and always they were released. Even so, the INS was never contacted about these individuals prior to the 2002 attack. New York City's sanctuary policy prohibited a New York police officer from contacting information authorities about these attackers when they committed their previous crimes or were discovered to be in the United States illegally. As a result, the immigration authorities could not remove these aliens because they did not know that they were illegally present in the United States.

Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country rather than deporting these criminals according to U.S. law.

My amendment will ensure enforcement of the Federal law that can prevent additional heinous crimes by illegal aliens with criminal records. We must not allow criminal illegal aliens whose presence was never reported to Federal immigration authorities due to illegal sanctuary policies to continue to commit brutal crimes.

We must not provide sanctuary to criminals. Please support my amendment, which funds enforcement of section 642 and reestablishes and supports current law.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

My concern is on the germaneness of the amendment. The function that this is involved with has been transferred to Homeland Security, and so I rise in opposition to it. It would earmark funding for litigation support contracts, really earmarking just the Department of Litigation Support Contracts, but I believe all this function has been transferred also to the Department of Homeland Security out of the Justice Department.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

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

Mr. KING of Iowa. Mr. Chairman, I looked into this argument; and to transfer this authority to Homeland Security, there is no existing precedent for enforcement of this law by Homeland Security. It is a legitimate function of the Department of Justice to enforce Federal law; and, in fact, this would be bringing an action against local government. And that is something that there is a precedent for under the Department of Justice, but no precedent for that under Homeland Security. So if this were all transferred to Homeland Security, we would not have action that could be brought by the Department of Justice in many other cases as well as this.

I thank the chairman for yielding to me.

Mr. WOLF. Mr. Chairman, I continue to reserve a point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

As I understand this amendment, this brings us into an area that we have discussed before, and it is this whole issue of local law enforcement involved in immigration activities.

This is interesting. When we took this up before on different occasions, we were able through this amendment to unite law enforcement throughout the Nation because local police departments continue to tell us that it is in their best interest not to appear to the immigrant population to be involved in enforcing immigration law. In other words, what the police departments at a local level want more than anything else is to be able to speak to residents of that community, be they citizens, legal residents, or undocumented aliens, needing their information, needing their support, in dealing with crime in the community.

There are many things that are wrong with this amendment. But the one that I single out is that one because what that does is immediately create a wall between local law enforcement and the immigrant community, saying if I go to him to tell him I know who stole that car, if I go to him to tell him I know who robbed the local grocery store, I am then being faced by a local official who has to by law, in these cases, if these amendments are approved, has to turn me in on my immigration status. And that is totally unacceptable.

So if anything else, I would hope that we fully understand that this does not enjoy the support of local law enforcement and should not be a burden. It is, in fact, and I cannot believe I am actually going to say this in one of my conservative moments, it is, in fact, an unfunded mandate because we are telling them to engage in activities that we are not paying for.

For that reason, I rise in strong opposition and hope the amendment is defeated.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

I will not take the full 5 minutes. I just want to join the leaders of the communities in expressing strong opposition to this amendment. This is not an academic issue in New York City. We had a circumstance after September 11 where FBI agents fanned out into the neighborhoods doing interviews at corner stores in Arab American communities. And the FBI was required to notify the INS anytime they found anything untoward. The word spread within hours, and I think the gentleman from the Bronx would acknowledge this, spread within hours, do not cooperate, do not give the information. The FBI in the City of New York turned to the NYPD and said since they have a trustful relationship with many of these recent immigrants, can they go conduct these interviews.

And a lot of the information that was gathered, including some about threats to blow up the Brooklyn Bridge, was gathered that way. So from a law enforcement perspective, this amendment has no merit. Proof of that is I can read a list as long as my arm of police departments and police organizations who are opposed to this type of initiative. As the gentleman from New York said, they do not want their officers in the position of breaking down what is often years and years of trust because of this type of thing. It is demagogically very appealing to say the minute they find out someone has violated the immigration laws, let us turn them in. But from a realistic, real life, particularly antiterror amendment, one could not imagine a worse amendment.

Mr. KING of Iowa. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

I rise to strike the requisite number of words because I want to thank the chairman and the ranking member for the funding that they put into the MEP program, the Manufacturing Extension Partnership program, and I was not able to be here earlier.

The Members of the House talk constantly about how important manufacturing is to a strong economy, that indeed we cannot have a strong economy if we do not have a strong manufacturing sector. Mr. Chairman, we cannot have a strong manufacturing sector if we do not have strong small manufacturers. The big global manufacturers simply cannot compete if they do not have U.S. small suppliers who are ISO 9000 certified, who are lean and mean, who are high quality, who are high productivity. And if you are one of those small manufacturers like I represent, and so many of the rest that my colleagues represent throughout the country, that have 25 to 60 employees who are struggling hard to meet payroll every single month and facing health care costs increases of 20 percent, who are out there finding customers and orders and dealing with delivery problems, those people just cannot mobilize the time, the focus, the expertise to improve productivity and quality at the pace that our modern economy demands it.

So these Manufacturing Extension Partnership programs are located throughout all 50 States. There are about 400 locations. In Connecticut they are called CONNSTEP. They are one third Federal, one third State, and one third fee based. Our program in Connecticut now is even more fee based. But nationally they have created 35,000 jobs over the year 2002, increased sales by $953 million, retained sales of almost $2 billion, realized cost savings of almost $700 million; and invested $940 million in plant equipment, workforce training, extremely important, and information management systems.

In fact, experts from these centers simply come into a plant, onto the floor with the owner, and help that owner understand, whether he needs to rearrange equipment or make other changes. Does he need to buy new equipment? Is it new manufacturing equipment? Is it new information technology? Is it new energy efficiency capability? Is it a different communications system? And, in fact, they analyze what that small plant can do to do one of two things: improve the quality of the product they are making, improve the productivity.

Without them, the infrastructure that our global manufacturers depend on in America would have disappeared a number of years ago. Without them, lean manufacturing would not have been able to permeate those small manufacturers who day in and day out are struggling to meet payroll in a way that none of us here have to take responsibility for.

So they are important to our very existence as a strong economy. They are important to our global competitiveness. In manufacturing we have developed this remarkable partnership capability to bring to the service of the small manufacturing the engineering expertise, the machinery and equipment expertise, the systems expertise, the ISO 9000 certification expertise, certain expertise in getting European certifications so the small guy can export.

□ 1645

All together, this partnership program has acted exactly like the partnership program we have through our great agricultural extension programs at our Land Grant colleges to help agricultural producers, that is, the farm community, have the expertise they need to develop conservation plans, deal with waste management issues and improve quality of product and productivity in the agricultural area.

We have done very well in agriculture, we have done very well in manufacturing, but we do not know it about ourselves. So this program is always under fire. That is why I have come to the floor to talk about it and to congratulate my friend, the gentleman from Virginia (Mr. WOLF) for standing up for it.

I see my friend, the gentleman from Michigan (Mr. EHLERS), who knows a lot about it and represents a manufacturing community in Grand Rapids, is here to speak also.

This is as important a program, it is as important a partnership, as any single partnership the Federal Government is a part of, bar none, because it not only does the things I have described, but it has helped train workers on more sophisticated machinery, it has helped train workers in language skills, on systems issues and all kinds of things.

I am very proud that our free Nation has understood there is a public-private partnership that strengthens the entrepreneurial manufacturing community and enables us to make good on that promise to our kids, that they will have an economic opportunity equal or better than that of my generation.

This, combined with the Department of Commerce's recent in-depth study on the problems of manufacturing and the issues they are addressing, are going to assure that we will be competitive and strong in the global economy, because we will have a strong manufacturing sector.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentlewoman from Connecticut for her astute comments on the Manufacturing Extension Partnership and the role it plays. I have worked extensively on this issue, because it is under my jurisdiction as chairman of the Subcommittee on Environment, Technology and Standards of the Committee on Science. We have spent a considerable amount of time over this past year working on this issue and have developed a bill which will be on the floor tomorrow which will deal with this.

Everything that the gentlewoman from Connecticut has observed about the program is absolutely true, and it has always puzzled me why there is some opposition to this program.

Just to give an example of the benefits of this type of program, I think one of the finest programs we have had in the Agriculture Department for a number of years is the Cooperative Extension Program, which has been invaluable in getting research out of the laboratory and into the field. It has always amazed me that we have an amazing technology transfer rate in the agriculture arena, because of that program. A laboratory researcher at a university can discover something new one year and the farmers are actually using it in the field the next year, a tremendous accomplishment in terms of transferring technology from the lab to actual operations. We certainly do not do that well in most other fields. We do not do that well in manufacturing.

I find it interesting that we, as a Federal Government, spend $441 million per year for the Agriculture Cooperative Extension Program, and yet we seem to fuss and muss a lot about $100 or $110 million for essentially the same program for manufacturers. At the same time, there are only about 1.5 percent of Americans employed in farming, and there are roughly 14 percent employed in manufacturing. So clearly our priorities are wrong if we think we are spending too much in assisting manufacturers.

The MEP program, Manufacturing Extension Program, is designed to help small- and medium-sized businesses, and particularly provides technology transfer from the lab to the marketplace. In addition to that, it also provides business expertise, as the gentlewoman from Connecticut observed, to assist in exporting, and to assist in getting permits from other countries to export. The MEP program has been a very, very valuable program for small- and middle-sized businesses and, in many cases, has allowed them to increase and become large businesses. So it is an excellent program.

I certainly want to support what the gentlewoman has said. This is a good program for us to do, and I hope that tomorrow we will have the support of a large number of Members as we consider the bill which will reauthorize the program. I certainly support what the chairman of this Appropriations subcommittee has done in allocating money for that program.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, earlier today the Committee on House Administration, which I chair, along with our ranking member the gentleman from Connecticut (Mr. LARSON) and our members, held a hearing on electronic voting system security. A diverse group of technology specialists and election administrators testified before the committee regarding issues relating to the reliability of electronic and computer-based voting systems and discussed what is needed to ensure the integrity of the latest generation of voting systems.

Though a wide range of opinions were offered throughout the course of the hearing, everyone agreed that well-written standards and a rigorous testing and certification process are absolutely necessary for maintaining the integrity of electronic voting systems under the Help America Vote Act of 2002, known as HAVA, of which I am proud to have been a principal author with the gentleman from Maryland (Mr. HOYER) and also the gentleman from Missouri (Mr. BLUNT) and others in the House. That bill is an important bill for voting in the United States, and again, I am proud that that bill has passed.

In that bill, NIST plays a crucial role in both the standards setting and testing and certification processes. First of all, HAVA tasks the director of NIST with chairing the Technical Guidelines Development Committee, known as TGDC, which HAVA created to assist the Election Assistance Commission, known as EAC, in crafting standards to ensure the security and reliability of voting technologies used in our Federal elections.

NIST is also tasked with evaluating testing laboratories and providing recommendations to the EAC as to which laboratories should be accredited for voting systems testing and certification.

Now that jurisdictions across the country are beginning to upgrade their voting systems, the American people demand and deserve to know that the latest generation of voting equipment will cast and count their ballots accurately and will be tamper-proof and free of technical malfunctions, for the purpose of HAVA was to make it easier to vote and harder to cheat.

The successful achievement of this objective of the bill will depend in great part upon the ability of NIST to fulfill its responsibilities under the Help America Vote Act, which in turn will hinge on whether NIST receives sufficient funding specifically allocated for its HAVA-related obligations.

Therefore, I believe it is urgent, and I want to stress urgent, that we get the needed resources to NIST as quickly as possible. I am joining today with my colleague, the gentleman from Maryland (Mr. HOYER), in support of the report language for this bill that urges NIST to devote funds for these functions.

I want to thank the gentleman from Michigan (Mr. EHLERS), who has always supported the idea of NIST. I want to thank the gentleman from Virginia (Chairman WOLF) for his attention to this issue and for his consideration today. I also have been in contact with the gentleman from Oklahoma (Chairman ISTOOK) to see if the money dedicated to NIST, via the EAC, can be included in the Transportation-Treasury appropriations bill.

The vehicle for the funding is not of greatest importance. What is important is that the funding be absolutely provided. Regardless of the vehicle, we need to see that NIST will receive the money it needs to carry out its important statutory obligations.

I would like to note that the White House recently submitted amendments to its fiscal year 2005 budget that would provide an additional $10 million for the Election Assistance Commission. Perhaps funding for NIST to meet its obligations under HAVA could be taken from this amount. I will be talking again to the gentleman from Oklahoma (Chairman ISTOOK).

I want to thank the gentleman from Virginia (Chairman WOLF), and express

appreciation for the diligence of our colleague the gentleman from Maryland (Mr. HOYER) on this issue and the bill.

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

Mr. NEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his statement. I thank the gentleman from Ohio (Chairman NEY) for his leadership on the Help America Vote Act. Without his leadership and strong support, it would not have passed. Indeed, the gentleman from Illinois (Speaker HASTERT), the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations and others were critically important in its passage and funding.

I want to rise with the gentleman from Ohio (Mr. NEY) in strong support of report language that was offered by the gentlewoman from Ohio (Ms. KAPTUR) during the June 23 markup of the bill before us today. I applaud the Committee on Appropriations for including it in the report. I want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their leadership and attention to this very important matter.

That report language reads: ''The committee strongly urges NIST to give priority consideration to Help America Vote Act outreach to the election community; expediting work on a new voting standards accreditation program; and its work with the Technical Guidelines Development Committee working with the Election Assistance Commission. NIST is directed to provide in advance of the fiscal 2006 hearings a report detailing what steps must be taken to bring its activities in line with the timetable established by the act.''

The gentleman from Ohio (Chairman NEY) indicated that the gentleman from Michigan (Mr. EHLERS) had worked with us. In fact, of course, the gentleman from Michigan (Mr. EHLERS) was the principal sponsor in assuring that NIST was included as an integral part of the Help America Vote Act.

Obviously, technology is one of the critical issues in the HAVA proposal, which funds new technology for voting around the country. The gentleman from Michigan (Mr. EHLERS) correctly said that we ought to have the best possible advice regarding technology, and NIST was the agency to provide that.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. NEY) has expired.

(On request of Mr. HOYER, and by unanimous consent, Mr. NEY was allowed to proceed for 4 additional minutes.)

Mr. NEY. Mr. Chairman, I continue to yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, under the Help America Vote Act of 2002, of which I and the gentleman from Ohio (Mr. NEY) were sponsors, NIST is required to conduct several important research and technical projects connected to election reform. NIST is already busy working with the new Election Assistance Commission to advance HAVA's objectives. However, much more must be done if NIST is to fulfill its important role.

As we learned in the controversial 2000 election, voting systems in many parts of the country are antiquated and obsolete. There continues to be controversy about various technologies. NIST can make a critical difference.

As the 2004 election fast approaches, there are concerns in some quarters about the security and reliability of some voting systems. Properly directed, NIST will make a significant contribution, ensuring that new voting systems are rigorously tested, easy to use and maintain, and secure.

I strongly urge NIST to follow the spirit and substance of the report language and give priority consideration to the Help America Vote Act in fiscal year 2005.

Mr. Chairman, I would follow up with the gentleman from Ohio (Chairman NEY) that I look forward to working with him and the gentleman from Oklahoma (Chairman ISTOOK) as we consider the Transportation-Treasury bill and the additional appropriations for the Election Assistance Commission to attempt to get some of the money that NIST needs for 2005 out of the funds that are authorized for the Election Assistance Commission.

Again, I want to thank the gentleman from Virginia (Mr. WOLF), the chairman of this subcommittee, and I want to thank the gentleman from New York (Mr. SERRANO), the ranking Democrat, for their leadership and assistance in this effort, and I thank the gentleman for his leadership and for yielding me time.

Mr. NEY. Mr. Chairman, reclaiming my time just to close on this issue, let me just say that this funding is a critical component. The entire funding where we get to the $3.9 billion, which we have gotten some money and have a little more to go, the gentleman from Illinois (Speaker HASTERT) has been assisting on that funding. We worked with the gentleman from Florida (Chairman YOUNG), as the gentleman from Maryland (Mr. HOYER) mentioned. Originally when this started we went to the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT) at that time. Everybody along the way has been very good on providing the money.

We still have some more components to go, but this particular aspect right now is just so important, to provide this for NIST to be able to really do its job and to interact with the EAC.

Mr. HOYER. Mr. Chairman, if the gentleman will yield further, I want to thank him for his continuing comments and again express, this was probably the most substantive bipartisan bill that passed in the last Congress. The Speaker indicated that and others have as well. If we, however, fail to fund it properly, it will be a promise unfulfilled, and our democracy will not be as well served as all of us hoped when we supported the Help America Vote Act.

Mr. Chairman, I thank the gentleman for his time.

Mr. NEY. Mr. Chairman, reclaiming my time, I agree with the gentleman.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

□ 1700

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I will not take my 5 minutes; I just want to put a statement in the RECORD.

I rise in support of this bill for the Subcommittee on Commerce, State, Justice, the Judiciary, and Related Agencies and to say congratulations to both the chairman and ranking member for their efforts. I know there are particular projects, and I would like to put a special word in for NOAA's Coastal and Estuarine Land Protection Program.

Mr. Chairman, I rise today in support of this bill to fund the Departments of Commerce, Justice, State and the Judiciary.

In crafting this legislation, our appropriators faced the difficult task of adequately funding many national priorities. On balance, they did a remarkable job and have produced a bill worthy of our support.

For sure, there are programs that we would all like to see funded at higher levels. One of particular interest to me and my constituents in Houston is NOAA's Coastal and Estuarine Land Protection Program. This program exists to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, or historical values and are threatened by development or conversion.

In Houston, we are involved in an effort to preserve the Buffalo Bayou, which is the historic waterway on which the Allen Brothers founded Houston in 1836.

NOAA's Coastal and Estuarine Land Protection Program has allowed us to partner with the Trust for Public Land to conserve critical tracts of land along the Buffalo Bayou in order to further our conservation efforts.

Ultimately, we seek to revitalize the Buffalo Bayou in a manner that balances the need to conserve the Bayou's wetlands and waterways with the recreational and business development needed to transform the Buffalo Bayou into an active and vibrant urban waterfront center.

While the House bill provides only $3 million for the Coastal and Estuarine Land Protection Program, I am hopeful that our appropriators will see it fit to raise that funding level during conference.

An increased funding level would allow the federal government to continue its investment in areas like the Buffalo Bayou that have been recognized by this Congress and conservation groups alike as nationally and historically significant areas worthy of preservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $135,463,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $34,463,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,535,000,000; of which not to exceed $2,500,000 shall be available until September 30, 2006, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,238 positions and 10,361 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $172,850,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $172,850,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,220,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, $752,070,000; of which $17,472,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $4,000,000 for information technology systems shall remain available until expended; of which not less than $8,221,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until September 30, 2006: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,578 positions and 4,404 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For construction of United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, $1,371,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, $177,585,000, to remain available until expended; of which not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $7,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,833,000: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

In addition to amounts appropriated by subsection 3(e) of the Radiation Exposure Compensation Act (42 U.S. Code 2210 note), $72,000,000 for payment to the Radiation Exposure Compensation Trust Fund, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $561,033,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1990, in response to more than 100,000 dolphins killed each year by the tuna fishermen, Congress passed legislation that my colleague, Barbara Boxer, and I authored, creating the popular ''dolphin safe'' label on cans of tuna. For over a decade, this label gave consumers the option to purchase tuna with the confidence that the dolphins were not being chased, netted, and killed along with the tuna.

The dolphin-safe label has been a huge success. Since passage of the label, dolphin mortality decreased by 98 percent, to fewer than 2,000 kills each year.

But despite the success of this program, the Bush Commerce Department issued a finding in 2002 that allowed dolphin-safe labels to be placed on tuna harvested through the chase and encirclement method, a manner that kills dolphins.

With this shift in policy, the Commerce Department ignored its own scientific information showing the high dolphin mortalities caused by this harvest technique. Indeed, this change completely undermined the integrity of the dolphin-safe label.

Now, thanks to evidence uncovered by a lawsuit filed against the change, we learn that while the Bush administration was weakening the dolphin-safe label, it knew, it knew that observers from the Inter-American Tropical Tuna Commission on Mexican tuna-fishing vessels were being bribed to misreport tuna as dolphin-safe.

An internal NOAA e-mail states that it ''was common knowledge throughout the fleet that the observers were regularly paid off to misreport what happened during the cruise.''

Yet the Commerce Department argues that these allegations are irrelevant to its decision to relax restrictions on foreign-caught tuna. And the Commerce Department has not provided an explanation for its modification of the scientific data, nor has Commerce taken the steps that we are aware of to address the bribery issues.

Meanwhile, the U.S. pays much more for its fair share to the Inter-American Tropical Tuna Commission, the body allegedly being bribed to look the other way during dolphin kills.

The appropriations bill that we are considering today provides nearly a 40 percent increase for the Tropical Tuna Commission. Yet, the Commerce Department is apparently doing nothing

to ensure that the Tropical Tuna Commission is doing its job.

Without an investigation into these allegations of bribery, and until the Commerce Department decides what science will guide its decisions, we should not be subsidizing foreign fishing practices that damage the dolphin-safe label.

The dolphin-safe label was created at the urging of hundreds of thousands of students from across this country; hundreds of thousands of schoolchildren participated in the process and saw the suggested improvements to protect dolphins enacted into law.

What message is this administration sending to those very same children and to the committed scientists at NOAA by cynically undermining the dolphin-safe label and failing to investigate the allegations of bribery by those who are entrusted to protect the dolphins during the harvest of the tuna, and to make sure that the consumers are aware that, in fact, this is dolphin-free tuna.

Mr. Chairman, I am deeply concerned that we have failed to address these issues while, at the same time, dramatically increasing the funding for the Tropical Tuna Commission.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman in a colloquy on a proposal by the Equal Employment Opportunity Commission to establish a national contact center. Hopefully, we can address the concerns of those Members who have expressed misgivings about this proposal.

Recently, we observed the 40th anniversary of the enactment of the Civil Rights Act of 1964. In the years since the enactment of that landmark legislation, the EEOC has had a pivotal role in fighting discrimination in the workplace and ensuring that all Americans are treated fairly. However, despite the important role of the EEOC, it has experienced the same budget constraints as most other agencies in this bill.

The EEOC sought the assistance of the National Academy of Public Administration in finding ways to streamline its organizational structure and use its personnel to continue meeting its missions in the 21st century.

Among the NAPA recommendations was a proposal to create a National Contact Center using contract employees. The EEOC has proposed to enter into a contract to establish a call center as a 2-year pilot project at an estimated cost of $2 million. Of this amount, $1 million is available through a reprogramming of current-year funding. This bill will provide $1 million in fiscal year 2005.

NAPA made a number of additional streamlining proposals, including possible office closures, which might result in personnel reductions. Although the administration requested funding for a reposition of EEOC resources, the bill does not provide any of the requested increased funding for repositioning because a spending plan has not been submitted to the committee.

Many EEOC employees across the country have heard of these proposals and are worried about losing their jobs as a result of office closures or outsourcing of the call center.

The commission's reorganization proposals, including specifically the National Contact Center, were discussed in detail at a subcommittee hearing earlier this year. At that time, both the gentleman from Virginia (Chairman WOLF) and I expressed concerns about the possible cause of this proposal. Accordingly, we advised the Chair, Cari Dominguez, that the subcommittee expected her to come back to us prior to entry into a contract to establish the call center. Ms. Dominguez made a commitment to us that she would do so. Both the Chair and her staff have continued to reiterate that commitment.

Similarly, Ms. Dominguez has repeatedly reassured the subcommittee that EEOC is not planning to close any of its existing offices or cut jobs or current employees. This bill provides full funding for the commission's current base staffing level.

So I ask the chairman of the subcommittee, is it his understanding that expenditure of any funding in 2005 for the proposed National Contact Center is contingent on the EEOC notifying this subcommittee, consistent with the long-standing requirement of section 605, prior to taking any formal action to obligate the funding?

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

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from New York for raising this issue, because it is a concern for Members on my side of the aisle and for many others, and also for constituents of mine. I want to assure the Members and the gentleman that the subcommittee is aware of these issues and will do everything we can to protect the rights of Federal employees. Ms. Dominguez has promised us, and I went back and I looked in the hearing record the other day, that the commission has no intention of closing offices or cutting jobs of current employees and that she will come to the subcommittee before spending any money on the call center or any other reorganization proposal.

So I completely agree.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the chairman, as always, for his support.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman. I would like to draw the attention of the chairman of the subcommittee to the proposed reductions in the appropriations for NOAA of nearly $400 million.

The appropriation subcommittee over the years, including this one, has been very supportive of the issues dealing with the oceans and those issues that surround our oceans, our exploration, and our coastal problems. I also understand the delicate balance and appreciate the difficulty faced by the subcommittee in allocating limited funds across the board when there are so many pressures. Our oceans and coasts support over 2.8 million jobs, generate over $54 billion in goods and services, and are the most popular destinations for recreation and tourism in the United States.

But I can see next year some major initiatives dealing with the oceans in this particular Congress as a result of the Ocean Commission Report. Some of the more pressing needs include an integrated ocean observing system, ocean science and exploration. We currently know more about the Moon than we know about our oceans. It is important for us to adopt the principles of ecosystem management for our oceans and coasts and focus on control of marine and coastal aquatic invasive species.

So, Mr. Chairman, I would like to work with the gentleman from Virginia (Chairman WOLF) as we move the process along, knowing the difficulties of a limited budget, so that we can continue to fund adequately the science and the kinds of science that NOAA needs.

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

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

In conference last year, the subcommittee worked with the Senate to make NOAA appropriations a priority, with a 15.6 percent increase over fiscal year 2003 levels. The proposed fiscal year 2005 level, I believe, returns NOAA funding to historic levels and allows the subcommittee to restore necessary funding to certain Department of Justice programs, FBI, and also the MEP program that we did for Commerce that were not adequately addressed; also the COPS program, local law enforcement programs in the President's request.

I understand the significance of the coming year, and I saw the ocean reports that came out. I look forward to working with the gentleman who is really a leader on these issues to ensure that every effort is made to maximize funding support for these purposes in this and coming fiscal years.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I thank the chairman. I look forward to working with the gentleman from Virginia and his fine staff.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,988 passenger

motor vehicles, of which 2,619 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,205,028,000; of which not to exceed $150,000,000 shall remain available until expended; of which $916,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which $56,349,000 shall be for the operations, equipment, and facilities of the Foreign Terrorist Tracking Task Force; and of which not to exceed $20,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: *Provided*, That not to exceed $200,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 30,078 positions and 29,102 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $10,242,000, to remain available until expended: *Provided*, That $9,000,000 shall be available to lease a records management facility, including equipment and relocation expenses, in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,461 passenger motor vehicles, of which 1,346 will be for replacement only, for police-type use, $1,661,503,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,440 positions and 8,289 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration: *Provided further*, That not to exceed $8,100,000 from prior year unobligated balances shall be available for the design, construction and ownership of a clandestine laboratory training facility and shall remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $870,357,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2005: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 780, of which 649 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,567,232,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available until September 30, 2006: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $189,000,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by

the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $217,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,255,037,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided,* That funding provided under this heading shall remain available until expended, as follows—

(1) $634,000,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(B) $15,000,000 shall be available for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which not to exceed $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this program; and

(C) $5,000,000 for USA Freedom Corps activities;

(2) $325,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $15,000,000 for assistance to Indian tribes, of which—

(A) $2,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(4) $110,000,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(6) $883,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(7) $50,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(8) $1,979,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(9) $10,000,000 for a prescription drug monitoring program;

(10) $52,175,000 for prison rape prevention and prosecution programs as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Reduction Commission for authorized activities;

(11) $35,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(12) $10,000,000 for a program to improve State and local law enforcement intelligence capabilities including training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process; and

(13) $1,000,000 for a State and local law enforcement hate crimes training and technical assistance program:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses to implement ''Weed and Seed'' program activities, $51,169,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 26, line 16 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $686,702,000, to remain available until expended: *Provided*, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act'') shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.). Of the amounts provided—

(1) $113,000,000 is for law enforcement enhancement grants pursuant to the amendments made by section 253 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004;

(2) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act: *Provided*, That not to exceed 2 percent of such funds shall be available to the Office of Justice Programs for testing of and research relating to law enforcement armor vests;

(3) $60,000,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots'';

(4) $20,000,000 is for Police Corps education and training: *Provided,* That the out-year program costs of new recruits shall be fully funded from funds currently available;

(5) $130,000,000 is for a law enforcement technology program;

(6) $50,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(7) $175,788,000 is for a DNA analysis and backlog reduction program;

(8) $40,000,000 is for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(9) $15,000,000 is for an offender re-entry program, as authorized by Public Law 107–273;

(10) $30,000,000 is for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime; and

(11) not to exceed $27,914,000 is for program management and administration.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 26, line 20, after the dollar amount, insert the following: ''(increased by $106,850,000)''.

Page 27, line 4, after the dollar amount, insert the following: ''(increased by $106,850,000)''.

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $106,850,000)''.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 40 minutes to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and the ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. WEINER. Mr. Chairman, reserving the right to object, the gentleman will be offering a secondary amendment to the amendment? I did not understand.

Mr. WOLF. No, we are not.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

Mr. Chairman, I also want to offer my thanks and gratitude to the chairman and ranking member of the subcommittee who, with great grace and dignity, often have to find ways to put 10 pounds' worth of things into a 5-pound bag.

This amendment is one that simply argues that in one case, the COPS program, we are allowing the program to effectively die in this bill; and we must not have that.

□ 1715

First, some of the facts. The COPS program has been an enormous success. From coast to coast, big towns, small cities, police departments as few as five members and as many as the New York City Police Department of 40,000 have benefited enormously from the COPS program.

Over the course of time, the program has not only shrunk but morphed and become more efficient. Many of my colleagues, including in the city of New York, have suggested, well, we need less money for hiring, but we do need more money for things like radios and equipment and cars. So the program has morphed into a block grant. The problem is, it has also hemorrhaged to an enormous degree.

In 1997, there was $1.3 billion allocated by this Congress just for hiring. In last year's bill, we were down to $219 million. What we see here is how this reorganization happened. We have now block granted the entire program into the COPS Enhancement Grant Program, something that, by the way, I support; it gives greater flexibility to police departments. But the bottom line is, we have reduced this to $113 million.

Again, to reiterate, we have taken a program, an enormously successful program that at its high-water mark reached $1.3 billion, not decades ago but in 1997; we are now proposing to cut that to $113 million.

It is so bad, there is so much demand, there are 2,000 applications for hiring grants totaling $511 million last year. So far, they are only able to provide funding for $385 million of them. That is only 15 percent of the eligible States and localities that have been able to get grant funding, because this program has hemorrhaged so far.

Everyone agrees that it works. John Ashcroft praised the program. The University of Nebraska did a study to show the COPS program in a 5-year period resulted in a reduction of 756,000 violent crimes.

And just a word, a brief word, about the offset. We propose to take the funds, and here I want to thank my colleagues, the gentleman from Florida (Mr. KELLER), the gentleman from New York (Mr. QUINN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Minnesota (Mr. RAMSTED), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Pennsylvania (Mr. PLATTS), to take the money from the largest step-up that is in the bill, which is the Census Bureau.

I have no beef with the Census Bureau. They do a difficult job. They do it every 10 years, and there is a need to ramp it up, but the ramping up that is going on is coming at the cost of the COPS program. Fiscal year 2005, I believe we are going to have other opportunities to ramp up the Census Bureau.

In fact, at this point in the last census, the software for the census had not even been purchased yet. That is how early we are in the process, but I mean no disregard to that bureau. They do an excellent job. Unfortunately, I believe the COPS program deserves greater attention.

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

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

Mr. Chairman, the reduction in the amendment would debilitate the 2010 census, and the census department said it will be the worst census ever in the history of our Nation. Once the cuts are made, there will be no opportunity to restart the program. They said the impact of the cuts, human costs in the loss of more than 1,000 Federal jobs at the U.S. Census Bureau. There is no catching up. The cut wastes the $500 million already spent and adds another $1 billion to the cost for the year 2010 for the census. It would cut the Census Bureau by $106 million, resulting in, as I said, the loss of thousands of jobs.

The bill is already $55 million below the request of the administration. The census is a constitutional responsibility, collected every 10 years to apportion the seats of the House of Representatives. The census is one of America's oldest and most enduring traditions. The first census was collected in 1790. The results were delivered to George Washington during his first term.

The United States is a rapidly changing and growing country. The population has grown by 10 million people since 2000, 10 million since 2000. By 2010, there will be more than 300 million Americans living in America, so we need to keep up and monitor and know about that population.

This population will need more homes, stores, hospitals, roads, new schools, and the information is needed to make good decisions. Most of the data used by State and local governments and the Federal Government have come from the Census Bureau.

Further, the Census Bureau collects mostly all of the Nation's economic data. Gross domestic product is delivered in part by the data of the Census Bureau.

In spite of the unprecedented success of 2000, the General Accounting Office, an arm of the Congress, concluded that Census 2000 was conducted at a high cost and great risk and recommended extensive and early planning for the testing. The funding provided in this bill for the Census Bureau is already scaled back from what the Census Bureau requested to fully fund the planning and testing for the 2010 census and the American Community Survey.

A current Congresswoman informed me earlier today, the gentlewoman from New York (Mrs. MALONEY), who was here today expressing concern that we were even a little bit lower than what the Census Bureau thought was appropriate.

Should there be any additional cuts to the Bureau, there will be both a long- and short-form census that will cost the government upwards of $15 billion.

The budget requests for the Bureau of the Census has already been reduced by $55 million. Further reduction would be irresponsible, as it would endanger our ability to carry out this critical constitutional responsibility.

Regarding the proposed increase to COPS, this bill already significantly improves the President's proposals for State and local law enforcement accounts by providing $886 million above the request. This includes providing an increase of $251 million above the request for programs funded in COPS heading, such as $130 million above the request for law enforcement technologies, $40 million above the request for Meth Hot Spots.

Other important State and local law enforcement programs funded above the request include the Edward Byrne Justice Assistance Grants programs, funded at $125 million above the request, SCAAP funding at $325 million

above the request. In fact, that was zeroed out. Juvenile Justice programs are funded at $105 million above the request.

A further increase above the request is not a high priority, particularly if one were taking it from the Census Bureau, which would pretty much decimate that.

So I strongly urge a ''no'' vote on the Weiner amendment.

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

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

Mr. Chairman, I would just point out, we in this House authorized $1 billion for the COPS program. It is authorized this year at $113 million, and as far as the Census Bureau, I agree they do very important work. In 2000, they acknowledge they made mistakes in the undercount and refused to adjust, so I am not even convinced, if they had the money, they would do it.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. KELLER), the cosponsor of the amendment.

Mr. KELLER. Mr. Chairman, I thank the gentleman from New York for yielding me time.

Mr. Chairman, I rise today in strong support of the Weiner amendment to restore funding for the COPS program to last year's level.

Here is the bottom line. At a time when our homeland security threat levels are up, does it make sense that our funding for COPS should go down? Of course not. Yet this bill cuts the COPS grant programs by nearly half. Common sense suggests that cities all across America would be expanding, not decreasing, their police forces in the face of growing homeland security demands.

Now, Homeland Security Secretary Tom Ridge has consistently said that homeland security starts in our hometowns. I can tell you firsthand that when it comes to making our hometowns safer, there is no Federal program more popular with the sheriffs and police chiefs in Orlando, Florida, than the COPS program.

The COPS program has helped local communities in central Florida and all across the Nation by hiring an additional 118,000 additional police officers. A study by the University of Nebraska found that the COPS program is directly linked to the dramatic drop in crime since 1995. Literally every single congressional district has received funding and has benefited in some way from the COPS program.

The COPS program is popular because it works and because it allows local law enforcement agencies to apply directly to the Department of Justice for the money by filling out a simple one-page grant form.

Now, I have listened to the opponents of the Weiner amendment. They are all reasonable, well-intentioned people. And this is essentially what they have to say: They say the bill is fine the way it is because the $3 billion it provides for State and local law enforcement is over the President's budget request, and that the offset of $106 million from the Census Bureau programs is too much of a cut from the Census budget.

On the surface, that argument sounds pretty good, but it is a bit misleading in three areas: The amount of the funding, the type of the funding, and the supposed cuts from the Census Bureau. In the interest of straight talk, I will squarely address each of these three issues.

First, I will address the amount of funding. The total amount appropriated in this bill for local and State law enforcement represents a cut of $103 million from last year's level. The threat levels are up, yet the law enforcement funding level goes down? No, sir, that dog will not hunt.

Second, I will address the type of funding. While the COPS hiring grants have been cut, other types of funding to State and local police agencies are inadequate replacements because these other types of funding do not go directly to the law enforcement agencies, but rather are sent to the States where much of the money is eaten up in administrative costs; and there is a long delay in getting the money sent to law enforcement agencies. Moreover, even when the local law enforcement agencies finally do get the money, it is usually not used to hire new police officers because they are based on a 1-year grant.

In stark contrast, money out of the COPS program goes directly to the local law enforcement agencies, using a one-page form, and can be used right then to hire new police officers for 3 years without bureaucratic delay, red tape and any unnecessary expense.

The third and final flaw deals with the supposed cuts from the Census Bureau. Here is the deal with that: The Census Bureau programs received an increase in funding levels by 32.4 percent this year. By cutting this dramatic increase down to the more reasonable amount of an 8 percent increase, it will allow us to still increase the Census budget and yet restore the COPS funding levels to last year's appropriated level.

Do our COPS, who are on the front lines of homeland security, not need the money more than the bureaucrats at the Census Bureau?

I urge my colleagues to restore funding to the COPS program and vote ''yes'' on the Weiner amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

First of all, let me go on the record, as I have before and will today and will tomorrow, and say that given an opportunity to have more dollars available to us, the gentleman from Virginia (Mr. WOLF) and I would have done more to provide for the COPS program. I know that. That is not a statement on my part; that is an understanding of his philosophy and what he believes in.

However, in spite of that problem, in spite of the fact that we do not have the dollars in this bill that we want to, because everyone could get up here and tell us what section of the bill should be increased and just about every section, except for a couple that I will mention in a second, could be increased.

In spite of that, it is interesting to know that local law enforcement is $885 million above the President's request in this bill. So there has been a serious effort to deal with this issue.

But here is my problem. My problem is that my colleague from New York (Mr. WEINER), whom I respect and admire, tells us that we can take the money from the census and he, in the process, will devastate not only the Census Bureau but the ability to conduct a census.

If I was to carry this to an extreme, which I never would do, this may be unconstitutional because if there is an issue that is in the Constitution, it is to conduct a census every 10 years. So we do not make those decisions around here.

The Census Bureau, those of us who understand the work, they do fully understand that this cut, which incidentally and we should know this, my colleague, the gentleman from New York (Mr. WEINER), my understanding is will come up with yet a second amendment which cuts more money from the census, so when it is all over today, he will have cut the census by over $225 million.

Well, first of all, 1,000 people would have to be laid off. No one has made a decision in this Congress that those 1,000 people are no longer needed. No one in any of the two Houses has decided that those folks have to go. Yet, this amendment would immediately and arbitrarily decide that those folks have to go.

In addition, we are gearing up for the 2010 census. We are already in 2005, as we speak here today. That means that half the gearing up has been done. One could argue that instead of saving money, this would waste money because all the money that has been spent up to now will be for naught, because obviously the census is not going to be able to function or be conducted the way it should for the next 5 years.

There is a point, however, that is of great interest to me, and that is the census count in the inner cities and especially the census count in the minority communities.

□ 1730

For Hispanics and African Americans and other minorities in this country, there is at times nothing more important than a proper count; and I have been in the past a critic of undercounts, and I continue with the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Virginia (Chairman WOLF) to work with the Census Bureau to get a better count. This would not discuss the issue of a better count. This would discuss the issue of no count at all.

When we speak in the minority community, in the poor community of what we need to do to grow to become part of the American society, we always cite census figures. We say we have grown by this much, and yet our educational level has fallen back by this much. We say we have grown by this much, and yet our per capita income has gone down.

Whatever the issue may be, we run to the Census Bureau to get the numbers to make our argument to build our case that we need help. I would carry this to a point where I say to destroy the Census Bureau, to destroy the next census is a frontal attack on the aspirations of people in my community who need an accurate count and hopefully a better count to make the arguments that we can make.

Now, a lot of what is happening here today, when we say COPS, the program stands for different things, but the short name is COPS, the people right away think of a police officer. Well, my staff just spoke to the City of New York, which always comes up in these discussions. The city folks tell us that because crime is down and the matching funds for any new hires are not in place or not available in New York City's current economy they are not hiring any new cops. So any dollars that supposedly would go to New York would not be available to them at this point. They could not use them.

On the other hand, they say that they look to the census, they look to the next count, they look to the American survey as the one chance that they have to really move ahead and be able to get the dollars necessary for the city in the future, because let us remember, and I will conclude with this, that the census also figures in what different localities get in Federal help based on the population they have.

So for those reasons, and a million more that maybe I will get a chance to elaborate on, I wholeheartedly oppose this amendment and ask for its defeat.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I just want to address a couple of the points that have come up.

First of all, the chairman as addressed many times the level to which we exceed the President's request for COPS. Yes, the President proposed zero for COPS. He proposed zeroing out the program. This is a bipartisan amendment because we think that is bad idea.

The second point that is made is it is going to cost personnel at the Census Bureau. Well, I would just remind my colleagues we do not touch the salaries and expenses line of this budget. We only refer to the part that is periodic censuses and programs, but I can tell my colleagues what eliminating the COPS program has done. It has meant that less cops are on the beat. We have fired cops in the real world because the COPS program is hemorrhaged.

Finally, if I can make reference to the final point of the distinguished ranking member about how the City of New York does not hire cops with its funding anymore. That is exactly right. That is why the program is now in a block grant formula that allows police departments to buy radios, something the city has done; paid overtime, something the city has done; and provided overtime. These are ways that the program has become more responsive in response to some of the objections that our colleagues have raised about the COPS program. In boom hiring times, it hires. Now, we allow it to backfill for overtime and other types of programs.

The City of New York, as we speak, has an application in for the Safe Schools Program, which is part of the COPS program. Well, they are going to get zero with the budget that is before us now. They will get funded with some certitude if the Weiner amendment passes.

I would make one final point to my friends who are supportive of the Census Bureau, particularly my friends, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. SERRANO). If someone comes to this floor right now and says the improved funding will lead to a census undercount adjustment in the year 2010, I will withdraw my amendment; but that is not going to happen. We provided them all kinds of funding, and let me tell my colleagues what happened.

In 2000, the Census Bureau, not courts, not Congress, decided we are not going to do an undercount adjustment. What did it cost? The county of the Bronx, $262 million because of that undercount; the county of New York, $212 million as a result of that undercount; and here we are fighting and scratching to defend their funding. Well, God bless them, but they have already showed that money is not their problem. When we give them more money, they acknowledge an undercount and they still do not fix it.

So I have got to tell to my distinguished colleagues from my hometown of New York, at least we know the COPS funding winds up getting to New York. We cannot say that about census funding.

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

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

I thank the gentleman for his comments. I am ready to yield to the gentleman from Florida (Mr. PUTNAM), the Chairman of the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census; but the account that the gentleman cut with the decennial census does have personnel in it. So he does cut 1,000 jobs, boom, they are gone; and so whether the gentleman is not Xing the counts, he does cut personnel with the amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PUTNAM), the chairman of the subcommittee that has jurisdiction over the census.

Mr. PUTNAM. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF), the distinguished chairman, for yielding me the time.

I rise to oppose this amendment, the Weiner amendment. As chairman of the subcommittee that has oversight over the Census Bureau, I must strongly oppose efforts to take the money needed for the important work that the Census Bureau continues to do for our Nation. I want to offer my support to the full mark of $774 million that was voted out of the Committee on Appropriations.

It is ironic that a Member from an area that was affected by an undercount, that is a critic of the effectiveness of the Census Bureau, would respond by gutting it, by taking boots out of the streets that have the effect of making sure that that undercount does not occur, by finding all of those additional people, by making sure that there is a fair and accurate count. He guts the budget that would correct those types of things.

The Census Bureau is the preeminent provider for the data that keeps our Nation running. We have an economy that is information-based. Without the information to make good decisions our economy and our Nation suffers.

I support the efforts of the Census Bureau to plan an accurate and fair census for 2010, and the planning for that is ongoing. It is not something that we ramp up the year before. The modernization and early planning for census 2010 is money well spent, particularly full funding for the American Community Survey.

We cannot be shortsighted when it comes to the census. The American Community Survey, for example, would give a city like New York that has seen a great deal of change since the last census as a result of horrible events beyond our control in 2001, it would give New York accurate data on an annual basis rather than having to wait an entire decade to reflect the change that occurred there on September 11. The American Community Survey, at its heart, is designed to give areas like New York City, like Washington, D.C., like small Midwestern towns that disappear overnight with the fury of a tornado accurate data on an annualized basis rather than having to wait 10 ears to have good, solid, sound information.

This amendment, the Weiner amendment, drastically reduces the money that the Census Bureau needs to do its valuable work to prepare for the 2010 census and to implement the American Community Survey. They have already sustained a $19 million cut from the President's budget request. The money that is needed for the gentleman from New York's (Mr. WEINER) amendment, regardless of its tremendously good intent, is money that the President and full committee have provided to fund the Census Bureau and the implementation of the ACS that will replace the

long form and provide the detailed demographic and economic data annually for areas around the Nation.

The impact of the cut proposed by the gentleman from New York (Mr. WEINER) and the Weiner amendment will stop the American Community Survey with no opportunity to restart it. It would mean a loss, as the chairman has said, of over 1,000 Federal jobs at the Census Bureau, boots on the ground that could provide the gentleman the accurate count that he is rightfully concerned about; and it wastes the $500 million already invested on the American Community Survey and would add significant new costs to the 2010 census.

The Census Bureau, Mr. Chairman, does important work every day that keeps our economy running. It is important work to plan for the 2010 census and fully implement the ACS. We cannot eliminate this funding, and I strongly urge the House to reject this.

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

Mr. PUTNAM. I yield to the gentleman from New York.

Mr. WEINER. First, I appreciate the gentleman's expertise on this issue. Should I take it from his concerns and comments about the undercount in New York that under his leadership he will commit to doing something the Census Bureau has refused to do, which is a statistical adjustment to take into account the undercount and adjust New York accordingly? I mean, I appreciate the gentleman's protests; but to be honest with him, it was not a shortage of data. It was a shortage of a desire on the part of the Census Bureau to use that data to enfranchise those who were disenfranchised.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, the 2000 census was the most accurate census in this Nation's history. In a Nation as large and diverse as ours, we will never, ever have a perfect count, and they have been doing these since Caesar. There is yet to be a perfect count.

I acknowledge the gentleman's concern with the undercount; and I also acknowledge that gutting their budget, which is what the gentleman's amendment does, will not improve the accuracy of the 2010 census.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I just want to make a couple of quick points here.

Look, the problem is not that there is an undercount. The problem is they discovered the undercount and steadfastly refused to do anything about it. By the way, in the data that we are going to be accumulating over the next 10 years, we can include the number 7,300. That is the number of employed police officers in the State of Florida today as a result of the COPS program. Those are working men and women in my colleague's hometown, in the hometown of the gentleman from Virginia, in my hometown that are simply not going to be there because we are eviscerating the COPS program.

We have taken a $1.3 billion hiring program, and we propose in this budget to make it $114 million, and to say, well, the President said nothing, so we should be thrilled.

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

Mr. WEINER. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Chairman, would the gentleman answer, for the purpose of enlightening the House, how much additional money local law enforcement New York City has received under homeland security grants?

Mr. WEINER. Under homeland security grants, well, frankly, per capita, about one-sixth the amount of Wyoming. Any other question?

Mr. PUTNAM. Mr. Chairman, if the gentleman would yield, give us the bottom line number for those who are not into per capita, how many billions of dollars has New York received since September 2001?

Mr. WEINER. Reclaiming my time, in homeland security funding? Actually, let us talk about how much is cut.

The COPS program at one time funded 7,000 police officers in the City of New York; and by the way, I can check for a moment if the gentleman gives me his hometown how many funds in his neighborhood and that has been steadily slashed.

John Ashcroft, the Attorney General of the Nation of the United States, said that this is the best program to reduce crime. Secretary Ridge said homeland security starts in our hometown. What are we doing? Slashing the COPS program.

I can assure my colleagues, Mr. Chairman, they oppose slashing the COPS program, not knowing my colleague all that well, but knowing how it has been helpful to his community. We are doing it. We are not happy about doing it.

All I am saying is let us bring it to at least last year's level. Do not bring it to what we authorized in the House, $1 billion. I am sure the gentleman voted for it, $1 billion authorization level, $113 million half of what it was last year.

Listen, I do not have any beef with the census; and as I said, the chairman and the ranking member have a Herculean task trying to make these numbers work. All I am saying is this is one program that is a dramatic step up for something that they are trying to ramp up that I think they should, but we have to be sure we do not ramp down the COPS program into the ground in the process. The COPS program will cease to exist effectively.

As of last year, 15 percent of the States that applied got the grants. Effectively, if we cut that in half, do the math, effectively the COPS program is dead.

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

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, while I am extremely sympathetic to the cause my good friend from New York supports, I cannot support this amendment. Taking money from the census planning will cripple that effort and have consequences that will damage the census throughout this decade.

All of our representation in this Congress and our local and State bodies is based on census numbers. The funding that we receive in localities across this Nation are based on census numbers. Working to make it as accurate as possible is absolutely fundamental to the fairness of our democracy.

The 2000 census was the most expensive in history and was not very much more accurate than the 1990 census. Demographic analysis failed to capture the growth in Hispanic migration and, as a result, was of little use in measuring the accuracy of the census.

□ 1745

The census annual estimates of the population were off by almost 8 million in 2000. These and many other errors were the result of a failure of Congress to adequately fund the planning for the 2000 census.

The census is an enormous management undertaking. It is the largest peacetime mobilization the government undertakes. The census requires planning to mobilize hundreds of thousands of workers for a few weeks. In 2000, it took 500 offices and 500,000 workers. The Census Bureau opens those offices, hires a staff, and closes those offices all in a few weeks. Over 100 million forms have to be printed, labeled, and mailed. Those forms have to be returned by mail and the information on them tabulated, and all of this must be done in the 9 months between April 1 and December 31, when the director must submit to the President the State numbers for apportionment.

The budget for 2005 is essential for a fair and accurate census in 2010. The cut called for in this amendment will result in a poorly executed 2010 census. That, in turn, will result in millions of errors that will distort the apportionment of the seats in this House. These cuts will result in a more costly or less accurate census or both.

In this Information Age, we need reliable information in order to make good decisions for this Nation. Without good data, we cannot administer the laws of this country fairly, and I, for one, will continue to do all I can to make sure that the Census Bureau has the capabilities to provide the Congress and the Nation with the ability to provide all of us with high-quality data needed by the public and the private sector and its elected representatives to make informed public policy decisions. Therefore, I urge a ''no'' vote on this amendment.

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

I have yet to hear a single opponent of the amendment say the words ''with

full funding we will have a statistical undercount adjustment.'' And the reason we cannot is that the Census Bureau is not committed to that.

It is not a matter of collecting the information, I say to my colleagues. It is a matter of what you do with it. And simply collecting the information, as we learned in 2000, is not the problem. When you have a Census Bureau that is unwilling to make adjustments, we are arguing for the wrong thing.

I can tell you this though, in the census figures, when they do employment, they are going to have less folks for cops. It is what they will have as a result of this idea of ending the COPS program.

Let us try to remember here what we are talking about. We are talking about a program that has not only hired over 125,000 cops, not only paid overtime in over 4,000 different jurisdictions, not only bought radios and repeaters, and Sprint systems for inside cars in dozens of police forces, it has resulted in the reduction of at least 150,000 violent crimes. It is an enormously successful program. Let us keep our eyes on the ball.

We all recognize here that both programs are good. It is just a matter of whether one will be ramped up very much at the expense of the other. That is all this amendment seeks to do, is to just try to restore the COPS program to a barely living, barely heartbeating pace. If we restore it with my amendment, I want to just caution my colleagues, it will still mean that only 15 percent of the applicants are going to get grants. That is all it means. Last year, they did not accept everyone's applications because we had strangled the money so sharply. They used fiscal year 2003 applications.

If we continue on this path and halve it again, I am convinced, my colleagues, when we come here in future years, the COPS program will cease to exist on almost any level that we know it. We must not allow the structural reforms that we made here to block grant the whole program being an excuse to slash it by 50 percent.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, let me make a few brief comments here. We keep talking about full funding and an adjustment to the census count. We have all been in support of that. But let us remember that perhaps the largest reason why the Census Bureau did not adjust the count was for the tremendous congressional pressure that fell upon it when it was discussing that issue.

Now, that is not going to satisfy the sponsor of the amendment. However, I would like just to alert the sponsor of the amendment that the biggest bump-up this year, or in years past, certainly since September 11 of 2001, has not been the Census Bureau. The Census Bureau is just an easy target because, supposedly, it does not have a constituency, except for poor minorities who want to get counted and do not get counted. The big bump-up has been the Department of Justice, the Department of State, and the FBI. But no one would dare take money from there to pay for cops in the city, because that has big congressional, Presidential, administration and local support.

So if we are going to talk about who to take money from, let us sometimes be courageous enough to take it from where it exists, in bundles, and not where we could cripple the future count in our communities.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume just to respond to two of the points.

First of all, it was the Census Bureau, the Secretary of Commerce, who decided not to do the undercount. You are absolutely right, some of our colleagues opposed it. It was the Census Bureau that took this to the Supreme Court, insisting they had the right, and the Supreme Court agreed with them. They did it, the administration of the agency that you are standing up for did it.

The second point I would make is that 225 Members of this House supported the reauthorization of the COPS program at $1 billion. If you think that this program is some fringe program that very few people care about, I can show you on the map how many police departments have benefited from it. This is an enormously popular program. The difference is that these are cops that go directly to our neighborhoods, directly to our districts, directly to sheriffs' offices. This even bypasses the States, this program is run so well. That is what we have reduced to virtually nothing in this, and that is what we are trying to at least bump up to last year's level. Not an overly ambitious thing, just to last year's level.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Just one last point, Mr. Chairman. I am, for the record, and continue to be a strong supporter of the COPS program. I will be working with the chairman to see how we can get better in conference and will be working with the chairman next year, hopefully, or should I say that next year the chairman will be working with me to make sure that we can bump up the COPS program.

But just for the record, when President Clinton proposed to this Congress the COPS program, it was a temporary program to reach 100,000 new cops. We are at 119,000 cops. So while it is true that we want to do more, let us not paint it as a failure or a shortcoming. In fact, it has produced and accomplished quite a bit.

Mr. WOLF. Would the Chairman tell us how much time is available for both sides?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5 minutes remaining, and the gentleman from New York (Mr. WEINER) has 4 minutes remaining.

Mr. WOLF. Who gets to close?

The CHAIRMAN. The gentleman from Virginia.

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

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I want to thank the chairman and the ranking member of the subcommittee, both of whom I have profound respect for and the difficulty of the job they face. But I think one thing needs to be made very clear. We have had a dramatic, precipitous drop in crime in this country under Democratic Presidents, under Republican Presidents, under Democratic Congresses, under Republican Congresses.

One thing that has been consistent is that, when that happens, although criminologists wring their hands trying to think of reasons, the bottom line is very simple. We, the Federal Government, got off the sidelines and said this is not just a local problem. This is a national priority. And we started systematically helping localities fund a COPS program. And it has worked; as hiring has gone up, crime has come down.

In the midst of all of that, September 11 happened, where we once again wrapped ourselves in the dogma of support for local law enforcement. We needed to do it. This program is the embodiment of a local law enforcement program that works. And what have we done? We have, through the course of time, virtually eliminated it. It is not hyperbole. We now have a $114 million allocation from a high of $1.4 billion. That is the fact.

What I propose to do in this amendment is frankly quite modest. It is to raise it up to last year's paltry level of $230-something million. And again to reiterate, the Census Bureau, while I have my beefs with it and I know other colleagues do, this is not intended to target them. This is intended to simply prioritize a program that we are ramping up towards a 2010 census and a program that is dying a slow death today, and also a program that I think we all agree is the front line of defense in our homeland security plan.

What we need to recognize with this amendment is that we have been given a false choice that the chairman did not choose and I did not choose. It is to take a bill that is underfunded, indisputably underfunded, take programs that are underfunded, even the census line is below the President's request, and what we are trying to do is trying to make a minor change to this one program which will allow the Census Bureau to go on. We do not touch the

personnel line at all. But more importantly, we will allow the COPS program to continue functioning until we can pump some life into it.

We started that process. This Congress authorized the COPS bill that the other body has yet to act on for $1 billion, $1 billion, which is down, but it is still, in comparison to the $114 million that we see in the chairman's mark, obviously, a dramatic increase.

What does my amendment do? It does not stop us from counting people. It does not do that. What does my amendment do? It does not cause a raft of people to be laid off. It says what we are going to do is, we are going to take this ramp-up of the census department, make it a little slower, and we are going to allow the COPS program to breathe, to see another day, in a bipartisan fashion.

The COPS program is probably the most democratic, with a small ''d'' program, that we in Congress act on each year. There is no pattern of urban and rural, no pattern of north and south. Just about every locality, every city and State, every town and sheriff's department gets funds from it. They used to get hiring funds; now they get funds to either allow backfill with overtime or provide other resources to local police departments.

If my colleagues go home today and ask your police department what program do they care most about that the Federal Government provides, they will doubtlessly say, the COPS program, because they have seen it work.

There is a directory the size of a phone book of State, cities, and localities that have gotten aid from the COPS program. We are now at the point where only 15 percent of all of the eligible applicants are getting funding. If we allow this chairman's mark to pass, that number, by theory, will reduce in half, 7 percent.

What are we going to tell our police departments and our sheriffs' offices? Well, you are eligible for the grant, you got it a couple of years ago, but I am sorry, we cannot because we are funding a ramp-up in the Census Bureau. I do not believe they will be very satisfied with that.

I urge a ''yes'' vote on the Weiner/Keller/Ramstad/Quinn/Andrews/Van Hollen/Platts amendment.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend, and I thank the gentleman from New York as well. He and I have talked about this amendment.

I am a very strong supporter of the COPS program, I have been and continue to be a very strong supporter of the COPS program. And what the gentleman's amendment does is dramatically point out that the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) do not have sufficient funds to properly reach the levels that would be appropriate for funding for some very, very worthwhile programs.

On the other hand, when you are in this position, obviously you have to make choices. If you are going to have a zero sum game, that is, add no additional dollars, which would not be allowed, you have to take from some place if you want to increase in another place. The problem with this amendment, as I have told my friend from New York, is not its objective, which is an excellent one, but it is the means that it employs to attain that objective, which will have very serious adverse results, in my opinion.

Now, the gentleman has indicated that he is confident it will have no adverse effect on employment levels. I think that is not the case. It is not the information I have. Now, as I have told the gentleman, obviously, I, as a matter of fact, went to high school a mile down the road from the Census Bureau, so I know something about the Census Bureau. It will, according to the Census Bureau, result in possibly as many as 1,000 RIFs. Now, that is a lot of people.

Now, in addition to adversely affecting the people, the gentleman's amendment will affect the product adversely. Now, what is the product? The product is getting ready for the census of 2010. Now, that sounds very simple, but in fact it is a multiyear process. And if you slow it down, you can never get back that time.

□ 1800

Therefore, although I strongly support the gentleman's objective, I cannot support and will therefore oppose his amendment, the means he employs to obtain that objective. I hope this amendment is defeated not because we should not be expanding the COPS program, but because we should not be doing it in this particular way.

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

I thank the gentleman from Maryland (Mr. HOYER) for his comments. He is exactly right. Also, the COPS program is not authorized. It has not passed the Senate. And as the gentleman from New York (Mr. SERRANO) said, the goal was to get 100,000 cops; and they are well beyond.

I think the important points are the reduction, as the gentleman from Florida (Mr. PUTNAM) said, will actually debilitate the 2010 census, resulting in the worse census ever. If this amendment were to pass for 1 year, we would have arguments in the future about how this count is not right and Members would be up in arms.

Secondly, once the cuts are made, there is no opportunity to restart the program.

The impact of this cut in this amendment: 1,000 jobs would be lost, no catching up, stops the census and this wastes the $500 million already spent and adds another $1 billion to the cost to the census in 2010. I urge strong defeat of the amendment.

Mr. STUPAK. Mr. Chairman, I rise in support and as a cosponsor of this very important amendment.

After 9–11, the Federal Government called upon our States and locals to be even more vigilant and prepared for possible acts of terrorism in addition to their daily responsibilities to protect their communities from routine crime.

However, it doesn't make sense to put a whole lot more on their plates and then cut off the resources to help them meet these obligations. For example, this bill cuts the COPS program by more than 50 percent to $113 million.

That's why I am a proud cosponsor of this amendment to restore funding to the 2004 level—$237 million—for the COPs grant program.

We're not talking about a lot of money. In fact that's just a fraction of the $1 billion authorized that this chamber overwhelmingly approved in the DOJ reauthorization bill.

COPs has been repeatedly slashed over the years.

Mr. Chairman, I am also disappointed with the lack of funds in COPs to provide local and State agencies assistance to upgrade their communications systems so they can talk to each other, no matter the jurisdiction or agency. The lack of interoperable communications was a key factor in why at least 121 firefighters died in the World Trade Center's Towers in 2001.

Last year, Congress provided $84 million in the COPS program for interoperability upgrades, That's not much compared to the $10 billion estimate to make our Nation's first responders fully interoperable.

But this year it was zeroed out. And that's exactly what happened in the Homeland Security appropriations bill this chamber approved last month.

Meanwhile, we know it will cost between $6 billion and $10 billion to make our Nation's public safety agencies and first responders interoperable.

Bottom line: There's an awful lot of talk around here about interoperability, but no real, reliable resources to help make that happen so agencies can talk to each other in times of a catastrophic disaster or terrorist attack.

So Mr. Chairman, I urge my colleagues to support the Weiner-Keller-Stupak amendment to at least bring us back to where were last year.

A 50 percent cut to the COPs grant program is a slap in the face to the millions of police officers who work tirelessly to protect their communities every day.

Mr. QUINN. Mr. Chairman, I rise today on a bipartisan basis to support the amendment offered by my fellow New Yorker, Mr. WEINER, and the gentleman from Florida, Mr. KELLER, that would increase funds for the COPS program to last year's enacted level from what is currently more than a 50 percent cut.

Mr. Chairman, for the past few years, I have worked with countless Members on both sides of the aisle to restore and increase Federal funding for the COPS program. There are few programs that our government funds that work better or more efficiently than the COPS program does. Every day, our police men and women are patrolling our streets, keeping our constituents safe from crime and drugs, and have served as our first responders in times of national crises. Since implementation of the

COPS program in the 90s, our Nation's violent crime rate has plummeted, and at least some of this drop must be attributed to the number of officers put on our streets through the COPS program.

The amendment we are offering today is a modest request for maintaining last year's funding level of $219 million. While the program could definitely use more money, and is actually authorized for FY2005 at $1 billion, we must as a Congress put more highly qualified men and women on our streets and at least fund COPS at last year's level.

In closing, while these are tight budgetary times, I believe that funding law enforcement programs like COPS is a justified use of our limited resources.

Thank you, Mr. Chairman. I urge my colleagues to support the Weiner-Keller-Quinn amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

Mr. WEINER. Mr. Chairman, I move to strike the last word.

I have an amendment that I will not be offering, and I just say to the Chairman of the Committee of the Whole and Members, I have taken a good deal of time on the previous amendment, and I will not offer this amendment. But, frankly, it goes to another real weakness that we have to address, not only in this bill but across Congress.

Last year as we pursued the effort to step up the technology of DNA, we recognized that some fundamental things have been going on in the world for the last 10 years or so. As DNA has become an important crime-solving tool, States and localities have begun the process of databasing samples of DNA of convicted offenders. All 50 States have a program of one size or another, capturing one universe or another of convicted offenders; and we need to get all of them essentially in a giant Federal database so we can solve crimes.

But according to data which was collected, a program funded by this Congress through legislation that I wrote in the Committee on the Judiciary, we have found that hundreds of thousands, in the neighborhood of 600,000, victims of crimes at whose crime scenes evidence has been collected is sitting on the shelves waiting to be analyzed for shortage of only one thing, money.

No one thinks it is good policy. In fact, many of those victims are pressing up against the statute of limitations which means their case will not be able to be prosecuted, even if we get around to testing it.

Included in the report was an assessment that there are not enough crime labs, there are not enough facilities to store samples. There is not enough money to do tests. In the committee mark, the chairman does an excellent job of funding the President's request at $175 million. It is estimated we need three times that amount to be able to start to dig out of the backlog.

There is no doubt in anyone's mind that we have a problem. Of the law enforcement agencies surveyed nationwide for this study, 61 percent said they do not have enough space to store their evidence and had to dispose of some of it; 70 percent said the need for more space is highly critical, and State crime labs have an average of a 23.9-week backlog of analyzing data.

When a detective is investigating a sexual abuse case or rape, if they have to wait 23.9 weeks on average before the evidence is returned to them, they will tell you that justice delayed is justice that is denied.

My final point, we have had 154 cold cases solved because of additional DNA testing that the City of New York has funded on its own. We have leads of 204 more cases. What have they learned as they have done these hits, they have learned what we and criminologists already know, that rape and sexual abuse is a highly recidivistic crime. Someone that goes out and does one, chances are is going to find their way back into the system, having committed the crime again and again, finding more and more victims.

In the last exchange, we talked about how crime has plummeted. The one statistic that has not dropped, rape; rape has not. That has stayed virtually level throughout this decline in crime everywhere in the country. One of the ways we can solve six, seven, eight, or perhaps 10 or 20 crimes is by investing in DNA technology. For those who it catches, it obviously finds justice for those victims; and for those whom it frees, it allows those of us who are strong law enforcement types, like myself, to say that the system is working better.

I will not offer my amendment today because I do not want to rehash the same debate we just had; but I would ask that the chairman and the ranking member strongly consider the need for additional increases, and express my gratitude to them for fully funding the President's request.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentleman not going through this because of the time. I thank the gentleman for that. I did not want there to be any misunderstanding. In the subcommittee mark, there is a $77 million increase over the current level. We also have gone out of our way to make sure there are earmarks.

This is the largest increase provided to any State and local law enforcement program. It is a 44 percent increase. So I do not want the record to indicate that the committee has been slacking. We have really increased it quite dramatically, even more so particularly in a tight budget. But it is an important program, which I strongly support; and I know the gentleman from New York (Mr. SERRANO) strongly supports it also.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I rise to enter into a colloquy with the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO).

Before I begin, I would like to thank the chairman and the ranking member for their support of the Legal Services Corporation. Legal Services funds 143 legal aid programs around the Nation to help poor Americans gain access to the judicial system. I appreciate the bipartisan full funding of the LSC program, and I hope we can work together in the neare future to remove some of the few remaining obstacles that are preventing this program from reaching its full potential.

My primary concern is over the "private money restriction" in this bill that applies to any nonprofit legal services organization receiving LSC funding. This restriction precludes these nonprofits from using any of their private funds—including individual donations, foundation grants, and State and local government funds—for any non-LSC-qualified services.

Non-LSC-qualified services include representing many categories of legal immigrants, including battered women and children; representing mothers in prison trying to maintain visitation and custody of their children; filing class actions to stop predatory lenders from preying on elderly homeowners; and educating people about their legal rights and then offering assistance in enforcing those rights. As a result of the private money restriction, most civil legal services providers are forced to stop providing non-LSC-qualified services altogether. Many of the most vulnerable individuals and families find themselves without access to legal services at all.

LSC recognized that this was a problem, but their attempted "fix" of this problem—allowing organizations to use their own private funds for non-LSC-qualified services only if they create physically separate nonprofits with separate staff, offices, and equipment—is prohibitively expensive and will result in fewer families being served.

There is a much simpler and more effective way to address the problem. Congress should require LSC grantees to abide by the same longstanding rules promulgated by OMB for nonprofit grantees of Federal agencies, by the IRS for all nonprofit 501(c)(3) and (c)(4) organizations, and by the Bush administration for faith-based groups. All of these rules authorize nonprofits receiving Federal funds to engage in various privately funded activities—like lobbying and praying—without requiring them to do so through physically separate entities with separate staff and equipment. I am hopeful that future conversations on LSC funding will consider similar rules so that we can remove the physical space requirement, which will make our LSC-funded providers much more effective.

My colloquy focuses on the issue of concentrated media ownership which has concerned colleagues on both sides

of the aisle. Among the leaders in this fight is the gentleman from New York (Mr. HINCHEY), who unfortunately could not join us on the floor here today.

On June 2 of last year, the FCC voted to further relax the rules on media ownership in a move which many felt threatened the core democratic values of localism and diversity in the media.

As troubling as these new ownership rules were, the process by which the FCC arrived at them was equally troubling. Despite its mandate to include the American public in its rulemaking procedures, the commission held just one public hearing as it wrote these new rules, and it did not release the rules for public comment until just before it voted on them. Our communities were given virtually no say in the type of programming they are subjected to by broadcast television and radio.

Mr. Chairman, on June 24, the U.S. Court of Appeals for the Philadelphia Circuit echoed the voice of the American people and many in Congress by reversing most of the FCC's media ownership rules. As a result, aside from the national media ownership cap that was adjusted by Congress last year, the rules in effect before the FCC's June 2, 2003, decision are again in place.

As the commission begins the process of proposing any new rules, we must make sure that the process is as open and inclusive as possible. Specifically, I believe the FCC should, first, hold a series of public hearings across the country to collect and analyze the various perspectives raised by citizens.

Secondly, allow sufficient time for public comment on the specifics of any proposed rules before the commission votes on them.

And, thirdly, take into account any independent studies of the effect of media consolidation on the level of indecent programming on the public airwaves.

I would ask my colleagues to comment on these expectations.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's comments. The gentleman from North Carolina over the past year has demonstrated that the rules governing media ownership are of great importance to the American people. I agree that the FCC's new media consolidation proceedings should be as open and as inclusive as possible and should include full periods of public comment on proposed rules and full consideration of any relevant independent studies as part of the process.

Mr. PRICE of North Carolina. I thank the gentleman from Virginia.

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

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also offer my strong support for an open, public rulemaking process that includes multiple public hearings, sufficient time for public comments, and any relevant independent studies.

The more than 2 million people who contacted the FCC to register their opposition to the rules offers clear evidence that we cannot rewrite media ownership rules without including the American public in the process. I will be monitoring the FCC's activities closely as it begins this process, and I urge all of my colleagues to do the same.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk which I will not offer, but I would ask the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, if they would comment at the end of my comments.

My amendment would have increased money for ex-offender reentry by $50 million. It is unfortunate, Mr. Chairman, that our country has become the most imprisoned Nation on the face of the Earth per capita. We have about 2 million people in jails and penitentiaries in this country. Each year more than 600,000 of them return home to neighborhoods and communities. Many of them obviously have no place to go. Many of them have no programs to access.

Studies have suggested and have shown that if nothing happens with them, about 67 percent of them will have reoffended within a period of 3 years. About 53 percent of them will be back reincarcerated. In many States and localities, they cannot access jobs. For example, in my State, the State of Illinois, there are 57 job titles that an ex-offender cannot hold by State law without some kind of waiver. For example, an individual cannot cut hair, cannot get a license to be a nail technician, to be a cosmetologist, cannot work around any medical facility, cannot wash dishes in a nursing home or a hospital. So many of these individuals revert right back to whatever it was that got them incarcerated in the first place. That is, they are back on the streets in their neighborhoods hauling pills and thrills, nickles and dimes, whatever it is they have done to become a part of the underground economy.

It would seem to me that it would be far more cost effective if we were to create programs to facilitate their reentry back into society. Therefore, there is a need for far more resources to do so. I must confess I was hardened when I heard the President give his State of the Union address and suggested in that address that we needed to do something more for the more than 600,000 people who return each and every year from our Nation's jails and prisons.

Some communities are far more hard hit than others. Obviously, inner city communities that are severely depressed economically and rural depressed communities end up with the bulk of these individuals. Other communities may not feel them at all, but the reality is that if we want to have the opportunity to move freely throughout our Nation, throughout our country, then we have to do a more effective job of helping reclaim those individuals who have been incarcerated and are back trying to make a new life for themselves.

I would appreciate comments from the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the gentleman from Illinois (Mr. DAVIS) 100 percent. I was in a program called Man to Man with Charlie Harroway before I got elected to Congress. It was a prison reentry program helping men out of Lorton.

□ 1815

And I completely agree with the gentleman. I have been a great fan of Chuck Colson in Prison Ministries for that very reason. And the night the President offered that, I applauded, although I might tell the gentleman I do not think there was an awful lot of applause when he made that comment. There is $10 million in here. We have a budget problem. There is money in Labor-H. There is also money in VA–HUD.

I would urge the gentleman to also talk to the gentleman from Ohio (Mr. PORTMAN). The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Indiana (Mr. SOUDER) have a very good bill. He may very well be on it, talking about re-entry. And I think it is absolutely critical. Unfortunately, we are number one in the world in the number of people in prisons per capita, and we just cannot put people in prison for years and years, no rehabilitation and no training when they come out and expect them as they get out to come back and be productive.

So I completely agree; and as we work through this process, anything I can do to help the gentleman. I just want to ask the gentleman one question: Why can they not cut hair and why can they not do those jobs that he mentioned?

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, in that particular instance, State law prohibits it. There are barriers, hundreds of them, to the successful reentry of these individuals because many people have thought that the best way to handle crime was to have the most severe punishment for individuals that they could come up with. And many of those laws are still lingering on the books in many States

throughout the Nation, and they too need to be revisited.

Mr. WOLF. Mr. Chairman, reclaiming my time, in the book of Jeremiah it talks about justice, and I think the people need justice, but it also talks about righteousness and we have to deal with those. And perhaps there is an opportunity for the Committee on the Judiciary or we would be glad to maybe sometime have a hearing on that issue because I agree with everything the gentleman has said. And I have learned most of this really through Chuck Colson. We cannot just open the gate, allow a man to walk out, and expect him to have the opportunity to make it because he goes back to the same neighborhood, the same environment; and they need training. So as we move along, if we can work with the gentleman and do that. And the Portman-Souder bill, is the gentleman on there?

Mr. DAVIS of Illinois. Yes, Mr. Chairman.

Mr. WOLF. Mr. Chairman, if we can work with him and help him, we will be glad to do that. And I appreciate his bringing up the amendment too.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for his response.

And we are working with the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Indiana (Mr. SOUDER). We are all working on that bill.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Let me first say how I continue to be impressed by the gentleman's passion and ability to present this issue as he presents other issues. He speaks from the heart, and that is something that we always see. And he speaks for people who unfortunately in this society sometimes are totally forgotten. But he is speaking to the right two individuals.

First, no one, no one, does more for the concerns of those inmates than the gentleman from Virginia (Chairman WOLF). The gentleman from Virginia (Chairman WOLF) has through different approaches been careful to make sure that there is not a punishment but a rehabilitation of people, not a forgetting but perhaps a forgiving and a desire to have people be part of the society.

And, of course, as the gentleman knows, I represent an area of the Bronx that has always had an issue of crime and an issue of people wanting to come back into the community and at times being accepted and at times not being accepted.

So I assure the gentleman that we will continue to pay attention to this matter, continue to pay attention to the dollars allocated in the hope that some day this society fully understands the need to rehabilitate and welcome back people in a way that says they did what they did, they paid for that crime, now we want them to be a productive member of society. And I thank the gentleman for his work.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 5, be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 28, line 19 through page 47, line 5 is as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $383,551,000 to remain available until expended, as follows—

(1) $11,484,000 for the court appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $1,925,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(4) $176,747,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $62,479,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $38,274,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,322,000 for legal assistance for victims, as authorized by section 1201 of Public Law 106–386;

(11) $4,458,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40802 of the 1994 Act;

(12) $14,078,000 for the safe havens for children pilot program as authorized by section 1301 of Public Law 106–386;

(13) $6,922,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386; and

(14) $10,339,000 for management and administration not elsewhere specified.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the Act''), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $349,000,000, to remain available until expended, as follows—

(1) $350,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $84,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $20,000,000 shall be for a gang resistance education and training program to be administered by the Bureau of Justice Assistance and to be coordinated with the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Office of Juvenile Justice and Delinquency Prevention; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $10,000,000 for Project Childsafe;

(6) $20,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(7) $10,650,000 for Project Sentry to reduce youth gun violence, and gang and drug-related crime;

(8) $14,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(9) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount in this section may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized, and not more than 2 percent of each amount may be used for training and technical assistance.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $3,615,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $2,795,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated

to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2005.

SEC. 108. The Attorney General is authorized to extend through September 30, 2006, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533).

SEC. 109. (a) None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

(b) The limitation established in subsection (a) shall not apply until 180 days after enactment of this Act.

SEC. 110. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

SEC. 111. (a) Section 8335(b) of title 5, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.''.

(b) Section 8425(b) of title 5, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.''.

SEC. 112. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''§ 5759. Retention and relocation bonuses for the Federal Bureau of Investigation

''(a) AUTHORITY.—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

''(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

''(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

''(i) the Federal service; or

''(ii) for a different position in the Federal service; or

''(2) the individual is transferred to a different geographic area with a higher cost of living (as determined by the Director of the Federal Bureau of Investigation).

''(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

''(1) the period of service the individual shall be required to complete in return for the bonus; and

''(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

''(c) LIMITATION ON AUTHORITY.—A bonus paid under this section may not exceed 50 percent of the employee's basic pay.

''(d) IMPACT ON BASIC PAY.—A retention bonus is not part of the basic pay of an employee for any purpose.

''(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall cease to be available after December 31, 2009.''.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5759. Retention and relocation bonuses for the Federal Bureau of Investigation.''.

SEC. 113. (a) Chapter 35 of title 5 of the United States Code is amended by adding at the end the following:

''SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

''§ 3598. Federal Bureau of Investigation Reserve Service

''(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the 'FBI Reserve Service') for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

''(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

''(c) ANNUITANTS.—If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

''(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

''(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

''(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.''.

(b) The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

''3598. Federal Bureau of Investigation reserve service.''.

SEC. 114. Section 5377(a)(2) of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) a position at the Federal Bureau of Investigation, the primary duties and responsibilities of which relate to intelligence functions (as determined by the Director of the Federal Bureau of Investigation).''.

This title may be cited as the ''Department of Justice Appropriations Act, 2005''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $41,552,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $61,700,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard

to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $401,513,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,509,000 shall be for Manufacturing and Services; $39,087,000 shall be for Market Access and Compliance; $58,044,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $230,864,000 shall be for the United States and Foreign Commercial Service of which $1,500,000 is for the Advocacy Center, $2,500,000 is for the Trade Information Center, and $2,100,000 is for a China and Middle East Business Center; and $26,009,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,393,000, to remain available until September 30, 2006, of which $7,128,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $289,762,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,565,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,899,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $78,211,000, to remain available until September 30, 2006, of which $2,000,000 is for a grant to the National Academy of Public Administration to study impacts of off-shoring on the economy and workforce of the United States.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $202,765,000.

The CHAIRMAN. Are there points of order to the bill?

If not, are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $399,976,000, to remain available until September 30, 2006: *Provided*, That, of the total amount available related to the 2010 decennial census, $173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census, $146,009,000 is for the American Community Survey, and $80,161,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 47, line 8, after ''$399,976,000'' insert ''(reduced by $173,806,000)''.

Page 47, lines 10 through 12, strike ''$173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census,''.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

First of all, I would like to commend the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), ranking member, for the very conscientious job they have done on this bill. They have had a difficult task. There is very much that is good in this bill, and I do not take away from that at all.

Also, I have sat here for an hour listening to the virtues of the Census Bureau; and, indeed, that is a very important function of our government, and I do not want to attack that.

But I do rise today to offer an amendment to reduce the budget for the Census Bureau by approximately $174 million. And the reason for that is that this is a particular thing, and let me read from the bill. $173,806,000 is for the reengineered design process for the short-form-only census. In a time of record or near-record deficits, and at any time, one wonders how in the world we can spend $173 million, almost $174 million, on redesigning a form, and a short form at that. And I think the short form probably does need to be redone, but at what cost? And I would suggest to the gentleman from Virginia (Mr. WOLF) that perhaps they could come back to us next year or the next as we get closer, and we are talking 5 years out, that they could come back to us with a little more reasonable effort about what it takes to redesign a short form. If we do not have people at the Census Bureau, and he talked about the thousand jobs lost and all of that, but if we do not have people at the Census Bureau that have the ability to redesign a form for a whole lot less than $174 million, then we need some new people.

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

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

I rise in strong opposition to the gentleman's amendment. The amendment would strike all funds to conduct a short-form census. In spite of the unprecedented success, as the gentleman from Florida (Mr. PUTNAM) said, in 2000, the General Accounting Office concluded that Census 2000 was conducted at a high cost and great risk. As a result, the GAO recommended extensive and early planning and testing, including re-engineering of the process.

We are already well under way in the planning for 2010 Census. This plan relies on the short-form-only census that

costs for the taxpayer. The cost of returning to the old method would cost a total of $15 billion, $4 billion more than the current plan. The White House statement on the bill states clearly that the funding provided in this bill is the minimal amount viable for the 2010 census. So I urge rejection of the amendment.

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

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I have a lot of respect for the gentleman, but I guess today is beat-up-on-the-census day. But a very short point: it would seem to me in saving dollars, as he wishes to do, the net effect is that we cannot have a census. We cannot take away that much money from the preparation and then conduct the census.

So I am not going to repeat all of the comments I made about the importance of the census. Only one, and that is that the community that I represent in the Bronx, the only way that the poorer communities can get a piece of the pie, be counted properly, is to continue to improve the census in how it is conducted and not devastate it. And, again, I do not know and, in fact, I would venture to say that I do not think the gentleman's intent is to stop the census from taking place because that is a constitutional question; but the effect is that while there may be a census taking place, we do not know what kind of a census it would be because if we cut out all the moneys for the preparation and the setup, there is no way that we can conduct it properly.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in opposition to this amendment for many of the reasons that the gentleman from New York (Mr. SERRANO) and I gave earlier in support of having an accurate census. It takes years of planning for a census, and the funds people would cut today are the funds that pay for that planning. These cuts will result in a more costly or less accurate census or both. We need to put this funding forward now; and if we do not do it now, we will have to pay for twice the work next year, and that really does not save money.

A lot of the questions that are on the American Community Survey and on the census forms are questions that are required by law and are required by a legislative-mandated program. For example, we collect information on income to determine the number of children in poverty, and this data is used to distribute the title I education funds, and that pays for reading teachers and other specialists.

I know that every one of my colleagues has heard from their local communities when these funds are cut, and all of these funding formulas are tied to census numbers. The more accurate the numbers are, the fairer our democracy is.

So those who would cut the funding for this census and offer no replacement for the functions that the census serves, they would have us do without accurate numbers; and in the absence of accurate information, funds get distributed by those who control the purse strings, not based on the merit of the programs or the merit of the numbers.

So I would urge my colleagues to oppose the Hefley amendment in favor of directing Federal funds to where they can do the most good based on accurate census numbers. I urge a ''no'' vote on this amendment.

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

I do not want to extend the debate on the virtues of the census. We have heard the same things over and over again, and all of us agree with that. And I have no desire whatsoever, as the gentleman from New York (Mr. SERRANO) said, to do away with the census. We are supposed to do the census, and we need to do it as accurately as we possibly can. And we are not with this amendment doing away with all the setup for the census. We are doing away with the engineering of one form at the expense of $174 million, the engineering of one form. And we have 5 additional years to look at this and determine what is reasonable. There is going to have to be some money to do this because the form ought to be redone.

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So we have 5 years for them to come back to us with a reasonable figure, and we will grant that figure so they can do it.

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

Mr. WOLF. Mr. Chairman, to close, I yield the balance of my time to the gentleman from Florida (Mr. PUTNAM), the chairman of the Committee on Government Reform's Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.

Mr. PUTNAM. Mr. Chairman, I thank the distinguished chairman from Virginia, and I rise to oppose the Hefley amendment.

Mr. Chairman, it is important that we preserve the American Community Survey for a couple of reasons. One, it is optional. The controversy that has arisen over time is with the intrusiveness of the long form. The ACS replaces that.

But, secondly and even more importantly, the ACS gives communities and States and businesses and demographers annual data, good, solid, accurate annual data, not a snapshot on a decennial basis. If you look at the towns that are wiped out by tornadoes in the Midwest, they have to wait 10 years for the formulas affecting them to be updated. If you look at what has happened to midtown Manhattan since 2001, or northern Virginia, or what happened all around the country for a variety of reasons, the information is not updated until 10 years after the fact. They have to wait until the next big census.

The ACS replaces that with a shorter version that is a sampling of the Nation that is done every year. It is more accurate information, it is more helpful to the local governments who depend upon that information for the formulas that are generated by our government, and frankly, it is less intrusive to the American people.

Defeat the Hefley amendment. Protect the American Community Survey. It is a modernization of the American census.

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

Mr. PUTNAM. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, just very briefly, for instance, I just came across some information, just to give you an idea of what we are up against here.

The Naomi Berrie Diabetes Center of New York Presbyterian Hospital plans to use the American Community Survey data to identify Bronx, that is my district, neighborhoods with demographic characteristics associated with the risk of Type II diabetes in children.

I bring that up because I have been making the argument you have all day long that this information gathered by the census goes beyond what people think. It is vital information needed to provide incredible services to the community. Once they use those numbers based on the census data, they can make their argument before us at a public hearing, or at any kind of institutional hearing, saying we need this kind of help.

Who would have thought that Type II diabetes would be an issue for the census to be helpful with? That is just one of the countless items that they cover. So I say that, and I thank the gentleman for granting me this time, in agreement and in support of the gentleman's comments and words.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, the gentleman's point is well taken.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time having expired, the question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses to collect and publish statistics for other periodic censuses

and programs provided for by law, $171,140,000, to remain available until September 30, 2006, of which $73,473,000 is for economic statistics programs and $97,667,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading ''Bureau of the Census, Periodic Censuses and Programs'' shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $15,282,000, to remain available until September 30, 2006: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $2,538,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For the administration of prior year grants, recoveries and unobligated balances of funds previously appropriated for grants are available only for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,314,653,000, which shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a fiscal year 2005 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2005, should the total amount of offsetting fee collections be less than $1,314,653,000, this amount shall be reduced accordingly: *Provided further*, That not less than 584 full-time equivalents, 602 positions and $78,450,000 shall be for the examination of trademark applications; and not less than 5,435 full-time equivalents, 5,848 positions and $866,007,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 264 full-time equivalents, 271 positions and $36,861,000 shall be for the Office of the General Counsel: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2005 for official reception and representation expenses: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

Upon enactment of authorization to increase fees collected pursuant to 35 U.S.C. 41, any resulting increased receipts may be collected and credited to this account as offsetting collections: *Provided*, That not to exceed $218,754,000 derived from such offsetting collections shall be available until expended for authorized purposes: *Provided further*, That not less than 58 full-time equivalents, 72 positions and $5,551,000 shall be for the examination of trademark applications; and not less than 378 full-time equivalents, 709 positions and $106,986,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 20 full-time equivalents, 20 positions and $4,955,000 shall be for the Office of the General Counsel: *Provided further*, That the total amount appropriated from fees collected in fiscal year 2005, including such increased fees, shall not exceed $1,533,407,000: *Provided further*, That in fiscal year 2005, from the amounts made available for ''Salaries and Expenses'' for the United States Patent and Trademark Office (PTO), the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,547,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $375,838,000, to remain available until expended, of which not to exceed $8,982,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $43,132,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,245,000,000, to remain available until September 30, 2006: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $79,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That, of the $2,337,000,000 provided for in direct obligations under this heading (of which $2,245,000,000 is appropriated from the General Fund, $79,000,000 is provided by transfer, and $13,000,000 is derived from deobligations from prior years), $351,000,000 shall be for the National Ocean Service, $525,700,000 shall be for the National Marine Fisheries Service, $318,500,000 shall be for Oceanic and Atmospheric Research, $698,700,000 shall be for the National Weather Service, $139,500,000 shall be for the National Environmental Satellite, Data, and Information Service, and $303,600,000 shall be for Program Support: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $173,600,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $840,000,000 to remain available until September 30, 2007: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with conservation and habitat restoration of Pacific salmon populations listed as endangered or threatened, $80,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000,000 for traditional loan programs, fishing capacity reduction programs, individual fishing quotas, aquaculture facilities, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished fishery, and the purchase of assets sold at foreclosure instituted by the Secretary: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $52,109,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KUCINICH:

Page 57, line 11, after the dollar amount, insert the following: ''(reduced by $50,000) (increased by $50,000)''.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will control 15 minutes and the gentleman from Ohio (Mr. KUCINICH) will control 15 minutes.

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

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

Mr. Chairman, the Kucinich-Visclosky amendment corrects a significant flaw in the administration's manufacturing policy.

Let us review recent history. During President Bush's term, manufacturing has shrunk, factory jobs have decreased, steel companies have closed; 13 steel companies and 14.6 million tons of capacity have been shut down since this administration took office. Cheap foreign imports are up. The trade deficit is up. This was a $549 billion drag on the economy last year, and that is a record. In other words, on this administration's watch, the manufacturing base of our economy has eroded.

Now, it happens that much of American manufacturing occurs in a few States, and we are in an election year when those States get some attention. After ignoring the deterioration of American manufacturing for most of its term, this administration wants voters to believe that it cares, so the President announced just last month the creation of a Manufacturing Council.

The purpose of the Council, according to a news release, is to ''work with the Commerce Department to advocate, coordinate and implement policies that will help U.S. manufacturers compete worldwide.''

The Council is comprised of CEOs from a number of industries. However, it is marred by the omission of any union representative or, surprisingly, steel industry representatives. Apparently, we have to remind the administration about the importance of steel.

Steel makes the railroads, it holds up the buildings of our cities, it armors our tanks and ships, but basic steel is completely excluded from the President's Manufacturing Council.

All manufactured goods are made by people. Steel is made by people. These people form unions. Union labor built modern America. Union labor builds steel. But the President excluded union labor from his Manufacturing Council.

How can this administration be serious about manufacturing, when it ignores the basic steel industry and union workers? Does it think that buildings build themselves, that cars forge, stamp and assemble themselves, and that America can make basic steel appear by magic? Or does the administration's manufacturing plan actually consist of offshore factories, freely flowing imports and out-of-work American steelworkers?

The Kucinich-Visclosky amendment sends a clear message to the President: Congress believes that a manufacturing policy for America must include the steel industry and the participation of union labor. The amendment accomplishes this by expanding membership on the President's Manufacturing Council to include the steel industry and America's manufacturing unions. The amendment will cut a nominal amount of funding for the President's Manufacturing Council until that essential change is made, but it will have no effect on spending levels of the bill as a whole.

The Visclosky amendment is supported by the steelworkers union, and at the appropriate point in the record, Mr. Chairman, I will insert a letter from the United Steelworkers of America in favor of the Kucinich-Visclosky amendment.

Mr. Chairman, I urge my colleagues to join with me in correcting a significant flaw in this administration's vision for America's future. A ''yes'' vote on the Kucinich-Visclosky amendment will encourage a future for domestic basic steel, a future in which respect, as well as good wages, are paid to unionized American workers.

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

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

Mr. Chairman, I rise in opposition to the amendment. The reason is, the amendment really does not do anything. I just read the amendment. It says, ''Page 57, line 11, after the dollar amount insert the following: 'Reduced by $50,000) (increased by $50,000).' '' So I understand what the gentleman is trying to do, but this does not do it. It just really moves money around.

I understand the gentleman's concern, and I would like to bring to the gentleman's attention to page 46 of the bill, line 22. We put $2 million in the bill for a grant to the National Academy of Public Administration to study the impact of offshoring on the economy and on the workforce in the United States.

I personally believe it is a problem. We have asked the National Academy because they are not involved in the political process. We use them for the FBI reforms and others. So they will look at that issue.

But this amendment, if it had been drafted to do what the gentleman intends it to do, it would be subject to a point of order. Because of that, I object to the amendment and urge a ''no'' vote.

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

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

Mr. Chairman, before I yield time to my good friend, the cosponsor of this amendment, the gentleman from Indiana (Mr. VISCLOSKY), I would like to respond to my good friend from Virginia that it is true that the amendment reduces the spending for the Council by $50,000 and then increases it by $50,000.

Our amendment is intended to condition $50,000 for the Manufacturing

Council on the expansion of its membership to correct a serious mistake, and that is omitting basic steel and organized labor from advising them on manufacturing. The form of the amendment has the effect of referring to floor debate to instruct the interpretation of the bill. The amendment will literally do what we say it will do.

I also want to commend the gentleman for the concern that he has expressed about offshoring of our industries. I think it is important that we pay attention to that. This amendment will help this country put a renewed emphasis on a Manufacturing Council which has a glaring omission: They do not have the steel industry represented on it.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who has been an outstanding champion of American working men and women and the steelworkers, not only in his district, but all across America.

□ 1845

Mr. VISCLOSKY. Mr. Chairman, I want to thank the gentleman for originating the idea for this very necessary amendment; and as my colleague mentioned, the purpose is to point out two very serious flaws with the President's manufacturing council and to work through the adoption of this amendment their correction.

The President in September of last year comprised his manufacturing council theoretically to work with the Commerce Department to advocate, coordinate, and implement policies that will help U.S. manufacturers compete worldwide.

As my colleague from Ohio mentioned, however, the domestic steel industry is not represented on the council. I would point out that since December 31, 1997, 40 companies, more than 40 steel companies, have entered into bankruptcy, many of which have never emerged.

Since December 2000, 35,700 individual workers who were employed in basic steel have lost their jobs. During that period of time since December 31 of the year 2000, we have also seen a decline in tonnage to be produced in the United States by 14.6 million.

We have an industry that over the last 6 years has been in crisis, despite their beginning to come out of that crisis during the last 6 to 9 months. It was a mistake, and it was wrong for the President and the Department of Commerce not to have this very vital industry of our national defense included. They should be.

Secondly, I would note that there is no representative of organized labor on the council. The fact is 2.2 million individual American workers belong to unions and work in manufacturing. We do have Karen Wright, the president of Ariel Corporation, which makes gas compressors in Mt. Vernon, Ohio, on the President's council, but we do not have a member of the Boilermakers. We have Jim Padilla, who is the chief operating officer of Ford Motor Company; but we do not have a member of the United Auto Workers. We have George Gonzalez, who is president of Aerospace Integration Corporation, which is engaged in aircraft modifications; but we do not have a member of the Machinists Union. We have Wayne Murdy, who is chairman of Newmont Mining Corporation of Denver, Colorado; but we do not have a member of the Mine Workers Union. We have Charles Pizzi, president of Tasty Baking Company, a baking corporation headquartered in Philadelphia; but we do not have one member of the Bakery, Confectionery, Tobacco Workers Or Grain Millers.

We have a lot of people making seven-figure salaries on the commission. We do not have people making five figures. We have Daniel Stowe, president of R.L. Stowe Mills, Inc., who is engaged in dyed yarn; but we do not have any members of the Union of Needle Trades, Industrial Or Textile Employees. We have Scott Thiss, who is chairman of S&W Plastics that does acrylic displays; but we do not have anyone from the Graphics Communications Workers. We do not have anyone from the Electrical Workers. We do not have anyone from the PACE Union. We do not have Sheet Metal Workers, Steelworkers, Teamsters or anyone from the United Food and Commercial Workers.

I do think it is important, given the fact that it is the workers for these very companies who are most at risk who have lost their jobs in the tens of thousands be represented on this council; and I would ask that the colleagues of this body adopt this amendment.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume to read a brief statement.

Mr. Chairman, I would like to read a brief statement and then yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

I have here a letter from the United Steelworkers of America, which says,

> The United Steelworkers of America urges your support for an amendment that will be offered by Ohio Congressman Dennis Kucinich and Indiana Congressman Peter Visclosky. The United Steelworkers of America strongly supports the Kucinich-Visclosky amendment to H.R. 4754, because it corrects two substantial omissions from the Bush administration's recently created Manufacturing Council.

They go on to point out that no one from Labor is on the council and also that no one from the steel industry is on the council.

Mr. Chairman, I include this for the RECORD as follows:

UNITED STEELWORKERS OF AMERICA,
AFL–CIO–CLC,
Washington, DC, July 7, 2004.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The United Steelworkers of America (USWA) urges your support for an amendment that will be offered by Ohio Congressman Dennis Kucinich and Indiana Congressman Peter Visclosky to amend the Commerce, Justice, State Appropriations bill. The USWA strongly supports the Kucinich-Visclosky Amendment to H.R. 4754 because it corrects two substantial omissions from the Bush Administration's recently created Manufacturing Council.

The new Council is comprised of CEO's from a number of industries, however, the steel industry was not included; and we can think of no other industry better prepared to offer constructive advice than the newly reconstituted American steel industry. The steel industry has become a national leader in such areas as technological innovation, productivity and labor relations.

The second glaring omission is that no one from labor is included on the Council. The labor movement has worked closely with all of its manufacturing companies to ensure continuing employment opportunities for American workers. The President's Manufacturing Council is seriously handicapped by not having the expertise of American labor in the important areas of health care, pensions and compensation.

The Kucinich-Visclosky amendment would cut a nominal amount of funding for the Council, but will have no effect on spending levels on the bill as a whole. We urge you to vote ''YES'' on the Kucinich-Visclosky amendment and help to ensure a manufacturing council that represents a broader cross section of American society.

Respectfully,

WILLIAM J. KLINEFELTER,
Assistant to the President, Legislative and Political Director.

Mr. Chairman, I would like to say if someone has steel in their State, if they have a mill that was closed down, if they have workers, steelworkers that have been laid off or who face layoffs, if they have a mill which is at risk of closing, if they have retirees whose benefits have been adversely affected by changes in the economy with respect to steel, this amendment is something that they are going to care about because it says that it is time to give steel full status in the direction of America's manufacturing economy.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), an outstanding voice for workers in this Congress and in America.

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Ohio for yielding me this time. I rise in strong support of his amendment.

When I was a child, the three largest employers in my district were a shipyard, a soup factory, and an electronics plant that made radios and television sets. Today, the three largest employers in my district are a mortgage company, a hospital, and the State government. I have seen what it means when your manufacturing base erodes and blows up and shrivels away.

When the country tries to solve this very important problem, we need all voices heard; and it disappoints me that the administration is trying to tackle this problem belatedly, without

hearing the two voices that are so very importantly added by this amendment: the steel industry, without which the country cannot defend itself and cannot continue as an industrial power; and the collectively bargained, duly elected voice of organized labor through labor unions.

Now, I know that sometimes the steel industry disagrees with the administration and, often, organized labor disagrees with the administration. But in our country, we do not just listen to people with whom we agree; we welcome all points of view, all interests so that we can come up with the best policy solution for the country.

The Kucinich amendment adds two very important voices: the steel industry and organized labor. Even if one does not agree with their positions on these issues, their positions ought to be heard as we approach the manufacturing atrophy of the United States of America.

So I would urge everyone who wants all voices to be heard to vote for this amendment which is so very much in the tradition of good government in this country. I urge a ''yes'' vote.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of the debate;

Amendments 4, 7, 8, 9, 10, and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The Speaker pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

□ 1858

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a demand for a recorded vote on amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH) had been postponed and the bill was open for amendment from page 47, line 16, through page 57, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purposes of debate;

Amendments 4, 7, 8, 9, 10 and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment offered by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

□ 1900

Each such amendment may be offered only by the Member designated in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

If there are no further amendments to this portion of the bill, the Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,249,000.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just take this time because I think it is important for Members to understand that when this bill is opened up that means that Members who think that they are protected under this unanimous consent request, they should not assume that if their amendments are at the end of the bill, they can simply come back tomorrow and they will be handled.

The Members need to protect their rights by being here at the time that the amendments need to be called up or else it is possible they could lose their right.

So I think Members needs to understand, everybody cannot go away and have a drink or supper until 9 o'clock. We are here working and if somebody needs to offer an amendment, they need to protect themselves. They cannot protect them if they are not here.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 22, be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 57, line 18 to page 108, line 22 is as follows:

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter, none of the funds made available by this or any other Act for the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2005''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $58,122,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $9,979,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $22,936,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,888,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,177,244,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,471,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of

expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $676,469,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,800,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Department of Homeland Security, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,580,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $68,635,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $21,737,000; of which $1,800,000 shall remain available through September 30, 2006, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $32,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $13,304,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the ''Judiciary Appropriations Act, 2005''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,580,000,000: *Provided*, That not to exceed 71 permanent positions and $8,649,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $319,994,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,426,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $658,701,000, to remain available until expended.

In addition, for the costs of worldwide OpenNet and classified connectivity infrastructure, $40,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $100,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,435,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $345,346,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,640,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,894,000, to remain available until September 30, 2006.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $611,680,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $912,320,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $7,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,482,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,600,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,194,210,000, of which up to $6,000,000 may be used for the cost of a direct loan to the United Nations for the cost of renovating its headquarters in New York: *Provided further*, That such costs, including the cost of modifying such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal of up to $1,200,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings, except that such restriction shall not apply to loans to the United Nations for renovation of its headquarters.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $650,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $26,800,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $4,475,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,356,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,097,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $13,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2005, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2005, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $5,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $51,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants to the Middle East Television Network, including Radio Sawa, for radio and television broadcasting to the Middle East, $601,740,000; of which $6,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization

efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $8,560,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. (a) Subsection (b) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in paragraph (5) by striking ''or'' at the end;

(2) in paragraph (6) by striking the period and inserting ''; or''; and

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

''(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

''(A) to finance acts of international terrorism; or

''(B) to sustain or support any terrorist organization.''.

(b) Subsection (e)(1) of such section is amended—

(1) by striking ''$5,000,000'' and inserting ''$25,000,000'';

(2) by striking the second period at the end; and

(3) by adding at the end the following new sentence: ''Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.''.

(c) Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(6) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.''.

(d) Such section is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection:

''(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

''(1) SURVEYS CONDUCTED.—For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

''(2) CREATION AND PURCHASE OF ADVERTISEMENTS.—The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.''.

(e) Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a plan to maximize awareness of the reward available under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 et seq.) for the capture or information leading to the capture of a leader of a foreign terrorist organization who may be in Pakistan or Afghanistan. The Secretary may use the resources of the rewards program to prepare the plan.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2005''.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,200,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,831,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended: *Provided*, That $100,000 shall be for the Political Prisoner Database.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $334,944,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committee has been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $279,851,000: *Provided*, That $272,958,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the

Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at $6,893,000: *Provided further*, That any offsetting collections received in excess of $272,958,000 in fiscal year 2005 shall remain available until expended, but shall not be available for obligation until October 1, 2005.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $203,430,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $21,901,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $80,529,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement or enforce subsections (a), (e), or (f)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $335,282,000, of which $316,604,000 is for basic field programs and required independent audits; $2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,160,000 is for management and administration; and $2,945,000 is for client self-help and information technology: *Provided*, That not to exceed $1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,890,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $913,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $893,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $20,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2005 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2005 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $322,322,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $14,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $11,400,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2005 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $4,500,000,000: *Provided further*, That during fiscal year 2005 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $12,500,000,000: *Provided further*, That during fiscal year 2005 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: *Provided further*, That during fiscal year 2005 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $128,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $78,887,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $117,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation

shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,227,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,000,000, including not more than $5,000 for the purpose of official representation.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $23,000,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in the Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. The Departments of Commerce, Justice, and State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2005.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2005.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $650,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under

section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided,* That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: *Provided further,* That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further,* That each Department or agency shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 624. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 625. None of the funds made available in this Act may be used to pay expenses for any United States delegation to the United Nations Human Rights Commission if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

SEC. 626. Section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113) is amended by adding the following new subsection at the end:

''(e) CAPITAL SECURITY COST SHARING.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing new, safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

''(2) IMPLEMENTATION.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency's overseas presence.

''(3) EXCLUSION.—For purposes of this subsection 'agency' does not include the Marine Security Guard.''.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $61,000,000 are rescinded.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law, and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this section, in part, expresses a legislative sentiment. The section, therefore, constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

Are there further points of order to this portion of the bill?

If not, are there any amendments to this portion of the bill?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would urge any Members, following up what the gentleman from Wisconsin (Mr. OBEY) said, any Members that have amendments, we have been here since noon and we are waiting on them, so I would urge them, if they are listening, to come to the floor and offer the amendments so we can move the process along. So if Members can hear and are available, we would encourage them to come so amendments could be offered.

AMENDMENT OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PITTS:

Page 67, line 19, after the dollar amount, insert the following: ''(reduced by $25,000) (increased by $25,000)''.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

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

Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) on his leadership in the human rights issues around the world. It is because of his leadership on these issues that I offer my amendment.

Mr. Chairman, the human rights organizations that have produced myriad accounts of torture in detention facilities and prisons around the globe, our own State Department in the annual Country Reports, the Human Rights sections, reports on the use of torture in each nation covered by the report, and our Congress has passed the Torture Victims Relief Act of 1998 to fund recovery programs for victims of torture, both in the United States and abroad.

Men, women, even children have endured torture at the hands of government officials around the world. Although it is difficult to find exact figures, Amnesty International estimates that 117 countries worldwide still practice torture.

My amendment provides $25,000 for the State Department's Bureau of Democracy, Human Rights and Labor to compile and publish a list of foreign government officials who order the use of, are involved in, or engage in torture as defined by the United Nations

against torture and other cruel, inhumane and degrading treatment or punishment.

I have had the privilege but heartwrenching experience of hearing about torture from firsthand accounts of the victims, from a woman in North Korea to firsthand reports in Egypt. We remember one case in Al Qush where a government official, in order to find a criminal, arrested and tortured many of the 1,100 Coptics in order to find someone to confess committing the crime.

In China, there are numerous reports of Tibetan Buddhists, Falun Gong members, house church pastors and congregants, democracy activists who spent time in prison reform camps where they endured torture by communist officials. A recent account, Pastor Gong Shengliang, who may die in prison because of the effects of torture, is ongoing.

In May of last year, the Washington Post detailed a story of Concei da Silva who was brutally tortured in Angola. While in prison, officials hung him upside down, his veins were slashed, chunks of flesh were carved out of his chest with a machete, electricity applied to parts of his body, teeth removed. Awful things have happened.

In Latin America, terrible stories of torture. Sister Dianna Ortiz has spoken out strongly regarding her horrible kidnapping torture at the hands of the Guatemalan security forces.

The torture is horrifying, deeply affecting victims' lives. And those responsible for these crimes should be brought to justice. Unfortunately, in many countries the perpetrators will not be punished for their crimes as torture is systemic.

I and many of my colleagues strongly believe that publicizing the names of those involved in torture, government officials, can help in the campaign to end the use of torture by government officials; and I urge my colleagues to support this amendment that provides $25,000 to the Bureau of Democracy, Human Rights and Labor to compile and maintain a public list of individuals involved in torture.

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

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. I want to thank the gentleman for offering it.

This really follows the principle that was used during the Carter administration and during the Reagan administration by keeping lists. Therefore, if you happen to be going to a country, when you go to China you are able to check to see that X and Y have been tortured, so when you meet with government officials, you can raise those cases. This is the way it was done in the Carter administration and in the Reagan administration.

This is a very good amendment, and I thank the gentleman for offering it, and I rise in strong support of it. I urge that we accept it.

Mr. SERRANO. Mr. Chairman, I join the gentleman from Virginia (Mr. WOLF) in strong support. This is an issue that the chairman has been very strong on. We all are.

The whole situation, however, brings up a question, and I ask the gentleman not to take this as a sarcastic statement; I just need clarification. Does this include any ordering of torture used by a government near to us, like our own government, or is this just for foreign governments?

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

Mr. SERRANO. I yield to the gentleman from Pennsylvania.

Mr. PITTS. The gentleman knows that our policy is not to torture. Our system is progressing in the light of day with the investigations and the prosecution of torture, but this would apply to any government officials who use torture.

Mr. SERRANO. But it would be any foreign government official? I know this sounds like some sort of a sarcastic comment, but I am really trying to get to the bottom of this. Are you only applying this to foreign governments, or could this, in fact, be a question of our own government if, in fact, somebody ordered torture on some people in recent times?

Mr. PITTS. We do not specify, we do not say ''foreign.'' We specify that the State Department compile a list of any government officials who use torture.

Mr. SERRANO. Reclaiming my time, the gentleman does open up an issue which is greater perhaps than what he intended to do, but the possibility exists that if the State Department did its job properly, and in this case it probably will not, we will never get to the bottom of the issue of who ordered torture on some people that we may be dealing with in this country. But, nevertheless, I think it is a great thought and a great idea, and I support it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

So the amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the American Community Survey.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

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

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

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

Mr. Chairman, this is an amendment that denies all funding for the American Community Survey. And if anyone has been listening to the debate early on, the Census has come up numerous times already, and much of what I have to propose here has in many ways has been debated. But I do want to bring it up one more time dealing specifically with the American Community Survey.

One of the reasons why it came to my attention is just recently I received this survey in the mail here in my temporary residence in Virginia. It is rather intimidating and it is rather threatening when you receive this in the mail. And I have the envelope here and right up on the front they have warned me. They said ''The American Community Survey form enclosed. Your response is required by law.''

This was the second time. Evidently, I missed it the first time, so the second time around I have been threatened by the census police that I better jolly well fill it out or the police will be knocking on the door. And that does happen because I have known other individuals who have not filled out the long form, and they come to the door, the police are there deciding they want this information.

It was stated earlier in the discussion about the census that this was certainly the law of the land. The law of the land is very clear that the Congress gave the authority; the Census Bureau certainly does not do this on its own. We, the Congress, gave it the authority to do this. But it just happens to be an authority that we had no right to give. We have no right to give this authority to meddle into the privacy of American citizens.

Article 1, section 2 of the U.S. Constitution mandates a national census every 10 years. I am in support of that, and I vote for funding for a national census every 10 years for the sole purpose of congressional redistricting. But, boy, this is out of hand now. We are talking about hundreds of millions of dollars and it is perpetual. The argument earlier was, we have to have to survey continuously because we save money by spending more money. Ask people a lot of questions, personal questions about bathrooms and incomes and who knows what.

This survey I have got here, here is a copy of it. It is called the American Community Survey. And it says the Census Bureau survey collects information about education, employment, income, housing for the purposes of community uses so that they can do community economic planning.

How did we ever get involved in all of this? It is almost sacred now that we fund these programs and they are going to be perpetual, perpetual meddling in the personal lives of all American citizens, 24 pages here.

I got to wondering, I did not fill it out the first one. I got the second one, and they are threatening me. I know I

did not vote for it, but you who did means, you are ready to send the census police out to get me.

□ 1915

I am getting worried about this. I mean, what is the penalty? So I looked it up, and it is not insignificant. Do you know what my colleagues have done and threatened me with? A $1,000 penalty for every question I do not answer. Wow, that is scary stuff. I had a friend that he did not answer the long form, after a couple of requests, the census police came and knocked on his door and said you better, you better answer all these questions or you are going to be penalized.

So that is the kind of thing that we do and everybody talks about all these wonderful advantages, but it is stuff we do not need. I mean, if we want this information, if people need this information in the communities, they ought to get it themselves. This whole idea that we have to collect all this information for the benefit of our communities to do all this economic planning, I mean, it is just so much more than we need, and we are not talking about 10 or $15 million. We are talking about hundreds of millions of dollars, and it is not just every 10 years.

It is continuous with this perpetual threat, you tell us what we want to know and we are going to put it into the record, and if not, for every question you do not answer, we can fine you $1,000 if you do not tell us your age and where you work and how far you have to go to work and how long it takes you to go to work.

I mean, this is way too much of Big Brother. Let me tell my colleagues, I think the American people cannot be very happy with all this meddling.

So my proposal is let us at least get rid of the American Community Survey, which is the ongoing nuisance that we put up with, and limit what we do here to what the Constitution has told us we can do and what we should do, and that is, count the people every 10 years for the purpose of redistricting. But big deal, who cares. For all we do around here, how often do we really pay attention to the details of the Constitution?

So I ask my colleagues to support this amendment and cut this funding.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

I rise in opposition. The census is one of the oldest civic functions of our Nation. Article I of the U.S. Constitution requires enumeration of the population every 10 years. The census is the largest peacetime mobilization of our government personnel.

The American Community Survey is designed to replace the long-form portion for future decennial censuses, therefore leaving only the short-form portion.

Many Americans found that filling out the long-form survey to be burdensome, and many said this contributed to the declining response rate of the long form, therefore costing the American taxpayer more money to have census takers returning to the nonresponding households.

The Committee on Government Reform and the Committee on Appropriations have worked to ensure that the Census Bureau has the necessary funding to carry out its mission and to ensure that for 2010 there will only be a short form census.

The question of constitutionality of the American Community Survey is not new. On April 4, 2002, the General Accounting Office responded to the vice-chairman of the Committee on Government Reform's request for an opinion. The GAO stated, ''Census clearly has authority to conduct the ACS.'' There is sufficient legal authority.

If we do not fund the ACS, we will ensure we have a two-form census in 2010, which will cost an additional $4 million for the taxpayer.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the Paul amendment. This amendment would kill funding for the American Community Survey, which is one of the most exciting and innovative improvements to the Census in decades.

The American Community Survey is a new approach for collecting accurate, timely information needed for critical government functions such as funding highway planning, school lunch programs, and community block grants.

The decennial census used to have two parts: (1) it counted the population for reapportionment and redistricting purposes; and (2) it obtained demographic, housing, social, and economic information by asking one out of every six households to fill out a "long form."

This data has been used for the administration of Federal programs and the distribution of billions of Federal dollars funding.

Planners and other data user had to rely on long form information that was only gathered every ten years to make decisions that were expensive and affected the quality of life for thousands of people.

In a nation changing as rapidly and profoundly as ours, using eight, nine or even ten-year-old data was simply unacceptable.

Starting in 1996 the Bureau began developing the American Community Survey to replace the long form. It had three main purposes:

1. To provide Federal, state, and local governments an accurate information base for the administration and evaluation of government programs.

2. To improve the 2010 Census by allowing everyone to only be required to fill out the short form, and

3. To provide data users with timely demographic, housing, social, and economic data updated every year that can be compared across states, communities, and population groups.

In order to insure that the data are available for use in time for the 2010 Census we must fund as completely as possible the ACS for this next fiscal year.

It is also important to point out that Congress mandates every question asked by this survey.

If this amendment were to pass, every one of these questions would still be asked, but the Census would have to use the old-fashioned, less effective long form method.

Finally, I want to take notice of the fact that there have been several amendments offered today which reduce or zero out funding for various aspects of the 2010 Census development. Members need to understand that funding cut today cannot just be added in three or four years from now. It takes time to develop an excellent Census and Congress should give the Bureau the time it needs to create that Census.

I urge my Colleagues to stand up for our communities and states and oppose the amendment to kill the American Community Survey.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 92, line 16, before the colon insert the following: '', of which $13,000,000 shall be available for microloan technical assistance, and of which $1,000,000 shall be transferred to and merged with appropriations for 'Business Loans Program Account' and shall remain available until expended for the cost of direct loans''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 6 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

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

I rise in support of the amendment. We worked with the gentleman from New York (Mr. SERRANO), the ranking member, on this amendment. It restores the microloan program. We are in agreement, and I ask that the amendment be approved.

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

The CHAIRMAN. Does the gentleman from New York (Mr. SERRANO) rise to claim the time in opposition, even though he is in favor?

Mr. SERRANO. Mr. Chairman, let me first clarify something. Am I correct in that there has been a mix-up here and I am no longer allowed to strike the last word on a pro forma basis?

The CHAIRMAN. The pro forma amendments are in order on the bill and not to the amendments.

Mr. SERRANO. Mr. Chairman, I should have read the small print.

Mr. WOLF. Mr. Chairman, would it be possible to reclaim my time?

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. WOLF) reclaims his time.

There was no objection.

Mr. WOLF. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5½ minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I just want to thank the chairman for this amendment. This amendment is one that committee members and other Members had asked for, and it is important that we move ahead on it.

We had a long discussion before on the 7(a) loan, and we passed an amendment. We needed to take care of this one which we already had agreed on in order to really move ahead the support that we put forth for the SBA and for the various loans, and so I am a full supporter, and I thank the chairman for bringing it forward.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me, and Mr. Chairman, I rise in strong support of this bipartisan amendment which the gentleman from Virginia (Mr. WOLF) has offered to restore funding for the Small Business Administration's microloan program, and I want to thank the gentleman from Virginia (Chairman Wolf) and the gentleman from New York (Ranking Member Serrano) and both of their staffs for their good work in bringing the amendment to the floor.

The SBA microloan program began as a 5-year pilot in 1991; and throughout its existence, the program has had strong bipartisan support in both Chambers.

The Small Business Programs Reauthorization Amendments Act of 1997 made the microloan pilot a permanent program, and the accompanying House report in 1997 stated: ''Begun in 1991, this program has served the smallest and often least noticed section of the small business community. The committee has recognized the efficacy of this program and changed it from demonstration to permanent program status.''

Today, 170 microloan intermediary lenders nationwide provide loans to our smallest businesses whose financial needs can often not be met by traditional lenders.

Since its creation, the program has provided $213 million in loans, as well as technical assistance to 19,000 microenterprises; and in the process, it has created 60,000 jobs. We should remember that the average loan here is about $12,000, well below other SBA programs and far below conventional business loans by banks.

Most importantly, microloans have assisted large numbers of women- and minority-owned businesses, rural businesses and start-up businesses.

The microloan program is the only SBA program to offer both loans and technical assistance to small businesses, a combination that enables an entrepreneur with a good idea to become a businessperson with a good bottom line.

In my district, one intermediary, the Western Massachusetts Enterprise Fund, has made 113 loans totaling over $1.4 million, and that program has made a difference for many entrepreneurs, providing the financing and technical assistance necessary to launch or expand their businesses.

If we fail to restore funding for the microloan program, we will hamper the efforts of small entrepreneurs nationwide. Small businesses bring innovative ideas to market and create much-needed jobs.

I urge a "yea" vote on the Wolf-Serrano amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PAUL:

Insert before the short title at the end of the bill the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the Controlled Substances Act for the purpose of relieving or managing pain; or

(2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or

(2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

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

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

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

Mr. PAUL. Mr. Chairman, what this amendment does is it denies funding to the Department of Justice to prosecute doctors for prescribing legal drugs.

The reason I bring this up is to call attention to the Members of a growing and difficult problem developing in this country, and that is, that more and more doctors now are being prosecuted by the Justice Department under the laws that were designated for going after drug kingpins, for illegal drug dealers; but they are using the same laws to go after doctors.

It is not one or two or three or four. There are approximately 400 doctors who have been prosecuted, and I know some of them, and I know they are good physicians; and we are creating a monster of a problem. It does not mean that I believe that none of these doctors have a problem. As a physician, I know what they are up against and what they face, and that is, that we have now created a system where a Federal bureaucrat makes the medical decision about whether or not a doctor has prescribed too many pain pills. I mean, that is how bureaucratic we have become even in medicine; but under these same laws that should be used going after kingpins, they are now being used to go after the doctors.

As I say, some of them may well be involved in something illegal and unethical; and because I still want to stop this, this does not mean I endorse it, because all the problems that do exist with some doctors can be taken care of in many different ways. Doctors are regulated by their reputation, by medical boards, State and local laws, as well as malpractice suits. So this is not to give license and say the doctors can do anything they want and cause abuse because there are ways of monitoring physicians; but what has happened is we have, as a Congress, developed a great atmosphere of fear among the doctors.

The American Association of Physicians and Surgeons, a large group of physicians in this country, has now advised their members not to use any opiates for pain, not to give adequate pain pills because the danger of facing prosecution is so great. So the very people in the medical profession who face the toughest cases, those individuals with cancer who do not need a couple of Tylenol, they might need literally dozens, if not hundreds, of tablets to control their pain, these doctors are being prosecuted.

Now, that is a travesty in itself; but the real travesty is what it does to the other physicians, and what it is doing is making everybody fearful. The other doctors are frightened. Nurses are too frightened to give adequate pain medications even in the hospitals because of this atmosphere.

My suggestion here is to deny the funding to the Justice Department to prosecute these modest numbers, 3 or 400 doctors, leave that monitoring to the States where it should be in the first place, and let us get rid of this

idea that some bureaucrat in Washington can determine how many pain pills I, as a physician, can give a patient that may be suffering from cancer.

I mean, this is something anyone who has any compassion, any concern, any humanitarian instincts would say we have gone astray; we have done too much harm; we have to do something to allow doctors to practice medicine. It was never intended that the Federal Government, let alone bureaucrats, interfere in the practice of medicine.

So my suggestion is let us take it away, take away the funding of the Justice Department to prosecute these cases, and I think it would go a long way to improving the care of medicine. At the same time, it would be a much fairer approach to the physicians that are now being prosecuted unfairly.

□ 1930

And let me tell you, there are plenty, because all they have to do is to be reported that they prescribed an unusual number of tablets for a certain patient, and before you know it, they are intimidated, their license is threatened, their lives are ruined, they spend millions of dollars in defense of their case, and they cannot ever recover. And it is all because we here in the Congress write these regulations, all with good intentions that we are going to make sure there is no abuse.

Well, there is always going to be some abuse. But I tell you there is a lot better way to find abusive doctors from issuing pain medication than up here destroying the practice of medicine and making sure thousands of patients suffering from the pain of cancer do not get adequate pain medication.

Mr. WOLF. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume. At this point I just want to say that my mom died of cancer, my father died of cancer, and I would have done anything to help them, and OxyContin can make a big difference. But there has been a lot of abuse. There have been a lot of doctors that have been doctor factories that are just prescribing this.

There were some in my area, and I have seen families that have been devastated in southwest Virginia. I understand what the gentleman from Texas (Mr. PAUL) is saying, but in southwest Virginia, in the rural areas down in Lee County, there is probably not a family that has not been impacted by the abuse of prescriptions. So it is a balance.

I understand the gentleman, being a doctor, how he feels, but there are cases where there is tremendous abuse. That is why I think we have to keep monitoring this.

Mr. SOUDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, Mr. PAUL. This amendment would have the practical effect of putting doctors above the law. It would prevent the federal government from taking action against a doctor who abused his privilege of issuing prescriptions for controlled substances, including addictive and dangerous drugs like Oxycontin. While I have great respect for doctors, and I know that the vast majority of them are honest, law-abiding and motivated solely by their concern for their patients, we can't exempt them from our drug laws.

First, there is no evidence that the federal government is "persecuting" doctors for prescribing pain killers. Last year, in fiscal 2003, only 50 doctors nationwide were arrested for illegal prescriptions. That is only five one-thousandths of one percent (.005%) of all the doctors who have DEA licenses to write prescriptions. No one can seriously argue that the DEA is engaging in some kind of campaign to stop doctors from writing prescriptions for pain killers.

Second, the tiny number of physicians who were arrested were not arrested just because they prescribed pain medication. They were arrested because they abused the public trust and the clear standards of the profession set by their peers. These were essentially drug dealers hiding behind a white coat. They used their professional status to obtain sexual favors, drugs, and money.

Last year, six doctors were arrested for trading drug prescriptions for sex. Twenty-three doctors were arrested for writing prescriptions in exchange for money, four doctors were arrested for issuing prescriptions in exchange for other illegal drugs, and seventeen were arrested for writing prescriptions to obtain drugs to feed their own drug habits. (I am attaching a listing of those arrests, provided by the DEA, to my statement for the RECORD.)

Let's take a look at some examples. Dr. Bernard Rottschaefer was convicted last March for writing 153 illegal prescriptions for painkillers; five women testified that he demanded sex in exchange for those prescriptions, usually for Oxycontin. Another doctor wrote them in the dressing room of an adult nightclub, and another issued prescriptions for sex, firearms, lawn and farm equipment, and labor on his personal property. I don't think anyone in this House would want to give people like that a blanket immunity from the law.

Now, it may be argued that the amendment would only prohibit enforcement when drugs are prescribed "for the purpose of relieving or managing pain". But this distinction is meaningless—because anyone who uses a narcotic can argue that it is to relieve pain. When dealing with problems like drug trafficking and abuse, we can't just rely on the word of drug dealers and addicts. Instead, current law already recognizes a reasonable judge of the conduct of doctors—the professional standards set by their peers. I would like to note that the American Medical Association, the largest professional organization in the country representing doctors, has itself refused to support this amendment—precisely because it would immunize the few bad apples who abuse their professional trust.

In closing, I'd like to point out that this amendment would seriously undermine our goal of reducing Oxycontin and other prescription drug abuse. As President Bush stated in the National Drug Control Strategy for 2004, the problem of prescription drug abuse is a growing threat that needs to be addressed. The misuse of prescription drugs was the second leading category of illicit drug use after marijuana, with an estimated 6.2 million Americans having used prescription drugs for nonmedical, illegal purposes. Oxycontin was abused in 2002 at a rate ten times higher than in 1999. Abuse by high school seniors of Vicodin is more than double their use of cocaine, ecstasy or methamphetamine. Meanwhile, Internet pharmacies (which frequently rely on illegal prescriptions), "doctor shopping" and other illegal drug diversion tactics are presenting new challenges to law enforcement and the community. Those few doctors who contribute to this problem must be held accountable for their actions. I urge my colleagues to oppose this amendment.

DEA ARRESTS OF PHYSICIANS—FISCAL YEAR 2003

SUMMARY

Prescriptions in exchange for sexual favors—6; prescriptions in exchange for drugs—4; prescriptions for money—23; obtaining drugs by fraud/personal abuse—17. Note: 50 arrests reported for Fiscal Year 2003 which includes 2 separate arrests of the same physician.

PHYSICIANS OF NOTE

Two physicians, Dr. H and Dr. S, maintained medical practices specializing in the treatment of chronic pain. While both physicians treated some legitimate pain patients, they both also practiced outside the scope of legitimate medical practice by prescribing OxyContin for other than legitimate medical reasons. These illegal activities led to their investigation and subsequent arrests. Two individuals died from overdoses of the OxyContin prescribed by one of the physicians. One physician has been convicted of conspiracy to distribute controlled substances. The other physician is awaiting trial.

PRESCRIPTIONS IN EXCHANGE FOR SEXUAL FAVORS

Dr. R—Pittsburgh—provided prescriptions for controlled substances in exchange for sex. Date opened: 4/16/01; date of arrest: 6/3/03; conviction date: pending; charges: unlawful distribution of Oxycodone, Fentanyl, & Xanax.

Dr. W—Washington—wrote prescriptions to female members of motorcycle gangs in exchange for sex. Date opened: 6/10/03; date of arrest: 6/10/03; conviction date: 1/14/04; charges: unlawful distribution of Percocet.

Dr. D—St. Louis—wrote prescriptions in exchange for sex, firearms, lawn and farm equipment and labor on his personal property. Date opened: 4/12/00; date of arrest: 11/25/00; conviction date: pending; charges: unlawful distribution of CS.

Dr. L—Indianapolis—traded prescriptions for sex and stolen property. Entertained juveniles at his home and arrested for sodomy, firearms charges and public intoxication. Date opened: 12/2/87; 6/9/03; date of arrest: 5/30/03; conviction date: pending; charges: unlawful distribution of Hydrocodone.

Dr. O—Hartford—forced patients to have sex with him in exchange for prescriptions (2 arrests in FY 2003). Date opened: 1/30/03; date of arrest: 2/20/03; 5/1/03; conviction date: pending; charges: unlawful distribution of Percocet & Xanax.

PRESCRIPTIONS IN EXCHANGE FOR DRUGS

Dr. P—Kansas City—had friends and other individuals return the prescription medication to him. Continued to write controlled substances after surrendering DEA registration. Date opened: 6/25/01; date of arrest: 5/2/03; conviction date: 10/20/03; charges: conspiracy/obtaining CS by fraud.

Dr. B—St. Louis—wrote prescriptions to individuals who returned the drugs to him. Subsequently overdosed and died. Date opened: 5/22/03; date of arrest: 5/22/03; conviction date: deceased (OD); charges: unlawful distribution of CS.

Dr. S—Tucson—pediatric ophthalmologist who wrote prescriptions in names of patients to procure the drugs (Ritalin and Vicodin) for personal use. Continued to operate on children while abusing drugs. Date opened: 8/8/01; date of arrest: 10/8/02; conviction date: 1/6/04; charges: conspiracy, acquiring CS by fraud.

Dr. E—Detroit—wrote prescriptions to U/C in shopping mall parking lot and required the U/C to split the drugs with him. Date opened: 10/10/02; date of arrest: 11/8/02; conviction date: pending; charges: unlawful distribution of OxyContin.

PRESCRIPTIONS FOR MONEY

Dr. U—Los Angeles—sold prescriptions for cash and allowed others to write prescriptions for controlled substances. U/C agents made several buys from doctor. Date opened: 2/7/03; date of arrest: 2/5/03; conviction date: 7/29/03; charges: unlawful prescribing of CS.

Dr. H—Washington—wrote prescriptions to 45 street level drug dealers in exchange for money. Date opened: 12/7/99; date of arrest: 9/24/03; conviction date: pending; charges: conspiracy; unlawful distribution; health care fraud; CCE.

Dr. C—Tampa—wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 9/9/03; conviction date: pending; charges: trafficking; delivery of a CS.

Physician Assistant—Tampa—P/A for Dr. C. Wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 5/9/02; conviction date: pending; charges: trafficking; delivery of a CS.

Dr. T—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 4/4/00; date of arrest: 12/19/02; conviction date: 5/28/03; charges: conspiracy to distribute Hydrocodone.

Dr. O—Dallas—wrote prescriptions for patients without medical exam and for drugs speicifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/19/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. S—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/9/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. C—Dallas—wrote prescriptions after his state medical license was suspended. Date opened: 8/23/01; date of arrest: 4/23/03; conviction date: 10/29/03; charges: fraudulent use of DEA registration.

Dr. M—Newark—wrote prescriptions for $75/Rx. Date opened: 1/6/03; date of arrest: 1/30/03; conviction date: deceased; charges: unlawful distribution of CS.

Dr. D—Newark—used DEA registration to fraudulently purchase Hydocodone tablets for illegal distribution. Date opened: 8/25/03; date of arrest: 8/18/03; conviction date: pending; charges: possession w/intent to distribute Hydrocodone.

Dr. M—Orlando—wrote prescriptions to U/C agent in exchange for money. Date opened: 9/18/00; date of arrest: 7/29/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. M—Tampa—wrote prescriptions to drug dealers in exchange for money. U/C buys made in exchange for money. Date opened: 8/19/02; date of arrest: 1/30/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. B—Merrillville—73 U/C buys of prescriptions made in exchange for money. Date opened: 2/16/02; date of arrest: 8/25/03; conviction date: pending; charges: conspiracy to distribute CS.

Dr. M—Puerto Rico—22 U/C buys of prescriptions made in exchange for money. Date opened: 12/3/01; date of arrest: 9/18/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. R—Phoenix—U/C obtained Percocet prescriptions after telling the doctor they made her feel good. Date opened: 10/26/99; date of arrest: 2/25/03; conviction date: pending; charges: unlawful distribution of Percocet.

Dr. L—Hartford—wrote prescriptions to U/C, gave controlled drugs to friends, wrote prescriptions at parties all in exchange for money. Also abused drugs himself. Date opened: 7/2/01; date of arrest: 12/20/01; conviction date: 2/28/03; charges: Unlawful distribution of OxyContin.

Dr. P—Tampa—prescribed drugs to female U/C so she could enhance her performance when she ''performed for men''. Date opened: 12/2/02; date of arrest: 8/26/03; conviction date: pending; charges: Unlawful distribution of Vicodin.

Dr. H—Albuquerque—prescribed large numbers of narcotics to drug abusers in exchange for money. 10 deaths resulted from his prescriptions. Date opened: 6/7/02; date of arrest: 6/5/03; conviction date: pending; charges: racketeering, conspiracy to distribute, conspiracy to commit murder.

Dr. W—New York—Prescribed large quantities of narcotics to a patient between 1992 and 2001. Patient died of overdose of Dilaudid. Doctor submitted fraudulent bills to Medicare in name of the patient and provided the patient with $700/month in payback money during this period. Date opened: 1/31/03; date of arrest: 6/24/03; conviction date: pending; charges: conspiracy to distribute Hydromorphone.

Dr. G—Louisville—psychiatrist who wrote prescriptions in names of friends who she fraudulently listed as patients. Pre-signed prescriptions for office assistants to fill in and dispense to certain patients. Date opened: 9/25/03; date of arrest: 9/25/03; conviction date: pending; charges: unlawful prescribing of OxyContin & Hydrocodone.

Dr. K—San Francisco—dentist who prescribed narcotics for addiction treatment. Date opened: 11/26/02; date of arrest: 12/02/02; case dismissed: 12/02/02 for further investigation; charges: unlawful distribution.

Dr. S—Columbia—prescribed narcotics to drug addicts in exchange for money. Member of the Caroline Pain Management Clinic. Date opened: 4/2/00; date of arrest: 12/23/02; conviction date: 2/17/04; charges: conspiracy to distribute CS; acquiring CS by fraud.

Dr. B—Detroit—wrote prescriptions for money for over 3 years after his DEA registration was retired. Date opened: 2/25/03; date of arrest: 5/7/03; conviction date: pending; charges: unlawful prescribing of CS.

OBTAINING DRUGS BY FRAUD AND DECEIT/ABUSE OF DRUGS

Dr. O—Buffalo—abused crack cocaine as well as prescription drugs that he obtained through his DEA registration. Date opened: 11/5/02; date of arrest: 7/28/03; conviction date: 10/10/03; charges: acquiring CS by fraud.

Dr. P—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 9/10/01; date of arrest: 10/23/02; conviction date: 11/25/02; charges: acquiring CS by fraud (OxyContin).

Dr. S—Denver—used DEA registration to write prescriptions for personal abuse. Date opened: 7/3/03; date of arrest: 6/29/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. W—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 8/10/02; date of arrest: 2/11/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. R—Scranton—used DEA registration to write fraudulent prescriptions in other individual names for his own personal abuse. Date opened: 4/29/03; date of arrest: 8/14/03; conviction date: pending; charges: failure to maintain records (in lieu of fraud charges).

Dr. K—St. Louis—arrested for possession of cocaine and marijuana. Date opened: 5/5/03; date of arrest: 3/19/03; 4/30/03; conviction date: pending; charges: possession of cocaine & marijuana.

Dr. R (DVM)—Denver—used DEA registration to order fentanyl Duragesic patches for personal abuse. Date opened: 12/16/02; date of arrest: 12/20/02; conviction date: 7/9/03; charges: unlawful use of Fentanyl.

Dr. R—Utah—used DEA registration to fraudulently obtain drugs from wholesalers and also wrote prescriptions in other individuals' names. Date opened: 2/3/03; date of arrest: 3/29/03; conviction date: 7/3/03; charges: acquiring CS by fraud.

Dr. C—Denver—used DEA registration to write fraudulent prescription for personal abuse. Date opened: 2/12/02; date of arrest: 2/28/02; conviction date: 2/25/03; charges: acquiring CS by fraud.

Dr. N—Phoenix—removed Hydrocodone from hospital for personal abuse. Date opened: 1/29/01; date of arrest: 5/9/03; conviction date: 8/11/03; charges: unlawful possession of CS (Hydrocodone).

Dr. W—Cleveland—used DEA registration to purchase controlled substances for self abuse. Also wrote fraudulent prescriptions for personal abuse. Date opened: 7/5/02; date of arrest: 3/14/03; conviction date: 3/14/03; charges: theft of CS (Alprazolam).

Dr. A—Puerto Rico—wrote prescriptions after losing state license. Also health care fraud charges surrounding prescriptions. Date opened: 6/26/03; date of arrest: 7/11/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. C—Colorado Springs—diverted fentanyl from hospital for personal abuse. Admitted to being addicted and performing anesthesiology while under the influence. Falsified dispensing records. Date opened: 6/20/02; date of arrest: 1/28/03; conviction date: 10/16/03; charges: unlawful possession of CS (Fentanyl).

Dr. A—Dallas—obtained morphine through fraudulent use of another physician's DEA registration. Date opened: 12/19/02; date of arrest: 12/30/02; conviction date: 4/24/03; charges: acquiring CS by fraud (Morphine).

Dr. T—Greensboro—used hospital DEA registration to write prescriptions in phony names for self abuse. Date opened: 4/8/03; date of arrest: 7/17/03; conviction date: pending; charges: acquiring CS by fraud.

Dr. J—Kansas City—diverted Fentanyl from hospital for personal use and falsified patient records to cover up the diversion. Date opened: 12/14/02; date of arrest: 4/1/03; conviction date: 6/18/03; charges: unlawful possession of CS.

Dr. R—Kansas City—used DEA to fraudulently obtain Hydrocodone for personal use. Date opened: 4/8/02; date of arrest: 12/2/02; conviction date: 11/13/03; charges: acquiring CS by fraud (Hydrocodone).

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of Rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.''

So I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination, namely the purpose for which certain controlled substances were prescribed. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

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

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

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

This amendment denies funds to UNESCO, and it is an amendment that is identical to what I brought up last year and got a recorded vote on and had a debate on last year.

Last year, I brought it up because we were just getting back into UNESCO. President Ronald Reagan, in 1984, had the wisdom of getting us out of UNESCO because of its corrupt nature, not only because it had a weird, false ideology, contrary to what most Americans believed, but it was also corrupt. He had the wisdom to get us out of it, yet last year we were put back in UNESCO, and I was hoping that we would not fund it.

Last year, the Congress approved $60 million for this purpose, which was 25 percent of UNESCO's budget. Does that mean we have 25 percent of the vote in UNESCO? Do the American people get represented by 25 percent? How much do we get out of it? What is the American taxpayer going to get? The American taxpayer gets a bill, that is all. They do not get any benefits from it.

And there is one part of UNESCO that is particularly irritating to me, and it is called the Cultural Diversity Convention. This is an organization that actually is very destructive and will play havoc with our educational system. It also attempts to control our education through the International Baccalaureate Program, and that, too, introduces programs and offers them to our schools. It is not forced, but there are already quite a few schools that have accepted these programs.

Now, let me just give my colleagues an idea of the type of philosophy they are promoting, but what we as the Congress promote with what the American taxpayers are paying for. Here it is:

''The international education offers people a state of mind, international mindedness. We are living on a planet that is becoming exhausted. And now listen to this, this is what the U.N. UNESCO people are saying about education in the various countries, including ours. Most national educational systems at the moment encourage students to seek the truth, memorize it and reproduce it accurately.'' Now, one would think that is not too bad of an idea. ''The real world is not this simple,'' so says UNESCO. ''International education has to reconcile this diversity with the unity of the human condition.''

I mean, if those are not threatening terms about what they want to do, and yet here we are funding this program and the American taxpayers are forced to pay for it. Now, there are a few of us left in the Congress, I see a couple on the floor tonight, that might even object to the Federal Government telling our States what to do with education, and of course there is no constitutional authority for that. We have the Leave No Child Behind, but it looks like everyone is going to be left behind before we know it.

But here it is not the Federal Government taking over our Federal education system; this is the UNESCO, United Nations, taking over our educational system. It does have an influence. Sure, it is minimal now, but it will grow if we allow this to continue.

So I ask my colleagues to please vote for my amendment, and I sure hope they allow a vote on this amendment. It was permitted last year, so it surely would be permitted this year.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, when we had a vote on the floor, the gentleman from Illinois (Mr. HYDE) offered the amendment to not join UNESCO. I supported the amendment. I did not believe that we should have joined UNESCO. The decision was made by the Bush administration. Also, on that vote, if my memory serves me, I was on the losing side. I think it may have been Lantos v. Hyde. I voted with the gentleman from Illinois (Mr. HYDE), and we were on the losing side. History will have to check the exact timing of that vote.

The bill includes $71.9 million for the U.S. share of funding for membership in UNESCO, and I have had serious questions about UNESCO. UNESCO was rife with corruption and problems. The Bush administration, who wanted to join, has a very good and a very tough ambassador, a kind of a no-nonsense person. I have met her and think highly of her. The President announced 2 years ago at the United Nations, and I remember seeing the speech, that the U.S. would rejoin UNESCO. The First Lady, Mrs. Bush, addressed the UNESCO plenary session in Paris, France, last year.

The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and anti-Western bias, and I think the current ambassador, I have spoken to her, is going to make sure they do not go back to the corruption and anti-Western bias. It was mismanaged, and she has pledged that she would stay after that.

Since that time, they have undergone reforms and the current leadership is committed. They say it stands for fundamental human rights and democratic principles; and participation in the UNESCO, many say, will allow us to be engaged as international partners in a number of issues. This year, the U.S. was elected to the UNESCO legal committee, the intergovernmental biotechnics committee, and other committees.

I think now, although I do tend to agree with the gentleman, I think it is a fact and I think he raises some very, very valid points, but to strike funding for UNESCO just after the Bush administration has joined, just after President Bush's wife, Mrs. Bush, has spoken at a plenary session, I think would send a wrong message. So I reluctantly rise in opposition to the amendment out of respect to the Bush administration, having been on the losing side.

But we are going to watch this. We are going to watch and see what UNESCO does, and I am glad this issue was raised by the gentleman from Texas (Mr. PAUL). But in light of the vote on the floor and in light of the Bush administration request and the President's speech, and in light of the First Lady attending and addressing the plenary session, I would ask defeat of the amendment.

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

Mr. PAUL. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time and conclude with another statement from a director of UNESCO, who further explains exactly what they are up to. He said in June that ''the program remains committed to changing children's values so they think globally rather than in parochial national terms from their own country's viewpoint''. So if we talk about an attack on national sovereignty starting at the lowest level through an educational system, it is right here.

The chairman, obviously, is not very enthusiastic about this. But my job as a representative is not to follow what other people tell me. My job is to read these bills and to know what they say

and to represent my district. Because somebody asks us to finance this and our instincts tell us there is something very sinister about this, I would say that that is not a very strong reason to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume, and I rise once again this evening to propose an amendment similar in some respects to one I have proposed in the past and different in others, that is to say, it is similar in that it does this: It says we have a law on the books, it was passed in 1996, and the law says that all States and localities therein are prevented from impeding the flow of information to the Immigration and Naturalization Service. The successor agency is, of course, BICE. They are also prevented by the law from actually stopping any information from coming from the old INS and now BICE.

That is what the law says. It is there, on the books, and every single time I offer this amendment the other side gets up and starts arguing the law as to whether or not we should have the law, why it should be in place, would we not be better off without a law? But that is not the purpose of my amendment, of course, to repeal the law. It is to enforce the law. That is all I ask.

We are a body that makes laws. We should, of course, also encourage the enforcement of those laws or we should repeal them. That is what we should be doing here. It is, I suggest, quite inappropriate in a way for us to pass laws and then essentially tell the country and the people out there that we should wink at them; pretend they do not exist; pretend they are really not on the books, because enforcing them would be problematic from certain standpoints, especially politically.

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Now, what kind of message does that send every time we do this? But every time there is a vote against my amendment, that is essentially what we are saying, that even though we have laws on the books, we will ignore them.

My amendment is designed to prevent those local governments from obtaining SCAAP funding if they violate the law. That is it. If they are in line with the law, doing what the law requires of them to do, no problem. Presently, the law does not have any sort of mechanism that would suggest we are enforcing it. There is no penalty, and so we have got cities, counties, that are in fact violating the law. They are doing that with impunity. We should not allow that to continue. We should either repeal the law if we do not like it, or we should have some sort of mechanism to enforce it.

I have proposed time and time again that we should try and enforce the law. That is all this amendment does.

If State and local governments violate the Federal law and pass sanctuary policies that encourage illegal aliens to come here, why should any American taxpayer be asked to absorb these costs? That is what we are doing. SCAAP funds are funds that we provide to cities and counties for the purpose of reimbursing them for the costs of keeping people in their prisons who are here illegally. They are illegal aliens, and there are costs involved.

On the one hand, we have counties submitting bills to the Federal Government for the incarceration of some of these folks, but on the other hand refusing to provide that information to the Bureau of Immigration Control and Enforcement, BICE. They want the money for what they say they are putting out for enforcement of the law, but then they refuse to actually give that information to BICE. It is not a situation that is sustainable and certainly not one that we should countenance. We should at least say if you are not going to abide by the law of the land that requires you to provide this information, you cannot get the money from the SCAAP funds. That is all it is.

Again, I know we are going to get into this argument about whether or not we should have the law on the books. That is a different argument. Let us just argue whether or not once we have the law on the books we should not try to enforce it.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

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

A similar amendment was offered on DHS, and it failed by a vote of 148 to 259, so we are back to exactly the same thing. SCAAP funds are not available to States that violate current law, and the Justice Department tells us the gentleman's amendment would have no impact.

I understand what the gentleman is trying to do. In the State of Virginia, we have a program where our State police are basically deputized to in essence enforce the immigration laws. But it is like Don Quixote. So what I would recommend the gentleman to do, and I mentioned this to the gentleman from Iowa (Mr. KING) earlier, the gentleman and the gentleman from Iowa (Mr. KING) and others ought to sit down with the administration, with the Department of Justice and also with the Department of Homeland Security and fashion a regulation in that sense. I think there are other ways of doing this. I think you are just sort of coming up against it. My sense may be wrong. Maybe the 148 will go to 152, I do not know.

But I think the gentleman really wants to be successful and do something. However, the Department of Justice says the Tancredo amendment would have no effect on those who receive SCAAP grants. I am not going to take a lot more time, but I would urge the gentleman, and I will be glad to help the gentleman set up a meeting with BICE and with the Department of Homeland Security and the Department of Justice to see how to do this. But since it does nothing and says nothing and is in essence the same amendment I believe was offered on homeland security, I think the gentleman from Kentucky (Mr. ROGERS) defeated by 148 for and 259 against, for that reason I urge a ''no'' vote on the amendment, and offer to work with the gentleman, BICE, and the gentleman from Iowa (Mr. KING) to set up a meeting.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for extending his offer in helping the gentleman from Colorado (Mr. TANCREDO) on his amendment.

I think the gentleman has made a very clear point about the Tancredo amendment. I rise to oppose it because it is a law that is already in force; but more importantly when it comes to local and State governments and first responders and people dealing with homeland security, it is threatening to deny them funds because of some inadvertence that might occur as relates to Federal immigration laws.

We recognize what the laws are in this land. We recognize the responsibilities of Federal law enforcement on immigration issues. But if we begin to start cutting resources from local communities, we can be assured that national security will be jeopardized, and that is what the Tancredo amendment does. It makes communities less safe.

Let me say, for those of us who come from very diverse communities, it is particularly difficult for the police to establish relationships that are the foundation of successful police work if the impression is that resources are going to be cut if they do not do the work of the Federal Government. That means they are going to create an atmosphere of fear and intimidation and an attitude that anyone who has a different surname or looks differently is under the scrutiny of local law officials.

I would hope that this amendment would not be supported, and of course recognize that in the exploitation possibilities you also have the potential of criminals exploiting the fear of immigrants by forcing local law enforcement authorities to be immigration officials. I would hope that this amendment would not be supported. It has been defeated, as the gentleman from Virginia (Mr. WOLF) said earlier, earlier in the year, in the homeland security legislation.

I can tell Members it makes it very difficult for communities who are working toward better relationships with our immigrant communities. Might I say to my colleagues, this is not the way to enforce immigration laws. The way to do it is to have real immigration reform that will help secure the homeland and balance the rights of individuals within this country. I think we can do that by not having this amendment which then would further divide Federal and local officials by cutting funds which are so desperately needed for homeland security.

Mr. Chairman, I rise in opposition to Representative TOM TANCREDO's amendment to the Commerce, Justice, and State Appropriations Act for FY2005. The effect of this amendment would be to enact a provision from the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills compel State and local police officers to become Federal immigration agents by denying them access to Federal funds they are already receiving if they refuse these additional duties. Specifically, the Tancredo amendment would deny funds to any State or local government that limits disclosure of immigration status.

We count on State and local governments and law enforcement authorities as first responders when national security is threatened. Since 9/11, they have taken on significant new duties and are facing dwindling resources. Further cutting their resources is not going to help enhance national security, and, in fact, the Tancredo provision could make our communities less safe.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, NC, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to the Bureau of Immigration and Customs Enforcement, ICE, would be a misuse of these limited resources.

ICE also has limited resources. It does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Tancredo amendment. The gentleman from Colorado (Mr. TANCREDO) stands in front of us today, as he has in the past, as a strong voice to try to gain the attention and support of Members of Congress towards a problem that we refuse to deal with. This Congress is refusing to deal with one of the greatest threats to the well-being of our people. In California, our education system is going down. The health care available to our people is being diluted and people are dying because of this. Our criminal justice system is breaking down. People are being murdered because we are not dealing with this issue. The issue, of course, is illegal immigration. We have to do something about it.

In this case, the gentleman from Colorado (Mr. TANCREDO) is simply saying the cities or States that will not help us enforce the laws that already exist, they should not be getting government money in the name of that enforcement.

If we do not handle this situation, our people are going to pay an even heavier price. I can see a day when the Social Security system totally falls apart because we have not dealt with this issue. It is a disgrace that Congress is refusing to act upon this. At least support this issue which is very reasonable.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I would like to tell the gentleman from California that he left out in blaming immigrants the Chicago fire and the San Francisco earthquake, which they probably were also responsible for.

It is amazing in 2004 we continue this immigrant-bashing situation. The fact of life is the gentleman read off a list of things that are falling apart in California somehow because people are not being reported or because local police departments are not engaging in activities that local police departments do not want to engage in.

We had 24 discussion before, and it is a simple issue. Local law enforcement does not want to be involved in this issue. Regardless of what we like to see here and how much we would like to bash these folks, local law enforcement does not want to do it. Let me try to say once more why, because no one seems to be paying attention to this issue.

Local law enforcement wants to be able to have a person, regardless of their immigration status, come to them and report a crime, come to them and participate in solving a crime. If they now feel that the local police officer, the local sheriff, has been deputized, if you will, as an immigration officer, we are never going to get any help from the local community.

Now, one issue is the fact that we may have people in this country who are not here with documents. That is one issue. But since they are here, what are we going to do, ignore them, ignore their ability to help us and solve a local crime, ignore their ability to help us be involved in the community?

My God, we talk so much here about how much we want to help local law enforcement and how we stand for them and how much money we want to give them, and now we want to burden them with a situation that they, I repeat for the last time, do not want to be involved with. This amendment should be defeated for what it is, a Latino outreach program that will fail miserably.

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

Once again I keep thinking when I hear these arguments that somehow we have not gotten the point across of what exactly this is doing. I wish we had a big sign that said: This is the law and this is my amendment. This is the law that is on the books. This is not debatable at this point, or at least it is not part of my amendment.

If the gentleman does not like the fact that we have a law on the books saying that the people of the cities and counties should help, or let me put it this way, there is a law that says that

they should not actively oppose our attempts to actually enforce immigration law, that is what it is. It does not require anything. It does not require deputization of more people or to get them involved with the actual immigration enforcement. It just says you cannot take an action that prevents the flow of information or the acceptance of information. That is it. That is the law that is on the books. What we are trying to do is assess a penalty.

The idea that local law enforcement, they do not want this because somehow people will not come forward, the reality is this, their task is to enforce the law also. They take an oath to do that, just as we do. Here we sit debating as to whether or not we should enforce a law we have already passed. That is the bizarre nature of this debate. It has nothing to do with immigrant bashing or any of the other stuff that gets brought up in this discussion.

It has to do with whether or not the law on the books should be enforced. It is a simple measure that should not be clouded with all of the kind of rhetoric and epithets that are thrown around every time we start to debate this. It is the law. Should we have it? If we should not, let us repeal it. As long as it is there, let us enforce it.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, let us note we are not talking about legal immigrants. Over a million people are permitted in this country legally every year. We can be very proud of that. In fact, the people most concerned about illegal immigration in this country are the million legal immigrants every year who obey the rules and stand in line and who we are slapping in the face by permitting millions of illegals to come into our country.

Trying to blur the distinction between legal and illegal is not an honest way of presenting the case. The bottom line is we are only talking about illegal immigration. We are not talking about local crime. I am not in favor of having the local judiciary to enforce criminal matters that are made criminal by the Federal Government. I am, however, in favor of the Federal Government presiding over its constitutional authority and obligation to control immigration policy in this country. And if States and cities want money from the Federal Government concerning illegal immigration and the incarceration of illegal immigrants, they will have to go along and enforce that Federal law because immigration is the rightful authority of the Federal Government.

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Mr. ROHRABACHER. Mr. Chairman, let me just note this. We can make light of the fire that has swept through Chicago and destroyed homes and natural disasters. This is not a natural disaster that is befalling our people, and it is not funny. The fact is our health care system is breaking down in California and people are losing their lives. It is breaking down in other parts of the country. Our criminal justice system is breaking down. People are being murdered. Our citizens are losing their lives because we refuse to deal will illegal immigration.

The Social Security System could fall apart in 10 years if this illegal immigration continues to overwhelm us. What are we doing? Why are we permitting our children to go into our educational institutions to have a diluted education? This is ridiculous.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO) 30 seconds.

Mr. SERRANO. Mr. Chairman, the gentleman from California knows me well and knows I was not being funny when I mentioned the fact that the gentleman left out the Chicago fire and the San Francisco earthquake. My point was that the gentleman is blaming immigrants for everything that is wrong in this country. The fact of life is that that is what we do, and the fact of life is that sometimes we look at people who bash immigrants on a daily basis, and then when an amendment comes before us, we cannot believe that it is anything else. But more of the same, which is immigrant bashing, that is what it is. That is what it looks like, that is what it smells like, and that is how I see it.

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

Mr. Chairman, this is a difficult issue, because I want to respond to my friend, my colleague's advice and his willingness to work on this issue, and that is a strong allure, because number one, I know he is a gentleman of great integrity, and I do want to do more than just simply make a statement to, as he said, be a Don Quixote. I do want to in fact move this issue forward; and if that is the best way to do it, then perhaps what I will do is withdraw this amendment, but I will do so only after I once again state that it is important for this body to make laws and then enforce them.

We call ourselves a Nation of laws ruled by law. There is only one way we can actually prove that. It is to stop this ridiculous winking at the laws we make. Enforce them or repeal them. That is all I ask, and that is what I hope that we will do. And I will work with the gentleman and take him up on his offer.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 6 OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FARR:

Insert before the short title at the end the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Points of order are reserved, and pursuant to the order of the House today, the gentleman from California (Mr. FARR) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

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

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

Mr. FARR. Mr. Chairman, the purpose of this amendment is very straightforward. In simple terms, the Farr-Rohrabacher-Hinchey-Paul amendment prohibits the use of funds in the bill from preventing States that have medical marijuana laws from implementing them.

As a result, the States have medical marijuana laws on the books they can implement, regulate and enforce them, just like now. States that do not have medical marijuana laws on the books remain subject to the overarching Federal law.

This amendment does not stop law enforcement officials from prosecuting illegal use of marijuana. This amendment does not encourage the use of marijuana. This amendment does not encourage the use of drugs in children. This amendment does not legalize any drugs. This amendment does not change the classification of marijuana. This amendment is recognized as States' rights to oversee the medical scope of practice of doctors in their States, to prescribe drugs as doctors see as necessary for medical conditions.

Today's Los Angeles Times points out that the Justice Department's medical marijuana war seems increasingly out of step with the whole country. Last fall, the Supreme Court upheld a lower court ruling barring Federal officials from prosecuting doctors for their recommendations.

Just 2 weeks ago, the United Methodist Church, the Presbyterian Church, the Evangelical Lutheran Church in America and other mainstream religious groups supported doctors' rights to prescribe pot as a when-all-else-fails treatment for the seriously ill. The best way to thwart casual use of this drug is to let doctors prescribe it in closely circumscribed and regulated ways such as the States do.

Now, there are nine States that have passed these laws. The voters are speaking, and they are doing it more in every State. Just recently Vermont. Alaska, California, Colorado, Hawaii, Maine, Nevada, Oregon, Vermont, and Washington have enacted State medical marijuana laws. Because of these State laws, thousands of patients are able to alleviate their pain and suffering without fear of arrest by State or local authorities.

The threat of arrest by Federal agents, however, still exists. In the past, the Federal Government has impeded research on medical use of marijuana, even though thousands of patients have testified, explained, and acknowledged that it helps relieve some of the debilitating symptoms, such as nausea, pain, loss of appetite associated with serious illness.

Despite Federal admonitions against marijuana, the American people support medical marijuana and pretty overwhelmingly. Most national polls show the support around 70 percent.

This amendment is not necessarily about the actual medical purpose of marijuana, though I know scores of doctors have attested to marijuana's medical benefits. In States where medical marijuana is legal, thousands of licensed physicians have recommended marijuana to their patients. This amendment is not about legalizing drugs, though some will argue that it should be.

No. What this amendment is about is States rights. In so many areas we trust States rights. And I think of us here in the United States Congress. We allowed States to draw our district boundary lines.

We allow States to set the fee we have to pay to run for office. We allow the States to create the primary procedures for getting elected to Congress. We allow the States to fashion Medicaid packages. We allow States to license doctors to practice. We trust the States to do what is best for their residents of that State. When it comes to health care policy or palliative care, the care of alleviating pain, nine States of the United States have determined that it is appropriate public policy to allow the use of marijuana as a prescribed treatment.

If Congress respects States rights in so many other areas, why does it not respect it with regard to medical marijuana?

Mr. Chairman, this amendment would prevent the Federal Government from interfering with state medical marijuana laws. It would end the DEA raids on medical marijuana patients and caregivers who are acting in accordance with state law. It would not—let me repeat—it would not prevent the DEA from arresting individuals who are involved in marijuana-related activities unconnected to medical use.

Here is the simple question posed by this amendment: Should the Federal Government arrest individuals who are trying to alleviate their own suffering or the suffering of others in compliance with state law?

I am only too familiar with the tension between DEA law enforcement and state and locally-sanctioned marijuana cooperatives in California. On September 5, 2002 in Santa Cruz, California—my district—dozens of heavily armed DEA agents stormed into the home of Valerie and Mike Corral where the cooperative garden of the Wo/Men's Alliance for Medical Marijuana (WAMM), a medical marijuana hospice, is tended by collective members. They destroyed 167 plants, which would have been distributed—free of charge—to more than 200 seriously and terminally ill WAMM members. Although the Corrals did not resist, the agents pointed loaded rifles to their heads, forced them to the ground, and handcuffed their hands behind their backs. The DEA agents kept them handcuffed in their home for 4 hours before taking them 30 miles to the Federal courthouse in San Jose where they were eventually released without being charged. Meanwhile, Federal agents handcuffed the Corral's over-night guest, Suzanne Pfeil, a WAMM member who was disabled by polio, and detained two other members, one with AIDS and a caregiver. Pfeil happened to be sleeping when the raid occurred. Despite the fact that her leg braces and crutches were in plain sight, the agents demanded she stand, which she was unable to do with her hands cuffed. Pfeil's blood pressure shot up and she experienced chest pains. Agents then refused to call an ambulance. All this pain, confusion and fear—yet WAMM was operating with the full knowledge and consent of state and local authorities.

Many people who oppose medical marijuana say that there is only anecdotal evidence of its effectiveness. But these anecdotes cannot be simply dismissed; they are the stories of real people who are suffering. Just this morning in Roll Call, there was a powerful example of this. Talk show host Montel Williams discussed his struggle to live with excruciating pain caused by multiple sclerosis. Montel Williams, a former Marine and decorated naval officer, who made anti-drug PSA's for the White House drug czar's office, explained in this article that marijuana is the "only" drug that allows him to function on a day-to-day basis. Now if he is using marijuana with his doctor's advice and is following state law, why on earth should we waste Federal resources trying to prevent him from alleviating his own pain? And taking it a step further, if someone else is growing that marijuana for him and is following state law why should we take that medicine away from him by interfering with the grower?

The answer most opponents of this amendment will give is that marijuana simply is not a medicine. But this had become an absurd claim. First of all, both the Netherlands and Canada have enacted medical marijuana laws, with marijuana available at pharmacies in the Netherlands. In the United States, nine states have medical marijuana laws that allow doctors to recommend marijuana to their patients. And in those states, hundreds of doctors have recommended marijuana to thousands of patients.

Even our Federal Government has acknowledged the therapeutic benefits of marijuana. In 1999, the National Academy of Sciences' Institute of Medicine conducted a study funded by the White House Office of National Drug Policy. The principle investigator from the study said upon its completion, "We concluded that there are some limited circumstances in which we recommend smoking marijuana for medical use." An even stronger endorsement came from the DEA in 1988. Then, Administrative Law Judge Francis Young, after an exhaustive, 2-year study of marijuana, called for its rescheduling on the grounds that "marijuana, in its natural form, is one of the safest therapeutically active substances known to man." He concluded, even 60 years ago, that marijuana offered a "currently accepted medical use in treatment."

Over the past year, medical marijuana has gained even wider acceptance. It has been endorsed by the American Nurses Association, whose 2.6 million members care for the Nation's most seriously ill patients; by the United Methodist Church, the Nation's third largest religious denomination; by the New York and Rhode Island Medical Societies; and by many other health care organizations. Other longtime supporters of medical marijuana include the New England Journal of Medicine, the American Bar Association, and the American Public Health Association.

Do opponents of this amendment honestly believe the American Nurses Association, the New York State Medical Society, United Methodist Church, the Episcopal Church, and others are supporting this issue because they hope to legalize marijuana for all purposes? Of course that isn't the reason. These organizations support legal access to marijuana for medical purposes because they know one simple fact: it helps sick people.

Other opponents of this amendment say that they will not support medical marijuana until more research is complete. The problem is that the Federal Government has effectively blocked research. To cite just one example, in July 2001, the University of Massachusetts applied to the DEA for a license to manufacture marijuana for medical research. This is the same kind of license a company called GW Pharmaceuticals applied for in England a few years ago. While GW Pharmaceuticals has now concluded Phase III trials and is nearing market approval for its marijuana spray, the DEA—3 years later—has not even bothered to deny the University of Massachusetts' license. Of course, they have not granted it, either. They have just let the application sit in limbo.

Antoher application to the Federal Government, requesting permission to import just 10 grams of marijuana for research has languished for 10 months. Does our government think 10 grams of marijuana is going to increase the drug problem in this Nation? Of course not. The Federal goal seems to be to purposely to block research that would prove—or disprove, once and for all—that marijuana has therapeutic benefits.

But let's assume for a minute that all of the obstacles to research were suddenly removed. That does not get us past the immediate question: Should the Federal Government, over the course of the next year, while research is proceeding, arrest patients and caregivers who are complying with state law in order to alleviate their own suffering or the suffering of others?

Another objection raised by opponents of this amendment is that passing it would send the wrong message to children. It would make children think that marijuana is not dangerous. Let me tell you something. Children know how dangerous marijuana is already. Allowing seriously ill patients to use it will not change that. And associating the use of marijuana with AIDS and chemotherapy is not likely to increase its appeal. On the other hand, if you deny cancer, AIDS, and MS patients the opportunity to use this drug to alleviate their pain—while permitting the medical use of powerful addictive drugs like vicodin and oxycontin—the only message you are sending to children is that you are intellectually dishonest and completely lacking in compassion.

The truth is, where medical marijuana is legal, there has been no increase in marijuana

use among teens. In fact, in my home state of California, teen use of marijuana has dropped 34 percent among 7th graders, 44 percent among 9th graders, and 21 percent among 11th graders since the California medical marijuana initiative passed in 1996. The same Institute of Medicine study described earlier noted, "there is no evidence that the medical marijuana debate has altered adolescents' perceptions of the risks associated with marijuana use." Listen closely today to hear whether opponents of this amendment back their warning about sending the wrong message to children with any evidence demonstrating that medical use has caused a change in attitude about recreational use; I doubt there will be any with any scientific weight.

Mr. Chairman, this amendment is reasonably drafted and built on scientific evidence, judicial review, and medical studies. It reflects the grass roots demand and legislative will of nine of our United States. It is time for Congress to recognize the powerful dynamics of this issue and adopt my amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to this amendment. This is a bad amendment. It will be bad for the country.

Marijuana is the most abused drug in the United States. According to the Department of Health and Human Services, more young people are now in treatment for marijuana dependency than for alcohol or for all other legal drugs combined. The amendment does not address the problem of marijuana abuse and possibly, perhaps probably, makes it worse by sending a message to young people that there can be health benefits from smoking marijuana.

In testimony before the Committee on Government Reform, the DEA provided an example of how marijuana trafficking is occurring under the guise of medicine. And there is so much more I could say, and we have the gentleman from Indiana (Mr. SOUDER) here and the gentleman from California (Mr. OSE). This is not a good amendment. The message that this sends to the young people is absolutely wrong. This was overwhelmingly defeated the last time it came up. I urge defeat of the amendment.

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

Mr. FARR. Mr. Chairman I yield 3 minutes and 15 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, today I call for a broad coalition of my colleagues to support the Hinchey-Rohrabacher amendment to H.R. 4754, introduced by the gentleman from California (Mr. FARR).

Over the past 8 years, 10 States have adopted laws that decriminalize the use of marijuana for medical purposes. These States have passed these laws to allow the use of marijuana to relieve intense pain that accompanies several debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. In seven of these States, such as my own State of California, these laws were adopted by a direct referendum of the people.

The Federal Government, however, has made it nearly impossible for these States to implement their own laws, the laws that the people voted for. The DEA has conducted numerous raids on homes of medical marijuana users, prosecuting patients who were using marijuana in accordance with State law to relieve intense pain and other symptoms caused by a variety of illnesses. Despite these State laws, the Justice Department is working overtime to put sick people and those who would help them in jail.

It is time for the Federal Government to respect the rights of individual States to determine their own health and criminal justice policies on this matter. A growing movement of Americans from conservative to liberal is calling for the Federal Government to keep its hands off the States that wish to allow their citizens to use marijuana for medical purposes. In my State, the people have spoken overwhelmingly. Both Republican and Democrat counties voted for medical freedom. Our new Governor, Arnold Schwarzenegger, has made it clear in regard to the Federal Government's interference with California's medical marijuana policy in his message to Washington, and what is it? It is "Hasta la vista, baby." Even more poignant, Tom McClintock, Arnold's leading conservative opponent in the recent recall election, has spoken out even more strongly against the Federal interference with California's medical marijuana laws. The Governor of Maryland also, our former Republican colleague, Robert Ehrlich, has signed Maryland's new medical marijuana law and has lobbied Members of Congress on this issue.

As a conservative, I am increasingly troubled by the federalization of criminal law that has occurred in recent years. It seems that more and more crimes are being declared to be Federal crimes. While sometimes this is appropriate, for example in immigration law, which is a federally mandated issue by our Constitution, but criminal justice constitutionally is the domain of the State and local government. This is especially true when the people of these many States determine by their own vote the policy concerning this specific personal behavior.

It is time for the conservatives and liberals to join together in calling for the Federal Government to keep its hands off. Liberals, moderates, and conservatives should unite in order to protect the freedom of our people. This is a freedom issue, and it is also a humanitarian issue. We should make sure that the local people have a right to determine if the doctors in their community, and that is what we are talking about, the doctors are able to prescribe marijuana for people who are suffering from AIDS and suffering from cancer and other types of diseases. This is not fair, and it is not humane to go the other way; and it is un-American to centralize this type of criminal justice matter in the hands of Federal bureaucrats rather than the people who vote in our specific communities.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I would just like to point out that as a physician before I came to Congress, medical marijuana is actually not necessary because the active ingredient in medical marijuana is delta-9-tetrahydrocannabinol. This is a compound that is readily available not in a handful of States as medical marijuana is, but in every State of the Union. It is legal today. It is called Marinol. It is a pill. It is easy to take. And people who suffer from cancer, people who have anorexia from chemotherapy, people who suffer from AIDS may use Marinol today to their benefit.

Mr. Chairman, it just challenges the imagination. As a physician, I wrote a lot of prescriptions for morphine for patients who were in pain. I would have never recommended to a patient that they go home and score some opium and smoke it. That would be an inappropriate way for them to deliver the drug.

□ 2015

This drug is delivered in a humane and compassionate way. It is delivered in a way that deals with the symptoms it is designed to deal with, and we do not explode the drug culture in this country by doing so.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

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

Mr. Chairman, I, too, am a physician from Texas, but I have a little different opinion about Marinol. No doctor that I know of ever prescribes Marinol.

I think marijuana is a helpful medical treatment for the people who have intractable nausea. I would like to point out this is not something strange that we are suggesting here. For the first 163 years of our history in this country, the Federal Government had total hands off, they never interfered with what the States were doing. They interfered only after 1938 through tax law. So this is something new.

The States' rights issue is almost a dead issue in the Congress, but we ought to continue to talk about it, and I am delighted somebody has brought this up.

But if you do have compassion and care for patients, they ought to have a freedom of choice. I think that is what this is all about, freedom of choice.

I would like to point out one statistic. One year prior to 9/11 there were 750,000 arrests of people who used marijuana; there was one arrest for a suspect that was committing terrorism.

Now, that, to me, is a misdirected law enforcement program that we could help address here by at least allowing the States to follow the laws that they already have on the books.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Chairman, in 2001, the FDA approved the pain killer OxyContin, knowing that it had a high probability of being diverted for illicit use. We felt that the gain was worth the risk. The abuse, unfortunately, of OxyContin is now a nationwide epidemic.

In spite of the fact that, unlike OxyContin, there are safe and effective and legal alternatives to smoking pot for pain relief, we are now considering the use of marijuana for its medical purposes.

The active ingredient, as the gentleman from Texas (Mr. BURGESS) pointed out, is readily available in an FDA-approved capsule. This pill delivers THC, it does not carry the dangers inherent with smoking marijuana, nor does it undermine the law enforcement efforts that fight illegal drug use.

Mr. Chairman, the legalization of medical marijuana is simply the first step in a scheme to overturn all the substance abuse laws that we work hard to enforce today. We need to vote ''no'' on legalization of marijuana and its use in America.

Mr. WOLF. Mr. Chairman, I yield 1 minute of the 3 minutes to the gentleman from California (Mr. OSE)

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

Mr. Chairman, I rise in absolute, 100 percent opposition to this amendment. I have listened to the arguments of my friends from Texas and my friend from California in one case and my friend from California in the other, and I have to say that their argument on States' rights is a unique application as it relates to so-called ''medical marijuana.'' But I have not yet heard a single bit of testimony dealing with whether or not there is any medical value to the application of marijuana in this case.

Now, the so-called phrase ''medical marijuana'' is a misnomer. It was invented by the people who passed the proposition in California that, frankly, hoodwinked the voters of California into voting in favor of it. But I just want to run through a couple of things here.

The FDA looks at all sorts of prescription drugs and pharmacological treatments, and they have looked at marijuana, and by and large, we have deferred to the FDA on all these analyses. But, all of a sudden, when it comes to so-called ''medical marijuana,'' the FDA is no longer competent. But I do want to enter into the RECORD that the FDA, in fact, did look at marijuana as a medical substance and found absolutely no value whatsoever to its use.

Now, the FDA has, in fact, looked at Marinol, in which the active ingredient in so-called ''medical marijuana'' is present, THC, and has approved that for use in treating nausea and pain and the like, and it is readily available by prescription, a true prescription, from a doctor.

Let us dwell for a minute in California, which I am familiar with, on this so-called ''medical marijuana'' and the facade that people go through to obtain it.

First of all, the referendum requires that a doctor issue a so-called prescription. However, the doctor refuses to issue a prescription on a prescription form for so-called medical marijuana. They write it on a piece of blank paper, because the doctors know that it is not a prescription, it is a facade perpetrated upon the people of California that this has any medical qualities whatsoever.

Now, my friend from Indiana is going to share with you the story of a tragic occurrence in San Francisco, and I am not going to jump the gun on him, because this is absolutely heartbreaking, what he is going to tell you. But I do want to tell you, that incident is not singular in nature.

The fact of the matter is we have children, young people across this country, watching you and me and our peers across this country as it relates to the use of so-called medical marijuana, and if you think for one minute that they are going to turn a blind eye to our acquiescence, that just because it happens to be a little bit difficult to tell people ''No, you are not going to be able to smoke dope,'' just because it happens to be a little bit difficult to tell people that, that we are going to roll over and pass this prohibition on funds, just begs the imagination about what leadership really constitutes.

Mr. WOLF. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

PARLIAMENTARY INQUIRY

Mr. FARR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FARR. Mr. Chairman, I thought the author of the amendment has the right to close.

The CHAIRMAN. The chairman of the subcommittee, controlling time in opposition to the amendment, has the right to close.

The gentleman from California (Mr. FARR) has 1¾ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because my mother had glaucoma and we bought her marijuana because it was a relief, and that was before this bill was passed in the State of California.

I support this amendment because it respects State authority, because the people in our State believe medical marijuana is a way to relieve those suffering from cancer, from glaucoma, from AIDS, from spastic disorders and other debilitating diseases.

This amendment will do only one thing: It will stop the Justice Department from punishing those who are abiding by their State laws. It changes no law.

Mr. Chairman, I ask my colleagues, support this amendment so that those who suffer from debilitating diseases can get the relief that they need, and they can get it without fear of the Federal Government.

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

Mr. Chairman, I would like to respond to the comment of the gentleman from Virginia (Mr. WOLF). I am going to read here that in the State of California, teen use of marijuana has dropped 34 percent among seventh graders, 44 percent among ninth graders and 21 percent among eleventh graders since the California medical marijuana initiative passed in 1996.

Also, I would like to point out that this is not such a radical amendment. It only affects the States that have State laws, that have the enforcement. We have not heard from law enforcement opposing this. We have heard from the American Nursing Association, the United Methodist Church, the New York Medical Society, the Rhode Island Medical Society, the New England Journal of Medicine, the American Bar Association, the American Public Health Association and the Episcopal Church. They all support this amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER).

The CHAIRMAN. The gentleman is recognized for 4 minutes.

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

Mr. SOUDER. Mr. Chairman, first, do not let any Member kid themselves; if you cannot enforce a Federal law, you do not have a Federal law. This would eliminate our ability to enforce marijuana laws in States that have passed this.

My friend from California alluded to a very sad case in the State of California. When we as Members use phrases like ''medical marijuana'' and responsible officials imply that drugs like marijuana are medical, tragedies like this happen.

Irma Perez, age 14, the late Irma Perez, was overdosing on Ecstasy. Her friends had heard that marijuana was medical, and instead of getting her to a doctor, where they said she would have been saved, they gave her marijuana on top of her Ecstasy and she died.

When we have silly debates like this, quite frankly, we bear responsibility. Yesterday, in Ohio, six people died, including a family of four, two adults and two children, when a young person on marijuana and alcohol collided into a truck that hit two other vehicles and killed six people.

If you have medical marijuana laws, like has happened in a court case in the State of Oregon, drug testing laws for truck drivers have been thrown out. It is now being appealed higher, but it is not even clear that you can be assured that our congressional drug testing law for truck drivers will stand up, given the way the courts are interpreting this.

In California, we have a doctor that has given 348 patients under this medical marijuana, including for anxiety and restless leg syndrome. In Oregon, we have a doctor who gave it to 4,000 people over the last few years. We have another doctor in California who uses it, we actually had this person at our hearing, for ADD and hyperactivity, even though she admitted she has no evidence that it worked for those things, but she felt it would make them feel better.

You either believe you have an FDA or you do not have an FDA. We hear about all kinds of other things that FDA cracks down on. Either you have a national FDA or you do not have an FDA.

Furthermore, just last week in Oakland, California, they pulled over a group of guys with about 66 pounds of marijuana. They said it was for medicinal purposes. They found where it was coming from, and they found a warehouse. In this warehouse, they found millions of dollars of marijuana where the people started fleeing, and then these advocates of medical marijuana in California said, Oh, it was so medical.

The person who owned the building had already been busted for transporting illegal drugs. He had lost his license as a pawnbroker. But, no, this was medical marijuana. Some estimate that up to 90 percent of the cases, this is the pro-medical marijuana cases, of marijuana use in California, would be classified as medical.

That is why we have letters, and I will include these in the records, from the Community Antidrug Coalition, and Dr. Dean, who coordinates these efforts, says he opposes it; the Fraternal Order of Police; the Partnership for a Drug-Free America, who plead on behalf of the drug treatment and prevention groups in America to oppose this; the Drug-Free America Foundation; and the U.S. Department of Justice, which is concerned that they will not be able to enforce any drug laws if we do not allow the Federal Government to enforce.

We need to defeat this amendment because it is the wrong message to our youth, it is the wrong message to our law enforcement, it is the wrong message to our drug treatment people, it is the wrong message to the people in the streets of their neighborhoods trying to reclaim their often crime-ridden neighborhoods from drug dealers and addicts in their areas, and it is, quite frankly, unconstitutional.

We fought a Civil War over nullification. States do not have the right. If we can have States nullify an existing Federal law, then on what grounds can this not happen under the same precedent, a lack of enforcement on environmental laws, of civil rights laws, of the Americans with Disabilities Act, of any law? Because once a State can nullify a Federal law by saying, We cannot enforce it, you do not have a Federal system.

This is an amendment fraught with difficulties and should be overwhelmingly defeated by both sides for a multitude of reasons.

Mr. Chairman, I include for the RECORD the letters referred to earlier in my statement.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, July 1, 2004.

Hon. MARK SOUDER,
House of Representatives, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to oppose an amendment to be offered by Representative Maurice D. Hinchey (D–NY) to the Commerce, Justice, State, Judiciary and Related Agencies FY 2005 Appropriations bill which would effectively prohibit enforcement of Federal law with respect to use of ''medical'' marijuana. I strongly urge you to oppose this amendment not only because marijuana is an illegal, addictive Schedule I drug, with no medicinal value, but also because this sends the entirely wrong message to the youth of America.

Marijuana is not a harmless drug: it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. Congressman Hinchey's amendment goes even further by removing the ability of law enforcement officials to enforce Federal law. The efforts of the drug legalization movement, to promote the myth of ''medical'' marijuana and to stifle the efforts of law enforcement agencies to enforce Federal law severely dilutes the prevention efforts that community anti-drug coalitions across America are undertaking to communicate marijuana is dangerous, it has serious consequences, and is illegal.

Congressman Hinchey's amendment is offered under the guise of compassion towards seriously ill patients, when in reality it is a ''Trojan horse'' to legalize marijuana. To date, the FDA has not approved nor has it found any medicinal value in smoked marijuana, which is why it remains a Schedule I controlled substance. Furthermore, in the States that have legalized marijuana for so-called ''medicinal'' purposes, seriously ill, elderly patients are not the only patients receiving marijuana—children are also. At a hearing before your Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Claudia Jensen, of Ventura, California, testified that she prescribes marijuana as medicine for adolescents under her care who have been diagnosed with Attention Deficit Disorder (ADD). In a policy statement from the American Academy of Pediatrics stating their opposition to the legalization of marijuana, they state that ''Any change in the legal status of marijuana, even if limited to adults, could effect the prevalence of use among adolescents.'' What kind of a message are the youth of America receiving when doctors willingly give children marijuana—it tells children that marijuana is not a dangerous drug.

Mr. Chairman, I strongly urge you to help us protect our nation's youth and oppose any and all amendments limiting the enforcement of the Federal law pertaining to marijuana use. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,
Major General, U.S. Army, Retired,
Chairman and CEO.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 6, 2004.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to an amendment which may be offered to H.R. 4754, the appropriations measure for the Departments of Commerce, Justice, State and the Judiciary, which is scheduled to be considered on the House floor this week. The amendment, which was offered last year by Representative Maurice D. Hinchey (D–NY), would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called ''medical'' reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the Sate of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

Such an amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 318,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

PARTNERSHIP FOR A
DRUG-FREE AMERICA,
New York, NY, July 7, 2004.

Hon. FRANK WOLF,
Chairman, House Subcommittee on Commerce, Justice, and State, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to express our opposition to an amendment being proposed to the Commerce, Justice, State FY 2005 appropriations bill, scheduled for consideration today. Congressman Maurice Hinchey is proposing an amendment that again seeks to prohibit the enforcement of

federal law pertaining to marijuana in states that have decriminalized the use of marijuana for medicinal application. The proposed amendment is likely to have the unintended effect of handicapping federal law enforcement agents from enforcing all laws pertaining to marijuana use and trafficking. Therefore, we encourage you and members of the committee to oppose this amendment.

The issue of medical applications of smoked marijuana is one for the medical and scientific communities to evaluate. As you know, state-based referenda on this issue are not homegrown initiatives, but rather are being driven and financed by a handful of national organizations that seek to legalize marijuana and other drugs. The position of the medical community is quite clear on this issue. The American Medical Association, for example, calls for further adequate and well-controlled studies of smoked THC for serious medical conditions, but the AMA recommends that marijuana be retained in Schedule I of the Controlled Substances Act pending the outcome of such studies.

The last thing we need to do is making marijuana more available on the streets of America. Please ensure that federal law enforcement officials can enforce federal laws relevant to marijuana.

Thank you for your consideration.

Sincerely,

STEPHEN J. PASIERB,
President, Chief Executive Officer.

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION,
West Covina, CA, July 1, 2004.

Hon. MARK SOUDER,
Chairman, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing on behalf of the forty state narcotic officers associations and more than 60,000 state and local law enforcement officers that are represented by the National Narcotic Officers' Associations' Coalition (NNOAC) to offer our strong opposition to an amendment that will be offered in the United States House of Representatives that would effectively prohibit the enforcement of Federal marijuana laws in states that do not provide penalties for the use of what has been deemed ''medical'' marijuana.

As you know, despite opposition by the American Medical Association and other credible medical and health organizations, drug legalization activists have chosen to seek the medicalization or legalization of marijuana by relying on the emotions of local voters rather than science based data and the recommendations of the medical community. This reckless approach has resulted in several states adopting medical marijuana laws and relying on public emotion rather than science to approve crude, smoked marijuana for medical use. This action has circumvented the patient protections provided in the Pure Food and Drug Act, which have served to keep Americans safe from dangerous or untested remedies since it was enacted in 1906.

Because marijuana enforcement by Federal officials is now the only effective enforcement of the marijuana laws in several states where medical initiatives have all but legalized the drug, the passage of this amendment would have disastrous results. This enforcement of marijuana laws provides a strong deterrent to the use of marijuana, which also helps reduce the use of hard drugs and the resulting property and violent crimes. Enforcement also sends a strong message to our young people that marijuana use is dangerous and unacceptable. And finally, law enforcement provides a social stigma to marijuana use that helps to prevent the normalization of drug use. Without this enforcement, many people will be lured into believing that marijuana use is safe and poses no threat of addiction.

Federal investigations of marijuana cultivators also serve to disrupt larger drug trafficking organizations, particularly in the state of California, where marijuana is sometimes traded for precursor chemicals for methamphetamine into the state of Washington, which is a significant gateway for high potency marijuana that can sell for the same price as heroin. The HINCHEY Amendment threatens to cause a significant disruptive effective on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply.

The members of the NNOAC strongly encourage you and your colleagues in the Congress to support their local law enforcement officers, health-care workers, educators, and community anti-drug activists, who are dedicated to working towards safe drug free communities by vigorously opposing this dangerous amendment. The passage of the HINCHEY Amendment would have a catastrophic effect and would result in increased drug use and related violence, marijuana related DUI collisions, lost productivity and work place accidents.

Please accept the thanks of our 60,000 members for all that you and your colleagues do to support law enforcement and to help us keep this great nation safe and drug free.

Sincerely,

RONALD E. BROOKS,
President.

JULY 6, 2004.

DEAR REPRESENTATIVE: I have dedicated the past three decades to fighting the war on drugs and as such, I am urging you to oppose the Hinchey-Rohrabacher amendment because of the staggering effect it will have on society.

I have helped form public policy in the United States' campaign against drugs through participation in the White House Conference for a Drug Free America, as a member of the Governor's Drug Policy Task Force in Florida and as a board member of DARE Florida (Drug Abuse Resistance Education.) I presently reside in Rome while my husband serves as the United States Ambassador to the Republic of Italy.

With this experience, I can tell you that drug legalization efforts abound today in the United States with deceptive campaigns that exploit the sick and dying. Medical excuse marijuana is the most common tactic used by legalization proponents. This new amendment intends to prohibit the U.S. Justice Department (including the DEA) from interfering with state medical excuse marijuana laws. If passed, the pro-drug lobby will once again undercut the federal government.

In reference to using the medical marijuana excuse, there has never been controversy about the use of purified chemicals in marijuana to treat any illness; however, marijuana cigarettes are not medicine. The false portrayal of smoked marijuana as a helpful medicine has contributed to the increased use of marijuana and other drugs by young people. Sixty percent of youths in drug treatment today are there for marijuana addiction.

In areas where medical excuse marijuana is legal, people are toking up under the guise of treating conditions such as premenstrual syndrome, athlete's foot and migraines. The Institute of Medicine (IOM), found marijuana effective in addressing symptoms of nausea, appetite loss, pain and anxiety. However, the same report concluded that, ''smoked marijuana is unlikely to be a safe medication for any chronic medical condition.''

Our nation is under attack by extremely well-financed groups, whose sole intention is to profit from drug legalization. They don't care about civil liberties or our nation's children. They only care about getting rich at the cost of a deteriorated society. They frequently use compassion for the sick and dying as one of their manipulative tactics to normalize drug use. These groups would like nothing more than to eliminate governmental regulation. It is imperative that state government be accountable to federal government, especially when it comes to drug policy.

As a drug prevention and policy expert, caring mother and grandmother, I urge you—do not vote for the Hinchey-Rohrabacher amendment.

Sincerely,

BETTY S. SEMBLER,
Founder and Chair,
Drug-Free America Foundation.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 7, 2004.

Hon. FRANK WOLF,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice would oppose any amendment to appropriations legislation preventing the Justice Department or the Drug Enforcement Administration (''DEA'') from enforcing the Controlled Substances Act with respect to marijuana either generally or in specified States. Any such limitation would interfere with the protection of public health and safety against marijuana, which is dangerous to both users and non-users and is the most widely abused illicit drug in America. Moreover, a provision applying only to certain States would unfairly and inappropriately prevent uniform enforcement of Federal law nationwide.

Marijuana is a widespread health and social concern. More young people are currently in treatment for marijuana dependency than for alcohol and all other illegal drugs combined, and mentions of marijuana use in emergency room visits have risen 176 percent since 1994, surpassing those of heroin. Marijuana also can have a dangerous impact on non-users, as demonstrated by the problem of drugged driving. Marijuana affects alertness, concentration, perception, coordination, and reaction time—skills that are necessary for safe driving. Use of marijuana and other illicit drugs also comes at significant expense to society in terms of lost productivity, public health care costs, and accidents. Accordingly, the Justice Department and the DEA continue to vigilantly enforce Federal laws against marijuana trafficking. Any limitation on enforcement of the Controlled Substances Act with respect to marijuana would jeopardize our efforts to continue reducing youth drug use and to protect the public.

The same considerations are important for persons who, contrary to controlling Federal law, would use smoked marijuana for purported medical purposes. States are free to define criminal acts and impose corresponding penalties, under State law, in the manner they see fit. However, it does not follow that the absence of penalties in a particular State for marijuana use in these circumstances ''legalizes'' conduct that remains clearly illegal under the Controlled Substances Act. Moreover, this issue is not only one of legal form; it also is a compelling problem of public health and safety. Smoked marijuana has not been approved for use

under the rigorous Federal drug approval process conducted by the Food and Drug Administration (''FDA''), which prohibits drugs from being sold or distributed in interstate commerce as medicine unless they have been proven in sound clinical studies to be both safe and effective for their intended use. To date, no sound scientific study has shown that smoking marijuana is safe and effective for any disease or condition. The Institute of Medicine has concluded that ''[t]here is little future in smoked marijuana as a medically approved medication,'' and the British Medical Association linked its use to greater risk of heart disease, lung cancer, bronchitis, and emphysema. The DEA, in conjunction with the FDA, has approved and will continue to approve research into whether discrete ingredients of marijuana can be adapted for medical use. However, with respect to smoked marijuana, the clear weight of evidence is that it is not medicine—it is harmful.

Finally, any amendment that would restrict enforcement and prosecution in certain specifically named States, but not in others, would prevent the Department of Justice from uniformly enforcing the law throughout the United States. As a practical matter, residents of States listed in such an amendment would be exempted from Federal enforcement and persecution for cultivation, distribution, and use of marijuana in certain circumstances, while residents of other States would continue to face potential criminal liability for precisely the same conduct. We also note that the amendment would effectively establish a classification among residents of different States with respect to the enforcement of the Federal drug laws. Consequently, Federal persecution of persons in non-covered States for marijuana-related drug violations potentially could be subject to challenge under the equal protection requirements of the Due Process Clause of the Fifth Amendment, particularly in States that may enact future medical marijuana laws that are not covered by the language of this provision.

Again, the Department of Justice opposes any amendment restricting enforcement of the Controlled Substances Act. We appreciate your continued support of our efforts to continue meeting the goals of the President's strategy to reduce youth drug use in America.

If we may be of further assistance in this matter, please do not hesitate to contact us. The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Ms. PELOSI. Mr. Chairman, I rise in support of this amendment offered by my colleagues SAM FARR, DANA ROHRABACHER, MAURICE HINCHEY, AND RON PAUL, and I salute their courage in bringing it to the House floor.

This amendment to the Fiscal Year 2005 Commerce, Justice, State, and Judiciary Appropriations bill would prohibit the Justice Department from spending any funds to undermine state medical marijuana laws. It would leave to the discretion of the states how they would alleviate the suffering of their citizens.

Eleven states, including my home state of California, have adopted medical marijuana laws since 1996. Most of these laws were approved by a vote of the people. More than 70 percent of Americans support the right of patients to use marijuana with a doctor's recommendation.

I am pleased to join organizations that support legal access to medical marijuana, including the American Academy of Family Physicians, the American Bar Association, the American Nurses Association, the American Public Health Association, and the AIDS Action Council.

Religious denominations supporting legal access to medical marijuana or state discretion on this issue include the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

Proven medicinal uses of marijuana include improving the quality of life for patient with cancer, multiple sclerosis, and other severe medical conditions.

In my city of San Francisco, we have lost nearly 20,000 people to AIDS over the last two decades, and I have seen firsthand the suffering that accompanies this awful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea.

In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana ''would be advantageous'' in the treatment of some diseases, and is ''potentially effective in treatment pain, nausea, and anorexia of AIDS wasting and other symptoms.''

To fight the war on drug abuse effectively, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem.

Again, I commend Mr. FARR, Mr. ROHRABACHER, Mr. HINCHEY, and Mr. PAUL for their leadership on this issue, which affects the health and well-being of so many Americans.

Mr. KUCINICH. Mr. Chairman, I rise to support the Farr/Rohrabacher/Hinchey amendment, which will end federal raids on medical marijuana patients and providers in states where medical marijuana is legal.

Despite marijuana's recognized therapeutic value, including a National Academy of Sciences' Institute of Medicine report recommending its use in certain circumstances, federal law refuses to recognize its medicinal importance and safety. Instead, federal penalties for all marijuana use, regardless of purpose, includes up to a year in prison for the possession of even small amounts.

But since 1996, eight states have enacted laws to allow very ill patients to use medical marijuana in spite of federal law. The present administration, however has sought to override such state statutes, viewing the use of marijuana for medicinal purposes in the same light as the use of heroin or cocaine. In 2002, federal agents raided the Wo/Men's Alliance for Medical Marijuana or WAMM, an organization that under California state law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of WAMM's 225 members were terminally ill with cancer or AIDS.

The federal government should use its power to help terminally ill citizens, not arrest them. And states deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. All time has expired on this amendment. The question is on the amendment offered by the gentleman from California (Mr. FARR).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FARR) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER PRO FORMA AMENDMENT BY CHAIRMAN AND RANKING MEMBER TO EACH AMENDMENT MADE IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701 and the order of the House of earlier today, the chairman and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to each amendment for the purpose of further debate.

□ 2030

The Speaker pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

□ 2031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a demand for a recorded vote on amendment No. 6 offered by the gentleman from California (Mr. FARR) had been postponed, and the bill was open for amendment from page 57, line 18 through page 108, line 22.

Pursuant to the order of the House of today, the chairman and the ranking minority member of the Committee on Appropriations or their designees may offer one pro forma amendment to each amendment for the purpose of further debate.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

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

Mr. Chairman, the Flake-Davis-Emerson-Delahunt amendment simply prohibits the enforcement on the new Department of Commerce restrictions published June 22 of this year.

These new restrictions added to the list of items prohibited in the sending of gift parcels, namely, clothing, personal hygiene items, seeds, fishing equipment, soap-making equipment, and veterinary medicine and supplies. As I read through the new list, it occurs to me that these items would promote self-sufficiency among Cubans.

The rationale in the new regulations, however, seems to promote a dependency of Cubans on their oppressive government, the same government that has deprived them of freedom for the past 45 years. To quote the Federal Register that contains these new restrictions: ''Such parcels decrease the burden on the Cuban regime to provide for the basic needs of its people.'' By prohibiting these items from being sent to Cuba, we are, in fact, promoting dependence of these people on a dictator.

This amendment would simply take us back to June 21 of this year, at which point several restrictions were already in place.

The message of this amendment is that it is unreasonable for our government to prevent Americans from sending clothes, personal hygiene items, seeds, et cetera to people in Cuba who are struggling under the dictatorship of Fidel Castro. Withholding of such items will have little affect on Castro and a significant effect on individuals who already struggle for the basics.

This amendment would also prevent the enforcement of the new restriction that says gift parcels can only be sent once a month per household instead of once a month per individual. Again, why should we limit the help that Cuban Americans can send to their families?

Finally, it would prevent the enforcement of the new restriction that says travelers are only allowed to carry 44 pounds of luggage, another way to limit the amount of help that can be sent to struggling families.

In Cuba, the average salary is about $10 a month. When a Cuban family receives simple household items in a parcel, it can save its limited income and spend it on food and other necessities. It is hard to think of an economic sanction that does more harm to the welfare of families in Cuba or does more to make the United States seem mean-spirited towards families who already have the misfortune to live under Communism.

We Republicans have diverse views on the Cuban embargo, but we are united on family values; and we should stand up for them here.

As President Reagan said in 1984, ''We must be careful, in reacting to actions by the Soviet Government, not to take out our indignations on those not responsible.'' I would submit, Mr. Chairman, that that is what we are doing here. We are taking it out on those who are not responsible.

The United States should not be targeting economic sanctions directly against Cuban families, nor should we take away from Cuban Americans the right that all immigrants have, to help loved ones who are left behind.

I urge support of the Flake-Davis-Emerson-Delahunt amendment.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. Still allowed is food, medicine, medical supplies, equipment; receive only radio equipment for reception. It does not eliminate humanitarian aid. So the amendment prohibits implementation of a regulation that is still under development. This regulation, as I understand it, would provide several categories of items that BIS has approved for export to Cuba, the eligibility requirements for gift parcels that can be sent to Cuba without a license.

The Commerce Department had told us that based on input from the public since they published the regulation and in consultation with the State Department, the Department is revising the rule.

Castro has a number of people that are in prison today, many speaking out for human rights; and I think it would be important to send a message; and, as a result of that, I rise in strong opposition to the amendment.

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

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I respectfully disagree with the distinguished chairman of the subcommittee. I think this is a human rights issue.

This is not an issue about whether the embargo is going to stand with Cuba. This is a more fundamental issue about the human rights of Cuban-Americans living in the United States: in my home, the Tampa Bay area of the State of Florida, throughout the country, and their families who have been left behind in Cuba.

As the gentleman from Arizona (Mr. FLAKE) alluded to, under the new restrictions that have been announced by the State Department that have taken effect, we now as a country prohibit Cuban-Americans from sending to their own family members, soap, toothpaste, or underwear. Those will no longer be allowed to be mailed by family members in the United States to their families in Cuba. On top of that, these regulations specifically prohibit United States citizens from sending anything to family members other than their mother, father, brother, or sister. In other words, if you had a cousin or an aunt or uncle in Cuba that you care about and are trying to help, under this rule which has now taken effect, you can no longer send to them medicine or food or medical supplies.

This is tragic. This is absurd. This is unforgivable. This is something that we should not countenance as a House. This is not a policy we ever would have adopted as a Congress.

There are a few things that I believe people on both sides of this amendment agree upon: first, that the conditions under the horrific Fidel Castro regime are insufferable for Cubans and their families living down there; secondly, that for years, this government has done very little to help their people and will continue to do very little. We can also agree that one of the few sources of hope and comfort that families in Cuba have is the hope that their own family members will try to help them. I know from visiting Cuba 18

months ago with the gentleman from Arizona (Chairman KOLBE), I saw for myself the horrific, intolerable, unmerciful conditions this regime has inflicted on its own people. There are people walking around without adequate clothing, without adequate food, without adequate medical supplies.

Now, we are telling those people that we are going to take away one of the last sources of hope and support they have: their own family members who are trying to assist them by mailing to them food, medicine, clothing, toothpaste, soap. I represent a lot of people who work very hard so they can set aside money to buy the things that we take for granted every day in our own homes; and they mail it, they used to mail it to their family members, their aunts, their uncles, their cousins, their parents, their children. They can no longer do so under these regulations that are not in development; these regulations are in effect.

This is having an impact today on the lives of people here in the United States and in Cuba who are hanging on for dear life. We all know there are times in our lives where the only person you can count on to help you is your own family because the government lets you down, other people cannot or will not help you. This is one of those times in the horrific history of Cuba where family members are there. They are the only thing that is there to keep people alive, to keep them healthy, to keep them from starving; and we as a government have stepped in, through a rule that was developed very quickly without a lot of public discussion and debate, and we have cut off that family support.

This is not who we are as a country. This is not what we stand for. These are not our values. They are also not the values of these people in Cuba who are fighting to maintain their dignity and their health. We should adopt the Flake-Davis-Delahunt-Emerson amendment. We should repeal these rules. This is a mistake. I urge my colleagues to adopt the amendment.

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

Mr. Chairman, I asked to go to Cuba. The gentleman from New Jersey (Mr. SMITH) and I asked to go. We were denied. We were denied by Castro for the ability to go visit church leaders in Cuba. Yet, I constantly see, and I guess we are not supposed to mention the names of those in the other body, different members of the other body sort of floating into Havana and coming back out. We were not given the ability to go. The State Department was not able to help us. Castro would not let us go. So it would be a little more objective and a little more fair if those who are opposed to what Castro stands for who basically are taking the Reagan doctrine that he took to Eastern Europe there were able to go.

Even in the Soviet Union under the dark days of Krushchev, we were able to go; and when we went, we brought computers in and different things.

So I just want the record to show there has not been a case that I know of of any Member in this body, and there are good people on both sides, I know both sides do not favor Castro, but I have never seen a Member from this body who strongly opposes and speaks out against Castro to ever be given a visa to visit. You even have to go through the pro-Castro groups to ask for an opportunity to go.

So I think the record ought to show that I want to go. And for those of my colleagues who have been and feel that they speak a little bit and have some influence, pick a time and the gentleman from New Jersey (Mr. SMITH) and I will go and we will go into the prisons; we will go into the churches. But the gentleman from New Jersey (Mr. SMITH) and I have never been able to go.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

As a matter of fact, when Castro denied the authority, because he knows very well who he does not want to allow from this body to enter Cuba, he called the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) provocateurs for having sought permission to enter, because the dictator knows that the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) would go and try to visit Dr. Oscar Elias Biscet and the other political prisoners, the thousands of political prisoners in Cuba. That is their attempt, and the dictator knows.

The issue here, Mr. Chairman, is very simple. The people who have family in Cuba, Cuban-Americans who send aid to family members in Cuba, are in our districts, in the district that I am honored to represent, in the district of the gentlewoman from Florida (Ms. ROS-LEHTINEN), of the gentleman from Florida (Mr. MARIO DIAZ-BALART), and of the gentleman from New Jersey (Mr. MENENDEZ). But this amendment says, our constituents cannot know what is right for their families. This amendment says, we know better.

By the way, the gentleman from Florida made a series of statements that were factually untrue. He said that the new regulations that have just come into effect promulgated by President Bush prohibit humanitarian aid of food and medicine. I believe the gentleman from Florida said that. That is untrue.

The gentleman also said that the new regulations promulgated by President Bush prohibit family members from sending such humanitarian aid to immediate family members. He said that. That is factually untrue.

□ 2045

So I would recommend to the gentleman from Florida (Mr. DAVIS) that he read the new regulations.

Mr. DAVIS of Florida. Mr. Chairman, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I think the gentleman should read the regulations first.

Mr. DAVIS of Florida. I have read the regulations.

Mr. LINCOLN DIAZ-BALART of Florida. Well, then why would the gentleman say that immediate family members would not be able to receive food and medicine?

Mr. DAVIS of Florida. If the gentleman would yield, I would be happy to answer his question.

Mr. LINCOLN DIAZ-BALART of Florida. Why would the gentleman say that if he had read the regulations?

Mr. DAVIS of Florida. Because under the regulations, if you are trying to send something down to your cousins, to your aunts——

Mr. LINCOLN DIAZ-BALART of Florida. That is not what the gentleman said.

Reclaiming my time, Mr. Chairman, the new regulations, this gentleman said and it is on the record, that food and medicine is prohibited to, he said, children and fathers and sons. So anyway, that is factually incorrect.

I am glad that he said he read the regulations, but obviously he did not understand them. Maybe he should read them again.

Now, Mr. Chairman, prodemocracy leaders inside of Cuba, the gentleman from Virginia (Mr. WOLF) just mentioned that he sought to visit with them, risking their lives, have sent us a statement that we received just a few days ago, supporting President Bush's measures, stating, ''These measures of the United States Government are designed to bring about democracy in Cuba. These measures will not only benefit the Cubans who live on the island, but also those in exile, leading Cuba to a peaceful transition, and the people themselves will claim their legitimate rights which were stolen from them by the Communist dictatorship in 1959. The dollars that enter the country go directly into the coffers of Castro's Communist system, allowing them to continue enjoying the goods and pleasures that are denied to the Cuban people. They will continue to live above Cuba's working and exploited class, without even thinking of the common Cuban.''

Now, they signed this. They risked their lives to send us this statement. Numerous prodemocracy activists. They are not, by the way, the so-called ''dissidents'' that are allowed by the regime to travel the world to get awards or to come here to Congress to lobby against sanctions on the dictatorship. These are people in the political prisons or risking their lives because they know that at any moment they could be thrown into those totalitarian gulags and given sham trials where they are sentenced to decades in the gulag.

But this amendment, Mr. Chairman, says, We know better than those people. This amendment, Mr. Chairman, is

dishonest. This amendment is condescending. It seeks to undermine an entire policy that President Bush has just implemented to serve the interest of a brutal dictatorship.

The Democratic Party November 30 ''Frank País'', along with the November 30 Movement in Exile, after debating the pros and cons of the new measures that will be enforced beginning June 30, 2004 state the following consensus:

As far as we are informed, we agree to accept the measures imposed by the United States government. We know that they are designed to bring about democracy in Cuba.

We recognize that many common Cubans will be severely affected and specially the children, the elderly and the ill but we, as members of the Cuban opposition, will try to care for those families as best we can, relying on the unconditional assistance of the Exile community.

On the other hand, there are tens of thousands of Cubans who live off the remittances sent to them by their families in the United States. They even travel to the United States and do nothing to help improve the situation of common Cubans.

We believe, and are almost certain that these measures will not only benefit the Cubans who live on the island, but also those in Exile, leading Cuba to a peaceful transition and the people themselves will claim their legitimate rights, which were stolen from them by the communist dictatorship in 1959.

It is important that the people know that the government of Fidel Castro, as a decaying system, no longer has anywhere to purchase goods because it is in debt to the entire World and the dollars that enter the Country go directly into the coffers of Castro's communist system, allowing them to continue enjoying the goods and pleasures that are denied to the Cuban people. Furthermore, they will continue to live above Cuba's working and exploited class, without even thinking of the common Cuban.

Many families live off the clothes and shoes that their families in Exile work so hard to send them, but the Cubans over there, just like the ones here, must remember that the first one who separated the Cuban family was Castro's communist government, who forbade the people from receiving even a single letter from relatives. Many Cubans—far from going out on the streets in protest—chose to settle in Exile and now they protest against whom they should not protest. They should come and protest against Fidel Castro who is the only one responsible for all these measures.

The double standard must cease, they must go out into the streets if they wish to receive remittances to change the grey and sad destiny of the homeland of Martí. Let no one doubt it, victory is closer each day. We only need the unity of all, and with all, of all and by all, therein lies the success of victory against the dictatorship that for 45 years has sunk the people of Cuba into mud and misery.

We are counting on you, our Cuban brothers and sisters in Exile and within Cuba.

Long Live a Free Cuba!

Havana, June 27, 2004.

Mirta Villanueva.

Reinaldo Gante Hidalgo—activist of the November 30 Movement; Ernesto Medina Pascual—activist of the November 30 Movement; Camilo Pérez Villanueva—activist of the November 30 Movement; Afredo Vapán Márquez—activist of the November 30 Movement; Luis Almansa Veleta—activist of the November 30 Movement; Victor Junier Fernández Martinez—activist of the November 30 Movement; Ada Kaly Márquez Abascal—National Coordinator for functions of the Democratic Party November 30 ''Frank País'' and correspondent for the Oriental Zone of the Information Bridge Cuba-Miami.

Statement given via telephone by Ada Kaly Márquez Abascal—National Coordinator for functions of the Democratic Party November 30 ''Frank País'' and correspondent for the Oriental Zone of the Information Bridge Cuba-Miami, for the Information Bridge Cuba-Miami and Net For Cuba on the 27th day of June, 2004.

I would ask all of our colleagues to reject this amendment, to support President Bush's policy to hasten the democratic transition in Cuba. Oppose the Flake amendment.

Mr. FLAKE. Mr. Chairman, I feel compelled to say again, this is not about travel. This is about the freedom of Cuban Americans to send packages of soap and clothing and personal hygiene items to their families in Cuba.

Mr. Chairman, I yield 5½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me time. I yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. I just want to further respond to the gentleman's comments because I agree, we need to be clear on the facts. We will disagree on the policy. The rule specifically states that if you are sending something to a spouse, a child, a parent or a grandparent, you can send down food and medicine. But if you are sending something to an aunt, uncle or cousin, you cannot, and that is what the regulations say. And with respect to anybody in your family, you are prohibited from sending down soap, toothpaste or clothes. So I think that sets the record straight.

Mr. DELAHUNT. Mr. Speaker, in a recent interview, the chief of staff of Secretary of State Colin Powell said that the U.S. embargo has not worked for 40 years. ''It is crazy,'' he said. And, again, I am quoting the chief of staff to Secretary Powell. He went on to say, ''It is the dumbest policy on the face of the Earth.'' That is his language.

Well, let me suggest now it just got dumber. Several weeks ago, as the others have said, these new regulations were implemented by the administration. Allegedly they are designed to hasten Cuba's transition to a free and open society, which I think we all agree is a worthy goal. But, tragically, the impact of these changes fall heaviest on Cubans on the island and their families here in the United States who want to help them, to assist them.

It is as if 45 years of this tough approach has not already been proven to be an abysmal failure. So today's debate on this moment focuses clearly on one of the most absurd of the new provisions. The regulation of the Department of Commerce that takes the existing restrictions on the contents of gift packages to their relatives from Americans to their relatives in Cuba, and narrows the list even further.

The new rule would make it illegal for U.S. citizens to send Cuban relatives clothing, soap, shampoo, and other personal hygiene items. And furthermore, since June 30 it is now illegal to send parcels to cousins, aunts, nephews, anyone who is not a member of your immediate family. It is also illegal to send more than one nonfood gift parcel each month to a household, for up until now you could send a monthly care package to each individual in a household. But that is over.

So now it is U.S. foreign policy to prohibit American citizens from sending their relatives soap and shampoo and clothes. I would suggest this hardly constitutes weapons of mass destruction. And the U.S. government is breaking new ground, because it is now in the business of defining family for its own citizens.

Under these regulations, grandparents trump uncles and sisters beat out cousins. In past debates in this Chamber about restrictions on the right of Americans to travel to Cuba, I have referred to the travel police. Well, now we have the shampoo police. We have the soap police. We have the deodorant police. We have the clothing police guarding, at taxpayers' expense, against the possibility that these items might make it across the Florida straits.

This is just as much folly as the fact that the Treasury Department now has more people tracking grandmothers bicycling in Cuba than it does looking at the finances of Osama bin Laden and Saddam Hussein. What in the world are we doing? What have we come to?

You might want to review some of the other new regulations, two announced at the same time, like limiting family visits to once every 3 years with no humanitarian exceptions such as the occasion of the death of a mother, the death of a father, the death of a daughter or the death of a son.

President Bush got it right 2 years ago when he went to Miami and said, I love being with my family. There is nothing more important than family in my life. But he got it dead wrong when he announced these regulations. They are antifamily, they are mean-spirited, and they are un-American; and I urge support for this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, sometimes our speeches get away with us and trivialized. The oppression of people in Cuba, sometimes in making a speech we joke about what is going on in Cuba as if it does not even exist. I think that is pretty unfortunate.

People are dying in Cuba. They are imprisoned in Cuba. The entire island

is nothing but a prison of a Communist dictator. The author and proponent of the Flake amendment does not intend to help Fidel Castro's brutal regime grind its boot heel of tyranny deeper into the necks of Cuban people, but that is exactly what this amendment will do.

The premise upon which the Flake amendment is based is that gift packages sent from the United States to Cuba will be delivered to their addresses by some chipper little mailman with a wink and a smile.

No, Mr. Chairman, it works more like this:

A family of refugees in Miami hears that their relatives in the proletarian paradise that is modern Cuba are short on capitalist luxuries like clothing or soap. So this family gathers together a package of supplies to help their relatives get through the month.

The U.S. Postal Service delivers the package to Cuba where it is taken to a central depository. Once the package is secured by Castro's goon squads, the relatives are notified of its arrival and of the price that they must pay to have it released.

More than a billion dollars of charitable goods are given to the Cuban people by their friends and families from America every year, either in gift packages or personal deliveries by relatives. That is $1 billion that Castro does not have to spend on government services but instead can spend on overtime for his secret police.

Meanwhile, under this arrangement, Castro's regime has pocketed more than $36 million over the last 2 years in revenues from ''delivery fees.''

Now, whether this $36 million went to fund international terrorism, more efficiently torture political prisoners, or simply put in an Olympic-size jacuzzi in Castro's rec room, we do not know. What we do know, however, is that Fidel Castro gleefully, gleefully, profits off the generosity of Cuban-Americans and the desperation of the Cuban people.

This is Totalitarian Dictatorship 101, Mr. Chairman. There is practically a chapter on it in the Communist Manifesto. And it is the very arrangement that our Commerce Department will curb with these new regulations. The new regulations ensure, I say to the gentleman from Massachusetts (Mr. DELAHUNT), ensure that the goods sent to Cuba are truly humanitarian. They will thereby cut into Castro's profits. They are supported by the Cuban-American community and, given the chance, they will work.

The Flake amendment, however innocuous it would seem, would undo those regs, further underwriting Communist oppression and welcome Castro's vile snout back to the trough of American charity.

That is why this amendment will not do. And that is why I urge my colleagues to stand with the Cuban people and vote no.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, the Flake amendment is very simple, and I will repeat what my colleagues have heretofore said. It prevents the Department of Commerce from carrying out new misguided regulations, further restricting gift parcels and personal baggage going to Cuba.

Now, the stated purpose of these regulations, as my colleagues have said, is to prevent gift parcels sent to Cuba from supporting the Castro regime.

□ 2100

In reality, we all know that these regulations will have little effect on the Cuban regime and, instead, will seriously hinder the ability of Cuban-Americans to send critical humanitarian aid to their family members in Cuba.

I want to examine, if I could, Mr. Chairman, again some of the supposedly regime-supporting items that these Commerce Department regulations would prohibit Cuban-Americans from sending to family members in Cuba as a gift parcel.

Seeds, so that a family might plant vegetables or flowers; clothing; personal hygiene items; fishing equipment; soap. Now, do those sound like items that if withheld from the Cuban people are going to bring down Castro's regime? I do not think so. There will be an impact, and there is no question that Cuban families will suffer.

Mr. Chairman, imagine living with the knowledge that a member of your family residing in Cuba cannot afford adequate clothing, and we all know that the Castro regime makes it almost impossible to afford clothing, new items; but imagine that you could not send him or her this very basic item. Oh, you could send them a receive-only short-wave radio, but you cannot send them clothing or Kleenex, toilet paper? Come on. This is absolutely ridiculous.

I know personally that if I had distressed family members in Cuba or any other country, that this country might prohibit me from sending items to them, that I would use every tool available in order to assist them. Securing travel to Cuba, I might try to pack as many essential items for my family that I could fit into my luggage; but then again, my efforts would be in vain because I would run into these restrictive Commerce Department regulations. These regulations would keep me from bringing more than 44 pounds of luggage per passenger, including my own personal clothing for the trip.

By the way, as my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), said, thanks to the new regulations issued by the Treasury Department, I could only visit family in Cuba once every 3 years. It is kind of hard to pack 3 years of assistance to your family in 44 pounds of luggage. In this situation, how am I supposed to send my family clothing and other essentials?

These regulations, Mr. Chairman, do not reflect this Nation's family values. I think, Mr. Chairman, that family values mean letting family members help each other.

The Cuban people have experienced enough oppression. Let us not fund policies that cut them off from their families, intensifying their hardship. Vote for commonsense policies that reflect our values. Vote ''yes'' for the Flake amendment.

Mr. WOLF. Mr. Chairman, I yield 7 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my wonderful friend, the gentleman from Virginia (Mr. WOLF), for his steadfast leadership throughout the years in favor of human rights; and that is really what is before us today.

I know that it is tempting to make quips and jokes about this situation. It is not very funny to the Cuban people. It goes at their expense, but I want to point out some of the facts that have been misrepresented on the other side.

There will be no soap police. There will be no deodorant police. I know this is so funny. There is not much laughter in Cuba since Castro took office illegally. There will be no shampoo police because of these regulations, no toothpaste police. Call the Commerce Department and find out what the regulations say. All of those goods will be allowed to go into Cuba. Call the Commerce Department tomorrow and my colleagues will read what the regulations say. Please read them.

I rise in strong opposition to the Flake amendment. Mr. Chairman, after the deplorable attacks against our Nation on September 11, we committed ourselves to denying terrorists and their sponsors the financial resources to threaten the United States and our allies and our interests, and this became the pillar of our foreign and our domestic policy in our war against terrorism.

Yet, when President Bush takes steps to deny more than $1 billion annually to the Castro regime, a rogue regime that has been repeatedly classified by our own State Department as a state sponsor of terrorism, the President is rebuffed and undermined.

After reviewing the evidence of how the Castro regime has manipulated U.S. regulations to fill the coffers of his regime, the President was compelled to act firmly and expeditiously, and what was this evidence? I will tell my colleagues, Mr. Chairman.

More than $1 billion annually in funds and goods are sent to Cuba from those living outside the island through the shipments of gift parcels, remittances, and from vacations. In the year 2002 to 2003, the Castro regime received over $36 million in revenues from delivery of gift parcels. He is making a lot of money.

The regime earns another $20 million per year from excess baggage fees and customs duties, and the proponents of this amendment would ask us to ignore these facts, and they will claim that they would justify their positions using

humanitarian claims, while Castro becomes one of the richest men in our hemisphere.

The facts are the following: the new regulations continue to allow gift parcels for humanitarian reasons. That is the truth. That is the fact, but focus these gift parcels to include truly necessary items such as medicines, medical supplies and devices and unlimited food, just to name a few; and the fact is that gift parcels can be sent to immediate family members. This will ensure that the senior regime and Communist Party officials are not the beneficiaries.

Again, I ask my colleagues, what is wrong with a policy that seeks to deny the Castro dictatorship millions and billions in hard-earned currency? This Castro dictatorship is a regime that just a few days ago, just a few days ago from today hosted the foreign minister of Iran and other Iranian regime officials. What happened there?

The Iranian officials thanked the Cuban dictator for the regime support for Iran's nuclear quest, and he indicated that Iran and Cuba must stand together against U.S. efforts to deny Iran access to nuclear technology.

The Iranian foreign minister underscored the significance of sharing expertise and technical knowledge between two countries in various enterprises.

He said he ''conveyed the warm greetings'' of Ayatollah Khomeini and Khatami to Castro for ''resisting the political and economic pressure'' from the U.S.

What pressure was he referring to, Mr. Chairman? The very regulations and policies that we are debating today, that the proponents of this amendment seek to revoke.

The Iranian foreign minister also referred to Castro's 2002 visit to Iran. He called it a turning point in relations between the two countries, leading to stronger Cuba-Iran ties; and notably, it was during this visit that Fidel Castro, with the Ayatollah, stated, ''Together, Cuba and Iran can bring America to its knees.''

So this stronger Cuba-Iran relationship that the foreign minister was referring to is built on this mission, this shared goal of destroying the United States.

So I ask, why would we want to assist the Castro regime, a regime that seeks to destroy our country? Why would we want to assist this regime? What is wrong with trying to deny the Castro regime the financial means to pursue this goal of bringing America to its knees?

The facts speak for themselves, Mr. Chairman. The new regulations implemented by the President are in keeping with our global anti-terrorism efforts, specifically targeting terrorism financing. They do not affect true humanitarian flows between the U.S. and the Cuban people. They do not, and as our dear former President Ronald Reagan would say, toward those who would export terrorism and subversion in the Caribbean and elsewhere, especially Cuba, we will act with firmness.

So I hope that our colleagues will act with firmness, will follow the Reagan example and act with firmness against the Castro regime because the Commission for Assistance to a Free Cuba has given us a mandate to identify measures that are going to help the Cuban people bring an end to the Castro dictatorship, and this is an element of a plan for U.S. assistance to a postdictatorship Cuba.

Castro has exploited U.S. humanitarian policies to shift burdens that should be assumed by the Cuban state; and instead, he has used it to generate hard currency that he uses to maintain the regime's repressive apparatus. These families can continue to send on a monthly basis medicine, medical supplies, food, personal hygiene products to their immediate family members, and also, and we have not talked about it, but nongovernmental organizations are providing humanitarian support and assistance to civil society groups in Cuba, and they will continue to do so with the President's recommendations.

I thank the chairman again for his time.

Mr. FLAKE. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 13½ minutes remaining. The gentleman from Virginia (Mr. WOLF) has 14 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from Massachusetts.

I just wanted to clarify what the rule actually says. The rule we are seeking to amend states this rule removes seeds, clothing, personal hygiene items, veterinary medicine and supplies, fishing equipment and supplies, and soap-making equipment from the list of commodities that may be sent to Cuba in gift parcels.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in support of the Flake-Davis amendment. This amendment will help not the Cuban regime, but this is an amendment that will help the Cuban people.

Mr. Chairman, for the past 5 years, this House and the other body have voted time and time again to lift various U.S. restrictions on travel and on commercial food and medicine sales. Yet this administration has moved with ruthless determination to tighten and increase restrictions on heretofore legal interactions between Americans and Cubans.

Who have they targeted to be most affected by these new rules and regulations? Who is so subversive, so threatening to our national security that they must face tighter and tighter and tighter restrictions on their activities? Well, it is not members of the Cuban Government. Mr. Chairman, it is Cuban families that will suffer as a result of these new policies.

The Bush administration has even gone so far as to redefine what the word ''family'' means for Cuban-Americans; and it does not include uncles or aunts or cousins or nephews or nieces, let alone your godparents or godchildren or any other member of your extended family. As far as the Bush administration is concerned, if these extended family members are beloved by a Cuban living in America, too bad.

As the sponsors of this amendment have already described, the new Commerce Department policies demand that Cuban-Americans in the United States restrict humanitarian or gift parcels to just one per household in Cuba once a month, rather than a parcel once a month to each individual family member, and while the package may include food, it cannot include seeds so that the family might grow more of their own food or fishing equipment so that they might catch their own food or veterinary medicines and equipment so that a family might care for animals that help them supplement their diet or income.

While the parcel may include medicines, it cannot include personal hygiene items or soap-making equipment; and I would say to my colleagues here, I have the regulations. They are right here in black and white. I am happy to show them to my colleagues and give them to them so they can read.

While Cuban-Americans can send their family members receive-only radios, they cannot send them clothing. Clearly, in the minds of officials at the Commerce Department, listening to Radio Marti is a greater priority for Cuban families than adequate clothing.

Mr. Chairman, our Nation has always placed an emphasis on families, on family values, on the reunification of families. As a Nation of immigrants, we have thrived on supporting our extended families, both those living in the United States with us and family members still struggling to survive in their mother countries.

The new restrictions issued by the Commerce Department make a mockery of this common heritage that binds all Americans together. No matter what any Member of this body believes about the rightness or wrongness of our current policy toward Cuba, and for the record, Mr. Chairman, I believe that our policy is a miserable failure, but no matter what one believes, we should not place the burden and price of those beliefs on Cuban-Americans and their relatives still living on the island.

No constituency in America has fought more fiercely for a free Cuba. Yet, these are the very families Commerce is going to punish.

□ 2115

These new policies were specifically made to isolate Cubans on the island

from their relatives in the United States. They were specifically made to increase the hardships faced by those families.

Mr. Chairman, these new policies are cruel, these new policies are inhuman, and these new policies are cold-hearted and their enforcement should not be funded.

Mr. Chairman, I urge my colleagues to vote in support of the Flake-Davis amendment.

Mr. WOLF. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia has 14 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to this amendment, which would weaken the pressure on Castro's gangster regime. Yes, Cuban families will be suffering. Yes, Cuban families will suffer more than they suffer now. But they are not suffering because of the United States of America. No.

It is always America's fault, right? It is always America's fault whether the Cuban people are suffering or any of the people who live under tyranny are suffering anywhere in the world. It is always our fault.

No, the people of Cuba are suffering, as they have for the last 3 and 4 decades, because of the Castro regime. It is a brutal dictatorship that has suppressed the people, that has eliminated freedom, that has permitted the economy, that once-proud economy, one of the most prosperous economies of the hemisphere, to go right down the tubes.

The people of Cuba know why they are suffering. It is not because of the people of the United States. And, in fact, we should have policies that differ between democratic countries and dictatorships. If we have the same policies, what pressure are we going to be able to put on these dictatorships to change? That leaves us with only the military option. We should have an economic policy that will pressure this hemisphere's most brutal dictatorship, and we should make sure that we do not relieve that pressure at this moment.

It is important that the people of Cuba fully understand the consequences of Castro's dictatorship. It is not the fault of the people of the United States, as we have heard here. It is not the fault of this administration. It is the fault of this bearded dictator who has murdered all of his opposition in Cuba. That is why there is no prosperity. That is why the people are living in misery. It is not because of anything we are doing here.

Yes, we should put economic pressure on Cuba to get rid of Castro. Castro has not only a dictatorship that oppresses his people, he supports insurgents and terrorists throughout this hemisphere. He uses his territory as a base of operations that is designed to hurt the people of the United States of America.

Fidel Castro rules with an iron fist. Yes, you do not grow much food when you have iron fists on your hands. That is right, you do not grow much food and you do not have a high standard of living when you spend all your money subsidizing terrorists and a heavy military regime, as Castro has. That is why the people of Cuba are suffering.

The best thing we can do right now is continue the pressure on Castro until he is gone. That is what we can do for the people of Cuba. And if we right now take the measure that is being suggested by the Flake amendment, it will be seen as a weakness on the part of the United States towards this hemisphere's most brutal dictatorship. It will not encourage change for the better, it will encourage intransigence on the part of dictators and terrorists like Fidel Castro.

It is time for us to oppose any type of suggestion like that proposed by the Flake amendment today.

Let us be for Cuba and the people of Cuba, for freedom and democracy, and say, yes; Cuba, si; libertad, si; Castro, no mas.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from Idaho.

I would just say that let us do stand for freedom, let us allow Cuban Americans to observe the freedom that they have to send personal hygiene items and food, medicine, and clothing to their family members in Cuba.

Mr. Chairman, I yield 3½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for his leadership and once again for bringing forth, I think, a very important doctrine relative to our policy here in the Western Hemisphere.

I rise today in support of this amendment, with great concern about the more than 40 years of failed American policy towards Cuba.

We talk a lot about bringing democracy to Cuba and other parts of the world, especially for those who have suffered under the cruel fist of Communist tyranny for decades. Yet for decades we have worked to shut off their access to their very best hope for freedom, and that is to experience it by conversing with people who are free, or at least were free up until June 30, when once again we adopted another tyrannical national policy toward Cuba.

Instead of bringing about positive change for the people of Cuba, this decrepit policy has hurt ordinary Cubans. It has hurt their families and has deprived ordinary Americans of the opportunity to become ambassadors of freedom. The new restrictions that were put into effect last month only cripple our ability to see change come to the Cuban people.

We say we are trying to help the Cuban people, but by imposing even stricter limits on how Cuban Americans can help their family members in Cuba, these changes hurt not only the Cuban Government but ordinary Cuban citizens who are struggling under that very dictatorship that we try now to depose.

These new restrictions and the underlying policies are unreasonable and fly in the face of what everyone knows is the best way to make people hungry for change, and that is to show them the benefits of what they are missing and the benefits of what they will gain by changing.

Is anyone surprised, then, that in 4 decades we have seen little change in the Cuban political climate? How can we claim to support families while our policies encourage the breakdown of family units by limiting the support of Cuban Americans that can provide family members while they struggle in Cuba? How can we claim to value our God-given freedoms, while denying American citizens the right to move about the world as they please? And how can we claim to want a free and democratic Cuba while refusing the Cuban people the opportunity to see freedom in action and at its best?

Our failed Cuban policies toward Cuba cannot continue. Making them tougher only makes them worse. If we truly seek to end ruthless and brutal human rights violations in Cuba while showing the Cuban people the way toward social and economic freedom, we must begin by changing our own policies of restriction and denial. I urge the support of this amendment.

And let me just say in closing, Mr. Chairman, that I wonder, because I have heard tonight about the iron fist, the restrictions, the suppression, and government directed. Is that not what we are talking about in our directions toward Americans and their want of travel to Cuba? Is that not what we are talking about in our government restricting the activities and relationships between families? Is that not what we are talking about with our religious associations and the lack of our ability to have our religious associations go to Cuba? Is that not what we are talking about when we are afraid, for some reason, to expose the Cuban people to another form of political thought?

I wonder from where that iron fist and that tyrannical hand comes into play?

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I have the greatest respect for my good friends, but as a naturalized American, as a political refugee from an enslaved Communist regime, I would hope that my colleagues would never compare this greatest Nation on Earth, the United States of America, the beacon of hope and democracy for oppressed people everywhere, to what is going on 90 miles from my constituency, the beast of Fidel Castro, who enslaves his

people and who denies his people basic liberties.

Please do not insult my adopted country in that manner.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, it is an important night tonight, because I find myself in between a fight with two sets of freedom fighters, two groups that care deeply about freedom. But the suggestion made by the last speaker, who is a dear friend of mine, that we are interrupting relations between families, in my view, is a little bit like saying that somehow the United States was responsible for a catastrophe visited upon us by Hitler because we refused to give Anne Frank lunch buckets before the Holocaust.

My colleagues, there is way too much at stake here to sit back and say that this is a totalitarian regime that we are going to do business with. I have freedom fighters, including the sponsor of this amendment, who is a hero of mine, the gentleman from Arizona (Mr. FLAKE), who believes deeply in limited government. He believes deeply in free trade. He believes deeply in the things that make our country and free nations great. But I have to say that the question before us tonight is, are we going to accommodate, will we appease, will we compromise with, will we do business with, will we facilitate, will we provide basic resources to a dictator that has put his own people in jail, under the knife in prison, who has basically undermined every single basic liberty we have ever experienced?

Our own State Department has identified, as one of the sixth major exporters of terrorism, the Cuban government. Are we going to recognize that, or are we going to reward that and facilitate that? That is the question here tonight. The question is what Lady Freedom would do here tonight.

I have freedom fighters on both sides of this argument and people I respect. But fundamentally if we send the message to Castro that he and whoever replaces Castro can stay forever and punish freedom, throw 70 reporters in jail on an annual basis simply for reporting the truth, if they will constantly undermine what is good about our free world, then we have got to live with ourselves as the price comes due for allowing freedom to be undermined.

It is true that this is a policy that for some 45 years has not worked. The first 35 the Soviets supported them. With the last 10 years, we have had a chance to undermine Castro. Mr. Chairman, I ask my colleagues to please oppose the amendment.

Mr. FLAKE. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 5½ minutes remaining and the gentleman from Virginia (Mr. WOLF) has 8 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time. I think we have to stop and listen and look at what is going on here. What we are talking about is regulations that went into effect 7 days ago. These are new regulations. There was no oversight by Congress. We are providing the opportunity here to give that oversight and to do the checks and balances.

The regulations are anti-American because they only affect us. They do not affect Cubans. We are the ones that cannot do this. Our government is telling us that we cannot be compassionate Americans. We cannot send seeds, cannot send clothing, cannot send fishing equipment, cannot send soap to people in another country. And we are going to have to have a police force that goes out and enforces that? That is not a compassionate America.

We cannot be a country that says that we can leave no child behind when we cannot even send hygiene products to this country. We cannot. Americans cannot. We can send to every other kid in the world something that we cannot send to Cuba. That is not leave no child behind.

What are we afraid of? What are we so afraid of that we have to make these regulations so restrictive that we Americans just cannot send a goodwill package to people? How are we going to have friendships? How are we going to instruct about democracy? How are we going to talk about this great country?

This country is turning into the ugly American, the really ugly American by making these really dumb and anti-American restrictions; and we in Congress should lift them by voting for this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to this amendment. We all know that Castro was kept alive for decades by the Soviet regime, and they have collapsed. So how does he stay alive? One of the things he is doing is he is making a lot of money from people that are going back and forth and back and forth.

□ 2130

There are Americans essentially vacationing down there, and to say, You cannot send packages, you cannot go at all, I mean, these are gross exaggerations.

This is a very well-thought-out policy of the President of the United States, and we should support our President in this. And the Cuban Americans in my district, it amazes me for people to get up and say the Cuban Americans do not like this. The Cuban Americans in my district like this. They think it is a very good thing to do, that Castro is being helped by the previous policy and that this policy will be much, much better for our foreign policy interests, which happen to be to support freedom.

And I think this is a very poorly thought out amendment. Vote against it. Support the gentleman from Virginia (Mr. WOLF) in this.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. Chairman, I rise in strong support for this amendment. This, to me, is a freedom issue, as the gentleman from Florida has indicated. I think everyone in this body is concerned about freedom in Cuba, and we should be, and we should do whatever we can to encourage it, but obviously some believe you can encourage freedom by sanctions, which has not worked very well, but it seems to boggle my mind that if we restrain freedom here, that we help freedom there.

This is what we are doing. We are restraining the freedom of our people to send a package, and of course not dealt with in the amendment, but travel as well.

The founders of this country gave strong advice to us, and for 100 years or so we followed it. They said friendship and trade with everyone who is willing, alliances with none; and that is pretty good advice. But what have we done in recent years? We have a hodgepodge when we deal with other countries.

Just think of what has happened recently. We took the gentleman from Libya, the so-called gentleman Omar Qadhafi, who is now scheduled to shoot four nurses and a doctor, and we have given him normal trade sanctions, and we are going to subsidize trade with him. And here he admits to having shot down one of our airplanes or blown up one of our airplanes. He is a terrorist, but here we are dealing with him in that way.

We have trade with China. Things have gone better with China, not worse.

Where are the free traders? It really bothers me when I hear the free traders who promote free trade in every other area except the freedom of an American citizen to send a package to Cuba.

I do not believe you can enhance freedom in Cuba by limiting the freedom of American citizens. We must be more open and more confident that freedom of choice by American citizens is worth something to defend; and I stand strongly for this amendment and I compliment the gentleman from Arizona (Mr. FLAKE) for bringing it to us.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to this amendment, and I will tell you why. Ask the Cuban exiles if they support this amendment. Every single one of them in my district says no. They know what Castro represents. Ask Cuban exiles all over.

I want to be able to walk into a free Cuba with the gentlewoman from Florida (Ms. ROS-LEHTINEN), with the gentlemen from Florida, the DIAZ brothers, and the millions of people that

have been exiled out of Cuba. What is helping the Cubans is to get rid of Castro.

Mr. Chairman, this is also personal. Here sat the gentleman from Texas (Mr. SAM JOHNSON) tortured, tortured brutally by Castro interrogators. They took a pistol and blew the head off of one of our Americans that was a prisoner of war in Vietnam. Remember Elian Gonzales? Remember them shooting down an American airplane that was along their coast?

You know, I do not forget things. Look at the movie Hanoi Hilton. It is not made up. I see people shaking their heads. A Castro torturer stood and held a gun to an American prisoner of war and blew his head off. Ask SAM JOHNSON. He was there. And it is appalling.

Now, there are American stakes. Some of my friends said, Well, DUKE, we are trying to open up agriculture trade. We represent agriculture districts in the opening up of sanctions to Cuba. Sometimes things are worth fighting for. Sometimes things are worth giving up.

Let us give up a little bit so that the Cuban people can be free and that Castro dictator can be eliminated. God bless this country. To hell with Castro.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding me this time and for his leadership in sponsoring this very common-sense amendment.

The point is very simple and clear. Not one dime, not one penny of U.S. tax dollars should be spent to regulate how much soap and toothpaste Cuban Americans can send to their loved ones. Very basic.

I know that many want to topple the Castro government. Regime change, of course, has been central to United States foreign policy under the Bush administration. I happen to believe, however, that we should end the embargo, allow Americans the right to travel, which is their right, and also allow families to embrace each other. Forty-five years of an embargo against an Afro-Hispanic country 90 miles from our shores is fundamentally wrong and immoral.

The United States has normal relations with China. Even the Cuban dissidents believe that ending the embargo makes sense for that cause. This amendment does not even do that. All it does is allow soap and toothpaste and gift boxes to be sent to Cuban people. We should support this modest amendment and stop punishing ordinary people because of a backwards foreign policy.

Mr. WOLF. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I just heard that the dissidents in Cuba do not support the sanctions. That is just not correct. As a matter of fact, yesterday, Mr. Antunes, a black Cuban leader who has been in prison since he was 16 years old, imprisoned by that white Spanish son, and grandchildren of Spanish people, Spanish white people who have imprisoned mostly blacks, and again the blacks in prison like Dr. Biscet, like Mr. Antunes, all support these sanctions.

Let me just tell Members who do not support the sanctions: Castro himself does not support sanctions, he supports this amendment as a matter of fact. But the primary reason we have heard today for this amendment, and we have heard it time and time again, is that the Cuban Americans are going to suffer. Those of us who represent the Cuban Americans do not know. The Cuban Americans, you see, according to this amendment, do not know what is right for them. No, those people, we have heard that before, those people do not know what is right for them. So, therefore, this amendment sponsored by people from Arizona and Massachusetts, very far-away places, this amendment knows what is best for that group of Hispanics and their families.

There are two words for what this amendment is, Mr. Chairman, two words for an amendment that says those people, those Hispanics do not know what is right for them, so this amendment has to tell them what is right, two words, ''patronizing'' and ''racist''; you see, because the Cuban American people do know, Mr. Chairman, what is right for themselves and their families. The Cuban American people do know what is the right thing to do, which is why they do not support this amendment. They overwhelmingly support the President's smart, well-thought-out, responsible measures.

Let us oppose this amendment that again tries to tell that group of Hispanics what is right for them, what is right for Cuban Americans. We who represent the Cuban Americans can tell you, they know what is right for them and their families, and they will tell Members to vote ''no'' on this amendment.

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

Mr. Chairman, up until most recently, this has been an enlightening discussion. I think it is unfortunate that those who seek to enhance the freedom of individuals to decide whether or not they can send their families services or goods, that is considered racist or that is considered patronizing or condescending. Nothing can be further from the truth. We are simply allowing freedom.

It would be the ultimate irony if we allow Fidel Castro, as William F. Buckley said in a column today, it would be the ultimate irony if we allow Fidel Castro to impinge on the rights of Americans.

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

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am somewhat surprised at some of the supporters of this amendment and the way that they are supporting the amendment, as I will. They actually sound like this is on the level. They actually debate this like this is for real.

Let me refresh Members' memories, those who support my position in favor of the Flake amendment on how this happened. A group of Florida legislators wrote the White House and said, if you do not tighten up on Cuba, you are going to lose votes in Florida. That is what happened. That is the truth. So I am surprised that some of my colleagues would actually debate this as if this was real and on the level. This is not on the level.

If you arrived from the moon tomorrow and did not know this was an election year and Florida was in play, how would you have a hint that it was an election year and Florida was in play? Tighten up on Cuba to make Florida not in play, but fall into one column. That is why we bring up Elian Gonzalez, who is playing soccer in Cuba minding his own business. That is why we have decided that Castro stands at the gate and every single dollar and every single tampon and every single Kleenex that goes in Cuba he grabs for himself, and that is why he is the richest guy in the hemisphere, except there is no sign that he is going anywhere and he is nearing 80, so I do not know when he is going to spend all of this money he accumulated.

In 1950, my family came from Puerto Rico. We were not coming from a foreign country, but we felt like we were, and in some cases, we were treated like we were. What do I remember the most? I remember the cold of New York. That was new to me. I arrived in short pants. My father dressed us for Puerto Rico and not for New York.

And I remember my father made $40 a week, and every single Friday upon being paid, he ran to the post office and bought a green money order that he sent back to the folks that we left behind.

So I grew up not understanding a policy that says, to bring about political change, you bring pain to the people you left behind. I do not understand that. That is not right and not correct.

Now, I realize there are rules in the House about how one deals with other Members, and I am one of the most respectful Members when it comes to that, but it was nice to see the majority leader come to the floor and denounce this policy when he is always a leader on trade with China. So whenever he denounces policies like this towards Cuba, I try to see if he is crossing his fingers behind his back since he is such a strong supporter of trading with China.

What are we saying here, that to bring down a government you will deny a family member the ability to visit but once every 3 years. What are we saying, that you are so intent on bringing down a government that has lasted,

for whatever reason, for whatever reason, for over 40 years, because you will not allow a cousin toothpaste? Is that who we are as a people? Is that what we believe in?

The gentleman from Virginia (Mr. WOLF) is like a brother to me, one of the most humane Members in this Congress, and I know the role he has to play on this amendment, just like he understands the role I play on other amendments. But he cannot really believe we are hurting people in the Government of Cuba by denying toothpaste to people in Cuba. That is not what we are doing.

Mr. Chairman, what we are doing is looking for votes. And you know something? It might work. But there are hollow victories, and this may be one of those. This may be one of those victories where you say, Sure, I won, but the people lost, and I was supposed to be representing the people.

□ 2145

And so in memory of my father, remembering that $10, $5 check that he sent back every week to help those who stayed behind, in respect to the Dominicans and so many people in my district and Mexican Americans who send money back every day, in respect for all of those folks and for what they stand for, I cannot be part of this policy. The only change now is that I am no longer alone here. There was a time when the Ron Dellums and the gentleman from New York (Mr. RANGEL) and I were totally alone. Now I am glad to say that all those ideas are now Republican ideas, and I welcome that. I love these Republican amendments that try to deal with Cuba in any way.

But, Mr. Chairman, we cannot continue down this route. We are not going anywhere. We are just making enemies of everybody that we can find in Cuba, and that is not the way to do it.

And one last point. Yes, I have seen TV, Spanish radio interviews with dissidents in Cuba who are saying if we want to help them do not do this, that we are just alienating them. And there is one good sign. And it is the hope; it is the future. A significant number in Florida of Cuban-Americans are saying this is wrong. This is not the way to win. This is not the way to help me. Let me talk to my cousin. Let me visit my grandmother. Let me close to the family I left behind because I am in this country, they are not, and I do not want them to miss out on some of the things I have.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I sometimes think the institution that we serve here is so economically driven that we worship at the alter of trade. We are becoming an economic institution. I remember the days of Ronald Reagan where we were more concerned about freedom than anything else.

The gentleman from Texas (Mr. PAUL) is not here. He said things are better in China. Things are not better in China. I opposed MFN for China. Things are worse in China. There are 11 Catholic bishops in jail in China. They have just arrested the person who was identified with regard to SARS. They are persecuting the Tibetans, the Muslims, the evangelicals. Things are worse in China today with MFN and with trade than they have been for a long time.

Secondly, I am really kind of sorry that we are really divided. We should be together, and I think things like this send messages that are not necessarily positive. I wish there had been more discussion, quite frankly, on both sides about those who are being persecuted and those who have been arrested and those who are in jail. Have any Members read the book, and the gentleman from New Jersey (Mr. SMITH) has met with him, and I have met with him once, by Armando Valladares? The persecution and the suffering that has gone on. I have heard almost no one here tonight say that if Castro were to open up the prisons and the jails and release the people, I may change my position. But we should be asking Castro to do something, and we never do that. Why does Castro not open up the prison doors and allow peaceful people out? Why does Castro not allow the journalists to write whatever they want? Why does he not do that? So there should be more discussion on this and less interest in economic interests on both sides and more on human rights and religious freedom.

Lastly, Ronald Reagan took away MFN from Rumania when all the business interests and the Congress was opposed to it. Ronald Reagan was the one who stood up with regard to Communism. The policy in Castro's Cuba has not been a total failure. They are no longer exporting their political situation around the world.

In the interests of those who are suffering, we should be together; and I would hope that whatever amendment would be offered, and it is too late to amend this amendment, so whatever amendment would be offered would also carry the stipulation that those who are in prison for what they believe in, for religious freedom and persecution, as we do whatever the Flake amendment does, that the prison jails are opened and that people be released.

With that I urge a ''no'' vote on the amendment.

Ms. WATERS. Mr. Chairman, I thank the gentleman from Arizona [Mr. FLAKE] for the time.

I rise to support the Flake amendment to prohibit the use of funds in this bill to enforce the Commerce Department's recently-announced anti-family restrictions on sending gifts to Cuba.

These restrictions are part of an extensive set of new Bush administration rules that punish Cuban-Americans who have families in Cuba. These regulations include limiting family visits to Cuba by Cuban-Americans to once every three years and further restricting the ability of Cuban-Americans to send money to their families in Cuba.

The Commerce Department's new regulations would make it illegal for Cuban-Americans to send clothing, seeds, soap, personal hygiene products and veterinary medicines to their families in Cuba. Other gifts would be limited to one gift parcel per month per household in Cuba. Gifts could be sent to parents and children, but not to aunts, uncles, nieces, nephews or cousins.

What conceivable rationale could there be for this cruel, misguided assault on Cuban-American families? Is there anyone who truly believes that we are achieving anything productive by keeping Cuban-Americans from helping their family members who remain in Cuba? How dare this administration tell American citizens they can't send clothes, toilet paper or toothpaste to the families they love!

I urge my colleagues to protect the right of Cuban-Americans to assist their families. Let's help these families, not punish them. Support the Flake amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

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

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

This is an amendment that I have offered several times in the past, and it is very simple. It says none of the funds made available in this act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations. So very simply, it would defund the United Nations.

The United Nations and the international organizations are now receiving more than $3 billion; so there would be some savings there. But that is not the whole reason why I bring this up. My concern, of course, is for national

sovereignty, and I think that we have drifted a long way from the time when this Congress and the President decided on foreign policy to the point now where we are more or less driven by the United Nations. The United Nations has not too long ago set up an international criminal court that we are trying to avoid jurisdiction on our people but nevertheless it hangs out there as a threat to our military. We now pay a larger sum to the United Nations than anybody else. For the administrative part, it is 22 percent, and for the peacekeeping part, it is 27 percent. So essentially we are paying a quarter of the U.N. dues; and, of course, we do not get 25 percent of the vote.

In recent months, we have all become aware of the scandal involving the United Nations, the Food for Oil program, and there is $10 billion missing. And if there was ever a time that we ought to send a message that we do not condone this type of activity, it is now. There is an investigation going on led by Paul Volcker, but he has no subpoena power. The United Nations and the personnel have no intention so far of cooperating. The odds of our really finding out where this $10 billion went are really quite slim.

But the whole process is wrong. So over the years I would say not only the $10 billion that was taken but the many tens of billions, if not hundreds of billions, of dollars that we have pumped into these international organizations have essentially been money down a hole.

But the bigger issue, of course, is the United Nations making decisions for us. We do now capitulate to the WTO. I am a free trader. I have talked this evening about free trade, true free trade. But the WTO is an organization that, because we are a member, we obediently come and change our tax law to conform with what the WTO tells us to do. We should not be very pleased with that type of an organization that does not really even defend free trade. And we have the IMF and the World Bank, and all it is is a big payment and a big burden for the American taxpayer.

Shortly after the United Nations was established, one of the worst acts occurred early on, and that was that our President took us to war in Korea. And it is ongoing. There is a U.N. war that has been going on, and we have had troops in the United Nations there for over 50 years, and that is quite a bit different than if war would be declared by the Congress and we would fight and win wars.

Even the current war that we are having today, it is not a war, but it is a war when it is necessary to call it a war; but we did not declare a war against the Iraqis, and yet in 1991 we went to war under a U.N. resolution. It was said at that time we did not even need a congressional resolution. We could just go because it was under U.N. orders. Even this current time it confuses us quite a bit because when we voted on going again into battle in Iraq, the United Nation was mentioned 21 times to give this authority, but still it was not a declaration of war.

But at the same time that we use the United Nations to do something to enforce U.N. resolutions, then we turn around and we defy the United Nations. They might ask for a resolution of support. We do not get it, but we do it anyway, which does not do a whole lot to build friendship around the world.

So I see this as totally chaotic, not in our interests. It exposes our men and our women to battle in undeclared wars that are generally not won. Ever since World War II, since wars have not been declared and they have been fought essentially under United Nations, wars have not been won, a lot of men and women are killed, and the resolution is never complete.

So my argument is it is time to send a message to those who are questioning whether or not we are too unfriendly to the United Nations, but at least we ought to assume that there should be a responsibility here for us to have the prerogatives of making these decisions ourselves and not by an international body.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PAUL) has expired.

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

I rise in strong opposition to the gentleman's amendment. As imperfect as the U.N. is, there is no other forum which exists to further the U.S. goals. The Security Council's unanimous resolution on Iraq on June 8 was critical to a U.S. priority and to the Bush administration, their effort with regard to bringing some sort of resolution to the issue in Darfur in Sudan, the peacekeeping effort to stop the genocide in Liberia and in Sierra Leone and other places. So the U.S. maintains a key factor here. So I think there are so many arguments that in the interest of time I would hope the amendment would be overwhelmingly defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Arizona (Mr. FLAKE), the amendment offered by the gentleman from New York (Mr. WEINER), the amendment offered by the gentleman from Colorado (Mr. HEFLEY), amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH), amendment No. 9 offered by the gentleman from Texas (Mr. PAUL), amendment No. 6 offered by the gentleman from California (Mr. FARR), amendment No. 10 offered by the gentleman from Texas (Mr. PAUL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 194, not voting 18, as follows:

[Roll No. 329]

AYES—221

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg

Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—194

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Engel
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—18

Blumenauer
Cardin
Cardoza
Carson (IN)
Chandler
Collins
Conyers
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2221

Mrs. WILSON of New Mexico, Mr. TANCREDO, and Mr. HOEKSTRA changed their vote from ''aye'' to ''no.''

Mr. FROST and Mr. HOEFFEL changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 212, not voting 15, as follows:

[Roll No. 330]

AYES—206

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burns
Burr
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chabot
Chandler
Chocola
Coble
Costello
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gerlach
Gibbons
Gingrey
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Harman
Hastings (WA)
Hayworth
Herseth
Hoeffel
Holden
Holt
Hooley (OR)
Hulshof
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moran (KS)
Murphy
Nadler
Neal (MA)
Nethercutt
Neugebauer
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Scott (VA)
Sessions
Shaw
Shays
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Taylor (MS)
Terry
Thompson (CA)
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Waters
Watt
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu

NOES—212

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Biggert
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Grijalva
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
Kilpatrick
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lucas (OK)
Maloney
McCrery
McInnis
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Myrick
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Sherman
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Solis
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (TX)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Watson
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2237

Messrs. MARKEY, ABERCROMBIE, BURNS, DICKS, BROWN of Ohio and Ms. MAJETTE changed their vote from ''no'' to ''aye.''

Mrs. JO ANN DAVIS of Virginia and Messrs. FORBES, LEWIS of Georgia, MICA and NEY changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 71, noes 342, not voting 20, as follows:

[Roll No. 331]

AYES—71

Baird
Baker
Bartlett (MD)
Boozman
Bradley (NH)
Burton (IN)
Buyer
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Flake
Fossella
Franks (AZ)
Gillmor
Graves
Green (WI)
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Houghton
Hunter
Isakson
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Manzullo
Marshall
McInnis
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Ramstad
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Skelton
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Weldon (PA)
Wilson (SC)

NOES—342

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

NOT VOTING—20

Aderholt
Akin
Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Gutierrez
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Scott (VA)
Tauzin
Thomas
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2243

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 15, as follows:

[Roll No. 332]

AYES—232

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gibbons
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)

Platts
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
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
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—186

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

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2251

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 283, not voting 15, as follows:

[Roll No. 333]

AYES—135

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Chabot
Chocola
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)

NOES—283

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hefley
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2258

Mr. NEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FARR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FARR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 268, not voting 17, as follows:

[Roll No. 334]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Brady (PA)
Brown (OH)
Capps
Capuano
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Harman
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—268

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—17

Blumenauer
Boucher
Cardin
Carson (IN)
Collins
Deutsch
Hall
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2305

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 334 I inadvertently voted "yes." I intended to vote "no."

AMENDMENT NO. 10 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 335, not voting 15, as follows:

[Roll No. 335]

AYES—83

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Coble
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Peterson (MN)
Platts
Pombo
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shuster
Simpson
Stearns
Sullivan
Tancredo
Taylor (MS)
Tiberi
Wamp
Weldon (FL)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)

Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hensarling
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2312

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2313

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 92, line 16, after the dollar amount insert the following: ''(increased by $1,500,000)''.

Page 93, line 8, after the dollar amount insert the following: ''(reduced by $1,500,000)''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment would provide increased funding for the Small Business Administration's Women's Business Centers Program. This amendment would provide for an additional $1.5 million in funding for the Women's Business Centers Program that is currently funded at the level of $12 million, which is included in the committee's version of the report, bringing this total level of program funding to $13.5 million.

The United States Small Business Administration network of Women's Business Centers provide a wide range of services to women business owners at all levels of business development through grant funding to private, nonprofit economic development organizations. These centers are located in 46 States, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands, and provide financial and general business management and marketing assistance, as well as long-term training and counseling, to existing and potential women business owners, many of whom are socially and economically disadvantaged.

Many centers make a special effort to assist women on welfare become self-sufficient and administer programs and workshops in business ownership, other employment or a combination of the two. All of the centers provide individual counseling and access to the SBA's programs and services.

I have always been a strong supporter of women-owned small businesses and have led efforts in past Congresses to increase authorized funding levels for the WBC programs.

Mr. Chairman, women-owned businesses are a dynamic and thriving force in the U.S. economy. Business ownership has been one of the most effective means of improving women's economic well-being. Female participation in business ownership at all levels is climbing. Women now own 40 percent of all small businesses and are growing at twice the rate of all other businesses. America's 9.1 million women business owners employ 2.75 million people and contribute $3.6 trillion to the economy.

Additional funding for this program will go a long way to ensuring that both existing and new centers will have the funding to help women entrepreneurs with additional training and technology assistance, especially minority women and start-up businesses.

I would like to thank the chairman and the ranking member for their support and guidance as I have introduced this amendment, and I ask all of my colleagues to support this amendment.

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

Mr. WOLF. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURGESS:

Page 108, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. SENSE OF THE CONGRESS REGARDING THE FEDERAL TRADE COMMISSION.

It is the sense of the Congress that the Federal Trade Commission should provide to Independent Physician Associations guidance on contracting with health plans, on practice business arrangements, and on member communications, and a reasonable time for such Associations to ameliorate certain arrangements that could lead to Federal Trade Commission enforcement of antitrust laws against any such Association that has engaged in alleged anticompetitive activities.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and a Member opposed will each control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

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

Mr. Chairman, this is an extremely important issue to physicians and patients around the country.

Over the past few years, the Federal Trade Commission has been targeting groups of doctors known as Independent Physician Associations, alleging anticompetitive business activities. These groups, IPAs, are integrated groups of physicians that can provide a wide array of medical services to patients in their community.

While it is important that the Federal Trade Commission enforce the antitrust laws when organizations engage in anticompetitive behavior, they must understand that the recent complaints brought against IPAs could and do disrupt patient care. This amendment would ask that the Federal Trade Commission keep in mind and provide Independent Physician Associations with guidance and a time to ameliorate any arrangement that could violate the law before the FTC pursues enforcement action.

The fact is, Mr. Chairman, if you are an Independent Physician Association, in the eyes of the FTC, you are by definition a conspirator or in the process of conspiring. In fact, the FTC seems to pursue a mission statement that you are guilty unless you happen to be able to prove your innocence, and these actions are extremely expensive to fight.

My concern is not so much the innocence or guilt of the organizations, but the impact that the lack of guidance from the Federal Trade Commission can have on the provider community and patients who receive a high quality of care from IPAs. IPAs consistently rate high in customer satisfaction and positive health outcomes.

One such organization in north Texas, the North Texas Specialty Physicians, provides excellent health care. With over 600 doctors, they serve around 11,000 patients a day. They are the only Medicare risk provider in north Texas. This is important because Medicare risk is the old Medicare+Choice. Here is the group that took that Medicare HMO and made it work, made it work for the doctors and made it work for the patients; and as a consequence, they are punished for their success.

They accept new Medicare enrollees when many other networks in the area do not. Most emergency calls are responded to by their physicians. Their access ratings are very high. At a time when most doctors will not take new Medicaid clients, they are one of the few networks that take new Medicaid enrollees every day.

Federal agencies should not be punishing businesses when their only transgression is success. By having the FTC give IPAs basic guidance on how they contract with health plans and how they communicate with other IPA members and established business relationships, patient care in the community will not suffer. That should be our concern.

It is important for the FTC to enforce the law. All this amendment asks is that a reasonable standard be applied and care be exercised when patient care could be disrupted.

What brought this to my attention was this particular group which has been charged by the FTC with an action. This group has spent $1 million over the last year and a half, defending itself against what it believes are unfair allegations, and probably the FTC has spent, conservatively, three times that amount, and these are dollars we can scarcely afford out of this appropriation. Groups that are procompetitive and manage risk are being punished.

Mr. Chairman, I plan to withdraw my amendment, but I hope to work with the chairman in the future to bring more balance to this situation.

Mr. Chairman, at this time I withdraw my amendment.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

At the end of title VI, insert the following:

SEC. 627. It is the sense of the Congress that the Secretary of State, at the most immediate opportunity, should—

(1) make a determination as to whether recent events in the Darfur region of Sudan constitute genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide; and

(2) support the investigation and prosecution of war crimes and crimes against humanity committed in the Darfur region of Sudan.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

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

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

Mr. WOLF. Mr. Chairman, the amendment is very simple and concerns recent events in the Darfur region of Sudan, which I visited last week. I offer the amendment on behalf of myself and the gentleman from New Jersey (Mr. PAYNE).

The amendment asks the Secretary of State to support the investigations of war crimes or crimes against humanity in Darfur, and I have done this in consultation with my colleague on the other side, the gentleman from New York (Mr. SERRANO).

Senator BROWNBACK and I just returned from spending 3 days and 2 nights in Darfur, Sudan. During our trip we visited five refugee camps: Abu Shouk; Tawilah; Krinding; Sisi and Morney—all sprawling tent cities jampacked with thousands of displaced families and fast becoming breeding grounds for disease and sickness. We drove past dozens of pillaged villages and walked through what was left of four burned to the ground. We heard countless stories about rape, murder and plunder.

We talked to rape victims. We saw the scars on men who had been shot. We watched mothers cradle their sick and dying babies, hoping against all odds that their children would survive. We saw armed Janjaweed waiting to prey on innocent victims along the perimeter of refugee camps.

We saw Janjaweed—who are carrying out these attacks—sitting astride camels and horses just a short distance from where young and old have sought what they had hoped would be a safe harbor.

The same stories were repeated at every camp we visited. The raids would happen early in the morning. First comes the low rumble of a Soviet-made Antonov plane to bomb the village. Next come helicopter gunships to strafe the village with the huge machine guns mounted on each side. Sometimes the helicopters would land and unload supplies for the Janjaweed. They would then be reloaded with booty confiscated from a village. One man told us he saw cows being loaded onto one helicopter. The Janjaweed, some clad in military uniforms, would come galloping in on horseback and camels to finish the job of killing, raping, stealing and plundering.

Walking through the burned out villages we could tell the people living there had little or not time to react. They left everything they owned—lanterns, cookware, water jugs, pottery, plows—and ran for their lives. There was no time to stop and bury their dead. The Janjaweed made certain that there would be nothing left for the villagers to come home to. Huts were torched. Donkeys, goats and cows were stolen, slaughtered. Grain containers destroyed. In one village we saw where the Janjaweed even burned the mosque.

ETHNIC CLEANSING

What is happening in Darfur is rooted in ethnic cleansing. Religion has nothing to do with what unfolded over the last year. It was clear that only villages inhabited by black African Muslims were being targeted. Arab villages sitting just next to African ones miles from the nearest towns have been left unscathed.

While government officials are adamant in saying there is no connection between the Government of Sudan and the Janjaweed, the militiamen we saw did not look like skilled pilots who could fly planes or helicopters.

We also were told the Janjaweed are well armed and well supplied. They have satellite phones, an astonishing fact considering most people in the far western provinces of Darfur have probably never even seen or walked on a paved road.

The impunity under which the Janjaweed operate was most telling as we approached the airport in Geneina on our last day in the region for our flight back to Khartoum. In plain sight was an encampment of Janjaweed within shouting distance of a contingent of Government of Sudan regulars. No more than 200 yards separated the two groups. Sitting on the tarmac were two helicopter gunships and a Russian-made Antonov plane.

The situation in Darfur is being described as the worst humanitarian crisis in the world today. We agree. But sadly things could get worse. Some say that even under the best of circumstances, as many as 300,000 Darfuris forced from their homes are expected to die from malnutrition and diarrhea or diseases such as malaria and cholera in the coming months.

The impending rainy season presents its own set of problems, making roads impassable for food deliveries and the likelihood of disease increasing dramatically with the heavy rains.

DIFFICULT LIFE IN IDP CAMPS

Abu Shouk was the first of five IDP (Internally Displace People) camps we visited. More than 40,000 people live in this sprawling tent city. Families arriving at the camps—almost all

after walking for days in the hot sun from their now abandon villages—are only given a tarp, a water jug, cookware and a small amount of grain.

At Mornay, the largest of the IDP camps in Darfur with more than 70,000 inhabitants, it was hard not to step in either human or animal feces as we walked. In a few weeks, when the heavy rains begin, excrement will flow across the entire camp. Mortality from diarrhea, which we were told represents one-third of the deaths in the camps, will only increase.

To their credit, all the non-governmental organizations (NGOs) that have been allowed to operate in Darfur have done—and continue to do—a tremendous job under extremely trying circumstances.

Rapes, we were told, happen almost daily to the women who venture outside the confines of the camps in search of firewood and straw. They leave very early in the morning, hoping to evade their tormentors before they awake. With the camps swelling in size and nearby resources dwindling, they often walk several miles. The farther the women go from the camp, the greater the risk of being attacked by the Janjaweed.

As we approached Mornay, we saw a number of Janjaweed resting with their camels and horses along the perimeter of the camp, easily within walking distance. In one camp we heard the horrific story of four young girls—two of whom were sisters—who had been raped just days before we arrived. They had left the camp to collect straw to feed the family's donkey when they were attacked. They said their attackers told them they were slaves and that their skin was too dark. As they were being raped, they said the Janjaweed told them they were hoping to make more lighter-skinned babies. We were told that some of the rape victims were being branded on their back and arms by the Janjaweed, permanently labeling the women.

We also received a letter during our trip from a group of women who were raped. To protect them from further attacks, we purposely do not mention where they are from or list their names. The translation is heartbreaking:

> We are forty-four raped women. As a result of that savagery, some of us became pregnant, some have aborted, some took out their wombs and some are still receiving medical treatment.
>
> Hereunder, we list the names of the raped women and state that we have high hopes in you and the international community to stand by us and not to forsake us to this tyrannical, brutal and racist regime, which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at (. . .) are widows.

These rape victims have nowhere to turn. Even if they report the attacks to the police, they know nothing will happen. The police, the military and the Janjaweed all appear to be acting in coordination.

DIRE SITUATION IS MAN-MADE

The situation in Darfur is dire, and from what we could see, it is entirely man-made. These people who had managed to survive even the severest droughts and famines during the course of their long history are now in mortal danger of being wiped out simply because of the darker shade of their skin color.

Over the course of 3 days, we saw the worst of man's inhumanity to man, but we also saw the best of what it means to be human: mothers waiting patiently for hours in the hot sun so that they could try to save their babies; NGO aid workers and volunteer doctors feeding and caring for the sick and the dying; and the courage and bravery of men, women and children eager to talk to us so that we would know their story.

The world made a promise in 1994 to never again allow the systematic destruction of a people or race. ''Never again''—words said, too, after the Holocaust.

In Darfur, the international community has a chance to stop history from repeating itself. It also has a chance to end this nightmare for those who have found a way to survive. If the international community fails to act, the next cycle of this crisis will begin. The destiny facing the people of Darfur will be death from hunger or disease.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

□ 2320

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–589) on the resolution (H. Res. 706) providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4755, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–590) on the resolution (H. Res. 707) providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

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

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

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

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

SMART SECURITY AND IRAQ TRANSFER OF POWER

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

Ms. WOOLSEY. Mr. Speaker, at the end of last month, the United States Government handed control of Iraq ''back to its people.'' And everyone I know who is being at all intellectually honest believes that the choice of a June 30 deadline was driven more by the political calendar than anything else.

The Bush administration wants to have it both ways. They want to go before the voters with ''clean hands'' in the fall to say that the job has been completed just as they tried to declare ''mission accomplished'' a year ago, but at the same time remaining in charge of this occupation, while even after the handover, U.S. troops and other officials will enjoy full immunity if they should destroy property or kill Iraqi citizens.

Coming on the heels of the Abu Ghraib revelations, this arrogance and lack of accountability is absolutely staggering. The war in Iraq has already cost lives of hundreds of American soldiers, 25,000 being injured, the lives of thousands of innocent Iraqi civilians, and billions of dollars that should have been invested right here at home.

This war has diverted resources from the struggle against al Qaeda, the group actually responsible for the atrocities of 9/11. Now al Qaeda has regrouped and poses as great a strength and threat as ever.

This case for war was built on dubious intelligence and outright deceptions. The 9/11 Commission recently announced that it had access to all the same information as Vice President CHENEY; yet there is ''no credible evidence'' that Saddam Hussein's government in Iraq collaborated with al Qaeda.

Our presence in Iraq has been met not with gratitude but resentment. Instead of throwing flowers at American troops, Iraqis now throw torches at Humvees.

Mr. Speaker, our current national security approach is an unmitigated disaster, but do not take my word for it. Listen to the statement issued in mid-June by a group of 27 former senior diplomats and military officials. They said the Bush administration ''has failed in the primary responsibilities of preserving national security and providing world leadership.'' They went on to say: ''Instead of building upon America's great economic and moral strength to address the causes of terrorism and to stifle its resources, the administration, motivated more by ideology than by reasoned analysis, led the United States into an ill-planned and costly war from which exit is uncertain.''

It is clearly time for a new national security policy, Mr. Speaker. And I have introduced H. Con. Resolution 392 to create a SMART security platform for the 21st Century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART security invests in the development of impoverished nations to prevent terrorism from taking root in the first place. SMART security is about preventing war as opposed to preemptive war. It emphasizes brains over brawn. It is tough, but diplomatic; aggressive, but peaceful; pragmatic, but idealistic.

President Bush loves to think that those who support his efforts in Iraq are patriotic and those who think there is a better way are unpatriotic, or worse, un-American. But I can think of nothing more patriotic than pursuing a national security policy that protects America by relying on the noblest of American values, our capacity for global leadership, our compassion for the people of the world, our commitment to peace and freedom.

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

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

ORDER OF BUSINESS

Mr. PEARCE. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

VIOLENCE AGAINST WOMEN IN CIUDAD JUAREZ, MEXICO

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

Mr. PEARCE. Mr. Speaker, I often criticize the media for the things that I think are inattentive and improper. Tonight, I would like to rise to give tribute to the media where I think good has been done.

A long-time friend, Rebecca Allen, an editor from the Orange County Register, forwarded to me eight articles in a series they printed in mid-June. The articles, written by the brave and courageous Yvette Cabrera and Minerva Canto, four articles apiece, detailed the difficulties that face young women in Ciudad Juarez, Mexico.

□ 2230

My district butts up to the very corner of Juarez, and I have watched the problems of hundreds of deaths of young women, but until reading a series of articles, it was not personal. The first in the series of articles talked about she never came home. Concentrating on Erendira Ponce, 17, all that she dreamed of was a life beyond her poor neighborhood. At 17 she ended up as one of hundreds of women killed in Juarez, Mexico, skull crushed, raped and just thrown down into the dirt.

The second in the series of articles is about the investigator Angolee Talavera, 29 years old, the lead investigator who still has no one to try for all of the killings.

The third in the series of articles concentrates on a suspect's wife. The police have tried to silence the suspect's wife. The suspect, a truck driver, Victor Javier Garcia Uribe, was summarily arrested by two men who were dressed with masks over their head and other men that came up with Halloween costume masks. Little did they understand that Victor had married his wife Mary Ann Garcia when she was still in a wheelchair from an accident suffered while they were dating. He nursed her back to health, moving in with her, and because of the love and the faith that they have built up, she stands by him continuing to provide more and more evidence that he is innocent. Yet, he stays in prison today. Her persistence is rewarded by three beatings from the local authorities, with the admonition that this is a message from the governor, Stop making noise.

The fourth in the series of articles is about a mother's pain. Irma Monreal just lives with the loss of her 15-year-old, the one around whom her and her family's dreams operated. Her 15-year-old daughter just brought the light and life and laughter into their home. Esmerelda wanted to rescue her mother from the poverty, getting a job as a secretary to pour a new concrete floor in their dirt-floored home. At 15, she was taken and brutally murdered. Her body was found purple and swollen with all of the flesh and even the hair missing, just a blank skull on top of her body. What kind of tremendous terror are the people in Mexico living with and the authorities unable to solve?

The fifth series is about an orphan, the inevitable orphans that suffer from the loss of moms.

The sixth is about an activist, the activists who are ignored, who are threatened to keep silent, to stop making waves.

The seventh was about an imprisoned reporter who dared to write about the loss of her friend and blame the authorities, and now she sits in prison.

And finally the eighth article is the hope for the future, talking about women such as Esther Chavez.

The one common trait, Mr. Speaker, is the impunity with which these young ladies are killed. The common element is the careless violence that discards these young ladies as if they had no value.

Mr. Speaker, I add my voice to those speaking up on behalf of justice. We are told in the Bible that the worst sins are those which are committed against the poor and the fatherless, against those who are innocent and unwilling and unable to provide their own protection. Mr. Speaker, these are the people who are suffering in Mexico today. These are the people who are suffering in Ciudad Juarez. I commend the Orange County Register for printing this bold series of articles and drawing to the attention of the United States the difficulties that lie just across the border for women who have done no wrong.

NEW DEMOCRATIC ADMINISTRATION TO UNITE AMERICA

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

Mr. MCDERMOTT. Mr. Speaker, last night a Republican from Florida shamed the People's House when he stood at the podium and insulted every Native American in this country. Using cheap partisan rhetoric against the new Democratic vice presidential nominee, the Republican flung bigotry and racism against America's first citizens. And the Republican leadership stood by and said nothing and the administration stood by and said nothing.

The words spoken here were so insulting to Native Americans that I will not repeat them. I will say on behalf of every Native American, and there are

many in my home State of Washington, that we categorically detest such rhetoric. I will say on behalf of every Democrat that we wholeheartedly support Native Americans, we support treaty rights, and we recognize that this generation can and must honor the culture and contribution of Native Americans.

Last night, the Republican rhetoric should remind us all that 100 years later, there still is much left to be done in this country. I will say that that Republican from Florida made the case for why America needs people to defend its citizens on the battlefield and in the courtroom.

Civil rights, civil liberties, the First Amendment, the Second Amendment, all the amendments, the right to be safe in your home, the right to be safe from unsafe products and unsafe practices, Americans have rights we have paid for in world wars and in cold wars.

Somehow the Republicans think defending those rights in a court of law is un-American. Somehow the Republicans think that defending Americans in an American courtroom is un-American.

Truth is stranger than fiction these days in Washington, DC. It has gotten so bad that the other body had to reaffirm that the United States actually supports the Geneva Convention. And there is a question about whether the Republicans in this House will even support it here. They may not even bring it to a vote. What kind of message is that? The Geneva Convention is not for us?

We have to take a vote to say moral leadership is something he still think is a good idea. The issue is before Congress because of what administration civilian leaders have done to America's moral leadership in the world.

Senator JOHN EDWARDS, the vice presidential nominee, speaks of two Americas; one for the rich friends of the administration and the other America for the rest of us. How right he is.

America has been divided by this administration into the have-less and the have much, much, much more. The Republicans would like to continue that trend. They shift the money through massive tax cuts to the rich.

Forget the rhetoric. Here are the numbers. Over $112,000 a year to the average millionaire; under 700 bucks for the rest of us.

Now Republicans want to shift power to their corporate patriarchs to ensure that companies can escape responsibility and accountability when they do something wrong. Fairness is not a word in the Republican dictionary, nor is accountability.

They will tell you the fiction that America suffers because lawyers can go to court and defend Americans. I thought protection under the law was something the Founding Fathers thought was a pretty good idea. It seems Republicans think accountability belongs in the same closet with the Geneva Convention, civil liberties and the basic respect for our first citizens.

Republicans like us to believe that every American has a right to keep and bear arms in order to defend themselves. These same Republicans would like us to believe that Americans do not have the right to defend themselves in court.

Republicans advocate unilaterally disarming Americans. Why? Why would the Republican Party want to prevent average Americans from defending themselves in court? Who benefits? Average Americans or corporate lobbyists? You decide for yourself. I think the words defy gravity.

Republicans would have us believe they know best. They are willing to let big corporations operate without the checks and balances our legal system provides for the safety and protection of every American. That is not representative government, it is Republican doctrine. Reward the rich, over and over and over and over again.

There are two Americas today, but that is going to change. America needs one America, the Nation where ordinary people count and where the common good is what we practice, not preach. The world needs one America, the Nation that recognizes its moral leadership is not secondary to military might or arrogance.

The current Republican administration divided America. The new Democratic administration will unite us.

There are only 118 days left. It is a long time to wait. But America is strong enough to hold on and compassionate enough to hold out until JOHN KERRY is President. If you have lost hope, hang on. Help is on the way.

Mr. Speaker, let the President know he only has 117 more days down at the White House, and he ought to start packing.

□ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 8 of rule XX, the Chair announces that the House will resume proceedings on H.R. 3980 tomorrow.

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

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

EXCHANGE of SPECIAL ORDER TIME

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina (Mr. JONES).

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

There was no objection.

CONGRATULATING COLUMBUS HIGH SCHOOL BLUE DEVILS BASEBALL TEAM, THE 2004 AAAA BASEBALL CHAMPIONS

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Columbus High School Blue Devils baseball team in Georgia's 11th Congressional District. Columbus added the 2004 AAAA State baseball crown to its trophy case this year by defeating the Northgate Vikings of Coweta County for the championship.

Columbus is no stranger to State championships. This year's title marks the school's eighth. It was the twelfth time the school had played in the finals.

In this year's 2-game series final, Columbus outscored the Northgate Vikings 20 to 1. The Newnan Times-Herald stated that the Blue Devils, who finished the season with a 35 and 2 record, are arguably the best team in Georgia, regardless of any classification. Two members of the team have signed on to play with Division I college teams.

In two games, Columbus' fielders avoided a single error, while the Blue Devils' pitchers held the Vikings to one run and five hits over two games. At the same time, their offense was at its peak, racking up 23 hits.

Although teammates mobbed Ric Bishop after he caught a foul ball to end game 2, that was not the only memorable moment of the playoffs for the first baseman. Earlier in the week, Bishop hit his 13th home run of the season, a school record. The previous record-holder at Columbus High was former Blue Devil Frank Thomas of the Chicago White Sox. Bishop knocked out another homer in the championship series to finish the year with 14 home runs.

The Blue Devils' pitchers also put in notable performances. Iain Sebastian and Brad Rulon quieted the powerful bats of the Northgate Vikings who entered the series hitting 357 as a team. Sebastian shut out the Vikings and Rulon allowed only one run.

As Coach Bobby Howard told the Columbus Ledger-Enquirer, ''Everybody has talked about our hitting, but our common denominator for winning is with our pitching. I would have hated for anybody to try to hit those guys today.''

Sebastian's fastballs zipped at speeds up to 90 miles an hour and Rulon notched nine strikeouts. They contributed to an overwhelming team effort for which the high school and the entire Columbus community can be proud.

Congratulations to the Columbus Blue Devils for continuing a tradition of excellence.

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

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

JUNE JOBS NUMBERS AND MIDDLE-CLASS SQUEEZE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for half the time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last month we witnessed another disappointing jobs creation month. Economists say our economy must create 150,000 jobs a month just to keep up with increases in population. But last month, only 112,000 jobs were created. And even more troubling, the economy witnessed declines in the length of the average work week and average weekly earnings.

One would think this disappointing news would concern President Bush. After all, he already has the dubious distinction as the only President since Herbert Hoover to lose jobs on his watch. Mr. Speaker, 1.8 million private sector jobs have been lost over the last 3 years, thanks to the economic neglect of both President Bush and Republicans here in Congress.

Instead of showing any concern over these disappointing job numbers, President Bush embraced them, describing them as steady growth. The President also had the audacity to say that our economy does not need ''boom or bust-type growth.''

Now, I ask my colleagues, Mr. Speaker, when is President Bush going to realize that our economy desperately needs a boom? When is President Bush going to finally realize that the failed economic policies that he has been touting over the last 3 years are not creating enough jobs to put millions of Americans back to work? And when is President Bush going to realize that today's economy, the economy he created with his major tax breaks for the wealthiest Americans, is benefiting the wealthiest Americans to the detriment of middle-class Americans? And when is he going to realize that while middle-class Americans face skyrocketing health care costs and ever-increasing college tuition costs, their paychecks are not even increasing at a rate that will keep them equal with inflation?

The economic record of President Bush and this Republican House of Representatives has been an utter failure, and the President's statement that an economic boom is not needed today shows that he is certainly out of touch with the economic realities middle-class Americans presently face. Perhaps the President has been spending too much time hanging around with his wealthy friends to realize that middle-class Americans are struggling to make ends meet.

A report over the weekend by Bloomberg News determined that record-high corporate profits are not trickling down to U.S. workers in the form of pay increases. Economists Paul Krugman said today's economy is passing working Americans by. Krugman points to the fact that average weekly earnings of nonsupervisory workers rose only 1.7 percent over the past year, lagging well behind inflation. And this dismal increase takes place amid continued gains in worker productivity, the amount that workers produce in an hour. If middle-class workers are performing so well and if their hard work is paying off and making the economy grow, then one might ask, why are their wages not growing as well?

Middle-class Americans are getting squeezed by their employers and by government policies. Since March of 2001, corporate profits skyrocketed by more than 50 percent, while wages and salaries decreased by 1.7 percent. American companies raked in an enviable $1 trillion in profits in the last 3 months of 2003 alone, but even while profits soared, companies froze pay.

Unfortunately, Mr. Speaker, Uncle Sam is only making matters worse by shifting the tax burden from wealth to work. Taxes on wages now average almost 24 percent. Taxes on income from investments, by contrast, like stock and bonds, average less than 10 percent. That means that middle-class Americans who depend more on their paycheck than stock market investments are actually paying more in taxes on individual dollars than they bring in. It is an incredible, incredible fact.

While families are earning less and less, ''kitchen table costs,'' the items that directly affect a family's budget, are soaring. Under President Bush, health care costs have skyrocketed almost 50 percent, college tuition has gone up 35 percent, and gas prices are up more than 25 percent. How does a family face these skyrocketing price increases when their paychecks only increase about 1 percent from year to year?

Now, Mr. Speaker, for the past 3 years, Republicans have been telling the American people that the best way to create jobs and expand the economy was to drastically cut taxes for the wealthiest Americans. Not only has that misguided policy created a $400 billion Federal deficit, but it has just not lived up to the expectations that the Republicans create.

Democrats by contrast have a real plan that would truly boost America's economy. Over the last 3 years, many economists have argued that the most effective job creating policies would be increased aid to State and local governments, extended unemployment insurance, and tax rebates for lower and middle income families. Democrats have been fighting for measures that would create jobs immediately by ending the current tax incentives for shipping jobs overseas, enacting a bipartisan manufacturing tax cut bill, enacting a robust highway bill that would create jobs all over this country and pump millions of dollars into State and local economies, provide a tax credit to small businesses so they can lower health care costs, extend Federal unemployment insurance for more than 2.9 million Americans, and make tax cuts for the middle class permanent and paid for.

Mr. Speaker, President Bush seems content with the economic status quo. Democrats, by contrast, realize that middle-class Americans have been squeezed by the policies of this President and this Republican House. We are not satisfied with the latest economic indicators, and we will not quit fighting until all Americans are back to work and bringing home a paycheck that will not squeeze every last dime.

□ 2350

REAL REPUBLICAN SOLUTIONS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, I wanted to first remind the Members here that there is some convenient memory loss for the Democrats when they want to blame President Bush on the current economy, especially when they want to target the tax relief. So let us just go back to 1999 and remember how our economy got into this current situation.

In 1999, we had the tech bubble burst and we saw tremendous loss of jobs in the tech industry, especially in northern Virginia. It caused the NASDAQ to drop by over half, almost by two-thirds. Then, in 2000, November 2000, the recession technically started while President Clinton was still in office, even before President Bush was sworn in.

And then, of course, who can forget September 11, 2001, when terrorists brought the war on terror to America and attacked us in our homeland and tore down the World Trade Center and attacked the Pentagon and put our economy into a tailspin. It was those events that caused our economy to drop dramatically.

In my hometown of Wichita, Kansas, we had a greater percentage loss of jobs than any other community in America following September 11. We are the air capital of the world, Wichita, Kansas. It is the home of Boeing, Beech, Cessna and Learjet. When you take the number of jobs lost, the percentage of those compared to the total number of jobs in the community, we were the hardest hit. It was because of the September 11 terrorist attacks.

It was the tax relief that President Bush pushed for and that was passed in

the House in a bipartisan fashion, passed by the Senate in a bipartisan way, that has turned our economy around.

When tax relief is passed, people can do one of three things with the money they have in their pocket. The first thing they can do is spend it. That is a demand for good, which is a demand for jobs, and that is good for the economy.

The second thing they can do is save it. When they save it, that makes money available for home mortgages. Today, we have the most homeowners in America, more than we have ever had in the history of our Nation. Particularly minorities are owning more homes than they ever have in the history of our Nation, and tax relief has been a part of that.

The third thing they can do is invest the money. When the money is invested, it allows small companies and large companies to expand their plants, to buy more equipment and to hire more workers. And that is what we have been seeing.

Our economy has been growing by 1.5 million jobs just since last August, 1.5 million jobs. Today, there are more Americans working than ever before in the history of our country. We have more homeownership. We have a higher average pay than ever before in the history of our country. The economy is turning around. But the Democrats have convenient memory loss.

Now, we do have a plan, we have a plan for improving the economy even further. Now, we know that the people who keep and create jobs in America have been having to overcome some barriers that were way beyond their control. We have listed these barriers in eight categories, and the Republicans in the House have addressed a plan to provide relief for these categories. Change the environment so we can bring jobs back into America.

These issues were created over the last generation by Congress. Congress with good intentions has, in fact, created bad policy. So we are in the business of changing that bad policy and bringing jobs back into America.

The eight issues we have taken, one a week at a time; we have gone through four issues already this week. We are on the fifth issue. But we started with health care security. We have passed legislation in the House to help reduce the cost of health care in America. We have passed flexible savings accounts, medical savings accounts, medical liability reform. Those issues are going to bring down the health care costs in America.

We next went on to bureaucratic red tape. We are cutting the amount of red tape in America because those are things that are costs to employers that forces them to pay these costs even though they cannot control them, and it prevents them from bringing more jobs back to America.

Then we went on to lifelong learning so that we would have an educated workforce available. Then we moved on to energy self-sufficiency. We heard from an earlier speaker about gas prices going up. Well, it has been the policies of this Congress over the last generation that have caused this problem.

We have not built a new refinery since 1976 in America. We have not allowed for exploration in places that are as far away as the Northern Slope of Alaska. Nobody on this floor has ever been to the North Slope of northern Alaska. And out of the amount of country the size of California, we cannot even allow 1,800 acres to be used to develop more resources which would provide more oil than we are importing from the Middle East today.

So there is a great deal that could be done to bring down the price of energy in America, but we cannot get the policy passed by Members in this Congress. So we are doing an incredible amount to bring down the price of energy to help bring jobs back to America.

This week we are talking about spurring innovation. We have several pieces of legislation that we have brought to the floor. They include the High-Performance Computing Revitalization Act. They include the Department of Energy High-End Computing Revitalization Act. They include the National Windstorm Impact Reduction Act, the Harmful Algal Bloom and Hypoxia Research Amendment Act, and the Manufacturing Technology Competitiveness Act, and the Stock Option Accounting Reform Act.

All of these things are designed to improve research and development or take that research and development and put it into practical application.

Now, tomorrow we will be dealing with legislation that will take research and development and put it into practical application. We are calling it the Manufacturing Extension Partnership Program. It is already in existence, but we are going to authorize it and expand it.

The MEP, or the Manufacturing Existence Partnership, is a network of 60 nonprofit centers in over 400 locations in 50 States. It served 19,000 clients in 2002. When you do a survey of those 19,000 clients, you find out that we created and retained over 35,000 jobs, that we increased $953 million in sales in America. That is production of American goods in the form of sales, $953 million.

We also retained sales of $1.84 billion. So the $953 million is in addition to the $1.84 billion.

We realized $681 million in cost savings by applying research and development to these small companies. And we have invested $940 million in modernization, including plants and equipment and information systems.

Now, how this helps small businesses is very clear. It helps firms understand and applies lean manufacturing technology. We take these good ideas that have been created through research and development, some of it funded by the Federal Government, some of it funded by the Federal Government through the universities, some of it is coming out of industry itself. We take those ideas to small businesses and we allow them to apply them, redesign factory floors, help firms determine what new equipment they need, how they need to place it. It just teaches them how to apply the technology that will help them create more jobs.

So the concept of having a research and development application has been something that is going to be successful in bringing jobs back in to America.

Now we are going to continue on. In the following week we will be dealing with trade fairness and opportunity. Then we will deal with tax simplification. Then we will end up with lawsuit abuse. Right now lawsuit abuse costs us 2.5 percent on any product made in America. We could reduce our costs by 2.5 percent.

Now, when you look at the current Presidential team that the Democrats have, both of them represent trial lawyers. The vice presidential candidate has made millions and millions and millions of dollars by suing companies, and all that gets absorbed back into the cost of creating jobs.

So to think that the Democrat team is going to create jobs, it is just the antithesis of that. They are going to be working in the opposite direction.

We have these eight issues that we are using to break down the barriers and change the environment so we can bring jobs back into America. Again, they are health care security, reducing the bureaucratic red tape, lifelong learning, energy self-sufficiency, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse. Through these issues we will be able to bring jobs back into America.

Kansans and Americans are known for their ingenuity, a trait fostered by our society since Pilgrims found a way to survive the harsh New England winter and develop into a thriving community that eventually became a great nation. Knowledge and ideas are our most important raw materials.

The American economy has led the world because our system rewards innovation. From Benjamin Franklin through Eli Whitney, Thomas Edison, George Washington Carver, the Wright Brothers, Henry Ford, Jonas Salk, and Spaceship One promoter Burt Rutan, our entrepreneurs, scientists and skilled workers create and apply the technologies that have changed and will continue to change our world.

Our leaders have realized that while they shouldn't tell people what to think or how to do things, there is a vital national interest in helping the best ideas come forward. America's strength has been in encouraging thought and exploration, and providing the resources to bringing those dreams to life.

The United States remains the world's most dominant economy and scientific powerhouse. The rest of the world, however, is catching up and challenging our competitiveness. Fundamentally, there has been a significant increase in the quality and quantity of science and engineering (S&E) capacity around the globe. At the same time. America has grown complacent in her position as innovation leaders. Without adequate support at home, the impact of these two factors has been not only a decline in science and engineering professionals, but also the movement of corporate high tech investments and jobs to other countries.

The Republican Congress has made great strides in funding research and development. We have met and exceed our goal of doubling the National Institutes of Health (NIH) medical research funding, we have made necessary reforms to streamline the Patent and Trademark Office and FDA processes, and we have promoted nanotechnology, broadband dissemination, and a myriad of other important high tech investment. Similarly President Bush has focused on evaluating the scale, quality, and effectiveness of the Federal effort in science and technology.

Research and development investments are still the keys to our nation's future competitiveness, and thus we must increase our efforts to spur innovation. This week, as part of the ongoing 8 week kickoff to the Careers for a 21st Century America competitiveness agenda, the House is focusing on efforts to spur the innovative, creative and entrepreneurial spirit that has always driven America toward phenomenal achievement.

Democrats constantly lament our declining dominance in the sciences, yet offer no solutions. "You need a partnership," says NSF Deputy Director, Josh Bordogna. "You need new knowledge out of universities and labs, new processes from industry, and a government willing to enable it all through appropriate R&D policy and frontier research and education investment, by and for the citizenry." That is the challenge House Republicans have taken to heart.

Instead of political rhetoric, Republicans are offering real solutions. We invite our colleagues to join us in moving America forward.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Ms. PELOSI) for today after 5:00 p.m. and the balance of the week on account of personal reasons.

Mr. CARDIN (at the request of Ms. PELOSI) for July 6 and today on account of official business.

Mr. LAHOOD (at the request of Mr. DELAY) for today after 2:00 p.m. and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. PEARCE, for 5 minutes, today.

Mr. PENCE, for 5 minutes, July 8.

Mr. MORAN of Kansas, for 5 minutes, July 12.

Mr. GINGREY, for 5 minutes, today.

ADJOURNMENT

Mr. TIAHRT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 8, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8908. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8909. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8910. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8911. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Space Based Infrared System (SBIRS) High System Program exceeds the 15 percent PAUC threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8912. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

8913. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the fourteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100–583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

8914. A letter from the Assistant General Counsel (Banking and Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Claims Procedures (RIN: 1505-AB07) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8915. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification of a significant modification to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103–202, section 203 (107 Stat. 2359); to the Committee on Financial Services.

8916. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report to Congress on material violations or suspected material violations of regualtions relating to Treasury auctions and other offerings of securities by Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2358–2359); to the Committee on Financial Services.

8917. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report stating that during the period of January 1, 2003, through December 31, 2003, no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary of the Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2357); to the Committee on Financial Services.

8918. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FRL-4825-1-02] (RIN: 2577-AC43) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8919. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8920. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding the Public Company Accounting Oversight Board's Auditing and Related Professional Practice Standard No. 1 [Release Nos. 33-8422; 34-49708; FRL-73] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8921. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Regarding Approval of Investment Advisory Contracts by Directors of Investment Companies [Release Nos. 33-8433; 34-49909; IC-26486; FILE No. S7-08-04] (RIN: 3235-AJ10) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8922. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Collection Practices under Section 31 of the Exchange Act [Release No. 34-49928; File No. S7-05-04] (RIN: 3235-AJ02) received June 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8923. A letter from the Acting Chief Financial Officer, Department of the Tresury, transmitting a copy of the Department's Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2003, pursuant to 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

8924. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Warren County So2 Nonattainment and Approval of the Maintenance

Plan [PA215-429; FRL-7777-5] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8925. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburg-Beaver Valley Area to Reflect the Use of MOBILE6 [PA217-4230a; FRL-7777-9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8926. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey 1-hour Ozone Control Programs [Region 2 Docket No. NJ66-273, FRL-7776-2] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Iron County; Arcadia and Liberty Townships. [R07-OAR-2004-MO-0003; FRL-7779-9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Reconsideration [AD-FRL-7781-4; E-Docket ID No. OAR-2002-0068; Legacy Docket No. A-2002-04] (RIN: 2060-AK28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Stay of Effective Date [AD-FRL-7780-1; E-Docket ID No. OAR-2002-0068; Legacy Docket No. A-2002-04] (RIN: 2060-AM28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7780-6] (RIN: 2060-AK35) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8931. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with the Republic of Korea (Transmittal No. DDTC 044-04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8932. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A report containing the results of the review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2027 Public Law 107–228 section 1343(a)(2); to the Committee on International Relations.

8933. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Deputy Secretary of State (as delegated by the Secretary of State) has determinied that the export to Iraq of flashbang distraction, smoke and riot control grenades and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States, pursuant to Public Law 108–11, section 1504; to the Committee on International Relations.

8934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123 (ZRIN: 1400-ZA) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8935. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2004-39, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

8936. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the policy justification for a proposed transfer of funds from the Development Assistance account to the account for Operating Expenses of the U.S. Agency for International Development, pursuant to Sections 652 of the Foreign Assistance Act of 1961, as amended, and 515 of the FY 2004 Foreign Appropriations Act (Pub. L. 108-199); to the Committee on International Relations.

8937. A letter from the Attorney General, Department of Justice, transmitting the Department's Strategic Plan for fiscal years 2003-2008; to the Committee on Government Reform.

8938. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on the Agency's competitive sourcing activities during FY 2003, as required by Section 647 of the 2004 Consolidated Appropriations Act; to the Committee on Government Reform.

8939. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the second quarter of FY 2004, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

8940. A letter from the Secretary, Department of Homeland Security, transmitting notification of the plan to replace the terms ''the Bureau of'' with ''United States'' with respect to the Bureau of Citizenship and ImmigrationServices within the Department of Homeland Security, pursuant to Public Law 107–296, section 872; to the Committee on the Judiciary.

8941. A letter from the Ombudsman, CIS, Department of Homeland Security, transmitting the first Annual Report to Congress issued by Citizenship and Immigration Services, pursuant to Public Law 107–296, section 452(c); to the Committee on the Judiciary.

8942. A letter from the Acting President and Chief of Sport Performance, Olympic Committee, transmitting the 2003 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

8943. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress regarding the progress on a demonstration project using the Coast Guard Housing Authorities provided by chapter 18 of title 14, United States Code (14 U.S.C. 680-689), pursuant to Public Law 107–295, section 402(c)(4); to the Committee on Transportation and Infrastructure.

8944. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Diem Program; Religious Organizations (RIN: 2900-AL63) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8945. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice — Motions for Revision of Decision on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8946. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Sensori-Neural Aids (RIN: 2900-AL60) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8947. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Priorities for Outpatient Medical Services and Inpatient Hospital Care (RIN: 2900-AL39) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8948. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Change of Effective Date of Rule Adding a Disease Associated With Exposure to Certain Herbicide Agents: Type 2 Diabetes (RIN: 2900-AL93) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8949. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Removal of Requirement To Disclose Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages [T.D. TTB-12] (RIN: 1513-AA93) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8950. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Overtime compensation and premium pay for Customs officers [CBP Dec. 04-19] (RIN: 1651-AA59) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8951. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Depreciation of Vans and Light Trucks [TD 9133] (RIN: 1545-BB06) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8952. A letter from the Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2004-43] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8953. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request For Comments Regarding Rev. Proc. 81-70, 1981-2 C.B. 729 [Notice 2004-44] received June 30, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8954. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Exemption From Tax on Corporations, Certain Trusts, Etc. (Rev. Rul. 2004-67) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8955. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Meritless Filing Position Based on Sections 932(c) and 934(b) [Notice 2004-45] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8956. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Morocco Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-14, USITC Publication 3704''; 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. BONILLA: Committee on Appropriations. H.R. 4766. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1231. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; with an amendment (Rept. 108–585, Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3737. A bill to increase the minimum and maximum rates of basic pay payable to administrative law judges, and for other purposes; with amendments (Rept. 108–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 338. A bill to amend title 5, United States Code, to require that agencies, in promulgation rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; with an amendment (Rept. 108–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; with an amendment (Rept. 108–588). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 706. Resolution providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 108–589). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 707. Resolution providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–590). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4767. A bill to amend the Internal Revenue Code of 1986 to triple the amount of the credit allowed for basic research; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. EVANS, Mr. STEARNS, Mr. MILLER of Florida, Mr. BEAUPREZ, and Mr. FILNER):

H.R. 4768. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. CASE, Mr. HOLT, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. CONYERS, Mrs. JONES of Ohio, Mr. MICHAUD, Mr. ALLEN, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. DOGGETT, and Mr. ANDREWS):

H.R. 4769. A bill making a supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 4770. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4771. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. FROST, Mrs. MALONEY, Ms. WATERS, Mr. CROWLEY, Mr. MOORE, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. SHERMAN, Mr. MILLER of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. DAVIS of Alabama, Mr. WATT, Mr. MATHESON, Mr. BELL, Mr. CLAY, Mr. ROSS, Mr. GONZALEZ, Mr. KIND, and Mr. SANDLIN):

H.R. 4772. A bill to extend the terrorism risk insurance program; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4773. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 4774. A bill to amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES (for himself, Mr. ORTIZ, Mr. HINOJOSA, and Mrs. NAPOLITANO):

H.R. 4775. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself and Mr. DAVIS of Illinois):

H.R. 4776. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to repeal the phaseout of the credit for qualified electric vehicles, to repeal the phaseout of the deduction for clean-fuel vehicle property, and to exempt certain hybrid vehicles from the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H. Res. 705. A resolution urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 708. A resolution providing for the consideration of the bill (H.R. 3004) to improve the reliability of the Nation's electric transmission system; to the Committee on Rules.

By Mr. GOODE (for himself, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. HALL, Mr. JONES of North Carolina, and Mr. FEENEY):

H. Res. 709. A resolution revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives; to the Committee on Rules, and in addition to the Committee on the Budget, 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 4778) for the relief of Denes and Gyorgyi Fulop; 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. FROST.

H.R. 290: Mr. MCGOVERN and Mr. REYNOLDS.

H.R. 296: Mrs. JO ANN DAVIS of Virginia.

H.R. 463: Mr. GILLMOR.

H.R. 476: Mr. SCHIFF.

H.R. 504: Mr. FARR.

H.R. 623: Mr. WAXMAN.

H.R. 676: Mr. FRANK of Massachusetts.

H.R. 719: Ms. HERSETH.

H.R. 742: Mr. GONZALEZ and Mr. KANJORSKI.

H.R. 775: Mr. ROHRABACHER and Mr. BRADY of Texas.

H.R. 935: Mr. OWENS.
H.R. 1057: Mrs. WILSON of New Mexico, Mr. CRENSHAW, Mr. REYNOLDS, and Mr. LEWIS of Kentucky.
H.R. 1231: Mrs. WILSON of New Mexico.
H.R. 1258: Ms. MCCARTHY of Missouri and Ms. KILPATRICK.
H.R. 1563: Mr. SESSIONS.
H.R. 1592: Mr. GONZALEZ.
H.R. 1639: Mr. THOMPSON of Mississippi.
H.R. 1653: Mr. GONZALEZ.
H.R. 1755: Mr. EHLERS and Mr. HERGER.
H.R. 1859: Mr. MCINTYRE and Mr. OWENS.
H.R. 1886: Mr. SPRATT.
H.R. 2023: Mr. MCDERMOTT.
H.R. 2133: Mr. AKIN.
H.R. 2303: Mr. CANNON.
H.R. 2510: Mr. OSE.
H.R. 2790: Mr. BISHOP of Georgia.
H.R. 2963: Mr. GALLEGLY.
H.R. 2974: Mr. RYAN of Ohio.
H.R. 3090: Mr. PRICE of North Carolina.
H.R. 3103: Mr. ROSS.
H.R. 3180: Mr. CONYERS.
H.R. 3215: Mr. HOUGHTON and Mr. FRANKS of Arizona.
H.R. 3359: Mr. BISHOP of Georgia.
H.R. 3412: Mr. HOLDEN, Ms. HART, Mr. HALL, Mr. TOM DAVIS of Virginia, Mr. CRANE, Mr. WEXLER, and Mr. SIMMONS.
H.R. 3519: Mr. SANDLIN.
H.R. 3558: Mr. FILNER, Mr. MICHAUD, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3574: Ms. JACKSON-LEE of Texas, Ms. GRANGER, Mrs. BLACKBURN, Mr. SULLIVAN, and Mr. SIMPSON.
H.R. 3641: Mr. HOLT.
H.R. 3683: Mr. NEAL of Massachusetts.
H.R. 3684: Mrs. BIGGERT.
H.R. 3687: Mr. SIMMONS.
H.R. 3729: Mr. UDALL of New Mexico.
H.R. 3730: Mr. GONZALEZ.
H.R. 3780: Mr. WEINER.
H.R. 3896: Mr. SULLIVAN.
H.R. 3953: Mr. FORD.
H.R. 3968: Mr. SCHIFF, Ms. BALDWIN, Ms. ESHOO, and Mr. SIMMONS.
H.R. 3974: Mr. CONYERS and Mr. THOMPSON of Mississippi.
H.R. 3988: Mr. DOGGETT, Mr. WEINER, and Ms. LORETTA SANCHEZ of California.
H.R. 3996: Mr. PRICE of North Carolina.
H.R. 5051: Mr. ISRAEL.
H.R. 4082: Mr. OLVER.
H.R. 4093: Mr. MCNULTY and Ms. JACKSON-LEE of Texas.
H.R. 4101: Mr. ROTHMAN.
H.R. 4102: Mr. POMEROY, Mr. KANJORSKI, Mr. FILNER, and Mr. BERMAN.
H.R. 4156: Mr. GORDON.
H.R. 4169: Mr. OLVER, Mr. WEINER, Mr. GONZALEZ, and Mrs. CHRISTENSEN.
H.R. 4206: Ms. DELAURO, Ms. BALDWIN, and Mrs. BONO.
H.R. 4214: Mr. FROST, Mr. MCCOTTER, Mr. HOLDEN, Mr. FLAKE, and Mr. CHOCOLA.
H.R. 4284: Mr. TERRY, Mr. ISSA, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Mr. RENZI.
H.R. 4304: Mr. MILLER of North Carolina.
H.R. 4334: Mr. DELAHUNT.
H.R. 4341: Mr. MEEK of Florida and Mr. TOWNS.
H.R. 4346: Mr. GONZALEZ.
H.R. 4358: Mr. MANZULLO.
H.R. 4392: Mr. WILSON of South Carolina.
H.R. 4440: Mr. SAM JOHNSON of Texas and Mr. DEAL of Georgia.
H.R. 4445: Mr. SCOTT of Georgia and Mr. GRIJALVA.
H.R. 4511: Mr. EVANS and Mr. MCGOVERN.
H.R. 4530: Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. SULLIVAN, and Mr. BALLENGER.
H.R. 4533: Mr. FRANKS of Arizona.
H.R. 4547: Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Mr. FEENEY, Mr. CARTER, Mr. COBLE, and Mr. GALLEGLY.
H.R. 4571: Mr. NEUGEBAUER.
H.R. 4578: Mr. BEAUPREZ, Mr. OWENS, Mr. ENGEL, Mr. TANNER, Mr. MEEHAN, Mr. SCHIFF, Mr. GRIJALVA, Mr. NEY, Mr. GREEN of Wisconsin, Mr. LAHOOD, and Mr. YOUNG of Florida.
H.R. 4595: Mr. WOLF.
H.R. 4600: Mr. NEY and Mr. LAHOOD.
H.R. 4622: Mr. CLAY, Ms. SOLIS, Mr. LEWIS of Georgia, and Mr. TERRY.
H.R. 4626: Mr. GORDON and Mr. CUMMINGS.
H.R. 4634: Mr. MCCOTTER, Mr. MORAN of Virginia, Mr. LAHOOD, and Mr. SHAW.
H.R. 4655: Mr. RYUN of Kansas, Mr. GONZALEZ, Mr. MEEHAN, and Mr. BOUCHER.
H.R. 4668: Mr. FROST, Mr. GREEN of Texas, Mr. WOLF, Mr. SERRANO, and Mr. WEINER.
H.R. 4674: Mr. MCDERMOTT, Mr. CONYERS, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. OWENS, and Mr. WAXMAN.
H.R. 4710: Ms. PELOSI, Mr. NADLER, Ms. DEGETTE, and Ms. ESHOO.
H.R. 4711: Mr. HEFLEY, Mr. SANDLIN, Mr. TOWNS, Mr. MCGOVERN, Mr. BERRY, Mr. EVANS, Mr. MCDERMOTT, Mr. FILNER, Mr. FROST, and Mr. REYES.
H.R. 4718: Mr. NETHERCUTT.
H.R. 4720: Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. OWENS, and Mrs. CHRISTENSEN.
H.R. 4730: Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. BROWN of Ohio, and Mr. QUINN.
H.R. 4736: Mr. FOLEY.
H.J. Res. 28: Mr. RANGEL and Mr. SCOTT of Georgia.
H.J. Res. 44: Mr. MCHUGH.
H.J. Res. 56: Mr. LUCAS of Oklahoma.
H. Con. Res. 99: Mr. STUPAK.
H. Con. Res. 126: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 218: Mr. DAVIS of Florida.
H. Con. Res. 390: Ms. SCHAKOWSKY.
H. Con. Res. 425: Mr. EVANS, Mr. WILSON of South Carolina, and Mr. OWENS.
H. Con. Res. 431: Mr. DEAL of Georgia and Mr. SCOTT of Georgia.
H. Con. Res. 465: Ms. KAPTUR.
H. Con. Res. 467: Mr. BROWN of Ohio and Mr. CASE.
H. Res. 466: Mr. CAPUANO.
H. Res. 556: Mr. MICHAUD and Mr. INSLEE.
H. Res. 586: Mr. SCOTT of Georgia.
H. Res. 601: Ms. SCHAKOWSKY.
H. Res. 632: Ms. MCCOLLUM and Mr. ROTHMAN.
H. Res. 636: Ms. MCCOLLUM.
H. Res. 647: Ms. KAPTUR, Mr. DEUTSCH, Mr. MCINTYRE, Mr. NORWOOD, Mr. SHAW, Mr. KINGSTON, Mr. GORDON, Ms. BORDALLO, Mr. BURNS, and Mr. KIND.
H. Res. 688: Mr. RENZI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4754

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 21: Page 27, line 24, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 28, line 12, after the dollar amount, insert the following: ''(increased by $15,000,000)''.

H.R. 4754

OFFERED BY: MR. FLAKE

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

H.R. 4754

OFFERED BY: MR. KING

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for ''DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' is hereby reduced by $1,000,000.

H.R. 4754

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 24: Page 57, line 11, after the dollar amount insert the following: ''(reduced by $2,500,000)''.

Page 92, line 16, after the dollar amount insert the following: ''(increased by $2,500,000)''.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any United States citizen as an enemy combatant unless that citizen is apprehended outside the United States.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more

than 30 days a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 28: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to classify any United States citizen as an enemy combatant unless that citizen is apprehended outside the United States.

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 30: Page 26, line 20, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

Page 28, line 4, after the dollar amount, insert the following: ''(increased by $100,000,000)''

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 31: Page 26, line 20, after the dollar amount, insert the following: ''(increased by $124,475,000)''.

Page 27, line 4, after the dollar amount, insert the following: ''(increased by $124,475,000)''

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $124,475,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JULY 7, 2004 No. 92

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Israel Zoberman, Congregation Beth Chaverim, Virginia Beach, VA.

PRAYER

The guest Chaplain offered the following prayer:

Our one God of Shalom, who brings us together to be one family, having just celebrated July Fourth, inspire our tireless Senators these trying times of unique challenge and singular opportunity to safeguard and increase our blessings in our beloved and leading land of flourishing democracy.

Enable and ennoble these faithful partners of Yours to be coworkers with the Creator—for that is our glory—in the healing of society's blemishes, yet turning our planet Earth into a paradise for all. Facing complex issues and raging debates, allow them to connect to the inner calming call of divine presence, awed by the wonder of being and reassured by the spirit of renewal at the heart of life's awesome drama. May they perceive in their own journey God's guiding hand of majesty, mystery, and mastery, ever sustained in both trial and triumph.

As son of Polish Holocaust survivors, I thank You and America. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct a period of morning business for up to 60 minutes. Following morning business, we will resume consideration of the class action fairness bill. Last night we had a series of opening statements, and therefore today we hope to make progress on that bill.

As I mentioned yesterday, the issue surrounding class action has been thoroughly debated before the Senate. This bill has bipartisan support. I continue to hope we can reach an agreement to consider relevant amendments to the underlying legislation. I believe we should debate and vote on any class action amendments and allow the Senate to ultimately vote on passage of the legislation after a fair time for consideration.

Having said that, I am concerned about all the reports in the various periodicals with regard to this bill being used as fly paper, as a vehicle to carry all kinds of unrelated issues. I just simply hope that will not be the case and that we can stay on the bill with relevant amendments. The legislation is too important to become mired down in a myriad of completely unrelated issues. Therefore, I believe in order for the Senate to pass the class action bill, we should reach an agreement as to how best to proceed. It is not my intent to cut off any Member's right to offer amendments; however, I do believe we should be clear that the amendments will be related to the underlying bill. I will continue to talk to the other side to find a path by which we can complete this bill, and I will have more to say on the schedule following the period of morning business.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Before the distinguished majority leader leaves the Senate floor, I wanted to alert him and the two managers of the bill that after morning business, we have a number of Democratic Senators, both for and against the legislation, who wish to make opening statements on the bill. I have six Senators who have contacted me, and the time they will consume will probably take us until at least the noon hour on just opening statements on the bill. I have not heard from anyone else, but I wanted the managers to know that. I have heard—I am not sure this is the case—that the managers are going to first look to a Republican to offer an amendment, and then how we normally do things is to go back and forth. There is certainly no rule that that needs to be the case, but we do, after morning business, have a number of Senators who wish to make statements on this bill. Under what we have done in the past, that certainly is appropriate. No one has taken an inordinate amount of time.

Mr. FRIST. Mr. President, I am sure the managers will shortly be aware of that. It is important that people are heard on a very important bill. We began the bill late yesterday, and we need to have a very productive day today and possibly into tonight to continue progress on the bill.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, when the distinguished Presiding Officer makes a statement as to our going into morning business, I would ask unanimous consent that Senator LINCOLN be recognized on the Democratic side for 15 minutes and Senator HARKIN for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee.

The Senator from Iowa is recognized pursuant to previous agreement.

LEAK INVESTIGATION

Mr. HARKIN. Mr. President, on a matter of utmost importance to the national security of the United States, I want to point out that it has now been almost a full year since the identity of a covert CIA agent was revealed in print by columnist Robert Novak. In fact, it has been 359 days, 1 week short of a year. Next Wednesday will be 1 year exactly. It has been 10 months, exactly 285 days, since the Washington Post reported that a senior administration official said that two ''senior White House officials called at least six Washington journalists and disclosed the identity of a covert CIA agent.''

We still do not know the identity of those ''senior White House officials'' responsible for this destructive leak. It is simply astounding to me that as I stand here, the person or persons responsible for destroying the 20 years and millions of dollars invested in this agent and for jeopardizing the lives of other agents in the field could at this very moment still be exercising a senior decision making role in this administration.

In late December, I welcomed the appointment of Patrick Fitzgerald, the U.S. attorney for Illinois, as a special prosecutor to investigate this matter. I don't understand why it took almost 6 months for this appointment to be made, but from all reports I have heard, Mr. Fitzgerald has been conducting a very aggressive investigation over the past 190 days. But what I still don't understand is how this administration can claim to be cooperating with this investigation when the only public statement the President has made on this matter was to say:

> I don't know if we're going to find out [who] the senior administration official [is].

Of course, that statement was an obvious wink and a nod to the leaker or leakers. The subtle message seems to be, don't worry. Sit tight. We can stonewall this and get it behind us.

So while I welcome the investigation of the special prosecutor, I find it hard to believe that the President and the administration are serious about getting to the bottom of this grave breach of national security. If they were serious, they would have resolved this matter immediately, without the aid of a grand jury, subpoenas, experienced prosecutors, polygraphs, and, most likely by now, millions of dollars of expense.

The President has never demanded answers from his White House staff. I remind my colleagues that the pivotal Washington Post article was published on a Sunday in late September. On Monday morning, the President could have, and should have, demanded answers from his staff. He could have, and should have, called his senior staff members into the Oval Office, put them under oath, and asked them one by one if they were involved in the leak of the CIA agent's name to the media. He could have, and should have, laid down the law and resolved this matter immediately. Indeed, that is exactly the way a President who truly wanted to identify the leakers would have acted. But President Bush took no such action.

Instead, the President joked about the leak with reporters. Judging from his statements, he doesn't seem all that eager to find and punish the people responsible. He said he has no idea whether the leakers will ever be identified.

The disclosure of the identity of the agent, Valerie Plame, as a covert CIA operative represents an extremely damaging breach of national security. In her 20-year career, we now know, she operated with ''nonofficial cover,'' meaning she had no diplomatic immunity. Effectively, her only defense was a painstakingly created and maintained cover. She worked gathering human intelligence, the kind of intelligence we have heard over and over since September 11, 2001, is so critical to fighting terrorism. She ran agents and worked closely with other undercover operatives and contacts. These people were also potentially placed in jeopardy and exposed to danger by the disclosure.

One publication reported that after reading of her own blown cover, Ms. Plame immediately had to make a list of all of the contacts and associates of hers who could be in jeopardy. I only hope when Mr. FITZGERALD discovers the identity of the leaker, that person is forced to see this list and be confronted with the full extent of their betrayal—yes, betrayal—of this country and its citizens. That is what it is.

More important, Mr. FITZGERALD needs to discover how the information on Ms. Plame's status came into the hands of these leakers, or senior White House officials. Is someone in the CIA responsible for identifying Ms. Plame as a means of discrediting her husband, former Ambassador Joseph Wilson? Is someone in the National Security Council responsible?

We cannot stop at identifying the individual or individuals who leaked her identity and her status to the press. We also need to identify the person or persons who gave this classified information to the leakers in the first place. This is about discovering those in our Government who have so little respect for the value of our intelligence assets that they are willing to use those assets as political weapons.

Both the President and the Vice President have been questioned by the special prosecutor's office in this matter, but almost a year after the leak we still don't know who is responsible.

Valerie Plame was a seasoned covert operator, we are told. She performed the kind of human intelligence gathering that is crucial to our national security. So why was her identity compromised? Why was the identity of a valuable intelligence asset treated so cavalierly and recklessly by senior officials in the White House? Was it done as part of an ongoing effort to discredit and retaliate against critics of the administration—especially anyone who dared to suggest that the intelligence used to justify the war in Iraq ranged from flawed to fabricated?

Let me recap. Since 2002, the administration's top officials, including Vice President CHENEY, Defense Secretary Rumsfeld, National Security Adviser Rice, and the President himself, have all claimed Saddam Hussein was actively developing weapons of mass destruction, and that he tried to buy uranium from the nation of Niger. These claims persisted despite conflicting intelligence reports, including one by Ambassador Joseph Wilson. Ambassador Wilson, we later learned, is Valerie Plame's husband.

Ambassador Wilson was sent on a fact finding mission by the CIA to Niger. After an investigation, he found no evidence to support the claim that Niger had sold uranium to Iraq.

Still, the President made the Niger claim in his State of the Union message. A few months later, the New York Times published Mr. Wilson's op-ed piece, which questioned the President's assertion and indeed refuted the President's assertion that Niger had sold uranium to Iraq. It was after that—at least in this Senator's opinion—that in order to discredit and punish Wilson, two senior White House officials leaked to the press the identity of Wilson's wife and the fact that she was a covert CIA operative. In doing so they broke the law and undercut our national security in time of war.

One day Ms. Plame was a valued human intelligence asset; the next day she was political fodder.

What guarantees does any other intelligence agent have he or she could not be next? It is not enough to find out who leaked the names; we have to find out how senior White House officials were given the classified information about Valerie Plame's status as a covert CIA agent. Who did this dastardly deed? Who betrayed our country and our intelligence asset?

It is not only Ms. Plame, it is all of the other CIA agents we have who do not have diplomatic immunity and are operating undercover, collecting human intelligence for the safety of

our country. What is there to give them assurance they are not the next Valerie Plame? What is there to give them the assurance they won't be fingered at some time in the future?

What happened here is not only confined to Ms. Plame, bad enough as that is. It sends all of the wrong signals to our CIA operatives that they could be next. Some future administration could finger them if they disagree or if their husband or wife, brother or sister, or maybe a friend, disagreed with official administration policy; they could be outted.

And what does it say to all of the contacts these people we have developed and nurtured over years and years, in countries where their lives would be at risk if they were identified as giving intelligence to our CIA people? What assurance do these networks have they won't be uncovered similarly at some time in the future?

I have waited, and we have all waited to get answers; 359 days is too long. One year is too long for this to drag on. It is time for the administration to come clean. It is time for those who leaked Ms. Plame's identity to be identified and to suffer the consequences. It is also time to find out who gave them this highly classified information, how it was they came to have the name of Ms. Plame.

Only a thorough airing of this, only prosecuting those who were involved, finding out who gave this name to these people in the White House, making sure they no longer have positions, wherever they are, in the National Security Council or in the CIA—only then will we send a clear signal we are not going to let this happen again. We must send a clear signal to those who would betray this country in order to get political retribution against somebody who disagreed with an administration's position. Only then will we be able to send a clear signal that these kinds of actions will never be tolerated.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. REID. Would the Senator succinctly state what harm was done, or could have been done, as a result of divulging the name of this woman?

Mr. HARKIN. I thank the Senator for his question.

Succinctly, what was done and what more could be done—Ms. Plame had a number of assets and contacts, people in other parts of the world who were giving her information valuable to our national security. These people have been put at risk.

Mr. REID. And these people, I interrupt the Senator through the Chair, did not know—her friends, neighbors, people around America—she was a spy; is that right?

Mr. HARKIN. That is correct. As I understand it, she operated——

Mr. REID. And the people supplying her information certainly did not want the world to know the information they were giving to this woman was information being given to a CIA operative; is that true?

Mr. HARKIN. Absolutely. Their lives would be at risk, and their lives are at risk, I believe. Mr. President, I say to my friend from Nevada, that is the damage that has been done. But think about the damage that will be done in the future if we do not resolve this matter. Because other CIA operatives who operate without diplomatic immunity, like Valerie Plame, will have this cloud hanging over them. They will fear that they, too, could be outed in the future; that their name could be made public if their husband or wife or someone such as that disagreed with official administration policy.

To me, that is the real damage. The leak has undermined the human intelligence assets we have developed over years and years. I am told it takes over 10 years of CIA training to develop a good covert operative such as Ms. Plame. There are over 10 years of training and seasoning and intelligence gathering before they are a solid source of intelligence. So when we think of that, we think about all of this thrown away because someone had a vendetta against Mr. WILSON, her husband.

I say to my friend from Nevada, it was a vicious act, political intimidation and retribution, and I think it is a clear pattern that we have seen over 359 days of coverup, concealment, and contempt for the truth by this administration. It is time to resolve this issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the time under the quorum call be charged against Senator LINCOLN to whom I, through the Chair, yielded 15 minutes. I ask that the time be charged against her.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been told that Senator LINCOLN is unable to be here. I yield her remaining time to the Senator from Illinois, Mr. DURBIN.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Illinois is recognized pursuant to the request.

Mr. DURBIN. I thank the Chair. Mr. President, how much time is remaining in morning business?

The PRESIDENT pro tempore. There is 11 minutes 12 seconds remaining.

ISSUES IMPORTANT TO AMERICAN FAMILIES

Mr. DURBIN. Mr. President, there is a lot of talk across this country about the important issues in this Presidential campaign. Some people are going to try to define those issues on the floor of the House and Senate in the weeks ahead, but the issues in this campaign will not be defined in Washington, not on Capitol Hill. Those issues will be defined in homes across America where families will decide what is important, and they will listen to the candidates for Congress—the House and Senate—and those who are running for President and Vice President. They will listen to hear whether those candidates are responding to their real concerns.

There will be an effort here to manufacture issues to try to divert American families from their real concerns. In just a short time, I suspect we will have this rush of proposed constitutional amendments coming to the floor of the Senate. It is suggested one will be on the issue of marriage and one on the flag. Quite honestly, it is very apparent why they are being brought to the floor. I personally think we should pass one law—and do it quickly—which says no one can propose a constitutional amendment in a Presidential election year, certainly not within 6 months of an election. Such proposals are automatically suspect and clearly political.

In this case, the Republican leadership is going to bring constitutional amendments to the floor in the hopes that they can divert the attention of American families from the issues they care about to some new set of issues. Why would the Republican leadership want the American people to look at issues other than those they take personally? Because, frankly, they do not have many answers to the questions most families ask.

The families in Illinois and across America with whom I talk are working families concerned about their inability to keep up with costs.

Not surprising, take a look at this chart as an illustration. What has happened to real earnings over the past year in America? For families, average weekly earnings have gone down, but for corporate profits, they have gone up dramatically. There is a disconnect. We want business to be successful. Of course, we do. Successful business means more people working and more good jobs in America. But what is wrong with this picture? Why did corporate profits go up so dramatically and yet working families fell behind so much? The obvious reason is because there are elements in the budget of most families that are not being addressed in Washington.

What is causing this middle-class squeeze across America that is basically denying families their weekly earnings? Why won't the Republican leadership in the Senate and the House address the middle-class squeeze? Why won't we address issues with which people are concerned? Let's be more specific about what that squeeze consists of.

Look at this chart which shows real growth during President Bush's administration. Average weekly earnings have gone up 1 percent since President George W. Bush has come to office—1 percent. What about college tuition costs? They have gone up 28 percent; gas prices, 28 percent. And here is one, this is the killer for business, labor, and families: family health care premiums.

One can say to oneself: What in the world can Congress do about these issues that are raising the cost of living for working families? The answer is, ''plenty.'' What have we done? Nothing, absolutely nothing.

What we have done, unfortunately, is to ignore the real issues facing families. We have ignored the issues they are coping with on a regular basis. College tuition costs: My colleague, Senator SCHUMER of New York, when we were discussing tax cuts, said the most important tax cuts for working families and for our future include the deductibility of college education expenses.

Well, that is obvious. What do I hope for for my kids, for the kids of my colleagues, and for all who are following this debate? A chance for a good education. What stands in the way? Well, certainly their own achievement—they have to do a good job in school to be eligible to go to college—but then the cost. My colleagues know what I am talking about. How many college graduates today face college tuition costs which are absolutely crippling?

Senator SCHUMER and others said if we are going to talk about tax cuts to help working families, why do we not allow them to deduct the cost of college education expenses? We offered that amendment. It was defeated by the Republicans. They said, no, the tax cuts should go to the highest income individuals and they will decide what to do with that extra income and they will ultimately help working families.

Gasoline prices——

Mrs. BOXER. Will my friend yield?

Mr. DURBIN. I will yield in just one moment.

Gasoline prices are another illustration. These prices have gone up dramatically in the State of California and in the State of Illinois. What has this administration done about it? Nothing. A cost to business, a cost to families, a cost out of the bottom line of the paycheck people bring home, and this administration refuses to confront OPEC about fair gasoline prices.

Why do family health care premiums continue to be the No. 1 issue across America, ignored by the Bush administration, ignored by the Republican leaders in this Congress? Because the leaders in this Congress and the Republican Party refuse to confront the health care insurance industries, the pharmaceutical companies, and those that are driving up the cost of health care. Those special interest groups are sacred cows in this town, and because the Republican leadership will not confront them, American families are being victimized by them.

These are the issues that families care about. They are the ones we are going to bring to this Presidential campaign, and they are the ones the Republican leadership wants to ignore. They want us to rush off and debate at length constitutional amendments that, frankly, are going nowhere.

I am happy to yield to my colleague from California for a question.

Mrs. BOXER. I came to thank the Senator for bringing out that chart, if he would keep it up there for a minute, and for making this point to our colleagues and anyone else who might be listening. It is one thing for us to critique the administration and say they are not addressing the real issues. When I go home, people say this administration cares about everybody else in the world; there is money for everybody else in the world; we are going to help everybody else; we are going to help the people of Iraq. Fine, but they are going to have universal health care and we are not? They are going to have their classrooms built and we are not? And it goes on.

So what I believe our people want us to address is what is happening to them, and what my friend has done in a most eloquent way, as he always does, is to point out this middle-class squeeze that is hitting our people.

These are the problems I care about. I say to my friend, we have a bill about reforming class action. I have taken a look at some class action lawsuits, and I have realized that is one tool to help middle-class families who may be harmed by products that are not safe. So I do not know why they are running off to do that and they are ignoring all of these other things.

I guess my question to my friend is, As we debate the Presidential election and we have a point of view that this administration is ignoring this middle-class squeeze, do we not find that happening right here with the Republicans who are in charge of this Senate? Are they not ignoring this middle-class squeeze? The best way to prove the point is what they bring up before the Senate. Are they bringing up anything to deal with college tuition and giving tax breaks to those folks who so desperately need it? Are they doing anything at all to help with gas prices, health care premiums, or prescription drugs, or are we going to face, after this class action debate, these constitutional amendments my friend referred to that I have to say in all honesty and frankness I have never had one person in California come up to me and say: Senator, the most important thing facing us is gay marriage. That is just ruining my life. Take that up. Ban it because that is what I think about night and day. No. They tell me they are worried about paying college tuition; they are worried about filling up their gas tank; they are worried about not being able to afford prescription drugs.

So my question to my friend is, Could we not do more to implore this leadership to take up some of the issues that are really affecting the people we all represent?

Mr. DURBIN. I thank the Senator from California for her question. The answer is clear to all of us. This Congress, under the Republican leadership and this administration, has decided that the special interest groups are more important than these issues that are facing working families. They have decided that giving tax cuts to the wealthiest people in America is more important than giving working families the deductibility of college education expenses. They have decided that giving breaks to oil companies is more important than confronting those oil companies and OPEC to bring down gasoline prices. They have decided that the pharmaceutical companies and the health insurance companies in America are more important, their bottom line profits are more important than the cost of health insurance to businesses, to labor union members, and to families across America. They have caved in time and time again to special interest groups, and they refuse to listen to the real concerns of America.

That is why Americans are saying, by a margin of almost 2 to 1, that we are headed in the wrong direction as a nation. They want leadership in Washington that responds to the real issues, the family room issues, the kitchen table issues families face every single day. This administration has refused to do it. Frankly, this Congress has refused to do it. They want to divert attention. They want to have the old sleight of hand. Let us talk about constitutional amendments. Let us not talk about things that deal with the real issues facing families.

I am happy to yield to the Senator from Nevada.

Mr. REID. Will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield for a question to the Senator from Nevada.

Mr. REID. I say through the Chair to my distinguished friend from Illinois, also the two constitutional issues, gay marriage and flag burning, no matter how strong someone may feel about each of those, would the Senator acknowledge they have no chance whatsoever of passing, so we are not only taking up issues that may be secondary to the vast majority of the American people, but also they have no chance of passing? All they are doing is bringing these up to try to satisfy a small number of people in this country to divert attention from the real pocketbook

issues the American people deal with every day. Would the Senator acknowledge that?

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Democratic time has expired.

Mr. REID. Mr. President, if the Democratic time has expired, the Chair has not properly advised the minority. I yielded 25 minutes this morning to Senators LINCOLN and Senator HARKIN, leaving 5 minutes. So where has the 5 minutes gone?

The PRESIDING OFFICER. Senator HARKIN asked for an additional 5 minutes.

Mr. REID. I am sorry. I should never step off the floor.

The PRESIDING OFFICER. Which completes the Democratic time.

Mr. REID. No problem. I should never step off the floor.

I ask unanimous consent that each side have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I say to my colleague from the State of Nevada, he is going to find out in the rollcall votes, in the ultimate vote, that these constitutional amendments are not going to pass. This is a political grandstand. Frankly, we should pass a law that says a constitutional amendment cannot be proposed within 6 months of a Presidential election. That is what this is all about. It really demeans this great Constitution we have sworn to uphold that we are playing games by bringing issues like the gay marriage amendment to the floor of the Senate without even a markup in the Judiciary Committee.

Why? Frankly, it should not be done. Maybe one or two times in the recent history of this body have we brought an amendment to the Senate floor without a markup in the Judiciary Committee—I think Senator HOLLINGS, through unanimous consent, discharged a proposed constitutional amendment from committee. So they are not taking it seriously. It is just a record vote to put Members on the spot and to try to gas up the special interest groups that feel strongly on this issue. That really does not address the issues working families care about.

If this Senate is going to be relevant to the people we represent, we ought to speak to the issues they care about. Whether the people are coming to this gallery or watching the proceedings by television, they know what working families care about. It is the cost of health insurance. It is the fact that one may have a dollar an hour more in their contract this year and do not have a penny more in take-home pay because health insurance has gone up. It is the cost of sending your kids to college. Your child works hard and has good grades, gets into a great college, and look at the cost: I'm sorry, you can't go to school; we can't come up with $20,000 a year.

It is the cost of gasoline which is killing small businesses and families alike.

These are issues we ought to be talking about and these are issues this Republican leadership consistently ignores.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. NELSON of Florida. It is also the cost of prescription drugs, I add to my colleague from Illinois. I will tell you of the riveting experience I had last week as I was doing townhall meetings in my State of Florida, where a senior citizen, a lady, broke down crying in the middle of a jam-packed townhall meeting as we were talking about the issues of the day such as Iraq. She said: I cannot afford a roof over my head and the cost of prescription drugs. She said: I don't have any choice; I have to provide a home. That means I cannot buy prescription drugs.

Yet what did we do in this Senate? The Senator from Illinois and I did not vote for the prescription drug bill because it said Medicare could not negotiate by using bulk purchases, negotiating the price of drugs down as does the Veterans' Administration.

It is inexcusable. It is unexplainable, except that it rewards special interest politics to the neglect of senior citizens and allows those prescription drug prices to stay as high as they are so seniors cannot afford them.

Would the Senator reflect on that experience I had in my townhall meeting?

Mr. DURBIN. I would say to the Senator from Florida, he will hear the same response in Illinois, in California, in Nevada, in South Carolina. People can't afford prescription drugs. They can't afford college tuition. They can't deal with health insurance costs. They can't deal with these rising gas prices.

Here is the problem. We need to create a special interest group called Working Families in America. Wouldn't it be great if they had a lobby here? Wouldn't it be great if we walked out in that hallway and men in three-piece suits and Gucci loafers were representing working families in America? There are plenty out there for the drug companies, plenty out there for the health insurance companies. But this Senate and this Congress only responds to special interest groups and those are groups such as the pharmaceutical companies that have record profits at the expense of consumers across America.

When are we ever going to address issues that real families care about? If we are not here to address those issues, then, frankly, we ought to just close up shop and go home, and I don't think we should. I think we have a responsibility to stay here and work and make certain that we deal with the issues real families care about instead of all these special interest groups that come in.

Now they want to get rid of class actions. They have said class actions, that is a dirty phrase. We should not say that in America because the people who go to court and sue on behalf of a large group of people have no business doing it. They are frivolous lawsuits. They are unproductive.

Then take a look at those class action lawsuits. Those end up being lawsuits by consumers across America who may have just lost $100 personally, but when aggregated turn out to be a large group of people who have created a great profit for a company that didn't deserve it.

Those are ways that Americans speak to the issues that concern them. Those are opportunities which the Republican majority wants to silence.

I yield the floor.

The PRESIDING OFFICER. The Democratic time has expired. The Senator from Arizona.

Mr. KYL. Mr. President, it has been interesting to hear some of our Democratic colleagues this morning make the charge that the Republican leadership is somehow diverting attention from the real problems of the day by scheduling a vote on an issue which, when I was back home this last weekend, was certainly on the minds of a lot of my constituents, and that is this question of whether judges in America are going to redefine what they have always understood to be their definition of marriage.

To take 1 day, or perhaps as much as 3 days, to debate that issue and get that issue resolved in the Senate does not seem to me to be too much to ask, in terms of conducting our business.

With respect to the claim that it is diverting us from attention to the economic issues that are of most concern to Americans, I have two responses. First, Americans seem to be concerned about more than one thing. They are concerned about raising their families; they are concerned about a good home for their children; they are concerned about a good economic future for their children. All of these are wrapped up in the totality of the things that were expressed to me over this Fourth of July break.

I don't think it is either fair or accurate to say there is only one thing Americans are concerned about and that is their economic future. But to the extent that is an issue and it becomes an issue in the Presidential campaign this year, I think some facts are worth pointing out.

I realize that sometimes facts get in the way of arguments. One of the main arguments of our colleagues on the other side of the aisle is that this is a bad economy. The Democratic Presidential candidate has talked about the Depression and the worst economy since—I don't know, Hoover, I guess. But the facts belie that claim. So perhaps this morning we should take a little time to discuss some facts, some actual statistics, some reality about the economy and not just the economy in general but the economy as it affects the average American.

On the question of jobs, one of the criticisms has been—originally the idea was there was no economic recovery. Then the economic recovery became undeniable. Then the claim was

it is a recovery in every sense except the creation of jobs. Then for several months in a row we began creating record numbers of jobs. Then the argument became: But they are not really good jobs.

There are some people you can never please, of course. In an election year, the party that is on the ''out'' has to criticize the party that is on the ''in.'' It is just that it is becoming harder and harder to criticize the Republicans because the economy has rebounded so well, largely because of policies that have been pursued by the Bush administration.

Let's examine the specific claim about employment and about wages and about what kinds of jobs Americans have and how the economic recovery is positively impacting the average American. Look at the June employment figures, which are the latest numbers we have. They demonstrate several things.

First, the quality of new jobs is rising. Nearly 80 percent of the new jobs created in June were in industry categories that pay an average hourly rate in excess of the overall average hourly rate in the private sector. So these new jobs in manufacturing pay a higher wage than the average. The inflation-adjusted average hourly earnings have increased 2.224 percent during the first 3.5 years of the Bush administration, compared with only a .13-percent increase during the same period of the first Clinton administration.

People say, What about disposable income? Not just wages but disposable income. Per capita aftertax disposable income, adjusted for inflation, has increased 7.1 percent, since President Bush took office, well above the 5.2-percent increase during the same period of the first Clinton administration.

It doesn't much matter how you look at it, statistics in every respect are superior to the Clinton administration statistics. They represent economic growth. They represent real return in terms of wages and inflation-adjusted wages for the average American as well as the American working in manufacturing.

Since the start of the Bush administration, full-time employment has averaged 82.56 percent, nearly a full percentage point higher than full-time employment during the same period of the first Clinton administration. So, again, no matter what comparison you make, Americans individually are better off today. It is not just a matter of the economy performing better, but they are individually better off today in terms of employment, in terms of jobs, in terms of earnings.

In the past year, the number of full-time positions has increased by nearly 1.3 million. I mention that because some make the argument that some of these are called ''McJobs''—a play on McDonald's—that they are just hamburger-flipping kinds of jobs. No. We are talking about full-time positions. And I talked about manufacturing jobs earlier.

More than 81 percent of part-time workers in June indicate they have chosen part-time employment for non-economic reasons. The point is that while full-time jobs are increasing, those who are working part time are primarily working part time according to their own testimony for reasons that do not have anything to do with economics.

I also mention the fact that temporary jobs in June represented only 2.225 percent of all payroll jobs in the private sector.

I make all of these points not to suggest that we can't do better. In fact, the President has said we will not rest until everybody who wants to work can find a job.

When you look at some of the counties in Arizona, for example, in Pima and Maricopa Counties where the employment rate is 4.1, 4.2, or 4.3 percent, something in that order, and when you look at an area where there is a substantial amount of illegal immigration with the people working in sectors that Americans have not wanted generally to work, you can see this is the closest thing to full-time employment we could possibly have in this country.

Let me give some more statistical data because part of the problem in the debate has been claims by one side and facts on the other side. I know that sometimes people's eyes glaze over when they hear too many numbers, but the reality is that numbers tell the story here. They are like pieces of a puzzle. They are reality. When you put them together, what they represent is not just a strong economy but an economy that is helping individual families provide more income and more security for their work situation.

The employment data released by the Bureau of Labor Statistics earlier this month demonstrate this strong job growth. In June, nonfarm payroll employment increased by 112,000 net new jobs. So far this year, nearly 1.3 million net new payroll jobs have been created, and over 1.5 new payroll jobs since last August. According to the Bureau of Labor Statistics' current population survey, which is the household survey, the unemployment rate remains steady at 5.6 percent, which is well below the peak of 6.3 percent in June of 2003. In other words, more Americans are working than at any time in the country's history—139 million individuals. I think that is a record we can be proud of.

I make this point: There is a certain sense in which talking down the economy creates a psychology in the market and becomes a self-fulfilling prophecy. I notice there has been criticism in the past by Members on the other side when Republicans have, during the Clinton administration, noted certain problems with the economy. They said don't talk down the economy, that it will have an effect itself on confidence in the market and confidence among consumers.

This is what disturbs me about some of the rhetoric from the other side. Every measurement of the economy is improving and every measurement with respect to individuals within the economy is improving substantially and is better than the comparable times during the Clinton administration, yet you hear people constantly talking it down. There is a point at which this itself can have a negative impact.

I would like to quote from a Wall Street Journal commentary that sort of describes this phenomenon I am talking about. Here is the Wall Street Journal:

> Here's a quick primer on how to track an economic recovery. When the media fret that the U.S. is heading for a decade of stagnation like Japan, that means profits and investment are picking up. When you hear that profits have risen but we're stuck in a ''jobless recovery,'' businesses have started hiring. And finally when a cry goes up that American workers can find only low-paying menial jobs, that's the tip-off that the economy is booming.
>
> Congratulations, America. The return of ''McJobs'' rhetoric signifies that an expansion is in full swing.

Of course, the Journal goes on to detail a lot of the statistical information I have been talking about.

By focusing on the quality of the jobs that are being created, the pessimists are once again counting on the public to overlook the facts we have been talking about here. As I have indicated, the facts demonstrate that the U.S. economy is not only producing a steady stream of jobs, but the new positions are well paying and they are industrial jobs. So whether you are talking quality or quantity, it is very hard to deny that this economic recovery is helping all Americans.

One of the concerns has been about manufacturing. There is no question that there are shifts occurring all around the world to an information technology kind of economy, and a lot of the old industrial base of this country has been affected by that. But there are also some statistics that I believe give hope with respect to manufacturing in this country, which is still the No. 1 country for manufacturing in the world.

In June, nearly 80 percent of the new jobs were created in major industry categories which pay an average hourly rate in excess of the overall average hourly rate in the private sector of $15.65. In June, 39,000 new professional and business services jobs were created in an industry with an average wage of $17.38 per hour—11 percent more than the overall average hourly wage; 19,200 new transportation and warehousing jobs were created in an industry with an average wage of $16.50—7 percent above the overall average. In contrast, because some speak about the leisure or hospitality industry where wages are less, the average wage there is $8.86. That only accounted for 6 percent of the new jobs created.

Again, for those who say there are new jobs being created but they are in

the lower paying categories and not in the industrial categories, the statistics simply belie that. They say that is not true.

The point is, very broadly speaking, the employment figures in June are consistent with an upward trend of well-paying industries creating valuable jobs, and this has been occurring for more than a year.

In June, the average hourly earnings of production or nonsupervisory workers increased at an annualized rate of 1.2 percent, the sixth consecutive monthly increase. Importantly, the growth in hourly earnings was broad based, with wages increasing in 9 out of the 11 major industry sectors and unchanged in 3 sectors since June.

Since the beginning of the Bush administration, real average hourly earnings—that means adjusted for inflation—have increased by 2.224 percent compared to the Clinton administration. In the first Clinton administration, real average hourly earnings grew by only 1.3 percent. Moreover, in the 2½ years following the 1990–1991 recession, real average hourly earnings fell .66 percent. So the current increase demonstrates that earnings are outpacing inflation to the benefit of American workers and their families—again, in sharp contrast to the Clinton years.

Finally, using the broader measure of ''compensation,'' which includes both wages and benefits, the earnings picture improves even more. Between the first quarter of 2001 and the first quarter of this year, compensation paid to workers in the private industry has increased a total of 12.18 percent. Specifically, wages have grown by 9.44 percent, and employment benefits, including health and pension benefits, have increased by 18.98.

No matter how you look at this, individual employees are doing better in terms of the kind of jobs they have, what those jobs are paying both in terms of compensation and in terms of money, as well as compensation in terms of other benefits. There is no way to look at the economic growth and its impact on individual families and workers without seeing the good news. As I said, the only explanation I have for pessimistic talk is the reality of politics.

If you are going to try to replace somebody in an office, you have to complain about something. In this case, however, I think those who are complaining about the economy and are somehow suggesting that President Bush and the Republican administration have not done enough to improve the economy for working families basically have not been looking at the facts. The facts have demonstrated quite clearly that this economic recovery is helping a very broad spectrum of people in this country, from industrial jobs to all other kind of jobs.

Disposable income is another measure by which you can determine whether families are better off—dollars left after taxes. Here is where the Bush administration has really made big strides because of the tax cuts we passed, which some on the other side of the aisle would take away.

In the first 12 quarters, the Bush administration's per capita aftertax income increased by 12.5 percent, in large measure as a result of the individual tax rate reductions we enacted in 2001 and 2003 that were part of the Bush tax reduction programs which he signed into law and is asking us to make permanent. With that kind of improvement in per capita income—this is disposable income, dollars left over after you pay the taxes that our colleagues on the other side of the aisle ought to be joining in making the tax cuts permanent and not that the tax cuts should be eliminated—per capita aftertax disposable income in real, meaning inflation-adjusted, terms has increased 7.1 percent since President Bush took office. That is a significant improvement over the 5.2-percent increase during the same period in the first Clinton administration.

In a courtroom, I would say I rest my case. By every conceivable measure of how Americans have been affected by this economy and the economic growth spurred by the position of the President and the action of the Republican House and Senate in support of the administration, by every measure, Americans' lives have improved. We ought to count that as good news, whether we are Democrats or Republicans, regardless of what economic strata we are in. It represents the best in this country, the opportunity we all have, the kind of idea that President Kennedy, all the way through President Reagan, talked about.

When the economy is improving, everyone in this country is better off, and we should be grateful. We should understand the causes. We should support those legislative policies that represent those causes and not denigrate an economy which is helping the American public.

It is time to be a little bit more optimistic about our future. This is a great country. It is a great country because of the people who create the jobs and who do the work. We should give them a lot more credit than some people on the other side of the aisle have, credit for helping this country to become everything it can become for the benefit of American families.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. How much time remains?

The PRESIDING OFFICER. Sixteen minutes.

Mr. COLEMAN. Mr. President, I will talk about good economic news, the optimism that my friend and colleague from Arizona has discussed. I have always been a believer in looking at the cup half full rather than half empty. This cup is pretty full right now and is filling every day. It tastes good to drink from it. There is good news out there and we need to talk about that.

We used to have an expression that politics ends at the water's edge. We did not allow debates between candidates to confuse the way foreign policy was conducted abroad. There is something akin to that with the economy. Certainly the issue of jobs and economic growth are appropriate for political discussion. No doubt about that. I worry when it reaches a point that the volume and nature of the debate is actually hurting the economy.

Maybe we have gone too far. So much of our economic activity is based on the way we perceive the direction of the economy. Perception does have some impact on reality. Those who try to shape the negative perception for political ends should reflect a little more on that. It is the political season, the Presidential race is coming up, but the volume of negative statements in absolute denial of what is happening with this economy is a little disconcerting.

I am concerned about those who are tempted to believe good economic news is bad political news, and bad economic news is good political news. We should be better than that. It reminds me of the Lutheran Church in Minnesota that got their first female pastor. Some of the older guys in the congregation were skeptical. They thought she would not be able to preach. After her first sermon, they were very impressed.

Then they said, Well, she will not work very hard. But after she balanced the congregation's books, organized the church picnic, and got the Sunday school on track, they were impressed.

Then they thought, Well, she will not relate to guys like us. Then she asked if she could go fishing with them. They did not like the idea, but they could not say no. After a couple of hours on the water, the pastor said: Guys, I need a restroom. A little annoyed, they started pulling up their line. She said: That's okay, and stepped out of the boat and walked on water to the shore. And one of the guys said: Figures, she can't even swim.

For those who continue to be skeptical about the progress of this economy, I am beginning to think they would be discouraged even if it walked on water. I read an estimate that the economy will grow at a rate of 4.8 percent this year. That sounds good. It would be the highest growth in two decades. This is an economy that is carrying on its back a war on terror, the aftermath of September 11, the corporate scandals, the uncertainties of a Presidential campaign. The economy is not just walking on water, it is running.

Economic growth is at a 20-year high. Work and productivity rose by almost 4 percent last quarter and remains above its historic average as businesses continue to utilize technology in a more efficient manner. We are increasing productivity at the same time. We are growing jobs. The manufacturing sector on balance has grown since the beginning of the year as factories have

boosted employment to meet strong consumer demand.

Why do we have strong consumer demand? Because we cut taxes, because we put more money in the pockets of moms and dads. And when moms and dads spend that money on a good or service, the person producing that good or service has a job.

That makes it more likely, more profitable, easier for small business folks to reinvest in their business. By cutting capital gains, providing bonus depreciation, you increase expensing, opportunities and options for small business. They invest in the business and they grow jobs. The manufacturing employment index is pointing to an expansion in hiring.

The National Association of Business Economics, at its quarterly survey on business conditions, shows that 41 percent of the respondents expect their companies to increase employment over the next 6 months, up from 34 percent 3 months earlier.

Consumer and producer confidence remains solid. In fact, consumer confidence got a huge boost last week, reaching a 5-month high. Consumers are optimistic. The politicians who benefit, unfortunately, seem to think they benefit from bad news. They are the pessimists.

The reality is, this economy is moving forward. The consumers understand that. Unfortunately, my friends on the other side of the aisle seem to find it difficult to accept that, difficult to admit that, difficult to recognize that there is consumer and producer confidence today. That is good for the economy. That helps grow jobs. The housing market is strong. The national home-ownership rate in sales of new homes are at a record high.

My friend from Arizona talked about per capita, aftertax disposable income; in other words, the amount of money people get to spend themselves after they pay taxes. It has increased 7.1 percent. This is higher than it was after the first 4 years of the Clinton administration during this boom period that folks talk about. Last month, 112,000 jobs were added to the economy. In the past 4 months, payrolls have grown by almost 1.1 million, a pace of more than 3 million jobs annually.

It is fascinating that although the amount of jobs increased last month by 112,000, the pessimists will say that is less than what was projected, as if that is a negative. Over 1.1 million jobs in the past 4 months. I remind the pessimists that in every year of the job boom of the late 1990s, it included at least 1 month where payroll growth fell below 150,000 and in a few instances it went even negative. This is the ebb and flow of the economy. Everyone can forecast but no one can guarantee economic growth.

The trends are clear, the movement is clear. It is like you have a chance to do a little fishing over the break. You kind of watch that stream and it is moving in a direction. The economy is moving in the right direction.

There was an article printed in USA Today a couple weeks ago by former Labor Secretary Robert Reich, author of ''Reason: Why Liberals Win the Battle for America.'' He wrote this at the request of the Kerry campaign. What is the title? ''Gloom Is Reality for Citizens.'' Senator KERRY talks about misery indexes. Robert Reich, ''Gloom Is Reality for Citizens.''

That is not the reality of what is happening in the economy today. Part of this discussion Reich talks about is saying, well, we have a lot of jobs. They recognize there is an increase—1.1 million jobs—but they talk about the quality of jobs. They talk about wages that are stagnant.

If you look at, again, the facts—look at the facts, the facts, ma'am, the facts—three-quarters of the new jobs created in May were in industry categories that pay an hourly average rate in excess of the overall average hourly rate in the private sector. Inflation-adjusted hourly earnings have increased 2.3 percent during the first 3½ years of the Bush administration, compared with only a 0.13-percent increase during the same period of the first Clinton administration.

I mentioned before that the aftertax disposable income is way above what it was during the Clinton administration.

Then the pessimists say: Well, these aren't full-time jobs. They are a lot of part-time jobs, but ''jobs'' they call it. Again, as I said before, three-quarters of the new jobs created in May were in industry categories that pay an hourly average rate in excess of the overall average hourly rate in the private sector.

Since the start of the Bush administration, full-time employment has averaged 82.57 percent, nearly a full percentage point higher than full-time employment during the period of the first Clinton administration. In the past year, the number of part-time positions has declined about 240,000, while full-time positions have increased by more than a million.

More than 80 percent of part-time workers in May indicated they have chosen part-time employment for noneconomic reasons. Some people choose to work part time. But, again, the number of full-time jobs is increasing at an all-time high. The number of unemployed is decreasing.

In Minnesota, a few months ago, the drop in the rate of unemployment went from 4.8 percent to 4.1 percent in 1 month. That .7 percent drop was the largest monthly drop since we began keeping records in over 20 years. That is significant. Does that mean there are people out of work? Absolutely. As long as one American is out of work, then we have to do something about it.

That is why, by the way, we have to pass the class action bill. It is being filibustered. That is why we have to pass an energy bill. It is being filibustered. That is why we have to get a highway bill through this Congress. We have to get some things done, but we are moving in the right direction.

And again, in Minnesota—back at home—the President's tax relief led to the creation of 7,200 new jobs in May. Over the months of April and May, Minnesota gained almost 20,000 new jobs, leading to the highest 2-month gain in the last 5 years.

Both the construction and manufacturing sectors in Minnesota continue to improve. Construction employment grew by 2,200 in May, building on April's 2,800 new jobs, and 1,600 new manufacturing jobs were created in May, while 7,400 manufacturing jobs have been created in the last 10 months.

The employment outlook for the third quarter for Minnesota employers is the strongest in more than 25 years; 30 percent of Minnesota employers expect to hire more employees.

There is an article in today's Minneapolis Star Tribune talking about: ''Analysts expect excellent economy.'' I will read from the article:

> The economy appears headed for a banner year despite a springtime spike in energy prices and a recent increase in interest rates.
>
> In fact, many analysts are forecasting that the economy, as measured by the gross domestic product, will grow by 4.6 percent or better this year, the fastest in two decades.
>
> There were strong 4.5 percent growth rates in 1997 and 1999, when Bill Clinton was president and the country was in the midst of a record 10-year expansion.
>
> But if this year's growth ends up a bit faster than that, it will be the best since the economy roared ahead at 7.2 percent in 1984, a year when another Republican President—Ronald Reagan—was running for re-election.

A survey of top economists showed further optimism:

> Ninety-one percent said they expected the economy to grow at an annual rate of anywhere from 2 to 5 percent in the second half of this year . . .
>
> Forty-one percent said they expected stepped-up hiring in the next six months . . .
>
> ''By almost any measure—output, employment, profit margins, capital spending—this economy is strong,'' said Duncan Meldrum, the association's president and the chief economist for Air Products and Chemicals Inc.

The reality is the economy is moving forward. More needs to be done. I do hope we get class action passed here. A report by the National Association of Manufacturers found that domestically imposed costs, including tort litigation, reduced America's manufacturing cost competitiveness by 22 percent in the world market. There is no doubt about it, our legal system puts American jobs at a competitive disadvantage with foreign firms. Money it has spent fighting frivolous lawsuits should be spent back in the business growing jobs and growing the economy.

So instead of making speeches downplaying the positive economic numbers, instead of casting about with doom and gloom, instead of writing articles about gloom being reality for Americans, instead of talking about misery indexes, let's celebrate what we have. Let's commit to keep moving forward. Let's get the class action bill passed. Let's get the Energy bill

passed. Let's get the highway bill through. And let's keep doing the things we are doing. Let's make permanent the Bush tax cuts that increase particularly the low and middle class, the per-child tax credit, get rid of the marriage penalty, make sure we make permanent the expansion of the 10-percent bracket, do those things that put money in the pockets of moms and dads so when moms and dads spend that money, the economy grows.

If we do that, if we keep moving forward and we get some stuff done, and put the politicking aside, we put the election-year politics aside, and we put the doom and gloom and negativity aside, this country can be all that it is and all we know it to be: the greatest country in the world, the economically strongest country in the world.

But we have to keep moving in the right direction. We are committed to doing that. Let's stop the pessimism. Let's stop the gloom and doom. We have a job to do, and I hope we can work it in a bipartisan way, to finish the work we need to do.

With that, Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time, if any, remains in morning business?

The PRESIDING OFFICER. There is 1 minute 45 seconds.

Mr. REID. Mr. President, if my distinguished friend, the chairman of the Judiciary Committee, would yield that back on behalf of the Republicans, we could get to the bill.

Mr. HATCH. Mr. President, I would be happy to yield it back.

Excuse me, let me withhold that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2062, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2062) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we are on the Class Action Fairness Act of 2004.

Smart progrowth fiscal policy is helping lead job creation in the Nation, and I am optimistic we will continue to see the improvement we have seen over the last 6 months of last year. Economic reports show the economy is continuing to experience growth but not in a manner that would create an unsustainable boom/bust-type scenario. Indeed, employment growth has been positive for the 10th straight month with that report from June. In fact, 1.2 million jobs have been created since the 1st of the year and almost 1.5 million jobs since a year ago.

As we all know from recent reports, consumer confidence is high. Last Tuesday the conference board reported the largest monthly gain in consumer confidence in years. Confidence has not been this high in over 2 years.

In spite of all this positive economic growth and job creation, there are structural problems this body needs to address if we are to make sure our Nation remains competitive in the global economy. One of those critical areas is the bill we are considering today. The focus of that bill is class action reform. Over the last decade, class action lawsuits have grown exponentially. One recent survey found State court class action filings skyrocketed by 1,315 percent over the last 10 years.

The result of this glut of claims is to clog State courts, to waste taxpayer dollars, to inhibit the innovation and entrepreneurship that is so crucial to job creation in this country. Often all the purported victims ever get in this sordid process is a little coupon. That is one example. There are numerous examples we heard on the floor last night and yesterday. We have heard it in the past as we brought this to the floor.

In Alabama, the court approved a class action settlement against a bank on the grounds they overcharged their clients. The settlement granted $8 million in fees to the plaintiffs' attorneys, but awarded only $8.76 to each plaintiff. Worse, the settlement deducted up to $100 from many of those plaintiffs' accounts to pay for the attorney fees, leaving some plaintiffs with over a $90 dollar loss versus the $8 million in fees to the plaintiffs' attorney. We have had numerous examples that have been brought to the floor. It is not only large business; it is small business as well.

Why do the small businesses get dragged into all of this? In order to avoid going to Federal court, the class action legal team in many cases will rope in a number of small local businesses as codefendants to get the case decided in a favorable county or favorable State. Once that window during which the real class action target can remove the case to the Federal court closes, that unlucky mom-and-pop small business that happened to be in the wrong town at the wrong time is dropped from the case, but not until they have spent considerable money defending themselves.

These frivolous lawsuits are hurting the economy. They are hurting taxpayers. They are hurting the justice system, and they are hurting the practice of the law.

The Class Action Fairness Act of 2004 is a remedy to this problem. For the sake of our Nation's economy and faith in our system of justice, I do encourage my colleagues to act in a bipartisan nature and pass commonsense, meaningful class action reform.

As I mentioned this morning and yesterday, I want the debate to be fair and full on this bill. Over the last week a whole slew of unrelated, nongermane amendments have been brought forward. It has been written about. People have called the floor saying they want the opportunity to offer an amendment which has absolutely nothing to do with class action reform.

We only have about 33 legislative days left. We have the appropriations bills to do and a whole range of issues to address. That is why when we take up a bill such as class action, we need to stay on that particular bill and handle relevant amendments and debate them in a fair and timely way. Relevant amendments can improve the underlying bill. I want this full and fair debate to occur, to achieve this goal, and to have the appropriate management tool by which we can consider the relevant amendments. I will be offering a unanimous consent request at this time.

Mr. President, I ask unanimous consent that, with respect to the pending class action bill, there be five relevant amendments to be offered by each leader or his designee; provided further, that they be subject to relevant second-degree amendments. I further ask that, in addition to the relevant amendments, it be in order for each leader or his designee to offer an amendment related to minimum wage, again subject to relevant second degrees; provided further, that following the disposition of the amendments, the bill be read the third time and H.R. 1115, the House companion measure, then be discharged from the Judiciary Committee and the Senate proceed to its consideration, all after the enacting clause be stricken and the text of S. 2062, as amended, if amended, be inserted in lieu thereof; provided further, that the bill be read the third time, and the Senate then proceed to vote on passage of the bill, with no intervening action or debate.

Finally, I ask that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will object to this request.

We have only been on the bill now for a matter of a couple of minutes, literally. We just went to it this morning. The bill has only been laid down. This legislation has not been the subject of one hearing, one amendment in committee. There hasn't been any thoughtful, careful committee consideration on this legislation whatsoever.

I am surprised and very troubled by the unanimous consent request made by the majority leader. He knows the minority has been very open in expressing our interest in having a full debate about this legislation, indicating from the very beginning that we will have relevant and nonrelevant amendments. We have been the ones who have attempted to keep the majority on track with regard to committing to bringing the bill before the Senate at all.

As people may recall, there have been a number of occasions where the majority has chosen not to bring up the bill, even though that was the regular order, and it was at our insistence time and again that we bring this bill before the Senate because we made a commitment to a number of our colleagues, even though I don't particularly support the bill, and I will get into that in a moment.

We would be denying the right of every single Senator to offer amendments, in the truest tradition of the Senate, to say that now, even though this bill has not been the subject of any hearings, has not been the subject of a markup, even though this is the very first moment we have had an opportunity to amend the bill, we are already going to say to all Senators that you have to limit yourself to relevant amendments.

We have said from the beginning—in fact, I said it on the floor and at a news conference again yesterday—that it is not our intention to filibuster this legislation. It would be our intention to work with the majority to complete debate on this bill, with the understanding, of course, that we would have an opportunity to offer amendments.

This is not the way to get this legislation passed. In fact, I would argue that this is probably an absolute guarantee that it will never get passed, because we will never get cloture on a bill that denies Senators their right to offer amendments regardless of the subject matter. So I strongly object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, to clarify—because I know the unanimous consent request was long—what was objected to were five relevant amendments on our side, five relevant amendments on the other side, plus addressing the minimum wage issue on both sides, plus going to conference.

In light of that objection, I will modify the unanimous consent request to allow for 10 relevant amendments on our side and 10 relevant amendments on the other side, again, in addition to the minimum wage issue.

Mr. DASCHLE. Mr. President, the distinguished majority leader knows that it is not the question of numbers that matters; it is the question of relevancy. He is already violating his own request by suggesting that we can do nonrelevant amendments on minimum wage. If we can do that, why have any conditions about relevancy at all? We have already indicated our willingness to work with the majority to complete the work on this bill. Nobody has any desire to filibuster, to artificially extend debate for an indefinite period of time.

The majority leader made a comment recently about the dwindling number of days. If he wants to finish this legislation, the only way we are going to do that is by working together.

The Senator from Idaho and the Senator from Massachusetts have a very important amendment having to do with temporary workers in this country. I think it is a critical debate. We have already agreed to a very limited time. Why the majority leader would preclude the Senator from Idaho and the Senator from Massachusetts from offering this amendment with an expectation that we can resolve it in a very short period of time is a question I cannot answer. But the majority leader himself has said that, obviously, nonrelevant amendments have their place on this bill. He is advocating two nonrelevant amendments as it is.

Let's get beyond relevancy and just recognize the importance of allowing Senators the opportunity to debate. I will commit to him an effort to try to resolve this legislation in a meaningful way and in a period of time I think could accommodate Senators, but also would accommodate his goal of completing work in the regular order.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, the purpose of the unanimous consent request is simply to address the issue of class action reform, a bipartisan bill that does have support—not overwhelming but more than 60 votes of support on the floor of the Senate, but to do it in such a way that we can consider one amendment at a time—a relevant amendment on class action with the objective of taking this bill on class action, which we absolutely know will have an impact across this great country, in a positive way that addresses fairness and equity and improves the economy indirectly, but in a fairly great way creates jobs—to stay on it and be focused on it.

I have offered 5 amendments on either side and then 10 amendments on either side, both with minimum wage. I would be happy to propound a request without minimum wage, if that would accommodate people.

I will keep it in for now. I will propound one more request to drive home the point that we want to stay on class action with relevant amendments that can improve or modify the bill. Right now, I am not requesting any limitation on the debate. We can stay on it and consider each one. That is up to the managers. Let's have the relevant amendments come through, but let's have an unlimited number of relevant amendments on class action and finish this and get it to conference and also include minimum wage.

Therefore, I ask the other side if they would be agreeable to an agreement allowing for unlimited—unlimited—relevant amendments, in addition to the minimum wage issue, and an agreement to go to conference.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I will simply offer a counterproposal. I ask the majority leader if he would be prepared to allow the Senate to consider this legislation with 5 nonrelevant amendments and 10 relevant amendments. I make that request.

The PRESIDING OFFICER. Objection is heard, and it is your serve. Objection is heard in the Senator's capacity. Is there objection to the majority leader's unanimous consent request?

Mr. DASCHLE. Mr. President, I object, but I repeat the request that the Senate consider 10 relevant and 5 nonrelevant amendments.

The PRESIDING OFFICER. The majority leader has the floor. Will the majority leader modify his request to accommodate the minority leader's recommendation?

Mr. FRIST. Mr. President, I would be happy to modify the request, and I object to the request. The purpose is to stay on the class action bill, to stay focused on it. I have already offered unlimited amendments as long as they are relevant amendments, and that has been objected to.

I am disappointed by my colleague's refusal to accept what I consider a fair offer if our goal is to complete the bill. I do think we may well be able to reach an agreement on the terms for debate on this bill. In the meantime, I will be sending amendments to the desk.

AMENDMENT NO. 3548

Mr. FRIST. Mr. President, I send an amendment 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 Tennessee [Mr. FRIST] proposes an amendment numbered 3548.

Mr. FRIST. 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 end, add the following:

SEC. 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced one day after or any day thereafter the date of enactment of this act.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3549 TO AMENDMENT NO. 3548

Mr. FRIST. Mr. President, I now send a second-degree amendment to the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3549 to amendment No. 3548.

Mr. FRIST. 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:

On line 3 of the amendment, strike ''one day'' and insert: ''two days''.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. FRIST. Mr. President, I send a motion to commit with instructions to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit the bill, S. 2062, to the Committee on the Judiciary with instructions to report back forthwith.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3550 TO THE INSTRUCTIONS TO THE MOTION TO COMMIT

Mr. FRIST. Mr. President, I now send an amendment to the instructions to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3550 to the instructions to the motion to commit S. 2062 to the Judiciary Committee.

The amendment is as follows:

In the motion to commit before the period, insert, ''with the following amendment''.

At the end of the bill add:

SEC 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced three days after or any day thereafter the date of enactment of this act.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3551 TO AMENDMENT NO. 3550

Mr. FRIST. Mr. President, I send a second-degree amendment 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 Tennessee [Mr. FRIST] proposes an amendment numbered 3551 to amendment No. 3550.

The amendment is as follows:

On line 3 of the amendment, strike ''three'' and insert four.

Mr. FRIST. Before I yield the floor, Mr. President, I want to make clear where we are. We are prepared to consider relevant class-action-related amendments. We are willing to set aside the pending amendments in order to make progress on the bill. However, we are not prepared to have this bill become a magnet for every unrelated issue that is brought to the floor. I encourage Members to come forward with their relevant amendments. We can work on time agreements on those relevant amendments, and we will allow the Senate to work its will on the issue.

Mr. President, I ask unanimous consent that the time between now and 2 p.m. today be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. FRIST. Mr. President, I modify that unanimous consent request to, instead of 2 p.m., 2:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I ask, what is the majority afraid of? This clearly is not a question any longer of time because the majority leader, in one of his many unanimous consent requests, proposed an unlimited number of amendments, as long as they are relevant. We can come up with 100 relevant amendments to a bill this controversial and of this complexity.

Let's understand what we are doing. This is a sham. This is a sham. The majority leader, for some reason, wants to deny his own caucus and the minority the right to offer legitimate amendments in the Senate. This may be the first time this majority leader has acquiesced to pressures within his caucus to do this, and that is unfortunate. This happened on many occasions in previous years, and I think if anyone talks with those who have served in his capacity before, I think the lesson learned is that it was to no avail, and it was actually counterproductive. It did exactly the opposite of what the majority attempted to do.

For us now to find ourselves in this situation seems a little bit to me like deja vu all over again. We have tried this, and it is going to backfire on this majority and this majority leader, just as it has in past circumstances.

So let's be clear, this has nothing to do with finishing this bill. Why, given all of our cooperation to get to this point, the majority would try to shove this down our throats is unclear. But that is exactly how I perceive it. It is a sham. This almost guarantees this bill will not get done, and why they would want to do that is unclear to me.

We were prepared, as I said, to limit the number of nonrelevant amendments and the time to debate in the interest of time. No one on this side has a desire to extend debate indefinitely, but let's make sure everybody understands: I have to go home and explain to the people of South Dakota, if this legislation passes, why if in a case where 98 percent of the people who are adversely affected are from my State, the action occurred in my State, and was taken by, let's say, a corporation that may be in violation of South Dakota law cannot go to court in South Dakota. That is basically what this bill does. Why should the people harmed in my State, if 98 percent of those adversely impacted are from South Dakota, and if the law was violated in South Dakota, be forced to go to Federal court, a court that could be located in some other State, to resolve a serious legal question?

I find it amazingly ironic that those on the other side who claim to be advocates of States rights would say, no; not in this case. In this case, we are going to take away the rights of the States; we are going to put them at the Federal level.

There is a new trend happening on the other side. When it is inconvenient for States to have the power, they seem to find it just fine to move to the Federal level. That is what we are going to be telling the people of this country. Forget about States rights, forget about civil rights, forget about workers' rights.

This is special interest legislation at its worst, and it deserves a full debate in the Senate, not the sham that we are going to have under these circumstances filling trees. We have been through that. We have learned the lesson the hard way. We ought to have learned it this time, too. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, my good friend, the Democratic leader said: What are we afraid of? Let me answer the question.

Back on May 21, the distinguished majority leader was trying to make progress on the Defense authorization bill, which we began on May 17, and our good friend from Nevada, the assistant Democratic leader, said on May 21: I would say that we take about 10 days on this bill normally. We don't think this bill will take that much time.

That was the Defense authorization bill, and on May 21, having been on the bill five days already, our good friend from Nevada said it takes typically about 10 days to finish the bill. We finished the bill on June 23, almost a month later, having spent 18 legislative

days on it. Clearly, what the majority leader is concerned about is that this bill not only be taken up but that it be finished.

It is absolutely clear from the observations of our good friend, the Democratic leader, he does not want the bill to pass in any event. In fact, he said on several occasions and repeated several times this morning he is against the bill. It is clear what he would like to do is structure a way of dealing with this bill that allows his party to get the vote on all of its favorite issues and we never pass the bill in any event.

So the majority leader, to his credit, is trying to structure a way to proceed on this bill on the Senate floor that does two things: No. 1, guarantees that it be brought up, and No. 2, guarantees that it will be finished by structuring it in such a way that the amendments we deal with are related to the bill. That is not an unusual request. It is not an outrageous request and not an unprecedented request—in fact, a normal request.

So it is perfectly clear, it seems to me, that there are those on the other side and maybe even a few on this side who would like to use this bill for other purposes. The majority leader is right on the mark in offering this perfectly reasonable way, a game plan for taking up and finishing this important legislation. I am sorry that at the moment, at least, it looks as if there is not a will. Even though we keep hearing there are over 60 Senators who are in favor of this bill, there have to be 60 Senators in favor of the bill who are willing to also support a procedure that guarantees we can finish it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have watched an unusual process this morning that a good many of us in a bipartisan spirit are reacting to, and I am one of those who do not appreciate what the majority leader has now just done. I understand why he has done it. I support the underlying legislation, S. 2062, but I also recognize that Senators, unless effectively blocked by a procedural action that has just occurred, do have the right to offer amendments, germane, relevant, and nonrelevant.

I am bringing to the Senate floor one of those amendments. It is bipartisan. It has 63 Senators as cosponsors, and it is widely received by not only this body but by all of the communities of interest at large.

I have approached the leadership time and again, been as courteous as I should be to my leader but assuring him that I and the Senator from Massachusetts would limit the time, that this was not to drag the bill out, that we would expedite it because we believe, with 63 Senators, Democrat and Republican, that this bill's time has come. It deals with immigration. It deals with a near crisis in American agriculture at this moment that now finds itself having to employ nearly 80 percent of its workforce as illegals, undocumented foreign nationals, in order to get the crops out of the field.

We should have learned our lesson post-9/11 that we have failed mightily at the border, that we have not effectively built immigration laws that work. In a post-9/11 environment, we have learned there may be between 8 million and 12 million undocumented—in other words, illegal—foreign nationals in this country. We ought to be expediting every way possible to identify them, to do background checks on them, to control them first at the border and those who are in country in-country, and to build effective law enforcement tools, as some Senators and I are working on, to build a total package.

The reason I am bringing this amendment to the Senate floor is that its time is ready. Our time is limited because we have mighty few days remaining until the end of this session.

There are now 400 organizations and groups across America supporting the legislation I bring to the Senate floor as an amendment today. It is S. 1645. We call it ''ag jobs,'' and it only deals with a small segment—1.4 million to 1.5 million—of that total universe of nearly 12 million undocumented, illegal foreign nationals in our country. We have worked on the House side and the Senate side, Democrat and Republican alike. We have spent 5 years crafting this legislation, and I am extremely disappointed this morning that we do not have the opportunity to offer it, that my leader has blocked me from doing so.

As kindly as I can say to my leader, ag jobs will be voted on this year. As our side has recognized the need to offer the other side the opportunity to vote on minimum wage, this issue's time has come, and this is an issue that I will stay on the Senate floor with and I will offer it unless the leader proposes in every legislation that comes to the floor the strategy he has just handed out. That is not a way to allow this body to work and work effectively, and we know it.

He has been reasonable and our discussions have been substantive, but there are some who do not want immigration as an issue voted on this year. This bill is ready to be voted on. This bill has 63 cosponsors. It has 26 Republicans, 37 Democrats. It is vastly bipartisan. It has been worked on for 5 years, and 9/11 now emphasizes the importance of us doing substantive immigration reform. This is a small piece of the total picture but a critical piece to a very important segment of America's economy: agriculture. Yet we are suggesting now, by controlling our borders as tightly as we must, that we are creating a circumstance that is driving some agricultural employers and producers out of business because they cannot find the workforce.

This fall, harvest should not rot in the fields of America, but in some instances it might if a viable workforce cannot be found, or if it is not this body's will to send a message to the American agricultural community that we are going to solve this problem and solve it timely, responsibly, and appropriately.

We are not going to be allowed to do that today. Maybe tomorrow or maybe the next day or maybe next week, but I say to my leadership as kindly and as responsibly as I can, before we sine die the 108th session of the U.S. Congress, we will deal with this issue. Its time is now. Its time is ready.

Let us—the Senator from Massachusetts and I—bring this to the Senate floor, get a limited amount of time to deal with it and adequate time for those to come to the floor of the Senate to discuss it, to oppose or to support it. That is what a responsible, deliberative body does, and that is what we must do in this instance.

So I hope that at some point the message I am delivering at this moment registers with my leadership that we will vote on this issue this year. It is important that we do so and send a message to the most critical segment of our economy that we are going to work with them to get legal employees, that we are going to legalize a process, control a process, do the background checks, get the bad actors out of the system instead of simply turning our back again and again.

Our President wants reform. He has spoken openly and boldly about it. It is important we bring this reform. I agree with my President. Its time has come. Let us deal with it.

I will be back on the Senate floor today, tomorrow, next week, or the balance of this month, until this issue is debated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to this debate, and I would first like to respond to the concerns raised by some of my colleagues on the other side of the aisle about the majority leader's decision to fill the amendment tree. First, I commend the leader for taking this unfortunately necessary step because it significantly minimizes the mischief that will in all certainty occur if this bill is left open to amendments that have absolutely nothing to do with the subject of class action.

These are amendments that are offered to score political points in an election year and that, at the end of the day, will obliterate any chances that class action reform will become law. That is exactly what is involved, and we all know it. We know that if some of these amendments are added to this bill, it will kill the bill.

We thought we had an agreement last November, of 62 people. As I have always interpreted it, when you get an agreement to support a bill, that means support it against all amendments unless those who made the agreement agree otherwise. My colleagues on the other side say that was

not the agreement. That has been the agreement every time around here, where you know that mischief is going to occur and we just continue on and on.

By filling the tree, the leader has effectively protected key bipartisan legislation from the same procedural pitfalls that faced the DOD authorization bill, FSC/ETI, and the Internet tax bill, just to name a few.

To be sure, the current move to protect the bill from nonrelevant or nongermane amendments is nothing new, as former majority leaders have invoked this prerogative with other important pieces of legislation in the past. The ranking member from Vermont even admitted on the floor last night that S. 2062 was probably the last amendable vehicle to be considered by the Senate this year. While this bill has legs to move out of the Senate—that is why it is the last amendable bill in his eyes—I can assure you it will go nowhere if it is bogged down with extraneous amendments that peel votes in the Senate.

That is the game here and everybody knows it. Everybody on the outside should know it, too. We made a deal; we had 62 people agree to the language in this amendment. Now we have people peeling off from the language in this amendment by wanting to be able to vote for nongermane and nonrelevant amendments which will kill the bill.

Assuming the bill goes out of the Senate with controversial amendments, what is going to happen in the House after they alter the bill? I seriously doubt we will have enough time this year to resolve differences in conference. Indeed, I think the chances are pretty slim, especially since the minority leader has threatened to oppose the appointment of conferees for the rest of the year.

How do we get it done if we put nonrelevant amendments on this very important bill that we have worked on for 6 years to get to this point? A lot of decent people on both sides have worked very hard, but we know we are going to have to have 60 votes to vote on this bill.

The minority leader himself has threatened to oppose the appointment of conferees for the rest of the year. How do you get this bill if these nongermane, nonrelevant amendments are added? It is apparent some of them might be. Even if you could, how do you get it by the House? Even if you get it by the House, how do you get it by the conference?

Then, when those amendments are taken off, also if they were taken off in conference—assuming we would be given the privilege of being able to hold a conference, something that has not been denied to my recollection before this year—we may not have time to get this bill done anyway.

S. 2062 embodies the bipartisan deal we reached in good faith last November, Democrats and Republicans, 62 of us reached in good faith. We reached a compromise because I thought the end goal was to get a class action bill passed into law. I can say, in all certainty, that my agreement to further moderate this bill was certainly not premised on letting it become a Christmas tree for unrelated measures so people can score political points on the floor of the Senate—people who never would vote for this bill to begin with.

If the supporters of the underlying bill really want class action reform, I see no reason why they should not support the leader's action. No one is denying Members from offering amendments that are germane to the bill, although I would recommend we even vote those down unless the people who agreed in a bipartisan way agree to allow those amendments to pass. That is what we usually do on legislation around here. But now we have all new rules here that suddenly spring up.

No one is denying Members from offering amendments that are germane to the bill, amendments that Members, in their view, believe will improve the bill. If they will, we can agree on those. I see no reason why we cannot give these amendments an up-or-down vote. In fact, the leader explicitly made this offer to the other side when he tendered a time agreement to consider several key amendments, including a vote, a vote on a nongermane, nonrelevant amendment, Senator KENNEDY's amendment on the minimum wage measure which he has been trying to get up for quite a while. That is how far the majority leader went. But, no, they want a lot of other buzz amendments that are political in nature, that they think they can pass, that will kill this bill. Anybody with brains knows the game.

This was a good-faith offer by the leader. We have heard for some time how important a minimum wage amendment is to my colleagues and to the country. I don't know of anybody on our side objecting to consideration of the minimum wage amendments and any amendment also to it. What we do object to is a never-ending moving of the goalposts where more and more amendments are added, especially nongermane and nonrelevant amendments.

Because the Democrats objected to this very generous unanimous consent request, the leader had no choice other than to protect the class action bill from this open season of political amendments that will kill it anyway.

That is what it comes down to. Either we are going to vote for this class action bill, the 62 of us who have agreed it should pass—and I think more would vote for it in the end—or it is going to be killed. Because that is the choice. We made a deal last November to pass class action reform and that is the direction our leader is taking us today.

When it comes to nongermane amendments that appear to be offered to score political points in an election year, I want no part of that on this bill, and neither does the leader, and for good reason. We know the games around here.

There are a significant number of Democrats who do not want this bill under any circumstances because the No. 1 hard money funder to Democrats happens to be the personal injury lawyers in this country. The No. 1 funder of the Presidential campaign happens to be personal injury lawyers in this country, for the Democrats. The No. 1 opponents against this bill happen to be some of the personal injury lawyers. Not all, because the really good lawyers can go to Federal court and get big verdicts. They don't have to have false mechanisms to be able to get good verdicts on behalf of their clients. They don't have to play games with magnet courts that are, if not corrupt, so close to being corrupt in some of these special jurisdictions in this country where they have had a field day.

Regarding the jurisdictional test in S. 2060, the minority leader made the point they cannot get their cases tried in South Dakota if this bill passes. That is total poppycock. You know, the jurisdictional test in S. 2062 moves only larger interstate class actions to Federal court, including large cases where there are more than 100 class members and more than $5 million in amount in controversy.

If they fit that jurisdictional category, then they will have to go to Federal court. But as somebody has tried a lot of cases in both Federal and State courts, I have to say we used to love to get to Federal court because people know it is a more important case. The reason some of these attorneys want to go to some of these State courts, such as Madison County, is that is where it is a field day for plaintiffs' lawyers whether they have a good case or not—and they know it, and they have been milking this system and hurting people all over this country in ways that are unseemly and, frankly, wrong. S. 2062 also has exceptions to keep local controversies in State courts. We have these exceptions.

To make a long story short, I have heard my colleagues on the other side—some of the people who have agreed to be cosponsors of this bill, who have agreed to be in the 62 who have supported this bill which would make up enough to be able to invoke cloture on this bill—now moaning and groaning they want a right to bring up nonrelevant, nongermane, political amendments to score points. That is not the way I have operated around here, and that is not the way most Senators have operated around here, but that is what we are faced with here.

Either we are going to invoke—probably we will have to file cloture in order to end another filibuster. I hope the 62 people who said they would be for this bill will vote for cloture. If they are not, then this bill is going to be dead and 6 years of honest work, 6 years of bipartisan effort, is going to go right down the drain.

We all know what the game is around here. It is by those who have never wanted this bill to pass anyway, some who want to play both sides on this thing, who basically want to have the right to foul up the bill with amendments they know the House won't take and they know if we have to go to conference we are probably not going to be able to get conferees.

That is what is involved, and it is a game. It is a bad game at that. I have been known to stand up for the trial lawyers when they are right. I have taken a lot of grief for it from some people on our side who are wrong, too. I am going to stand up for them when they are right because trial lawyers do a lot of good in our society when they stand up and fight for those who are downtrodden and not treated properly in our society.

What has been going on for years in this area is the abysmally dishonest forum shopping to local areas where they can get huge verdicts that shouldn't be gotten because they don't get them in their own jurisdiction. That is wrong. I think a lot of trial lawyers are starting to get upset about it because it is giving all trial lawyers a bad name because of the few who milk the system like this to the detriment of consumers, to the detriment of the little people, to the detriment of those who can't make it. That is what is involved, and everybody knows it.

To play this political game and bring up nongermane and nonrelevant amendments that we know will kill this bill is a terrible thing.

All I can say is there comes a time when you have to vote. There comes a time when you have to stand up and do what you said you would do. If you do not do it, then shame on you. All I can say is, that is what is involved, and anybody who says otherwise, it seems to me, is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my distinguished friend, the senior Senator from Kentucky, who is my counterpart, indicated that on May 20 or 21—I indicated at that time publicly that we could finish the Defense authorization bill in 10 more days. He didn't go on to say that is what we did. That really is not quite true. We took 11 days. So my statement was 1 day off. Of course, it was interrupted by President Reagan's funeral and a few other things. When we came here and we told the majority they could finish the Defense authorization bill in 10 days, we were 1 day off. So no one should make a big deal out of the fact that the time was more than 10 days because, unfortunately, President Reagan died.

I want the record to be spread with the fact that I am a trial lawyer. I am a proud trial lawyer. I graduated from law school, and I went back to Nevada and tried lots of cases. I have had over 100 jury trials. I have tried murder cases, and I have tried robbery cases. There was a period of about 4 years of my life where I defended insurance companies. I have tried cases as a plaintiff's attorney in slip-and-fall cases. I have tried automobile accident cases where some people were injured severely and some were killed. I have done liability litigation. I did an antitrust case, and I didn't know enough about it. Shell oil company drowned me with depositions all over the country. I settled for a fraction of what it was worth. That was the last antitrust case I took. But I took one in San Francisco with cocounsel who knew what he was doing in my first antitrust case.

I have never done a class action lawsuit. But there are attorneys who specialize in class action lawsuits. Are these people who specialize in these lawsuits a bunch of bums who are cheating the system and doing illegal things?

As my friend from Utah has said, it may not be fraud, but it is close to it—or words to that effect.

Lets talk about a few issues that I know of which were class action lawsuits. A lot of us have had the experience of receiving a telephone bill when we didn't sign up with AT&T, but they are on our bill. It is called ''slamming.'' They put their product on your bill without your permission. People had to pay these bills. We didn't do anything legislatively to stop it. An attorney filed a class action against AT&T saying don't do that. Why? Because people were being charged $8 to $10 a month for a product they didn't ask for. This was stopped as a result of a class action lawsuit. They were enjoined from doing it and had to pay the people they cheated with actual dollars.

One of the great movies I watched—because it was true—was called ''Erin Brockovich.'' Erin Brockovich—just to recount what she did, for lack of a better word—was a paralegal but not one who was really trained to be a good paralegal. But she was trained and wanted to go help people. She went around and dug up information like one of the sleuths you hear about in a good mystery novel, or watch on television—a private detective. She went around and did some sleuthing and came out with the fact that the ground water was being contaminated with pollutants from a company. She got a friend, a lawyer of hers, to file a lawsuit, and sure enough they won. They found the ground water was being contaminated.

As a result of this class action lawsuit, Erin Brockovich became a hero. People had been killed as a result of this company, and no one else had to die or become sick.

That was a class action lawsuit. Is there anything wrong with that? I think not.

We all know all about the big tobacco cases. A lot of people do not know about a tobacco company that started advertising a light cigarette, and you smoked as much as you wanted—no problem. That was the advertising. They were lying. They were cheating. It wasn't true. How was that resolved? We didn't stop it here in the National Legislature. It was stopped as a result of a class action that was filed. Sure enough, light cigarettes were gone.

Lots of environmental cases have been decided by class actions. Companies were doing awful things to the environment, and people asked about the detriment being created. They went to the Government, and the Government did nothing. As a last resort, who do you go to? You go to a lawyer.

We have a big class action pending now—Wal-Mart, big, fat Wal-Mart. The initial evidence indicates that they have been discriminating against women from the day they became a company. There is a big class action lawsuit against Wal-Mart. We didn't do anything about it here legislatively. But this class action lawsuit, I have been told, is almost a slam dunk—that Wal-Mart is going to lose that and the women they have discriminated against will be made whole.

Mr. CARPER. Mr. President, will the Senator yield for a question?

Mr. REID. Not right now. I will finish my statement. I know my friend is an avid supporter of this legislation. I admire him. We came to Congress together. I am going to finish my statement. I have been waiting 2 days to do this, and I want to finish my question.

Mr. CARPER. Will the Senator yield for a question?

Mr. REID. I yield for a question.

Mr. CARPER. The Senator raises the question of the issue of the class action case against Wal-Mart. The class action has been certified so it can go forward. Does the Senator know whether it was certified in Federal court or State court or county court?

Mr. REID. I don't know. I talked to some attorneys today involved with the case. I did not ask them that.

Mr. CARPER. It has been certified in Federal court in California.

Mr. REID. I ask a question to my friend, certified in State or Federal court?

Mr. CARPER. Federal court.

Mr. REID. Mr. President, I appreciate my friend asking the question which, as far as I am concerned, at this stage is meaningless.

Class action is an important part of our legal system. It has done a great deal to help people work their way through the process. The fact that I as a trial lawyer have not taken a class action lawsuit does not mean I didn't like class action litigation. It is a specialty. As with the example I gave dealing with antitrust litigation, you better know what you are doing before you get into the class action litigation.

We all know what took place with tobacco litigation. Attorneys general from all over America joined in that. The State of Nevada has benefited from that class action litigation dealing with tobacco. We have a program a Republican Governor in the State of Nevada initiated that is very popular. It

is called the Millennial Scholarships. If you graduate from a Nevada high school—any place in Nevada; there are 17 counties—with good grades, you get to go to school with your tuition paid for by tobacco.

That is what this is all about. It is about people having the opportunity to go forward with litigation, when normally these people would be totally unprotected. When we do things legislatively, it is rare that people who have been harmed get their money back. That is an effect of class action.

As we speak about attorneys general, I received in my office yesterday a letter from the attorney general of the State of New York. I have never met Eliot Spitzer. I know him by reputation. He is one of America's great attorneys general. The State of New York has been—I don't want to say ''blessed,'' but for lack of a better word, New York has received a great deal from that man who has taken on big companies, to his detriment on many occasions. We have a letter from him sent to Senator FRIST and Senator DASCHLE. The letter is three pages long. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, OFFICE OF THE ATTORNEY GENERAL, THE CAPITOL,

Albany, NY, June 22, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. MAJORITY LEADER AND MR. MINORITY LEADER: On behalf of the Attorneys General of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia, we are writing in opposition to S. 2062, the so-called ''Class Action Fairness Act,'' which reportedly will be scheduled for a vote in the next few weeks. Although S. 2062 has been improved in some ways over similar legislation considered last year (S. 274), it still unduly limits the right of individuals to seek redress for corporate wrongdoing in their state courts. We therefore strongly recommend that this legislation not be enacted in its present form.

As you know, under S. 2062, almost all class actions brought by private individuals in state court based on state law claims would be forced into federal court, and for the reasons set forth below many of these cases may not be able to continue as class actions. All Attorneys General aggressively prosecute violations of our states' laws through public enforcement actions filed in state court. Particularly in these times of state fiscal constraints, class actions provide an important ''private attorney general'' supplement to our efforts to obtain redress for violations of state consumer protection, civil rights, labor, public health and environmental laws.

We recognize that some class action lawsuits in state and federal courts have resulted in substantial attorneys' fees but minimal benefits to the class members, and we support targeted efforts to prevent such abuses and preserve the integrity of the class action mechanism. However, S. 2062 fundamentally alters the basic principles of federalism, and if enacted would result in far greater harm than good. It therefore is not surprising that organizations such as AARP, AFL–CIO, Consumer Federation of America, Consumers Union, Leadership Conference on Civil Rights, NAACP and Public Citizen all oppose this legislation in its present form.

1. Class Actions Should Not Be ''Federalized''.

S. 2062 would vastly expand federal diversity jurisdiction, and thereby would result in most class actions being filed in or removed to federal court. This transfer of jurisdiction in cases raising questions of state law will inappropriately usurp the primary role of state courts in developing their own state tort and contract laws, and will impair their ability to establish consistent interpretations of those laws. There is no compelling need for such a sweeping change in our long-established system for adjudicating state law issues. Indeed, by transferring most state court class actions to an already overburdened federal court system, this bill will delay (if not deny) justice to substantial numbers of injured citizens. The federal judiciary faces a serious challenge in managing its current caseload, and thus it is no surprise that the Judicial Conference of the United States has opposed the ''federalization'' of class action litigation.

S. 2062 is fundamentally flawed because under this legislation, most class actions brought against a defendant who is not a ''citizen'' of the state will be removed to federal court, no matter how substantial a presence the defendant has in the state or how much harm the defendant has caused in the state. While the amendments made last fall give the federal judge discretion to decline jurisdiction in some cases if more than one-third of the plaintiffs are from the same state, and place additional limitations on the exercise of federal court jurisdiction if more than two-thirds of the plaintiffs are from a single state, even in those circumstances there are additional hurdles that frequently will prevent the case from being heard in state court.

2. Many Multi-State Class Actions Cannot Be Brought in Federal Court.

Another significant problem with S. 2062 is that many federal courts have refused to certify multi-state class actions because the court would be required to apply the law of different jurisdictions to different plaintiffs—even if the laws of those jurisdictions are very similar. Thus, cases commenced as state class actions and then removed to federal court may not be able to be continued as class actions in federal court.

In theory, injured plaintiffs in each state could bring a separate class action lawsuit in federal court, but that defeats one of the main purposes of class actions, which is to conserve judicial resources. Moreover, while the population of some states may be large enough to warrant a separate class action involving only residents of those states, it is very unlikely that similar lawsuits will be brought on behalf of the residents of many smaller states. We understand that Senator Jeff Bingaman will be proposing an amendment to address this problem, and that amendment should be adopted.

3. Civil Rights and Labor Cases Should Be Exempted.

Proponents of S. 2062 point to allegedly ''collusive'' consumer class action settlements in which plaintiffs' attorneys received substantial fee awards, while the class members merely received ''coupons'' towards the purchase of other goods sold by defendants. If so, then this ''reform'' should apply only to consumer class actions. Class action treatment provides a received ''coupons'' towards the purchase of other goods sold by defendants. If so, then this ''reform'' should apply only to consumer class actions. Class action treatment provides a particularly important mechanism for adjudicating the claims of low-wage workers and victims of discrimination, and there is no apparent need to place limitations on these types of actions. Senator Kennedy reportedly will offer an amendment on this issue, which also should be adopted.

4. The Notification Provisions Are Misguided.

S. 2062 requires that federal and state regulators be notified of proposed class action settlements, and be provided with copies of the complaint, class notice, proposed settlement and other materials. Apparently this provision is intended to protect against ''collusive'' settlements between defendants and plaintiffs' counsel, but those materials would be unlikely to reveal evidence of collusion, and thus would provide little or no basis for objecting to the settlement. In addition, class members could be misled into believing that their interests are being protected by their government representatives, simply because the notice was sent to the Attorney General of the United States and other federal and state regulators.

Equal access to the American system of justice is a foundation of our democracy. S. 2062 would effect a sweeping reordering of our nation's system of justice that will disenfranchise individual citizens from obtaining redress for harm, and thereby impede efforts against egregious corporate wrongdoing. Although the Attorneys General of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia oppose S. 2062 in its present form, we fully support the goal of preventing abusive class action settlements, and would be willing to provide assistance in your effort to implement necessary reforms while maintaining our federal system of justice and safeguarding the interests of the public.

Sincerely.

ELIOT SPITZER,
Attorney General of the State of New York.

W. A. DREW EDMONDSON,
Attorney General of the State of Oklahoma.

Mr. REID. Mr. President, this letter Eliot Spitzer wrote, joined by the attorneys general of California, Illinois, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia, says the legislation now before this body right here today, now before the Senate, is inaptly named Class Action Fairness Act.

I will begin by reading excerpts from a letter the Senate Republican and Democratic leader recently received from Attorney General Spitzer. The letter was sent by Spitzer, as I have said, in opposition to this legislation. Joining in the letter are the attorneys general I mentioned from other States.

There are a number of Members of this body who have been attorneys general in the past. The one that comes to my mind is Senator BINGAMAN. Senator BINGAMAN is representative of the people who become attorneys general. He went to undergraduate school at Harvard College, he graduated from Stanford Law School, two of the finest educational institutions in the world, and

he was an attorney general. He understands, as well as any, that special weight should be given to the authors of the letter. It is an attorney general's job to prosecute violations of the law.

These attorneys general begin by stating:

> We strongly recommend that this legislation not be enacted in its present form.

The letter goes on to explain that under the bill:

> . . . almost all class actions brought by private individuals in State court based on state law claims would be forced into federal court . . . and many of these cases may not be able to continue as class actions.

I say to the distinguished chairman of the Judiciary Committee, the example he used with the State of South Dakota, 100 plaintiffs and $5 million, there is not a class action case that you would not have at least 100 plaintiffs and at least $5 million in damages. That is pretty easy to do. As Senator DASCHLE said, that case would likely not occur in South Dakota.

The reason attorneys general say almost all class actions brought by private individuals in State court based on State claims would be forced into Federal court, and many of these cases may not be able to continue as class actions, the reason this is important, the letter explains:

> All attorneys general aggressively prosecute violations of our states' laws through public enforcement actions filed in state courts. Particularly in these times of state fiscal constraints, class action provides an important ''private Attorney General'' supplement to our efforts to obtain redress for violations of state consumer protection, civil rights, labor, public health, and environmental laws.

That is, class actions help ensure that violations of these important laws do not go without punishment. The threat of such enforcement helps ensure compliance with these laws.

The authors of this letter note that some reform may be appropriate, an argument I do not disagree with. They find that:

> However, S. 2062 fundamentally alters the basic principles of federalism, and if enacted would result in far greater harm than good.

Joining in their opposition to this bill are the AARP, AFL–CIO, Consumer Federation of America, Consumers Union, Leadership Council and Civil Rights, NAACP, and Public Citizen, to name a few.

The attorneys general letter also spells out the particular problems which arise from this legislation's broad expansion of Federal court jurisdiction.

> This transfer of jurisdiction in cases raising questions of state law will inappropriately usurp the primary role of state courts in developing their own laws and will impair their ability to establish consistent interpretation of those laws.

They go on to say:

> There is no compelling need for sweeping change in our long-established system for adjudicating state law issues.

Most importantly, the attorneys general note that:

> . . . by transferring most state court actions to an already overburdened federal court system, this bill will delay (if not deny) justice to substantial numbers of injured citizens.

This is the case, they note, because the class actions this bill will stop are important ''mechanisms for adjudicating the claims of low-wage workers and victims of discrimination, and there is no apparent need to place limitations on these types of actions.''

They conclude their letter by reminding this body, the Senate:

> Equal access to the American system of justice is a foundation of democracy. S. 2062 would effect a sweeping reordering of our nation's system of justice. It will disenfranchise individual citizens, while retaining redress for harm and thereby impede efforts against corporate wrongdoing.

In recent months, events here and abroad should remind us of the importance of this last remark and the consequences. Our justice system is fundamental to sustaining our democratic values as a nation. This bill takes too broad a strike at the heart of the system and undermines these very values.

I know the majority leader has a very difficult job. He has to balance what we do and what we do not do. I don't in any way denigrate the difficulty of his job. But I also remind my distinguished friend, the Senator from Tennessee, the Senate is going to be ongoing long after he leaves this body and long after I leave this body. We have had approximately 1,750 Senators who have served in this body. During those periods of time, there have been some who have done things that delayed pieces of legislation. We have done things over the years that have made this body appear not to be as coordinated, as efficacious as the House. That is right. That is the way we are. The Senate is that way. We will continue to be that way.

We are not a House of Representatives that has absolute dominance with the party that rules. The party that is in power in the House is like the British Parliament. The distinguished Presiding Officer served in the House of Representatives for a time, as did I.

That Rules Committee is an aggravation. They determine on every piece of legislation how long the debate will be, if they are going to allow amendments, and how long you can debate those amendments.

But the chairman of the Rules Committee and the members of the Rules Committee are chosen by the Speaker of the House of Representatives, and they do what he wants done. I accept that system. That is the way the House works. It is a large body of 435 people. They can work more quickly than we can. If they did not have the Rules Committee, they would not get anything done.

The Founding Fathers, in their wisdom, set up this system of the legislature where you have one body such as the House of Representatives that is in touch with the people every minute of their 2-year existence, and they can rush things through that body now as they did 200 years ago.

The Founding Fathers wanted, as we have been told numerous times, a saucer that would cool the coffee. That is what we are. And no matter how inconvenient the Senate is to that party in power—and we have been in power on occasion—no matter how the Senate rules slow us down, cause us problems, we have to be the Senate.

I respectfully suggest to the majority leader he is making a big mistake here in not allowing the Senate to be the Senate. We have only a few days left—32 days left—and some of those days are Mondays and Fridays, and we do not get a lot done around here anymore on Mondays and Fridays. Thirty-two days.

We have a lot to do, and I recognize that. That is why the Senator from Idaho and the Senator from Massachusetts have every right in the world to offer this nonrelevant, nongermane amendment because, as the Senator from Idaho said, we have a season coming, farm season. Crops are growing now. Crops are going to have to be taken from the ground in a few weeks.

This legislation is so important, during the Fourth of July Members of Congress were working on this amendment, and I received calls at my home in Searchlight, NV, of legislators interested in this legislation, seeing if there was something I could do to help them move it along. I said: We have a piece of legislation coming up. The debate on your amendment is not going to take very long. This is an appropriate vehicle to do it.

That is what the Senate is all about. We should not fill the tree. What this means is for the legislation now before this body, no one else can offer an amendment. They cannot offer a relevant amendment. They cannot offer a nonrelevant amendment. They can do nothing because it has been filled up. We on this side are not going to allow that.

I know the distinguished senior Senator from Connecticut likes this legislation. I am sure it is not perfect. I know he has worked on it for years. But I have every confidence—he being a more senior legislator in the Senate than I am—I have no doubt that he does not like what took place here in a parliamentary fashion today. He believes in the Senate. He believes the Senate should work as the Senate and that we should not bring a piece of legislation here—no matter how important the majority feels it is, you cannot bring a piece of legislation before this body and say: This is more important than other things and we are not going to allow any amendments on it. That is wrong, absolutely wrong.

I know my friend from Connecticut. I do not know of anyone in the Senate who is a better orator than the Senator from Connecticut. There is no one in the Senate who can better express himself than the Senator from Connecticut. But I say that even someone

who is a proud sponsor of this legislation cannot go along with what the majority leader is trying to do. I have talked to him. I know the Senator from Connecticut. We cannot allow this to happen. We may have some disagreements on this legislation, as I have outlined how I feel about it. I do not think it is necessary. I think it is improper. I think we need to do some things to improve class action, but this isn't it.

But the majority has shot themselves in the foot. This is foolishness. We have wasted all day. We could have a couple, three amendments already debated.

So I say to my friend, the manager of this bill, I am no neophyte here. Cloture is going to be filed today and we will have a vote on cloture on Friday morning, and we will have to see how the cards stack up Friday morning. But if I were a betting man—and I do not bet on anything—I would say cloture will not be invoked on this legislation Friday morning.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

Mr. HATCH. Madam President, I know some of my colleagues on the other side want to speak. I have much more to say about this issue, and especially after the distinguished minority whip has chatted.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, my good friends have been waiting all morning to speak. I wonder if the Senator from Utah would allow a unanimous consent agreement that they could speak next in order, the two Senators from Massachusetts and Connecticut.

Mr. HATCH. That would be fine. Do we know how long they would speak?

Mr. REID. I do not know how long they would speak.

Mr. HATCH. Can we get some idea?

Mr. KENNEDY. Ten minutes at this time. And I see my colleague, the Senator from Connecticut, in the Chamber.

Mr. REID. It is my understanding the Senator from Massachusetts needs about 15 minutes and the Senator from Connecticut about 30 minutes; is that right?

Mr. HATCH. I have no problem with that.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Massachusetts be recognized for 15 minutes, followed by the Senator from Connecticut for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, before I leave the floor, I express my appreciation to the Senator from Utah. I know he would like to respond to what I said and he will want to respond to what the Senator from Massachusetts says, but I appreciate his courtesy here, as usual.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, I commend our distinguished Democratic leader, the Senator from South Dakota, for the way he has addressed the Senate earlier today on the proposals by the majority leader to limit the debate on this very important subject matter.

As the Senator from South Dakota pointed out, this legislation is broad, wide sweeping. It affects not only the business community, but it affects, in a very important way, workers, workers' rights, environmental rights. It affects the issues on civil rights. It affects the rights and the needs of many of our fellow citizens. It is an extremely serious piece of legislation that deserves debate.

We have a set of rules in the Senate, and if the majority leader and his colleague from Kentucky want to alter or change those rules, let's have a debate on altering or changing the rules. But, effectively, what the request and the action of the majority leader today is, is to basically circumvent the rules of the Senate. Those are rules that have been accepted. They are rules that have been altered to some extent—most significantly, the rule on cloture, since I have been here for 42 years—but they have worked pretty well for this institution historically. They work pretty well.

Part of the rules of the Senate are if a bill is authorizing legislation, we have an opportunity to bring amendments on that authorization bill. If those who are opposed to it are able to vote against it, that is the way the process works.

The majority has both the right and the privilege to raise the priorities they believe are the most important. A number of us have serious differences with the priorities our Republican colleagues have raised. They have raised the issue of class action.

I support the efforts of the Senator from Idaho, Mr. CRAIG, who is trying to focus on a particular problem that may not make a great deal of difference in many parts of the Nation, but makes an extraordinary difference to this country because it deals with an agricultural issue that has been a painful one for this Nation for the 40-odd years I have been in the Senate.

When I first came to the Senate we had what was called the bracero issue, where many temporary workers came to the United States, and they were exploited in the most dehumanizing way that we could possibly imagine. Articles were written about it. In a bipartisan way, we freed this Nation from that particular issue.

But there has been, obviously, tension between those individuals who perform the hardest work in America and those who are working in the field of agriculture and are paid the least, which happen to be these workers. A great percentage of them are undocumented workers who put the food on the table which benefits American families. It is a national tragedy that is taking place. Seventy percent of the over 1 million workers are undocumented.

The Senator from Idaho, myself, and 63 Members of the Senate in a bipartisan way are reflecting an expression of the workers and agribusiness, which is the first time that those groups have come together to help solve a very important issue that affects hundreds of thousands of individuals and their families and to do it in a very brief time period. There is strong support for this over in the House of Representatives as well. We could do it in a bipartisan way and get something done for justice and fairness that has been a thorn in the side of this country for some time.

The Senator from South Dakota talked about maybe even having five amendments. There are many of us who, with all due respect to the majority leader and the Republican leadership, feel if we could get that done in a short period of time, that would be a major step for progress. That would be a major step for progress and justice and fairness for so many of these families who have been exploited over time.

There are probably several other issues. I know Members on their side have their choice issues. But the idea that we don't have mental health parity here in the United States is a greater priority at least for me and I would say for millions of families in this country—I know it is for the Senator from New Mexico—than having the class action legislation that is before us.

We have seen an expression where we have had in excess of 60 votes. I believe it was close to 70, 72 votes in the Senate. Why not have a short time period on something that has strong bipartisan support and can make a difference to families and try to work out a time limit? That certainly seems to me to be a matter of importance. It seems to me to be a matter of consequence, something we could do in a bipartisan way in the Senate.

They have mentioned the minimum wage. For 7 years we haven't given an increase in the minimum wage to the hardest working Americans at the lowest rung of the economic ladder. They say: We will permit you to vote on it. That is all well and fine. After 7 years and after the fact that we have seen the Senate increase its own salary five different times, it won't increase the minimum wage for hard-working Americans, the majority of whom are women, a great percentage of them are Americans who are working hard, trying to provide for their families and falling farther and farther behind on the economic ladder. Now we are saying, as sort of a gratuity, we will let you have a debate. Don't get all so excited about that. We will grant you that. That is not the U.S. Senate I know. That is not the U.S. Senate our Founding Fathers fought for.

Those are just three. We could go on. We could go on to try to deal with the issue of prescription drugs. There is not a family in this country who doesn't have a senior member, a parent or grandparent, who is not today

thinking about the cost of the increase in prescription drugs, 50 percent in the last 4 years. And they are wondering today whether they can afford the next batch of prescription drugs. It seems to me that could be on a list of four. We have bipartisan support on the issue on reimportation. That seems to this Senator to be more important. It could make a difference in the lives of people if we passed it today, if we were able to get the House of Representatives to go along with that. That seems to be a higher priority.

We are not even asking that we make it a higher priority. All we are asking is for our day in court and an accounting on the floor of the U.S. Senate on the people's agenda.

We have been closed out by the majority from getting action on those matters until now. If you want to make a unanimous consent request, we can make it and let you object to it about getting a time definite to vote on each and every one of those. We know what the answer would be because we have made the requests. The majority leader is not here, and I would not do so now without notifying him, but we know what the answer is.

We want to be able to express the people's view in a short time limit on a series of issues that have strong bipartisan support, and we are being told no.

We are also being told that we should pass this legislation. The Chief Justice of the United States has told us not to pass this bill. The National Association of State Chief Justices has told us not to pass the bill. And we are being denied to even debate these kinds of expressions by the Chief Justice, who is not known to be a Democrat, a liberal, or any of the other names. He is cautioning us. But no, we can't. No, no, we know better. The other side says: We know better. We are not going to let you debate it or offer any amendments to it. We may let you, if we want, if we make up our mind, let you have a particular amendment if we decide that it is OK.

That is not the Senate I was elected to. That is the expression that was said so well by our Democratic leader. That is my concern with the legislation. I would certainly follow those who feel that with a fair opportunity to have an expression on the kinds of proposals that our Democratic leader had proposed, which was the 5 nongermane, the 10 other kinds of amendments, and then go to final passage. Even though I have reservations about it, I would support that proposal and move ahead. That was not an unreasonable request. We should not diminish the role of any Member of the U.S. Senate by agreeing to anything less.

I will address the underlying issue in terms of class action, particularly as it affects issues on civil rights, particularly as it affects workers' rights. There has been no case that has been made in the Judiciary Committee that there needs to be this action to deal with the abuses in terms of the workplace, in terms of workers' wages; yet they are included. There has been no case that has been made that we ought to try and change the whole approach in protections for civil rights, although it has been included. That case has not been made. And you will deny under this legislation the opportunity for States such as my own that have passed genetic antidiscrimination legislation so that you cannot discriminate in the workplace based upon your genetics—the great protection of that is for women because under the DNA now there are so many kinds of tests that would indicate the possibilities of women developing breast cancer. We have prohibited that in Massachusetts, and effectively you are wiping that kind of protection out.

Maybe it will be heard in some distant Federal court, but why should our citizens in Massachusetts who have taken a position on this have to rely on that? We have issues of substance on this, and we will have a chance, hopefully an opportunity to debate these matters and to come to some conclusion on it.

I thank our Democratic leader for his courageous action. It is one I support completely. I think if our majority leader followed his admonition, we would make progress in advancing the interests of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I want to take some time to describe what was a very lengthy and worthwhile effort some 10 months ago to come up with a compromise proposal which is the substance of S. 2062, the legislation now before the Senate. I will do that in a moment.

Before doing so, I want to express my great disappointment at the process which the majority Leader has chosen. As my colleagues know, we worked very hard last October and November trying to come up with a compromise to give the class action reform bill an opportunity for consideration before the Senate. It is now the middle of July. In fact, this bill initially was to be brought up as the first item of business in January. For one reason or another, over the past number of months, this bill has not been brought forward until now.

I regret that deeply. Having served here for over a quarter of a century, I know that in a Presidential election year, the likelihood of getting something done becomes less and less. So those who set the agenda have to bear some responsibility, in a sense, for the situation we now find ourselves in procedurally.

Having worked on this very hard for a long time, and now finding myself in a situation where we are being told at this hour that the only amendments we can consider are ones that will be approved by the majority, is highly offensive to me and it ought be to any Member of this body.

This measure is very important. There are a lot of other important measures that the Senator from Massachusetts mentioned, all of which I support and with which I agree. But in this legislative body that the Framers founded some 220 years ago, the idea that we are not going to even agree to a process that would allow for a limited number of germane and nongermane amendments to be offered, is to in effect deny the Senate the opportunity to work its will.

Even before a single amendment has been offered, the Majority Leader has decided to fill up the amendment tree. In effect, he has precluded all Senators from offering amendments unless he deems them worthy to be offered. That includes, of course, Republican Senators as well as Democratic Senators. I also add that the Majority Leader has done this without any basis. As I have said, not a single amendment has yet been offered. This tactic is like a doctor prescribing a remedy for a perfectly healthy patient.

Last evening, I looked at the number of amendments filed. There were some 13 amendments filed. Most of them are germane amendments. There were several nongermane amendments. The Democratic leader offered a proposal of 10 germane amendments and 5 nongermane amendments on either side, with time limits. I am quite confident the authors would be willing to agree to a time agreement. I suspect that with a universe of 30 amendments, about half of them maybe would fall even before being offered. But the idea that we could not set parameters around the consideration of a bill this important I find rather breathtaking. After all, this how the Senate operates.

I floor managed with the Senator from Texas a number of years ago the securities litigation reform bill, which was another so-called tort reform bill. We spent 11 days on the floor of the Senate. Numerous amendments were offered to that piece of legislation. The then-majority leader, Senator Dole, threatened on a couple of occasions to file a cloture motion but never did. He allowed the Senate to work its will on that legislation. That is what ought to be done here as well. The fact that there has been an offer to limit the amount of time and the number of amendments ought to be embraced by the Majority Leader, not rejected by him.

I am a cosponsor of this bill and I care about it. If I am going to be confronted with voting on cloture Friday and cutting off debate, then take me off the bill right now. If you want to kill the bill, you can do it today, if that is the intention of the majority. I spent almost a year helping to write this bill, but I will not stand here today and deny Members of this body, under limited time agreements, to offer some ideas that the Senate can either accept or reject and move forward.

This is an important piece of legislation, but it is not so important to this

Member that we would deny this institution the right to be able to do its business under the rules and procedures that have been provided for more than two centuries ago.

Obviously, there are problems. Some of these nongermane amendments may be adopted. Maybe germane amendments would be adopted that would cause some of us not to be able to support the bill. That is the risk you run in a legislative body. There are 100 of us, as coequals, who have the right to offer our ideas to legislation. Unlike in the other body down the corridor, nongermane amendments can be offered in the Senate. That is how the Senate functions.

There is a risk, obviously, that this bill will get complicated. But the idea that we are going to shut off the possibility of these ideas being offered ought to be offensive to every Member, even those who support the legislation. If it can happen here, it can happen on a bill you support or oppose for one reason or another.

I am terribly disappointed that I am looking at a procedural situation that I warned about, which is that if you didn't provide adequate time for Members to be able to offer amendments—even amendments not particularly helpful in the eyes of some of my colleagues—you run the risk of undercutting the legislation. Maybe that is what the majority wants to do anyway, on the assumption that those groups outside who support the underlying bill will blame those of us who are willing to shut down the debate and, if not, give us an opportunity to let the Senate work its will. That is a false hope. I believe people are much smarter than that. They understand that if you don't let the Senate work its will, even under time constraints and amendments that are being limited in number, you do a great bit of damage to this institution.

It is late in the year, but I believe we have a good bill here. I want to describe it briefly, if I may. We have worked on an excellent compromise that a majority of colleagues here can support.

First of all, I am a very strong supporter of class action as a procedural device. Class action lawsuits have provided individuals of modest means the ability to band together to achieve systemic change when they could not have done so individually. In fact, important legal developments in such areas as civil rights, sex discrimination, and environmental protection have been the result of class action lawsuits.

But there is considerable evidence from courthouses across the country that class actions are being abused. Procedural rules that are designed to decide fair and just outcomes for individual plaintiffs and defendants are not being followed in too many cases. As a result, the class action system is not working, in my view, the way it was intended, and justice is not being served.

Madam President, I am also one who has supported and opposed various tort reform measures. I suggest that what we are talking about here is more court reform than tort reform.

For example, I opposed medical malpractice reform, not because I don't think we ought to do something about it, but it was a poorly crafted bill.

I also opposed liability protection for gunmakers. By the way, most manufacturers of firearms reside in my State, but the idea that we are going to exclude an entire industry from litigation was highly offensive to me.

I opposed liability protection for manufacturers of the so-called MTBE, which pollutes ground water. I supported a patient's right to sue their HMOs and insurance companies, which are a major industry in my State. Obviously, I helped write and helped to support the securities litigation reform, uniform standards, Y2K legislation, and the terrorism insurance bill.

So I don't fall into a category here of being for whatever is titled ''tort reform,'' supporting it or opposing it. I have a record that I believe is one of balance and support of those ideas and efforts that truly were designed to try to improve a litigation system. That is the background of my own voting record.

I will give you a history in terms of this compromise. On October 22 of last year, the Majority Leader sought to proceed to an earlier class action measure, S. 1751. The vote on that motion to proceed was 59 to 39, which is 1 vote short of the required number to invoke cloture.

At the time of that legislation, I voted no on invoking cloture, and I did so with some reluctance. I noted that, while I supported some reform of class action procedures, I could not support S. 1751. I also expressed concern about whether there would be any meaningful opportunity for Senators to negotiate changes in that bill in a bipartisan fashion.

I told colleagues in October of last year that reaching an agreement on class action reform required us to roll up our sleeves to get it done. Many long hours of painstaking negotiations were ahead of us. As an author of the securities litigation reform bill, the uniform standards legislation, terrorism insurance, and the Y2K bill, I know that principled compromise could be reached on class action reform as well.

I argued at the time, and my sentiment still holds true today, that ''the American people deserve better. We are not working together as often as we should on critical questions. If we do not do it, then we do a great disservice to the American people.''

Subsequent to the vote in October 2003, I joined with three of my colleagues in sending a letter to the Majority Leader on November 14. In that letter, we outlined the specific policies that we believed needed to be addressed in a class action bill that would garner the necessary votes to pass in this body.

In November of last year, Senators SCHUMER, LANDRIEU, and I entered into discussions with Senators FRIST, HATCH, and GRASSLEY. Those negotiations resulted in the compromise that is before us today.

I do believe this legislation is a significant improvement over the earlier bill considered by the Senate last year. When Senator SCHUMER, LANDRIEU, and I sent our letter to the Majority Leader, we asked for five changes in that legislation:

No. 1, we wanted to ensure that the jurisdictional provisions keep truly local cases in State courts.

No. 2, we wanted provisions on mass tort actions to be as precise as possible.

No. 3, we wanted to prevent the potential for repeated removal and remand between State and Federal courts, the so-called ''merry-go-round effect.''

No. 4, we wanted to provide appropriate compensation to those plaintiffs who take the risk of coming forward.

And No. 5, we wanted stronger provisions on abusive coupon settlements.

We got those changes and more. In fact, we asked for those 5 changes, and yet we got 12 improvements to the bill as originally proposed.

I am pleased to say that the compromise we reached last year is a measured, bipartisan response that fixes many aspects of our broken class action system. In addition, it strikes the appropriate balance between protecting Americans' access to the courthouse while ridding the class action system of its most egregious abuses.

I want to emphasize at the outset that this bill is a fragile, carefully-crafted compromise. There are some who will argue the bill goes too far, and others will tell you it does not go far enough. I happen to believe it achieves the right balance. It may not be perfect, but I think it is a good balance overall.

Having entered into a good-faith agreement with my colleagues on both sides of the aisle, I want to see the compromise preserved both on the Senate floor and in conference. No statement has been made by the Democratic leader that he is opposing the appointment of conferees on this bill. Part of the agreement was that the compromise we reached in the Senate would be the one approved by the House in conference. If that was not the case, then those of us who agreed vote on the motion to proceed would reserve the right to filibuster the conference report. We certainly continue to hold that view.

S. 2062 reforms the current class action system in a number of meaningful ways. Let me go through them if I can rather quickly.

First, it addresses the issue of coupon settlements which constitutes one of the greatest abuses in our courthouses today. Here the plaintiffs receive coupons, or a token payment, for a discount off their next purchase while

their attorneys pocket millions of dollars in fees.

It is not only the plaintiff attorneys who benefit from these coupon settlements, but the defendants benefit as well. For example, the average redemption rate in a settlement involving food and beverage coupons have been between 2 and 6 percent. As a result, the purpose of these coupon settlements has changed. They no longer serve class members but defendant and plaintiff attorneys instead.

The original class action bill brought to the Senate last year in October only provided for greater judicial scrutiny of such coupon settlements. Senators on the Judiciary Committee who opposed the bill rightly argued that ''reforms with real teeth were needed to end worthless coupon settlements in class action cases.''

We agreed with their view. The compromise does a much improved job of reining in these coupon settlements by pegging the lawyers' fees to the value of the coupons actually redeemed by class members or on the reasonable value of the legal work actually performed by the counsel in the litigation. As a result, there will be a strong incentive to resist easy settlements and fight for an outcome that is truly fair and equitable to the plaintiffs.

Another important consumer protection enshrined in the compromise bill concerns the payment of so-called bounties. The earlier legislation included a provision that prohibited settlements that allow one member of a plaintiff class from receiving a higher settlement award than other members of that class.

On its face, such a provision might seem innocuous. After all, it appears to confirm the notion that all plaintiffs should be treated equally and fairly. However, the bounties provision in the original bill would have unintentionally created a significant problem. While it makes sense for all plaintiffs' class members to be treated equally in many cases, in some other instances it is more appropriate for some class members, particularly class representatives, to receive larger awards than others in the same class. For example, in a class action designed to prevent the wrongful discharge of employees, it would be appropriate for those who have already been fired, for instance, to receive larger settlements than those who are merely threatened with being fired.

Furthermore, in many cases, the named plaintiffs—the people whose names appear on the papers filed with the court—are subjected to harassment, angry phone calls, hate mail, even death threats. Anybody who has seen Julia Roberts' movie ''Erin Brockovich'' or the earlier Meryl Streep movie about the life and death of Karen Silkwood will recall that being a named plaintiff in a lawsuit against a company that employs many people can be a very unpopular thing to do. It often takes courage to stand up for what one believes is right, and unfortunately those who have the courage to do the right thing are sometimes attacked, ridiculed, and ostracized.

If the bounty provision in the earlier bill were to have remained in the compromise, it would have simply stripped away any incentive for individuals to come forward and protect the rights of the class. Under current Federal law, a class representative in a successful class action can be rewarded for taking the initiative to fight unlawful discrimination. Most class members choose to sit on the sidelines and reap the benefits of the case when it is finished. Class representatives, on the other hand, take an active role in their cases, and they do so not only for themselves but to obtain justice for others in similar situations. Under the earlier bill, the courts would not have been able to recognize the special efforts or contributions made by class representatives.

We have listened to the civil rights community which was strongly opposed to the bounties provision in the original bill. The compromise deletes this provision, which will ensure that the courtroom doors remain open for those plaintiffs willing to serve as class representatives.

The compromise bill also responds to the concerns of the Federal Judicial Conference and others about the class settlement notice provisions in the earlier measure. The provision in the original legislation was intended to provide clear and simpler notices to class members regarding proposed class settlements. However, we heard from the Federal Judicial Conference that the notice requirements, while well intentioned, would have actually been too burdensome and too complicated to implement.

According to the Judicial Conference Rules Committee, these notice requirements would have ''undermined the bill's stated objectives by requiring notices so elaborate that most class members [would] not even attempt to read them.'' In addition, they would have conflicted with the December 1, 2003 amendments to Rule 23 of the Federal Rules of Civil Procedure, which are similarly intended to guide the form and content of settlement and certification notices provided to class members. The compromise, therefore, deletes the confusing notice provisions in the earlier bill and simply enacts the recommendations of the Judicial Conference. Yet another compromise in this legislation.

At the very heart of the compromise are provisions concerning when interstate class actions can be removed to Federal court. Under Article III of the U.S. Constitution, out-of-State litigants are protected against the possibility of prejudice of local courts by allowing for Federal diversity jurisdiction when the plaintiffs and the defendants are from different States.

Title 28, section 1332(a) of the United States Code specifies the current requirements that must be met for an out-of-State litigant to claim Federal diversity jurisdiction and have his or her case heard by a Federal court. First, every member of the class must be seeking damages in excess of $75,000, including interest and costs. Second, there must be complete diversity; that is, every named member of the class must be a citizen of a different State than every defendant in the same litigation.

Walter Dellinger, the former Solicitor General during the Clinton administration, noted that when Congress first drafted the diversity jurisdiction statute, the class action system as we know it today did not exist at all. In the years since its enactment, however, the law has been interpreted to exclude most nationwide class actions from Federal court.

For example, Dellinger remarks that the requirement for complete diversity can easily be avoided by the simple expedient of including at least one named plaintiff and defendant that share a common State citizenship.

With regard to the amount in controversy requirement, Mr. Dellinger contends that a class action can easily be configured to ensure that at least one class member does not satisfy the minimum amount, or by seeking $74,999 in recovery on behalf of each and every plaintiff and class member.

As a result, attorneys bringing class actions can manage to avoid Federal court all together, and have the case tried in a State court, often in the county of their choosing, even though the total amount at stake might exceed hundreds of millions of dollars and have true multi-State national implications. This practice is commonly known as ''forum-shopping.'' While it is in concept a long-standing part of our law, it has become a growing problem in the United States.

Under S. 2062, the bill now before us, the current rules for diversity jurisdiction are carefully adjusted so that certain large multiparty cases, namely, those that are truly nationwide in scope, affecting many or even all States at once, will be litigated in the Federal courts rather than in the courts of just one State or county. In other words, the compromise would bring the class action process closer to the Framers' intent by allowing cases that are multi-State or national in scope, where the risk of local biases are the greatest, to be heard in Federal court and not in State court.

Specifically, the Federal district court will have original jurisdiction over any class action with more than 100 members if the following two requirements are met. First, the aggregate claims must exceed $5 million, rather than each and every class member must exceed $75,000 in alleged damages. Second, rather than requiring every member of a class be a citizen of a different State than every defendant, S. 2062 allows for Federal jurisdiction if any class member is a citizen from a

different State from any defendant. Again, the purpose of these changes is to ensure that more substantial multi-State class actions are heard in Federal court.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. Could I finish? I only have a limited amount of time, and I apologize, and I will get through this statement.

These moderate changes to the Federal diversity statute were included in the original legislation that came before the Senate last October. Under the compromise, however, we further refine these provisions to address two important concerns that were not fully taken into account in the earlier bill. I want to especially commend Senator FEINSTEIN of California for her leadership in helping to clarify these issues, both during the Senate Judiciary Committee's consideration of the earlier measure and in the discussions that led to this compromise.

First, the compromise responds to concerns that the original bill did not adequately address the handful of small, rural State courts that have increasingly become a magnet for more and more nationwide class actions. Such ''magnet jurisdictions'' have tended to have lax class certification requirements, and have been less than rigorous in reviewing proposed settlements. In fact, one of the most flagrant abuses of the current class action system occurs when lawyers ''forum shop'' that is, invent an injured class and then file a national class action in a ''magnet jurisdiction'' where the judges are more likely to lend a sympathetic ear.

Perhaps the most famous of these so-called ''magnet jurisdictions'' is Madison County, IL. According to a 2001 study in the Harvard Journal of Law and Public Policy, the per capita rate of class action filings was almost twice that of the second-ranking jurisdiction in the United States. In recent years, the study found that class action filings in Madison County increased by 1,850 percent during the period between 1998 and 2001.

Although the population of Madison County is only 250,000, it ranks third nationwide in the number of class actions filed each year, behind only Los Angeles County, CA and Cook County, IL.

Mr. DURBIN. Would the Senator yield for a question?

Mr. DODD. I am limited on time, I say to my colleague. When I get through this, I will be glad to respond.

Mr. DURBIN. The Senator is talking about Illinois. I wanted to ask a question or two about Illinois.

Mr. DODD. I will come back to the Senator.

Even more astounding is the data reported in the January 11, 2004 St. Louis Post-Dispatch, which discovered that in anticipation of Congress reforming class action procedures, the number of class actions filed in Madison County Circuit Court rose to an all-time high.

Yet it is not only the sheer numbers of filings in Madison County that is so astonishing. What is so surprising is that many of these class actions have little connection to the county. In fact, sometimes only a few class members actually came from that particular jurisdiction. Even the Illinois Supreme Court has noted the congested dockets in this court and declared ''the congestion is aggravated by the presence of [nonresident] cases that have little or no connection to Madison County.''

For example, a recent case that found its way to Madison County involved a purported class action on behalf of 30 million customers who claimed to be injured by Sears in connection with an allegedly deceptive tire balancing service. Only one plaintiff, a Madison County resident, was named, and only one Sears automotive repair shop was actually located in Madison County. The class action, however, sought to certify a nationwide class, allegedly subject to the Illinois Consumer Fraud Act, despite the fact that the vast majority of class members and the vast majority of Sears locations have no connection to Illinois at all, much less to Madison County.

Madison County has especially been a magnet for asbestos cases. In fact, Madison County led the Nation 2 years ago in the number of mesothelioma cases filed. In most of these cases, however, the plaintiffs did not live in Madison County, were not exposed to asbestos in Madison County, and were not treated for any asbestos-related illnesses in Madison County.

For example, in a recently decided case, an Indiana resident claimed that he was exposed to asbestos at the U.S. Steel plant in Gary, IN. He sued U.S. Steel, which is based in Pennsylvania, in Madison County. Despite the total lack of connection to the local forum, the case proceeded to trial and a Madison County jury awarded him $50 million in compensatory damages and $200 million in punitive damages.

Clearly, such practices need to be curtailed in any meaningful reform of the class action system.

Again, I emphasize I am a strong supporter of class action. Class action litigation is critically important, but when these things get out of control, then we have to get them back on track again.

There are many more examples of national class actions implicating hundreds of millions if not billions of dollars being decided by Madison County judges because of its reputation as a magnet court. That means that the laws of Madison County, Illinois on everything from insurance policy to consumer fraud to environmental protection are being imposed on the residents of the other 49 states, despite the fact that many of those States have adopted different legal views.

The compromise bill specifically addresses this serious problem. It includes language not in the earlier bill to clarify when a Federal court can exercise its jurisdiction if between one-third and two-thirds of the proposed class members and all primary defendants are citizens of the same State.

Specifically, the compromise authorizes Federal courts to consider any ''distinct nexus'' or connection between the forum where the action was brought and the class members, the alleged harm, or the defendants. The purpose of this provision is to require Federal judges to consider whether the interstate class action has any relationship to the jurisdiction where it is brought. If there were no such connections, as in the case of many of the class actions filed in Madison County, the Federal judge would then have the discretion of moving the case to Federal court. Such a provision would therefore rein in the blatant forum shopping that is so prevalent in Madison County and other magnet jurisdictions today.

The other improvement to the Federal diversity statute that the compromise bill makes concerns the so-called ''local class action exception.'' The purpose of this exception is to ensure that State courts can adjudicate class actions that are truly local in nature, and they should have that right.

Under the original bill, Federal jurisdiction would not have been extended to those cases in which two-thirds or more of the members of the plaintiff class and the primary defendants were citizens of the State in which the suit was filed. Such cases would have remained in State court, since virtually all of the parties in such cases would have been local, and local interests therefore presumably would have predominated.

There were concerns raised in the earlier bill, however, that class actions with a truly local focus may be moved to Federal court because of the presence of an out-of-State defendant necessary to prosecuting the action.

The compromise responds to these concerns by further refining the criteria as to when a class action is to remain in State court. First, under our proposal, there must be a primarily local class—that is, more than two-thirds of the class members should be citizens of the forum State. Second, there must be at least one real local defendant. Third, the principal injuries resulting from the alleged conduct or related conduct of all of the defendants must have occurred in the forum State. Finally, there must be no other class actions having been filed in the previous 3 years based on the same or similar allegations against any of the defendants. Again, these provisions respect State sovereignty by ensuring that class actions of a truly local nature are kept at the State level, while complex class actions with nationwide implications are heard in Federal courts.

I want to briefly respond to some of the concerns raised about the jurisdictional provisions in the bill. Critics of

this legislation have claimed that the measure would sweep most if not all State class actions into Federal court, where overburdened and unsympathetic judges would let them wither and die.

I believe that such concerns are largely misplaced. First, as I noted earlier, we included provisions in the compromise to ensure that State prerogatives are respected. These provisions—namely, the ''local class action exception'' and the ''distinct nexus'' language—are intended to keep truly local cases in State court.

In fact, the compromise leaves in State court a wide range of class actions, such as those in which all the plaintiffs and defendants are residents of the same State; those with fewer than 100 plaintiffs; those involving less than $5 million; those in which a State government entity is the primary defendant; those brought against a company in its home State in which two-thirds or more of the class members are also residents of that State; and shareholder class actions alleging breaches of fiduciary duty.

What the compromise does target for Federal jurisdiction, however, are those nationwide or multistate class actions that are filed in magnet courts such as Madison County, IL. While I respect the views of those who assert that State courts are appropriate forums for such cases, I must respectfully disagree. In my view, such large, multistate or nationwide class actions are precisely the kinds of cases that are most appropriately tried in Federal court. I believe that the provisions we included in the compromise are quite discriminating about which class actions will be removed to Federal court and which will remain in State court.

Second, critics of the legislation have argued that Federal courts are so overburdened that they do not have the resources to handle class actions formerly assigned to State court judges. Again, these concerns are unfounded. The real workload issues are not in the Federal courts but in the State courts, where the average State court judge is assigned three times as many cases as his or her Federal counterparts. According to the Court Statistics Project, State court judges are assigned over 1,500 new cases each year. In contrast, the Administrative Office of the United States Courts finds that each Federal court judge was assigned an average of 518 new cases during the 12-month period ending September 30, 2002.

Third, I also want to be perfectly clear on one further matter. There is absolutely nothing in this legislation that would alter any individual's right to seek redress for his or her injury. It does not grant defendants any new defense. Consumers can bring the same exact claims as they are bringing now. Civil rights, environmental, and employment claims are in no way precluded. The only issue that this bill would address is whether it is more appropriate for a State or Federal court to adjudicate those same rights, and I believe that we have struck the appropriate balance in making this determination.

I want to now return to the other provisions in the compromise that represent significant improvements over the earlier legislation.

We have clarified the date when the plaintiff class could be measured. The compromise makes clear that citizenship of the proposed class members is to be determined on the date plaintiffs filed the original complaint. If there is no Federal jurisdiction over the first complaint, however, citizenship is to be determined when plaintiffs serve an amended complaint or other paper indicating the existence of Federal jurisdiction.

The original bill had been silent on when class composition could be measured, which caused some concern that a court would have to constantly reconsider jurisdiction as the contours of the class changed. I believe that the compromise has adequately addressed this matter, and has provided much needed clarity to determining class composition.

Another provision in the earlier bill that caused great difficulty would have required Federal courts to dismiss class actions if the court determined that the case did not meet Rule 23 requirements. The bill provided that the class action complaint may be amended and refiled in State court, but that the new complaint would be subject to removal again if it met Federal jurisdictional requirements. Thus, even if a State court subsequently certifies the class, it could be removed again and again, creating a judicial merry-go-round between Federal and State court.

The compromise stops the merry-go-round altogether. It eliminates the dismissal requirement, giving Federal courts discretion to handle Rule 23-ineligible cases appropriately. Potentially meritorious suits will therefore not be automatically dismissed simply because they fail to comply with the class certification requirements of Rule 23.

The original bill would have also allowed the removal of a case at any time to Federal court even if all other class members wanted the case to remain in State court. In June 2003, 106 professors of constitutional law and civil procedure wrote to Majority Leader FRIST and Minority Leader DASCHLE expressing their concerns over this provision. They argued that:

> [It] would give a defendant the power to yank a case away from a state-court judge who has properly issued pretrial rulings the defendant does not like, and would encourage a level of forum-shopping never before seen in this country. Moreover, this provision would allow an unscrupulous defendant, anxious to put off the day of judgment so that more assets can be hidden, to remove a case on the eve of a state-court trial, resulting in an automatic delay of months or even years before the case can be tried in Federal courts.

We listened to the concerns of the law professors and deleted the provision in the original bill allowing plaintiffs to remove class actions. We also retain current law permitting individual plaintiffs from opting out of class actions. The compromise would therefore make a real difference in curbing abuse of the removal process by various counsel.

Two further improvements in the compromise are also worth mentioning.

First, we responded to concerns that the ''mass actions'' provisions in the original legislation were too broad. The earlier bill would have treated all mass actions involving over 100 claimants as if they were class actions.

Under the compromise, only more substantial claims in a mass action—namely, those that would meet the normal jurisdictional amount requirement of $75,000 for individual actions—will be subject to Federal jurisdiction.

In addition, we change the ''single sudden accident'' exception to exclude from Federal jurisdiction mass actions in which all claims arise from an ''event or occurrence'' that happened in the State where the action was filed and that allegedly resulted in injuries in that State or in a contiguous State. The purpose of this change is to allow a much broader range of truly local cases to remain in State courts.

The compromise also clarifies that there is no Federal jurisdiction under the mass action provision for claims that have been consolidated for pretrial purposes.

Second, the original bill would have allowed defendants to seek unlimited appellate review of Federal court orders remanding cases to State courts. If a defendant requested an appeal, the Federal courts would have been required to hear the appeal and the appeals would have taken months or even years to complete.

The compromise would obviate the potential for workload problems and long delays in two important ways. First, it would give the appellate courts the discretion to conduct reviews at their discretion. Presumably, Federal courts would refuse to hear an appeal unless it presented novel issues or where a district court has clearly abused its discretion. Second, it requires such appeals to be heard on an expedited basis by establishing tight deadlines for completion of any appeals so that no case can be delayed more than 77 days, unless all parties agree to a longer extension.

Finally, the compromise is in no way retroactive—that is, it will not upset or alter in any way cases filed before enactment, should in fact the bill be signed into law. Unlike other litigation reform bills considered by this Congress on guns, medical malpractice, and MTBE, the compromise does not shut the courtroom door on anyone. Instead, it will just direct them to a Federal rather than a State courthouse.

These changes I have discussed represent a fair and a balanced compromise. They constitute a significant improvement over the earlier class action reform legislation brought before the Senate last October.

I want to reemphasize my long-held view that a strong class action system can ultimately serve as a force for good. It can be used to hold companies accountable for significant violations that may result in a small monetary charge for one victim. It can also be harnessed to allow large groups to seek redress for civil rights and other harms where they could not have done so individually. In short, the class action system is the great equalizer in the American judicial system.

Yet nobody can deny that the class action system is being seriously abused. As The Washington Post editorialized last year:

> No area of the United States civil justice system cries out more urgently for reform than the high stakes extortion racket of class actions.

In addition, an excellent Newsweek article published last December entitled ''Lawsuit Hell: How Fear of Litigation is Paralyzing our Professions'' noted that such lawsuits are:

> . . . changing and complicating the lives of millions of American professionals in ways that confound common sense and cast a shadow over a system that can, at its best, offer people relief and redress from legitimate grievances.

Even former Solicitor General Walter Dellinger commented that such evidence of class action abuses in State and county courthouses:

> . . . gives me great concern that the rights of truly injured individual plaintiffs, as well as the rights of corporate defendants, have fallen victim to manipulation, and even evasion, of settled rules—rules that, no less than financial disclosure laws, are intended to ensure openness and accountability, as well as fundamental fairness, in the judicial resolution of major disputes with national consequences.

Ultimately, the real losers of a broken class action system are not businesses or consumers. Rather, it is the American public's overall confidence in the legal system that will suffer unless a sensible class action reform package, such as that contained in the compromise, is enacted into law.

Bipartisan legislation addressing the class action system's most egregious abuses is long overdue. This carefully balanced compromise that is now before the Senate will make a real difference in reducing the abuse and manipulation of the class action system. It would restore class actions to their original noble purpose as a force for positive change in society, and I urge my colleagues not to let this golden opportunity be squandered.

I know time is getting short. My colleague from Illinois was here, and he would like to be heard on this matter.

Let me return to where I started. I spent a lot of time on this measure. I think we have written a very good bill. I would not claim that this bill is perfect. There are some colleagues who fundamentally disagree with me on this issue, and I respect their views.

What I cannot tolerate, however, is the procedure under which this bill is going to be considered. I say to my friends on the other side of the aisle with whom I worked very closely, if you constrain this institution's ability to offer either nongermane or germane amendments to this bill, then this Senator will not be able to support the motion to invoke cloture.

We failed to invoke cloture by only one vote last October. Although I care about this bill very much, I care far more about the Senate and how we do our business. It is going to disappoint me terribly to have to vote against cloture. But if you constrain the ability of Members of this body to offer specific amendments, then this Senator is going to have to wait for another day to fully consider this measure.

There are many people across this country who believe we put together a good compromise, but I am not going to vote for a compromise that doesn't allow the Senate to work its will on this important matter.

I realize my time has expired.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Did the Senator have enough time? Is the Senator finished? I would certainly grant him more time.

Mr. DODD. I am.

Mr. HATCH. Madam President, I appreciate much of what the distinguished Senator from Connecticut has said with regard to this bill. He is right on. I do not agree with him that he should not vote for cloture on this matter because he knows, we all know, if we do not get cloture, this bill is not going to make it.

The Senate is used to having nongermane, irrelevant—nonrelevant amendments foreclosed in order to get legislation passed. We all know unless we foreclose that, this legislation is never going to see the light of day. That is what we have been putting up with now for 6 years.

To come on the floor today, as some have, and indicate that the Senate is going to be broken if we proceed on this bill in a way that permits only germane amendments and with one nongermane amendment which those on the other side have wanted for months, and which I think the majority leader was willing to give them, is not shooting straight, as far as I am concerned. As everybody knows, we have worked 6 years on this bill; 62 people signed off on this bill as prime cosponsors. We lost on cloture by one vote last time, one solitary vote. If we get only one of the three who agreed to go ahead with this bill, knowing it would cut off the extended debate or the filibuster, which is what we agreed to, then this bill is going to go forward and we will only have to deal with germane amendments and not a whole proliferation of nongermane, political, politicized amendments, which is what the majority leader would like to foreclose.

All of the holier than thou ''we must preserve the Senate'' comments are meaningless in this context. If this were the first time this bill had ever been considered, if it had not had extensive debate through at least four hearings through the years, if it hadn't had an extensive internal debate as we agreed to accept a whole raft of amendments by the three who came on this bill back in November of last year with the understanding that we are going to invoke cloture—if we had not gone through all that, then I might see some reason for the comments made here today, but those comments should not see the light of day if you look at the facts and you look at what has gone on here.

Let me mention my support of S. 2062, the Class Action Fairness Act of 2004. I appreciate Senator REID's impassioned defense of trial lawyers. It is a profession I proudly belong to and share with him. But this bill is not about attacking trial lawyers. It is about correcting certain grotesque abuses of our judicial system by a handful of class action lawyers who are giving all the other trial lawyers a bad name. On this point the evidence is clear and undeniable.

Furthermore, I would like to note that the Erin Brockovich case, which my Democratic colleague from Nevada mentioned, would have remained in State court. There is no question about that. The suit of Anderson v. PG&E, known as the Erin Brockovich case, was brought in California by California residents against a California company.

There is no question that if they wanted to stay in State court they could. Under this bill, the case would not have been eligible for removal under diversity jurisdiction principles. Our concern is to remove truly national actions to Federal court and not local controversies like this one.

The evidence is clear and undeniable. The well-documented abuse of the class action litigation device victimizes plaintiffs—the very people that class actions are supposed to benefit. These abuses cheat millions of consumers who unwittingly have their legal rights adjudicated in local courts thousands of miles away. They deny the due process rights of defendants who are relentlessly hauled into a handful of small county courts where the playing field is unfairly tilted in favor of the plaintiffs' bar. And if that were not enough, class action abuses are eroding public confidence in our civil justice system.

To give the class action problem some perspective, I want to consider the effect of this litigation in just one locale—Madison County, IL, which the Senator from Connecticut mentioned. There we find a case study in the rampant misconduct within the class action system, its corrupting effect on the courts, and the desperate need for reform. This small town in the Southwestern part of that state provides all

the evidence necessary to convince anyone that the legal system is currently being exploited by shameless and self-seeking plaintiffs lawyers.

Madison County, IL is a rural county. I imagine that it is the type of place where Abraham Lincoln first got his start as a young lawyer and advocate for justice. In some notes taken in preparation for a Law Lecture around 1850, Lincoln set the ideal for his profession, a profession practiced by many in this Chamber.

No. 1: Discourage litigation. Point out how the nominal winner is often the real loser in fees, expenses, and waste of time.

No. 2: Never stir up litigation. The worst man can scarcely be found than the one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defective titles and stirs up strife to put money in his pocket. The moral tone ought to be infused into such a profession which should drive such man out of it.

No. 3: An exorbitant fee should never be claimed.

That was Abraham Lincoln. These words were uttered during a time when being a lawyer carried a title of honor, integrity and trust. Unfortunately, these words no longer carry such meaning for the lawyers who descend on Madison County. In the ''Land of Lincoln,'' the rule of law has been corrupted almost beyond recognition by self-interested personal injury lawyers, plaintiffs, and public officials without any sense of shame.

Unscrupulous personal injury lawyers go forum shopping to find friendly jurisdictions such as Madison County. Then the judges in those jurisdictions are frequently compromised by campaign contributions from the very same law firms arguing in their courtrooms and certify these cases with the proverbial rubberstamp, even though they don't deserve certification.

Finally, sympathetic local juries trying out-of-state corporations bestow unjustified and sometimes outrageous awards.

This pattern of behavior is not only an affront to the due process right of the defendants, but it breeds disrespect for the rule of law itself.

Let me refer to this chart. ''Honest Abe'' would be ashamed, and I would say anyone else would be ashamed who studied his life. The ''Land of Lincoln'' has become the land of lawsuits. Madison County has become the principal place where they bring these frivolous lawsuits and where they bring them because they are forum shopping. They know they can take unfair advantage. It is easy to see. They hire the attorneys right there in Madison County who have helped to support the judges who sit on the bench. The juries in that county don't care what the rule of law is or what reasonable approaches to the law really may be.

The courthouse in Madison County, IL is now described as ''magnet court,'' always on the lookout to find suitable venues for enriching itself. Entrepreneurial plaintiffs' lawyers or personal injury lawyers, many who practice in the field of personal injury, are sucked into its orbit.

The numbers alone tell the story. Over the last 5 years, the number of class actions in the county has increased by 1,000 percent.

Let me repeat that so this astronomical figure can sink in: a 1,000-percent increase. It almost defies logic. In 1998, there were only two class actions filed in the county. In 2000, that number rose to 39. In 2001, there were 43 new class actions.

One year later, the bridges leading to the riches of Madison County were clogged with carpet-bagging lawyers as word hit the street that the local court there was giving away money like it was Christmas Morning. Enterprising plaintiff's lawyers looking to make a quick buck knew that Madison County was the place for business. This includes millions of people. In 2002, 77 class action suits were field. In 2003, there were another 106. Between 1998 and 2003, the number of class actions in the county rose from 1 to 106.

In the classic American musical The Music Man, a con man came to take advantage of a small Midwestern town. In today's revival, a marching band of lawyers has descended on Madison County, with tall tales of jackpot justice and the dream of getting something for nothing. Only this time the judges of that Midwestern town have joined hands with the con-men to take all of America for a ride. Even when the purveyors have law degrees on their walls, snake oil is still snake oil.

Just in the last 3 years, the lawyers who flocked to Madison County succeeded in having the following classes certified:

All Sprint customers in the entire Nation who have ever been disconnected on a cell phone call in a suit in Madison County; every RotoRooter customer in the country whose drains might have been repaired by a non-licensed plumber; and all consumers who purchased limited edition Barbie dolls that were later allegedly offered for a lower price elsewhere.

Those are just three examples of how ridiculous this was getting. If it were not so tragic, it would almost be easy to laugh at these cases. We laugh at the thought of small county courthouse in Illinois adjudicating cases against national companies, involving various State and Federal regulations, and involving millions if not billions of dollars in settlements—but where neither the plaintiffs nor the defendants are typically residents of the county. These locally elected judges, with the close assistance of interested plaintiffs' attorneys, merrily continue to set policy for the entire nation, defying the principles of self-government on which our Federal system is based.

This situation is a mess and a few plaintiffs' lawyers are exploiting it to the hilt. The same five firms appeared as counsel in 45 percent of all cases filed between 1999 and 2000. Of the 66 firms appearing in these cases, 56 of them—85 percent—had office addresses outside of Madison County.

In this small county, with a population of 259,000, there are somehow more mesothelioma claims from asbestos exposure than in all of New York City, with its population of 8 million. On 9-member firm with an office in Madison County claims to handle more mesothelioma cases than any firm in the country.

And who benefits form all this litigation? One Madison County judge approved a $350 million settlement against AT&T and Lucent for allegedly billing customers who leased telephones at an unfair rate. What did the lawyers get? Forty-four lawyers from our firms will split $80 million for legal fees and $4 million for expenses. And the customers? They actually lost money. After their legal fees, the average class member got hit for $6.49. That is outrageous.

Lincoln's example is a distant memory in Madison County and clearly something is rotten in middle America. The Washington Post has succinctly described the situation. ''Having invented a client, the lawyers, also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country.'' And those lawyers are picking Madison County. They're picking it because it is what some call a magic jurisdiction.

Dickie Scruggs happens to be a friend of mine. He made this comment. Dickie is one of the most wealthy and successful trial lawyers in the country. But he said this regarding Madison County and the ''magic jurisdictions.''

> What I call the ''magic jurisdictions'' . . . is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected; they're state court judges; they're populists. They're what got large populations of voters who are in on the deal, they're getting their [piece] in many cases. And so, it's a political force in their jurisdiction, and it's almost impossible to get a fair trial if you are a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with the amount of money. The cases are not won in the courtroom. They're won on the back roads long before the case goes to trial. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or the law is.

This was Dickie Scruggs talking to Asbestos for Lunch, in May 2002. I think Dickie Scruggs has been very honest and accurate. I don't think anybody can deny what he is saying.

What makes it so magical? In a magic jurisdiction, the supposedly objective judge and jury both stand to gain from the settlement. Madison County is, the Chicago Tribune noted, a jackpot jurisdiction where local newspapers ''sport advertisements looking for the local plaintiff who can provide a convenient excuse to file.''

This choice of venue might have something to do with the fact that the elected judges of the circuit court of Madison County receive at least three-quarters of their campaign funding from the lawyers who appear before them in these class action suits. Unbelievably, since it so obviously smacks of corruption, this is an increasingly common occurrence all over the country. It is all enough to make an honest person cringe.

As a fellow attorney, who has taken an oath to support justice and the law, this story of juries and judges in the back pockets of those arguing before them, turns my stomach. Magic jurisdiction? Judicial black hole is more fitting.

In a simpler time, a State court would only certify a class if there was a substantial local connection. The judges of Madison County have created an environment, however, where a lifetime resident of Washington State, who worked in Washington, was allegedly exposed to asbestos in Washington, never received medical treatment in Illinois, and had no witnesses in Illinois to testify on his behalf, actually thought it was worth a shot to bring suit in a strange town halfway across the country. What was his connection to Madison County? He vacationed in Illinois for 10 days with his family nearly 50 years ago.

In this case, the court did the right thing and refused to certify this man's claim. But that a lawyer would even consider bringing it shows how far gone Madison County is. So far that the Illinois Supreme Court took the extraordinary step of rebuking it. As legal ethics Professor Susan Koniak of Boston University School of Law explains, ''Madison County judges are infamous for approving anything put before them, however unfair to the class or suggestive of collusion that is.''

This isn't justice. This is a travesty. The St. Louis Post-Dispatch, one of this Nation's great newspapers, has followed this epidemic of litigation closely, and they describe the run on the Madison County courthouse as resembling ''gleeful shoppers mobbing a going-out-of-business sale.'' Due process itself is corrupted by this circus. What is going on in Madison County too closely resembles blackmail for my taste. The deck is stacked against these companies hauled to Illinois to answer these charges. The cases are heard on an expedited basis that barely gives the defendants a chance to respond. Under these pressures, they are typically given an offer they can't refuse, and they settle regardless of the merits of the case. These ultimatums offered by lawyers in cahoots with judges are better suited to an episode of The Sopranos than to a supposedly impartial justice system.

Let's be clear. These are not local disputes. S. 2062 does nothing to remove local suits from local courts. These are suits brought on behalf of a nationwide class of clients against corporations that do business in every state. Madison County is not chosen as the venue because of its quaint scenery. It is chosen because it is a sure thing, a sure bet. The fix is in. If it was a sport, we would say the game was thrown. Defendants in these class actions do not get a fair shake in Madison County.

This is not a triumph of federalism and local decisionmaking. It is the evisceration of federalism. One of the bedrock principles of a Federal government is that states are largely free to regulate their own particular affairs. To allow one State to legislate for another is to violate an important principle of self-government that this country is built upon. In the case of Madison County, a trial bar that knows few limits, coupled with a ready and able courthouse, is in fact imposing the will of a small few on the entire Nation. Madison County has been flooded with class action claims and now the Nation is drowning in them. This is a classic case for Federal intervention. In fact, this is a case study for the type of intervention in Federal affairs the Constitution was meant to allow.

Let me refer to what happens in Madison County and how it affects the whole country. As this chart shows, the white dot in the middle is Madison County. The overwhelming majority of class actions filed in Madison County are nationwide lawsuits in which 99 percent of the class members live outside of Madison County. As a result, decisions reached in Madison County courts affect consumers all over the country. The county's elected judges effectively set national policies on important commercial issues. They do it in a way that is basically dishonest.

There is a place for personal injury law in the American justice system. Americans have a sacred right to take their case to court when they are harmed by a person or a product. I will stand up for those rights against anybody and everybody, if necessary. Yet this right is endangered by a seriously compromised class action regime, not just in Madison County but in other jurisdictions throughout this country. To help resecure it we must enact this reform.

Today's lawyers do not take cases that come to them, they invent cases. They behave like entrepreneurs who find an issue before they find a plaintiff. They act like businessmen, the CEOs of Trial Lawyers Incorporated.

The problem is their business plan makes hash of our system of impartial justice and mocks our Federal arrangements. Much of this has occurred once the Supreme Court allowed attorneys to advertise. The great lawyers never advertise. It is only those who are in business to rake off the top of the crop. To be honest, I personally would be ashamed to advertise. If I was not good enough to get clients without advertising, I would be ashamed. Now, it is legal under our system, but since that happened, this is what is happening throughout the country.

It simply defies belief that the small county courts are the proper venue, much less a capable one, for complex multijurisdictional litigation. The plaintiffs bar has put its business model into motion in Madison County. First, find sympathetic judges, then bankroll their campaigns, and to seal the deal rush defendants into court without giving them an opportunity to investigate the claims against them. Justice demands fairness, but our system of decentralized class action litigation is fundamentally unfair to defendants, to plaintiffs, and the average American who ends up footing the bill for the unjustified billion-dollar settlements.

I thought we would compare this to Monopoly. Let's play Class Action Monopoly. Go. Come up with an idea for a lawsuit. Find a named plaintiff to pay off. Make allegations, no proof is needed. Get out of rule 23—which is an appropriate rule—get out of rule 23 free. Convince your ''magnet'' State court judge to certify the ''class,'' even though it is not certifiable. File copycat lawsuits in State courts all over the country. Sue as many companies in as many States as possible, even if they have no connection to the State.

Who gets the money? Columbia House case: $5 million for lawyers, discount coupons for plaintiffs. Blockbuster case, $9.25 million for lawyers, free movie coupons for plaintiffs. And they were not very many of those, at that. Bank of Boston case, $8.5 million for lawyers. Some plaintiffs even had to pay out of their own pockets to pay for this, even though they were the ones for whom the suits were allegedly brought.

You ought to ask yourself, What happens to me? Your employer takes a hit, maybe lays you off. Your health and car insurance premiums go up dramatically, which we have been seeing. The lawyers win; you lose.

Almost everything in society goes out of sight and goes up in cost because of what is happening in these jurisdictions and in these cases that really should never have been brought to begin with. The Class Action Fairness Act is a modest reform. It is not a great big change. It does not deprive substantive legal rights to any American in this country. All it does is make it easier to put these national cases where they belong; that is, in our national courts. According to one study, 98 of the 113 class actions filed in Madison County from 1998 to early 2002 could have been moved to Federal court under this legislation.

Justice demands that we act. Those who are injured will get their day in court. By voting for S. 2062 we will help make sure they get it in a court where justice can be dispensed.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank you very much for recognizing me.

I rise today to express my extreme disappointment, along with the Senator from Idaho, Mr. CRAIG, with the actions of the majority leader in preventing the consideration of amendments, including amendment No. 3547, the Native Hawaiian Government Reorganization Act of 2004. Senator INOUYE and I filed this amendment in an effort to have our legislation considered by the Senate.

We have been working to enact this legislation now for the past 5 years. The Senate Committee on Indian Affairs has favorably reported this bill for the past three Congresses. Our legislation enjoys widespread support in Hawaii, and nationally also. We consider this a bipartisan measure. Our Governor supports it, our State legislature supports it, and a majority of our constituents support it. For 5 years we have worked to enact this bill which has effectively been blocked from Senate consideration by a few of our Senators who refuse to acknowledge native Hawaiians as indigenous peoples.

We have the votes to pass this legislation. In fact, I am confident that we have the votes to succeed on a motion to proceed to S. 344. I must at this point say that S. 344 has been cosponsored by my colleague who preceded me, my colleague from Utah, who is cosponsoring S. 344 as a freestanding version of my amendment.

Because of the kind of support we have here on both sides of the aisle, we are trying to have it considered. This is why we sought to have our legislation considered today—because we knew we could debate it quickly and pass it. I join my other colleagues in expressing my disappointment, again, with the procedural maneuvering that has occurred today.

Thank you, Mr. President. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first, I salute my colleague and friend from Hawaii. I am honored to be a cosponsor of his bill. Senator AKAKA and Senator INOUYE are two of our very best Members in the U.S. Senate. It is rare, if ever, that they ask their colleagues for a helping hand. In this situation, Senator AKAKA and Senator INOUYE have shown extraordinary leadership to make recognition of a situation in their home State that deserves our help. I am more than happy to join the Senator.

I am disappointed, as Senator AKAKA is, that we are not going to have a chance, apparently, to vote on this amendment. As I understand it now, Senator FRIST has come to the floor of the Senate and has used a procedural device called ''filling the tree,'' which means he has filed so many amendments that no one else can file an amendment. So we are just stopped.

The underlying bill, the class action bill, is an important and controversial bill, and now Senator FRIST has stopped any amendments to it. Among those that have been precluded is the amendment by the Senator from Hawaii, which has bipartisan support, a good amendment, and I hope we can get to it and get to it soon.

I see our Democratic leader in the Chamber, Senator DASCHLE. I know he has spoken to this issue many times. I would like to address the class action bill, but I will at this point yield to the minority leader and then ask to be recognized after he has spoken.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Illinois.

As I was on the Senate floor, I noticed he was calling attention to the amendment that was contemplated by the two Senators from Hawaii. They both spoke powerfully and eloquently about a month ago before the caucus and at that time expressed the hope that the caucus could support their efforts to deal, once and for all, on the issue of Hawaiian recognition.

This is a very important issue for them. I think I can say without equivocation or concern for contradiction that our caucus was ready to stand unanimously in support of their effort. But it is the amendment offered by the Senator from Hawaii that illustrates the point we were making earlier today.

There is, I am told, one person in the entire body who has an objection to the amendment offered by the Senators from Hawaii—one person. One person is holding up the effort made by the two Senators from Hawaii courageously and persistently to deal with this question. And they came to us for advice: What do you think we should do? My suggestion was: Well, given the fact that we are in this situation, offer it as an amendment to the next vehicle.

This happens to be the next vehicle. They said: We don't need a lot of time. We could probably resolve this matter, given the fact there is overwhelming support for it, in a few minutes. I said: I will tell you this: Once we get on the bill, you will have the first amendment on our side. And that is exactly what the case was going to be.

We heard already from the Senator from Idaho. He, too, has been working diligently with the Senator from Massachusetts. He, too, said: This is not going to take a lot of time, but there is a very critical question of temporary workers and their status today, legally, and if we don't address this problem, we are going to be facing increasingly difficult legal questions. And it is a crime that this—he did not use the word ''crime.'' That is my word. It is a crime. It is a shame that we are precluded from addressing the temporary worker issue.

But that goes to the heart of the situation we find ourselves in right now. In the first instance I can recall, the majority leader has now done something I thought we would never see under his leadership. He has filled the tree. He has precluded all Senators from offering amendments. We recognized in those dark days in the late 1990s, when this was done with some frequency, what a counterproductive effort that was. Now we find ourselves in exactly the same situation.

Well, I was told this morning. I was very troubled by this action. Now I am told that maybe one of the reasons it was done is because there are those on that side who do not want this version of class action passed. So in an effort to preclude this version of class action being passed, they knew if they filled the tree they would never get to final passage and they could, without fingerprints, kill this version of class action, knowing there would be unanimous opposition to this procedural approach, just as there has been on every occasion when it was done in the past.

So whatever the motivation was, it is counterproductive, it is a real disservice to the Senators of Hawaii and Idaho and others who simply want their day in court, their opportunity to present their issues, who have not had that opportunity, with the calendar pages turning and the clock ticking and the time running out.

It is very unfortunate. I had told the majority leader that we would be willing to work with him and I offered to have a limited number of nonrelevant amendments—five. He objected. So given our circumstances, we are left without recourse.

But, again, I thank the Senator from Illinois for his kindness in yielding the floor for me to make a couple comments.

I tell the Senator from Hawaii that we will continue to find an opportunity for him to present his case to the Senate, and we will support him when his legislation reaches a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Democratic leader, Senator DASCHLE, for explaining the situation. Perhaps I am mistaken or maybe even naive, but it strikes me that the business of the Senate is to debate and amend and consider important legislation. When we reach a point where there is an effort to stop the process, to stop the debate, or to stop an amendment, it is pretty clear the underlying bill is not likely to pass. I don't understand Senator FRIST's strategy, but I leave it to him to explain.

I would like to speak for a moment to the merits of the bill before us. It has a title anyone would fall in love with, ''Class Action Fairness Act of 2004.'' Probably most people following this debate wonder why we are debating it and what it means. If you ask people if they are a member of a class, they will say: Not since I graduated from school, unless you mean the middle class. But this is different.

These are lawsuits that are brought by more than one individual in a particular complaint against a certain

company, for example. It might be all the people who did business with a certain company who believe that they have been wronged, that they are entitled to some sort of compensation. It might be all the people living in a community who have been victimized by the pollution of air or water by a certain company. So instead of filing individual lawsuits against the company or the individual responsible for the wrongdoing, they come together as a class, a group of plaintiffs, and bring many lawsuits into one.

Of course, this is a challenge to bring together a class of people who have a common interest. It is also difficult many times to have these classes certified. In most lawsuits when you file, the first thing the court asks is, Do you have the right to file this lawsuit under the laws of the State or jurisdiction in which you are filing?

When it comes to a class of plaintiffs, a group of people filing a lawsuit, the first thing the court asks is, Is this a legitimate legal class under the law? It is the first step in the process.

My colleagues from Connecticut and Nevada have come to the Senate floor to talk about one county in my home State of Illinois, Madison County, about the incidence of class action lawsuits in that county. They have told interesting stories but not the complete story. We have done an analysis of class action files in Madison County. We started in 1996. Since 1996, through February of this year, there have been 306 class actions filed. Some have said this sets a national record. It may. It certainly is near the top in terms of the number of cases filed in this 8- or 9-year period of time. But it doesn't tell the whole story.

The next question is, How many of these cases in Madison County, IL, have been certified; that is, approved by the court to go forward? Remember the earlier reference I made. You file the complaint, a class action, and then the defendant says to the judge: I challenge the class. I don't think it is a legal class under Illinois State law or the law that is being applied. Then the judge has to look at the plaintiffs, look at the complaint, and make the decision whether he will certify the class.

So of the 306 class actions filed in Madison County over this 8-year period of time, how many have been certified; that is, gone forward with the lawsuit, over 8 years? Mr. President, 39 certified cases in 8 years, fewer than 5 cases a year.

It is because of this county, obviously, that we have decided we need to amend the law of America because five class action cases are filed and certified on average each year in one county in Illinois. That strikes me as curious, that we would respond with a national law because five cases a year on a class action basis are being filed in Madison County, IL. The Senators from Connecticut and Nevada, time and again, say this is the reason.

Let me say in all honesty, there are some cases filed in Madison County, IL, that I don't think should be certified, some that are nothing short of harassment. But that is what the court system is for. The court system is for a judge—in some cases, a jury—to decide that question. Is there a legitimate class action? Could there be a class action lawsuit filed on behalf of a group of people in America that should be heard in a State court? That is the underlying question because if this bill passes, sadly, we are going to make it difficult, if not impossible, for State courts to try lawsuits involving classes, class action lawsuits.

Let's use an illustration. Let's assume I own a company that I have decided to incorporate in the State of Delaware, which is a common thing, and that I sell a product. Let's assume I sell a pharmaceutical product, a prescription drug. I want to do business in Illinois. Although I am incorporated in Delaware, I want to sell my prescription drug in Illinois.

One of the things I have to do is register my corporation in Illinois. In my State you have to go to the Secretary of State's office, Index Division, and register—Corporations Division today—the name of your corporation, where it is located, and who can be served with process.

In other words, I have to identify a person in my corporation who will accept a subpoena if my pharmaceutical company is ever sued. That is one of the laws in Illinois. Almost every other State has the same law. You want to do business as a corporation in Illinois, you comply with the laws of Illinois. The laws of Illinois require this filing so you know who is doing business, and it is also an acknowledgment that you are bound by the laws of the State in which you are doing business.

Now, let's assume the pharmaceutical my Delaware corporation is selling in Illinois causes a serious problem. Let's assume many people get sick after they have taken my drug, and instead of each individual person wanting to file a lawsuit against my pharmaceutical company, the customers who purchased this pharmaceutical decide to come together as a class and bring a lawsuit against my company.

So all of the Illinois consumers and customers who bought my pharmaceutical drug and were injured by it decide to file a lawsuit against my company because I have sold a dangerous product in their State.

Do you know what this class action fairness bill says? This bill says that customers of my company—registered to do business in Illinois, having acknowledged the fact that it is bound by the laws of the State of Illinois, selling its product in Illinois, having injured consumers in Illinois—cannot file a class action lawsuit in the State courts of Illinois. Why? Why would we say in that circumstance all of the injured parties, residents of the State, the product is sold in the State by a corporation licensed to do business in the State, can't be sued in the State of Illinois or any other State for that matter with similar circumstances?

This legislation says the lawsuit must be brought in the Federal court system. We have two different court systems, two major court systems. There are other courts but two major court systems. Each State has a court system, and then there is the Federal court system which, of course, applies to us as a nation with its district and circuit courts, and the U.S. Supreme Court.

Why would the people who wrote this bill want to take that case that I have just described out of the courts of Illinois and put it into a Federal court, even in Illinois? Why?

I think the reason is obvious. First, they are trying to create an environment and circumstance where that group of people who bought that product and were injured by it cannot bring a lawsuit. They want to make it more difficult for them to bring a lawsuit as a class of customers who have been wronged and injured. They put it in Federal court because they know Federal courts are already extremely busy with criminal prosecutions and existing civil cases, so the likelihood that the Federal courts will take on a new class action case is limited. They also know that these Federal courts, when it comes to figuring out which laws to apply, are very strict, much stricter than many State courts.

So those who are arguing that we are changing this law, moving cases from State court to Federal court so we can get a more efficient outcome, I don't think are being candid with the people following this debate.

The underlying reason for this bill, the so-called Class Action Fairness Act of 2004, is to limit and restrict the number of class action lawsuits that can be brought across America. That is why the business interests in this town have spent not a small fortune, but a large fortune, lobbying for passage of this bill. They are not looking for reform of class action; they are looking for repeal of class actions in many areas, to stop people from filing these lawsuits.

Those who are following the debate may say: Why should I even care about that? I am not going to file a lawsuit or join a class filing a lawsuit, and I don't care if anybody else does either.

I wish people would step back and take into consideration some of the class action lawsuits that have been filed. I think you will get an idea about why this is an important part of our legal process. We have three branches of Government: legislative, Congress; executive, the President; and the court system at the State and Federal level. We say to Americans you have a right to elect the President, you have a right to elect Members to Congress, and you also have a right to go into your State and Federal courts and be represented and to plead your case and to receive justice.

What this underlying bill will do is to restrict individual American citizens

in their rights to come together as a class and file lawsuits in State courts against corporations doing business in their States, selling goods and services in their States.

Let's look at a few examples of class action lawsuits which I think illustrate these are not cases that should be easily dismissed or restricted, as the bill does. Here is a product made by Warner Lambert, a drug company. Warner Lambert made a product known as Rezulin. They prescribed it for type II diabetes and started selling it in 1997. They told the people it was as safe as a placebo, extraordinarily safe, and not harmful to consumers.

There was a couple living in Granite City, IL, which happens to be in Madison County, and the man who lived there was suffering from diabetes. He was an older fellow who served in the Navy. There are many people like him in those blue-collar neighborhoods in Granite City. He was on oxygen at age 71. He got along pretty well, but he had heart problems and bypass surgery. Unfortunately, he had to take some medications. He took nitro tablets and about 15 medications a day, two of which were insulin. He was diagnosed with diabetes 20 years ago and had very few complications. He went to his doctor and the doctor prescribed Rezulin, which is made by Warner Lambert. He remembers when the prescription was given to him because when he went to the drugstore, he found out it was very expensive. He told the doctor he could not afford it. The doctor gave him samples to take home.

Three years after this drug, Rezulin, came on the market, the FDA asked Warner Lambert to voluntarily remove the drug from the market because it was causing too high an incidence of liver failure and many other deadly side effects. Then this individual was taken off the drug because of that warning. They gave him another drug.

A class action lawsuit was filed by people who purchased this drug in Illinois. The case they brought said the pharmaceutical company violated the New Jersey consumer fraud statute, which is the State in which Warner Lambert was incorporated. They violated the New Jersey consumer fraud statute by pricing the drug much more in excess of the price the drug would have been. If anybody had known the side effects, nobody would have taken it, anyway. So not having disclosed the side effects, Warner Lambert was still charging more than they should have been charging for the drug. It turns out many insurance companies came to the same conclusion. They thought they were paying too much to Warner Lambert for a drug that wasn't that good and had deadly side effects.

The case was certified by the Illinois State court as a class action on behalf of all of the purchasers of this drug in Illinois, and the case would apply New Jersey law as the violation of the consumer fraud statute. Shortly after the class was certified, the parties agreed to a settlement, and here was the settlement: Class members, those who bought the drug Rezulin, would receive up to 85 percent of their out-of-pocket expenses related to the prescription drug.

While Warner Lambert's liability for concealing the true dangers is clear, look what happened when you see the same lawsuit brought to a Federal court, which this underlying bill would try to achieve, as opposed to Illinois State court. When this lawsuit was brought in a Federal court in the Southern District of New York, that Federal court denied class certification and basically came to the conclusion that if the drug was dangerous, there would be an awful lot of personal injury cases filed. Therefore, this class action wasn't necessary.

The Illinois trial court disagreed. As a result, the victims in Illinois received compensation. It turned out they were going to receive up to 85 percent of their out-of-pocket expenses for this drug. That is an example of a class action lawsuit.

You go to the doctor tomorrow. He prescribes a drug. You find it was overpriced or dangerous and an effort is made to say to the pharmaceutical company you cannot benefit from these ill-gotten gains, you must pay back to the consumers what you overcharged. A class of consumers who brought the drug came together and they received the money back from the pharmaceutical company, as they did in this class action case. This is an illustration. In Illinois, the case went forward. Consumers had money come back to them. In the Federal court, the case was basically stopped.

Here is another one. This involves a New York State court certifying a class of over 200 nursing home residents living at Barnwell Nursing Home in Valatie, NY.

In the process of certification, it was found the Barnwell Nursing Home residents potentially received substandard care, violating the public health laws of the State, which protect nursing home residents from the deprivation of basic necessities like heat, good food, privacy, and socialization.

The plaintiff died of septic shock because she was neglected by nursing home staff. Following her death, the New York Department of Public Health issued a 24-page statement of deficiencies at the Barnwell home. The reason I raise this is to give you an idea of the variety of class action cases. Here, 200 residents of a nursing home were not receiving what they were required to receive under State law. One died from neglect in that nursing home. They came together as a class to say the nursing home was not treating them fairly. Some would argue, why didn't they file individual lawsuits? How likely is it your grandfather or grandmother who is in a nursing home will look for a lawyer to fight a lawsuit in court, when in fact they have been treated wrongly? But as a class they stand together, bring the lawsuit, and they can recover.

There are so many other cases. Here is one. On July 26, 1993, the chemical Oleum, a sulfuric acid compound, leaked from a railroad tank car at General Chemical's Richmond, CA, plant. General Chemical, based in New Jersey, is one of the largest manufacturers of sulfuric acid in America. The leak caused a cloud to spread over North Richmond, CA, a heavily populated community. Over 24,000 people sought medical treatment in the days following the leak. General Chemical entered into a $180 million class action settlement with 60,000 northern California residents who were injured or sought treatment from the effects of the release of this dangerous gas. While only California residents were injured and the harm occurred only in California, this case would have been removed from California courts under the bill we are considering to a Federal court. Why? Because the company, General Chemical, was based in New Jersey. All of the injuries were in California, all the victims were in California, the actual harm occurred in California, the company was doing business in California, transporting its chemicals. Yet under this bill they could not be sued in a California court.

We talk about dangerous drugs. Postal workers were given Cipro after the anthrax attacks of 2001. We remember that on Capitol Hill. Many of them were from New Jersey. The postal workers filed a class action in New Jersey State court for damages and harm arising from the drug's side effects. The suit was filed against Bayer AG—you have heard of Bayer Aspirin; it's the same German company—and its U.S. subsidiary that is based in Pennsylvania, as well as against several New Jersey hospitals. The side effects listed in the suit include joint and tendon injuries; neurologic, cardiologic, or central nervous system disorders; and gastrointestinal disorders. Bayer sold the drug. The people who used it were largely from New Jersey. Bayer was a company based in Pennsylvania, but doing business in New Jersey.

In this case, while several named defendants are New Jersey hospitals, the case would have been removed to Federal court. The reason behind this is not only to move them to Federal court, but to make it less likely the cases could be successfully filed. We have seen, when cases are brought to Federal court, they favor less liability. We have seen that the Federal courts are less likely to certify class. We have seen that Federal law discourages Federal judges from providing remedies under State laws.

The people who brought this bill to the floor understand that. Whether it is because of a dangerous gas leak in California or a drug that is sold in Illinois or New Jersey, they want to limit their liability and exposure. So they are basically closing the courthouse door to hundreds, if not thousands, of American citizens.

Whether we are talking about environmental pollution that is dangerous to our families caused by an out-of-State company, or about a dangerous gas leak here, the purpose of this bill is to make it more difficult for injured individuals, injured customers, and injured families to recover.

Why in the world would we do this? We do this because the businesses that are being sued by these class action lawsuits do not want to be exposed to these lawsuits. By having less exposure to these lawsuits, they will be able to keep more money. They will not pay out as much to those who have been injured or aggrieved. That is a natural business reaction. They want to maximize profits. Businesses want to do that. But is that the right reaction of the Senate to ignore the victims in these lawsuits, to ignore the people who come together because they have been hurt, damaged, or lost money, and to say instead we are going to protect these corporations from these lawsuits?

There are ways of tightening up the laws when it comes to class actions. I would support them. I think there are frivolous class actions that should not go forward. I think some of these coupon settlements as part of these class action lawsuits border on the ridiculous if not cross the border.

There is a lot we can do to tighten up the law. But why is it the only thing this Senate has been about in its debate over the last several years is limiting the opportunity of an American citizen to have a day in court? Why is it that is what is driving the Senate agenda?

It is important for us to understand that when it comes to the priorities of this Nation, we need to establish one priority over all, and that is the priority of equal justice under the law.

If a resident of Nebraska or Illinois or New York were injured by a product sold in their State by a company licensed to do business in their State, I believe they should be able to go to their State court and file a class action and ask that it be certified. This underlying bill says they cannot, and I refer to page 15, subsection 2, and I will read it:

> The district courts—
>
> Federal courts—
>
> shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which
>
> (A) any member of a class of plaintiffs is a citizen of a State different from any defendant. . . .

If a corporation is incorporated in Delaware or any other State and does business in your State, this is an automatic pass. This means your class action lawsuit goes automatically to Federal court.

Chief Justice Rehnquist across the street does not give us much advice—separation of powers, two different branches of Government—but he has given advice on this issue: Please do not pass these bills. Please do not send these class actions to Federal court.

Those of us who sit on the Judiciary Committee know many of our Federal courts are extremely busy. They are dealing with cases involving criminal law, terrorism, and a very crowded civil docket already. What this bill would do is send these same complex class action lawsuits, now in State courts, off to the Federal courts in large number. Chief Justice Rehnquist has advised us that the Federal court system is not ready to receive these cases.

What does that mean? It means the people who are in the classes will not get their day in court. Justice will be delayed and ultimately denied to them, and that is part of the strategy. The strategy is to make it extremely difficult to bring a class action lawsuit, to limit the opportunities for those who have been injured, either in body or in monetary loss, from having their day in court.

This bill has bipartisan sponsorship. There are 10 or 11 Democrats who support it. I am sure they will speak on behalf of it, but from where I am standing, I think this goes far beyond class action reform. This is an effort to close the courthouse doors. For some, that is fine. They say, fine, don't let them go to court because it means they will have lawyers and lawyers will be paid fees and we do not want to see that sort of situation.

Time and again, when we tell the stories of the individuals who have been harmed or injured, who are looking for someplace to turn, they cannot find a law that has been passed by Congress that gives them a fighting chance, they cannot find an agency of the Government that is going to protect them. Their only recourse and final recourse is to go to court. The purpose of this Class Action Fairness Act of 2004 is to close the courthouse door to hundreds, if not thousands, of Americans who buy defective products, who are exposed to dangerous pollution, who are buying drugs that, frankly, are unsafe and believe the pharmaceutical companies should be held accountable. This bill will close the courthouse door and make it extremely difficult, if not impossible, for them to pursue their legal course of action.

I think that is the wrong way to go. I know the business community and the special interests behind them think the fewer lawsuits filed against them the better. I assume if my job in life were to maximize profits in these companies, I would think the same thing. But that is not our job. Our job is to provide equal access under the law to all Americans.

This bill, the class action fairness bill, is going to restrict, reduce, and deny access to the court system for Americans who have been injured.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask to be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today to express my support for S. 2062, the Class Action Fairness Act. Until this morning, I was very hopeful we would finally have the opportunity to discuss this important issue and move the bill forward.

As is well known now, last fall I joined with my colleagues, the Senator from Connecticut, Mr. DODD, and the Senator from Louisiana, Ms. LANDRIEU, to help craft a compromise that now constitutes the bill before us. Because I have worked long and hard to move this bill forward, I was very disappointed at the turn of events earlier today.

We have two strains going on here that are sort of colliding, and I do not think they should necessarily collide. One is the desire of a majority in this Chamber—62 at last count—on both sides of the aisle to move the class action bill forward, and that desire remains. That burns brightly in my breast. I think we should move this bill. There has been a lot of work put into it. There have been compromises along the road. It strikes a fair balance, and I will talk more about that in a minute.

We also have the workings of the Senate, and that always is grafted on top of whatever legislation we have. We all know the majority party is allowed to set the agenda, and next week, for instance, we are doing a constitutional amendment against gay marriage, which no one thinks will come close to the two-thirds vote, but it is the majority's right to set that agenda. That is fair. But just as it is the majority's right to set the agenda, it is the minority's right to offer amendments—some germane, some not—on whatever is before us. That is what has always kept the balance in this Chamber. The majority does not have complete control of what is on the agenda because of our nongermaneness rule. That is what distinguishes us more than anything else, at least procedurally, from the House of Representatives where the Rules Committee can block off all amendments, and the majority can have iron-tight control.

To me, this fits the Founding Fathers' basic conception of the Senate as the cooling saucer. When the majority has certain rights, it slow things down, there is no question about it.

That delay—delay is the wrong word—but that sort of more careful rendering of the process often makes better legislation. As we know, the Founding Fathers were afraid that legislation would move too quickly through the body, and the Senate embodies that.

This morning, I thought the offer of the Senator from South Dakota, Mr. DASCHLE, was extremely reasonable. He said let us do four or five nongermane amendments and then proceed to the

germane amendments. I do not recall if he said it on the Senate floor—I did not hear his whole speech—but he has said to all of us on the Democratic side who want to move class action reform that we would not take hours and hours and days and days on each of the nongermane amendments; that the debate would be done rather quickly. Well, that is the minority's right. That is what it is all about.

When Senators DODD, LANDRIEU, CARPER, KOHL, and I, all of whom have worked so long and hard on this bill, met with the majority leader and others, we made it perfectly clear about the right of the minority to offer a limited number of nongermane amendments, not one but a number. When Senator DASCHLE said five, that seemed perfectly reasonable to us, and that was rejected by the majority leader. This puts us and the whole class action bill at risk.

Make no mistake about it, if we cannot work this out, we will not have a bill. Even if we do work it out, it is going to be difficult enough to get a bill. The kinds of abuses I have worried about and why I was willing to step forward and support this bill as modified will be lost.

So the first thing I will do today is make a plea to our majority leader, who I believe does operate in good faith—I realize he has a fractious caucus behind him and there are different opinions within that caucus, but I urge the majority leader to reconsider his rejection or objection to Senator DASCHLE's offer, which I thought was fair and reasonable. I know that my colleague from Connecticut, Senator DODD, thinks that because I heard him speak on the floor earlier today. I think it would be seen as reasonable as well, if I am not speaking out of turn, by most of my colleagues on this side of the aisle, the 10, 11, or 12 of us who support class action reform.

So make no mistake about it, if the bill does not move forward, it is because the majority was unwilling to allow the Senate to proceed as usual, which is to allow some nongermane amendments.

For many on our side of the aisle—not me because I support it—this is a bitter pill to swallow. To then add insult to injury saying no nongermane amendments are allowed will be the straw that breaks the camel's back. Even allowing one nongermane amendment would not be enough.

So, again, I renew my plea to the majority leader—and I want to underscore, again, I met with him numerous times on this legislation, and I believe he is functioning in good faith and he wants a bill—to reconsider Senator DASCHLE's offer. It will not take much time. My guess is we can consider those amendments quickly.

Of the five that I have heard about, two are Republican amendments. We all heard the good Senator from Idaho who seems to want to be able to offer his amendment, an amendment that I support on the floor, and I think one of the others is from the Senator from Arizona, Mr. MCCAIN. So it is hardly that the nongermane amendments are a Democratic wish list. If there are five, and two are Republican and three Democrat, that seems to be a pretty fair division.

I renew my plea to the majority leader to accept Senator DASCHLE's offer, which I think was fair and reasonable. If not, we risk having no bill, despite the efforts of many of us.

I want to discuss for a minute why I support this legislation. I have been concerned for some time that lawsuits have gotten out of control in America. I am not one of those who think lawsuits have no use. I think they have plenty of use and they are needed. Often those without power, it is their only bit of power to get redress. There is no question about it.

At a time when we are pulling back from governmental regulation—I would much prefer to see government regulate, whether it is pollution, health care, or other things, than have lawsuits do it. Lawsuits are sort of a hit-or-miss way. But the impetus for lawsuits increases as the impetus for government regulation decreases, and obviously in this administration it has.

Having said that, I still believe we need lawsuits, but they should be done fairly. One of my big beefs is that for some time now too many lawsuits have been filed in local State courts that have no connection to the plaintiff, the defendant, or the conduct at issue. This allows forum shopping. Forum shopping is something that undercuts the basic fairness of our justice system.

Certain courts in certain places—and people have talked about it earlier today—have become magnets for all kinds of lawsuits. Some of these lawsuits are meritorious; some are not meritorious. In either scenario, my strong belief is that if the case affects the Nation as a whole, it should be heard in Federal court. One should not have a judge in a small county make law for all of America. Maybe that judge will make good law, but the odds are that parochial concerns will be too strong in that type of decision.

For that reason, I agreed with my colleagues who support this bill that something needed to be done to rein in forum shopping and abusive class action litigation tactics. When consumers allege that a product sold nationwide to consumers in all 50 States is defective, it ought to be a Federal court to decide that case. Actually, my belief is that probably there should be Federal law to decide those kinds of cases, and eventually we will probably move in that direction, but at the very least it ought to be the Federal court.

This bill does not take away anyone's right to sue or his or her ability to bring a suit as a class action. I oppose such legislation. I would not want to eliminate class actions. Instead, the bill ensures that consumers, employees, and all citizens have an opportunity to have their class action heard in court, but it is a Federal court.

We worked hard to improve the bill. The agreement that we have struck on class action lawsuits preserves the ability of Americans to bring lawsuits in a fair and responsible way, while doing away with forum shopping and other abusive tactics. This is why the three of us, Senators LANDRIEU, DODD, and myself, were willing to stick our necks out a little bit and work on this compromise with Senator KOHL, who has been a leader on this issue on the Judiciary Committee, and Senator CARPER, who has championed the proposal for so long. We want to see the bill move forward.

The bottom line is that it will not unless the Democratic leader—and I want to salute the Democratic leader. He does not like this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I salute our Democratic leader. I know, because he has expressed it to me in very clear terms, how much he dislikes this bill. Instead of trying to delay, he has come up with a reasonable proposal.

As I said, the bill is a bitter pill for many to swallow. They have a different view on class action lawsuits than I do or my good friend from California, who just came into the Chamber, but they are willing to do it because they know there is a majority of 61 or 62 who basically support this proposal.

So the bottom line, again, is the Senator from South Dakota has made a reasonable proposal. He is not offering dilatory tactics, and I hope that proposal will be accepted.

I have not been a Member of this body as long as many of my colleagues, but in my 6 years, I have come to appreciate that the Senate is designed to be a deliberative body. Sometimes the Senate lives up to this grand tradition of debate and process very well, but at other times, and that is what it looks like is happening up to now today, we fail. We have to let the deliberative process of the Senate take its course if the Class Action Fairness Act is to become law.

Mr. President, I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to speak on this bill.

The PRESIDING OFFICER. The time on the minority side has expired.

Mrs. FEINSTEIN. I was going to speak in favor of the bill.

The PRESIDING OFFICER. The time on the proponent's side contains 55 minutes, so the Senator is recognized.

Mrs. FEINSTEIN. I appreciate that.

Mr. President, I wish to speak in favor of the bill, but I also wish to say that I very much hope some accommodation can be reached so this bill can

come to a vote. It is an important bill. It is a bill that deals with a very real problem, and I would like to challenge every Member of this august body to read this bill. I have read it twice. It is easily understood. It is in very plain English. It essentially provides a guide to consumers as to the protocols and regulations that govern what has been a murky area of class action lawsuits. It is legislation that is long overdue.

I very much appreciate the position of my leader, Senator DASCHLE, in wanting to protect our minority rights, in wanting to have an opportunity to have a debate on bills that Members on this side think are extraordinarily important, as do Members on the other side. In the past, a fair way has been found, so I hope that will be the case.

As I said, I believe the way class actions are conducted is, in fact, a real problem. I have spent a considerable amount of time on the issue through Judiciary hearings, many personal meetings with those on both sides of the issues, plaintiffs and defendants, and a lot of time and energy on research and analysis. I eventually came to the conclusion that the supporters of this bill have clearly identified this problem and have come up with a reasoned solution.

More than identifying the problem, the supporters of this bill—Senator KOHL, Senator GRASSLEY, Senator CARPER, and others—have worked diligently over the course of the last few years to answer criticisms and concerns, to address real issues, and even to make significant changes in the original legislation, changes that made this bill better at every single turn. The bill before us, then, is the result of many changes and compromises, both in the Judiciary Committee and more recently changes made after further negotiations with Senator SCHUMER and others pending floor action. Simply put, the legislation in its current form is more moderate, more reasoned, and will be more effective than past versions of the bill.

I thank Senators HATCH, GRASSLEY, and KOHL for so diligently working with me and others throughout this process to correct a number of potential problems or areas of confusion that were within the original bill. I know they have many forces pulling on them from all sides, and I appreciate the time they spent in addressing these concerns.

Let me talk a little bit about the legislation and what it does and how I became involved in it. I will never forget a hearing before the Senate Judiciary Committee 2 years ago. At that hearing, we heard from a woman by the name of Hilda Bankston. She owned a small pharmacy with her late husband, in Mississippi. Since that time, Mrs. Bankston sent a letter to us, and she summed up her testimony before the committee. I want to read it to you.

My name is Hilda Bankston and I live in Fayette, Mississippi. I am a former small business owner who was victimized by lawyers looking to strike it rich in Jefferson County and I write to you today to tell you that our legal system is broken and that the Class Action Fairness Act will help fix it.

Over the next few days, et cetera, et cetera, we will be debating this legislation. This is the important part, this is what she said in committee, and this is the overarching need to stop forum shopping:

For thirty years, my husband, Navy Seaman Fourth Class Mitchell Bankston, and I lived our dream, owning and operating Bankston Drugstore in Fayette, Mississippi. We worked hard and my husband built a solid reputation as a caring, honest pharmacist.

But our world and our dreams were shaken to their foundation in 1999, when Bankston Drugstore was named as a defendant in a national class action lawsuit brought in Jefferson County against one of the nation's largest drug companies, the manufacturer of Fen-Phen, an FDA-approved drug for weight loss.

Here is where it gets difficult, and now I am speaking, not quoting Mrs. Bankston. Fen-Phen certainly had problems. The reason for litigation can be very clear. However, the rationale for forum shopping and, more importantly, how forum shopping is conducted, is what this letter and what Hilda Bankston's story is all about.

Though Mississippi law does not allow for class action lawsuits, it does allow for consolidation of lawsuits or mass actions as long as the case involves a plaintiff or defendant from Mississippi.

Here it is:

Since ours was the only drugstore in Jefferson County and had filled a prescription for Fen-Phen, a drug whose manufacturer is headquartered in New Jersey, the plaintiffs' attorney named us in their lawsuits so they could keep the case in a place already known for its lawsuit-friendly environment. They could use our records as a virtual database of potential clients.

So not only was she not involved, they just happened to fill a prescription and they became a source for litigation.

Mitch had always taken the utmost care and caution with his patients. As the Fen-Phen case drew more attention, he became increasingly concerned about what our customers would think. His integrity, honor, and reputation were on the line. Overnight, our life's work had gone from serving the public's health to becoming a means to an end for some trial lawyers to cash in on lucrative class action lawsuits.

Three weeks after being named in the lawsuit, Mitch, who was 58 years old and in good health, died suddenly of a massive heart attack. In the midst of my grief, I was called to testify in the first Fen-Phen trial.

I sold the pharmacy in 2000, but have spent many years since retrieving records for plaintiffs and getting dragged into court again and again to testify in hundreds of national lawsuits brought in Jefferson County against the pharmacy and out-of-state manufacturers of other drugs. Class action attorneys have caused me to spend countless hours retrieving information for potential plaintiffs. I've searched record after record and made copy after copy for use against me. At times, the bookwork has been so extensive that I have lost track of the specific cases. I had to hire personnel to watch the store while I was dragged into court on numerous occasions to testify. I endured the whispers and questions of my customers and neighbors wondering what we did to end up in court so often. And, I spent many sleepless nights wondering if my business would survive the tidal wave of lawsuits cresting over it. Today, even though I no longer own the drugstore, I still get named as a defendant time and again.

This lawsuit frenzy has hurt my family and my community. Businesses will no longer locate in Jefferson County because of fear of litigation. The county's reputation has driven liability insurance rates through the roof.

No small business should have to endure the nightmares I have experienced. I'm not a lawyer, but to me, something is wrong with our legal system when innocent bystanders are little more than pawns for lawyers seeking to win the ''jackpot'' in Jefferson County—or any other county in the United States where lawsuits are ''big business.''

This is really the point. I heard the distinguished Senator from Illinois make a very important point about the different kinds of cases that are involved. But what we are talking about is forum shopping. It is specifically setting up a class action to be able to get that case into a specific place, a friendly county.

The Bankstons were actually sued more than 100 times for doing nothing other than filling legal prescriptions. The pharmacy had done nothing wrong. They were the only drugstore in the county, a county that was so plaintiff friendly, I am told, that there are actually more plaintiffs than residents.

Because of the arcane and problematic rules now governing class actions in U.S. courts, the plaintiffs' lawyers shopping for a friendly court just needed to name a local business in order to file their national lawsuit in that county. That is all it took. Before they knew it, the Bankstons were defendants in dozens of essentially frivolous suits against their small pharmacy.

This was a family torn apart by litigation. I use this case because, of all the hearings that have been held in the Judiciary Committee in 12 years, this woman made a profound impression on me as I sat there hour after hour and listened to the testimony.

Let me hasten to say that this abuse comes from just some class action lawyers—not all of them but some—who forum shop national class action lawsuits and file them in States and counties where they know the court will approve settlements favorable to them without concern for class members.

What does this bill do? The amended Class Action Fairness Act goes a long way toward stopping forum shopping by allowing Federal courts to hear national class action lawsuits that involve plaintiffs and defendants from different States and which involve more than 5 million in claims. I think the original bill was 2 million. We amended it in committee to make it even bigger so we could be sure as to the kinds of cases that would be affected.

The Framers of the Constitution wanted Federal courts to settle disputes between citizens of different

States. They wanted Federal courts to settle disputes between different citizens of different States. The Constitution itself states that the Federal judicial power ''shall extend . . . to controversies between citizens of different States.''

Historically, this meant that when one person sues another person who lives in another State, or sues a company headquartered in another State, the suit can be moved to Federal court with some limitations.

Class actions involve more citizens in more States, more money, and more interstate commerce ramifications than any other type of civil litigation. It only stands to reason that many of these cases should be heard in Federal courts. Yet an anomaly in our current law has resulted in a disparity wherein class actions are treated differently than regular cases and often stay in State court. The current rules of procedure have not kept up with the times, and the result is a broken system that has strayed far from the Framers' intent.

This bill does a number of things. First, the bill contains a ''consumer class action bill of rights''—and it is important, and you will really see it is understandable—to provide greater information and greater oversight of settlements that might unfairly benefit attorneys at the expense of truly injured parties.

Let me give you some examples. The bill ensures that judges review the fairness of proposed settlements if those settlements provide only coupons to the plaintiffs. What is wrong with that? Coupons are a real problem. They are a way by which a plaintiff actually receives very little or something that is very difficult to recover.

Second, it bans settlements that actually impose net costs on class members. I could read letters from individuals where they actually came out the losers in these suits.

Third, it requires that all settlements be written in plain English so all class members can understand their rights. How can anybody fault that? Write it so people who read them can understand what they say.

The bill also provides that State attorneys general can review settlements involving plaintiffs from their States so the consumers get an extra level of protection from someone elected to serve—not just plaintiffs' attorneys who may be trying to get the best settlement for their own interests.

Second, and of greater impact, the legislation creates a new set of rules for when a class action may be ''removed'' to Federal court.

These new rules are diversity requirements modified in committee and again since then make it clear that cases which are truly national in scope should be removed to Federal court. But equally important, the rules preserve truly State actions so those confined to one State remain in State courts.

Since I have offered this amendment in committee, the so-called diversity amendment, I believe it made it much better, more narrowly tailored. I think my amendment went right to the heart of the bill and its purpose. So I would like to spend a few minutes to talk about these amendments, how it changed the original bill and the ways in which I believe it is more clear, more fair, and more workable.

I offered one amendment, cosponsored by Senators HATCH, KOHL, and GRASSLEY, that was meant to do two things. First, it simplifies the diversity jurisdiction section of the bill. Second, it narrows the scope of the bill by reducing the number of cases that automatically go to Federal court. This will allow Federal courts to focus on the cases that are truly national in scope rather than cases that really belong in State courts.

This amendment only addressed the jurisdiction issues. It did nothing to change the rest of the bill which contains very important protections for consumers, and it makes the whole settlement process much more fair. Let me explain it.

The original class action bill essentially moved all class actions of a certain size—I think more than 2 million—to Federal court unless ''a substantial majority of the members of the proposed class and the primary defendants are citizens of the State in which the action was originally filed.''

The case will be governed primarily by the laws of that State.

The original bill says that all class actions where a substantial majority of the members of the class and the defendants are citizens of the State would be moved to the Federal court.

We changed that. The standard was vague and it was prone to moving some truly State class actions into Federal court.

My amendment, which was accepted by the committee, changed the law in this section to split the jurisdiction into thirds. Now there is less ambiguity about where a case will end up, and more cases remain in State court.

Let me explain that. If more than two-thirds of the plaintiffs are from the same State as the primary defendant, the case automatically stays in State court—it is clear; it is defined in the bill—even if both parties ask for it to be removed to Federal court. It is very different from the original bill. If we have two-thirds of the plaintiffs and the defendant company in a State, the case stays in the State.

If fewer than one-third of the plaintiffs are from the same State as the primary defendant, the case may automatically be removed to Federal court. Remember, this happens if one of the parties asks for removal. Otherwise, these cases, too, stay in State court. This may have escaped a lot of people. So even when there are fewer than one-third of the plaintiffs from the same State as the primary defendant, the case remains in State court unless one of the parties asks to remove it.

Now we are talking about the middle third in this diversity. We have a third, a third in the middle, a third on the end. In the middle third of cases, where between one-third and two-thirds of plaintiffs are from the same State as the primary defendant, the amendment gives the Federal judge discretion to accept removal or remand the case back to the State based on a number of factors. In determining whether one of these middle third cases would go to Federal or State court, the amendment directed the Federal judge to consider these facts:

First, the judge must examine whether the case represents primarily a State issue or whether it is of national impact. There are strong arguments to be made that State judges should not be making national law. This provision is meant to reach into that issue.

Second, the judge must consider whether the number of plaintiffs from the defendant's home State is much larger than the number of plaintiffs from any other State. In other words, there may be a case where 40 percent of the plaintiffs from California and no other State has more than a couple percent of the class. California law would apply. So even though the California plaintiffs do not make up an absolute majority of a class, they would clearly be the predominant portion of the class. If it is a State issue, such a case would remain in State court. The Federal judge would also look at whether the case was filed in State court simply because the plaintiffs are trying to game the system, perhaps by forum shopping for the best court, even when the case would better be tried elsewhere.

Finally, the judge is directed to look at whether this is the only class action likely to be filed on the same subject—this is important—or whether there are likely to be others with the same facts at issue. This factor has been even further refined to provide that a judge need not consider whether similar class actions may be filed but only whether similar class actions have actually been filed in the last 3 years. In order to avoid duplication, the judge would look at whether there were other like actions filed in the last 3 years.

Considering duplicative class actions is important because the Federal courts have a system in place to consolidate multidistrict litigation. It may therefore be better to have all duplicative class action cases move to Federal court simply to save time and make the process more efficient. If a case stays in State court it cannot be consolidated with similar cases out of State. Therefore, we might end up with 50 State judges deciding 50 cases involving exactly the same defendant and exactly the same fact pattern. That does not make much sense. It is something that the judicial conference has recommended we fix. And we do.

The amendment also raised the minimum amount of money that needs to be at issue before a class action can

make it to Federal court. The original bill set that amount at $2 million. My amendment raised it to $5 million to further limit the number of cases that move to Federal court and to assure that it is only truly big national cases that do.

The effect of this amendment, I hope, will be to make the system more transparent so that plaintiffs and defendants know where a case will go when it is filed, and it will force truly State cases to stay in State court while allowing truly national cases to go to Federal court.

Under current law, an attorney can avoid Federal court simply by making sure that at least one plaintiff is from the same State as at least one defendant. This allows for cases to be shopped to whatever forum may have the most sympathetic juries, no matter where the case should truly be heard. Under this modified bill, this forum shopping would be eliminated.

The second amendment I offered in committee, which was also accepted and has been only slightly modified, was designed to deal with a provision that was added to the original class action bill apparently to specifically target a California law. That law allows individuals in California to sue on behalf of the general public in lieu of the attorney general. Other States have or are considering similar legislation, but California is on the forefront of this issue, so it was California law, more than the law of any other State, that was targeted by this provision in the original bill.

The so-called private attorney general actions allow groups such as the Sierra Club, local district attorneys, government officials, or even individual consumers, to sue large corporations on behalf of the people of the State. In California, these suits are generally to recover illegally gained profits or to enforce State law against companies that do business there. These are not true class actions. The original bill essentially deemed these suits to be class actions and therefore would have moved many of them to Federal court even if all the plaintiffs were in California.

This was a concern to me and to many in California who are concerned these citizen suits would be so dramatically affected by a bill that was supposed to be about class actions, not private attorney general suits. My amendment and subsequent clarifications of that amendment worked out between myself, Senators HATCH, GRASSLEY, and SPECTER, simply clarify that in any case in which an individual pursues one of these private attorney general suits on behalf of members of the general public, or members of an organization, unless those suits are actually filed as class actions, the bill does not apply. I want to make that clear.

If, for instance, a California consumer sued Enron on behalf of the general public in an attempt to force Enron to disgorge ill-gotten profits and return this money to the Government of California, this bill would not change anything. The case would stay in California court.

I know there will probably be several amendments, and I have comments about some of those comments, but I would like to hold that until the amendment is actually presented.

Let me sum up and then yield the floor. Again, a simple reading of this bill is very demonstrative because it is easily understood. Unlike most bills, it is written in simple English. Probably the most complicated part is what I just went over, the diversity issue. One-third, one-third, one-third, with the Federal judge having specific areas where that judge must make a judgment regarding the middle third as to whether this is truly a case national in scope and belongs in Federal court or whether it should remain in State court, offers a viable way of settling what has been a process that has been grossly criticized, and that is forum shopping, and I think with some considerable justification.

A lot of people have worked very hard on this bill. I am hopeful we will be able to pass it. I believe the bill in itself provides a remedy to what is wrong with the present class action law, and I support it with great pride. I urge my colleagues to support it as well.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. HOLLINGS. 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. HOLLINGS. Mr. President, I have come to the floor momentarily on account of a headline in the Financial Times, on page 3, U.S. business hits a choice of running mate. It quotes Tom Donohue, the president of the U.S. Chamber of Commerce, in stating that he attacked Mr. EDWARDS in an interview in the Wall Street Journal. He warned if Mr. EDWARDS were chosen, the group might abandon its traditional neutrality in Presidential elections and dedicate the best people and the greatest assets to defeating the Democratic ticket.

This is unfortunate. Since I know a little bit about the Chamber of Commerce, and I know even more about my friend Tom Donohue, I want to admonish that they not take that course and begin to try to work for ''Main Street'' America rather than ''Main Street'' Shanghai.

I speak advisedly of the Chamber of Commerce. As a young Governor, I was the first Governor to take a trip to Latin America to develop economically our little State of South Carolina. I reasoned the Port of Charleston was 300 nautical miles closer to the Port of Caracas, Venezuela, than New Orleans, and New Orleans was always getting the Midwest business. But there was no reason why we could not bring it to Charleston.

So I went down to Caracas, and to the Ports of Santos and Montevideo, Buenos Aires, Santiago, and we started building up industry there.

Incidentally, in June of 1960, I made a trip to Europe, following my friend Luther Hodges of North Carolina. We called on the various Dusseldorf, Frankfurt, Hamburg, and other towns in Germany, and the little State of South Carolina now has 126 German industries.

We had gone to France in June of 1960. I called on Michelin. Michelin Tire of Paris, France, now has four large production facilities and their North American headquarters and more than 10,000 employees in my State.

We are proud. We are business Democrats. That is my friend JOHN EDWARDS. He is a business Democrat. If there was one leader in this industrial development, it would have been the State of North Carolina with its then-Governor Luther Hodges.

Hodges had been the president of the New York Rotary Club. He had been the vice president of the Marshall Field chain before he was Governor. So he knew all of those businesspeople. I had to compete with him, follow on board, so to speak, and try to get the jobs and develop businesses.

One thing we know upfront; that is, you have to have a sound fiscal policy. We raised taxes in South Carolina. And I got the first triple A credit rating.

So it is nonsense for the Chamber of Commerce to call JOHN EDWARDS a ''wide-eyed liberal'' and JOHN KERRY a ''wide-eyed liberal.''

Incidentally, I can tell you when I had Gramm-Rudman-Hollings on the floor of the Senate, I was opposed by the Democratic leader, who voted against it; I was opposed by the Democratic whip, who voted against it; I was opposed by the chairman of the Budget Committee, my late friend Lawton Chiles of Florida. And in spite of that opposition, on 14 different votes, up and down, we got the majority of Democrats to support cutting spending and working for a balanced budget. It was hailed at that time. Everybody talks about President Reagan, and I can talk about him advisedly because he was outstanding in international trade. But let me stick right to this particular point.

In order for Gramm-Rudman-Hollings, I had to go to many so-called liberal friends in the Northeast, and I got Senator CHRIS DODD and Senator JOHN KERRY, who had just been elected to the Senate, to vote for fiscal responsibility. Yes, my friend Senator KERRY laid his life on the line in Vietnam. He immediately, when he came to the Senate, laid his political life on the line.

I know Tom Donohue well. I used to work very closely with the American

Trucking Association, and I was their loyal supporter, still am their loyal supporter. I, under Tom Donohue, was their man.

I am telling you, I got every financial support and every assistance and what have you. I know Tom Donohue, and he knows trucking all right, but I never have seen him go out and develop an industry. Yes, he got on the boards. He went big time, just like joining the country club. He immediately started getting on the boards of all these multinationals and changing the national Chamber of Commerce into the international, multinational Chamber of Commerce. That is my resentment. That is why I take the floor.

I have worked with the Chamber of Commerce. Go back home to the State of South Carolina and you name a county or a city that I hadn't gotten the Chamber of Commerce award. That is how I met my friend, Robert Kennedy. I was 1 of the 10 men of the year back in 1954, 50 years ago. We met on the TOYM program. And, yes, bring it right on up to 1992. In 1992, they had a fellow named Bob Thompson. He was the national president of the U.S. Chamber of Commerce, and I was his boy. I was the toast of the town and got all kind of help because I had held up labor law reform on eight up-and-down cloture votes. We defeated that initiative. We believed in the right to work and we didn't need labor law reform.

I only have to harken to the 8 years of President Clinton when we had the strongest economy in the history of the United States, with all the taxes that they are trying to cut. Even with all those taxes, we had the 8-year record of economic outburst and production.

So what have you. Now comes the Chamber of Commerce being admonished by Tom Donohue that we can't have this wild, crazy Senator from North Carolina, which is a bellwether of industrial development. That is where he was grown and that is where the people who sent him know him best. And now we are going to have him depicted by Johnny-come-lately to business over at the Chamber of Commerce after heading up the trucking association for years and totally skew trial lawyers.

You know, I have tried to go quietly, and I have stayed off the floor a good bit this year. I have had my time. But I still struggle. I can't keep quiet when I hear all of this lawyer talk. I practiced law on both sides of the aisle. I represented the electric and gas company and the bus system. If you want to represent a defendant, represent the local power company buses. I can tell you, come November, everybody slips on a green pea in the aisle; everybody gets their arm caught in the door; everybody gets their head bumped or whatever else it is. And do you know what. They bring these little claims. When I say little, in those days they were relatively little—$5,000 claim, $10,000 claim.

And the corporate lawyer was lazy. They didn't try the cases. So they settled them out of court and they just paid. You see, corporate lawyers are the most lazy group in the United States. So I backed up all those claims and took them to court all during the month of December and the Christmas holidays and into January. And I won my bet with Arthur Williams who was president of the electric and gas company. I saved them over $1 million at that particular time.

The only reason I mention this, you don't brag but you have to talk to the record. And what happens is that I have been on the side of the corporate practice as well as the plaintiffs practice in punitive damages. I know all about them. I have had a hard experience with them. I have had a hard experience with every Chamber of Commerce in my State and with the national group. When Tom Donohue starts this talk about lawyers, if he wants to really save corporate money, I wish he would go to the corporate lawyers. They talk about frivolous claims. Who in the Lord's world as a trial lawyer can afford to be frivolous?

They have rules of court that get you out. Tomorrow you can file, if you assume all the facts alleged in the complaint as being true. You still don't have a cause of action or, if it is a frivolous charge, you can take it up under rule XI and have it done up. The courts take care of these things, but the pollsters are like used car salesmen and kill all the lawyers and go after trial lawyers who have to work for a living.

What does the trial lawyer do? The trial lawyer says: Poor client, haven't you been offered anything for this particular injury? They said no. Or sometimes they said yes, but they only said $200 or $2,000 or $20,000, and that is not going to take care of my medical expenses for more than a year.

We don't get cases as trial lawyers. Talking about ambulance chasers, I don't know how you chase an ambulance, to tell you the truth. I have been in practice now for—well, I got in in 1947—over 50-some years. I practiced law up here. It is just like making a jury argument. The only thing about it is, you can serve on the jury and you can vote. I like it better.

But the point is that we usually get the client, once his incident, his accident, his claim has been totally investigated by corporate America. I know them. I represented them. They have investigators. All you have to do is tell them, go see this, go see that. When you have investigators to go out and check the jurors: Go around, by gosh, in a particular neighborhood and ask questions. What kind of fellow is John Adams? Is he liberal or conservative? Has he ever had a law case before? They have all the resources in the world. But the trial lawyer gets it after the cake is done and you can't hardly rise it. And it is done falling flat, and the poor client is disconcerted and disillusioned and finally gets to you.

The last case I tried I said, Did you go to so-and-so? He knows this kind of case better. And I went to another one and another one and everything else of that kind. And it was an antitrust case. I had to brief myself, antitrust work. Finally I tried that thing.

But what I am trying to say is, get off of this ambulance chasing issue. No trial lawyer, all the ones that you read about—Fred Baron, in one of the articles, an eminent attorney, head of the American Trial Lawyers Association from Texas. They work. They know what they are doing. And they take on all the expenses, the investigations, the making up of all the models that have to be made, pay the photographers who have to take the pictures. In some instances, they pay the medical bills going along. They take a risk and take that case on as their own. Why? Because they don't get one red cent until they win. They have to win all the way through, taking the expenses of all the interrogatories, all the depositions, all the motions, all the delays, all the frivolity of corporate America because that corporate American is sitting up there on the 12th or the 25th floor, and the clock is running.

The biggest cancer we have in the law practice is billable hours. This crowd down here on K Street is nothing but billable hour boys. They don't try cases. They fix you and me. And they are the ones who have the unmitigated gall to come and talk about frivolous claims. They never go to work. They take you to a dinner, take you to a movie, take you to a weekend down to the golf course, take you out to Alaska fishing, take you anywhere you want to go.

They never try cases, but the trial lawyer does. He has to get prepared, and he has to work, and he has to not only try that case that might take a day, might take a week—some cases take several weeks and months—but as they try that case, they are carrying those expenses all that time. But the corporate lawyer is trying to delay it. It pays them because their clock is running. It pays the trial lawyer to get on with the business of trying the case and bringing it to a conclusion. I know, I have been there on both sides.

What do you have to do? He has to get all 12 jurors—all this about runaway juries. There are some exorbitant verdicts. I have seen in the headlines. When we get to debating this thing, maybe on legal fees, or class actions, or medical malpractice, or whatever it is—if the doctors policed themselves as the lawyers, they would not have any medical malpractice.

There was a headline down in my own backyard how nationally they had about 100,000 injuries and deaths last year as a result of medical malpractice. It would be 200,000, or 300,000, or 500,000 if we didn't have medical malpractice.

What do you think the purpose is of being able to recover for somebody else's wrongful act? Heavens above, we

have to get all 12 jurors. I can tell you now, that defendant, all he has to do is get one. Just like they had one on a recent criminal case of some kind. They held that thing up and held it up, and that one juror said he just wasn't convinced.

The jury system is the fundamental of not only the British but the American system of jurisprudence. We have many sayings of not only Winston Churchill and Alexander Hamilton, the forefathers about the importance of trial by jury, because when you get a group of your peers together, they will listen to the facts and make an honest judgment about it. Sometimes if they do go extreme, the trial judge can set it aside, or give them an entire new trial, or just no verdict at all.

One of the last cases I had, I had over $40,000 in costs and expenses—not time, no. I didn't have any clock. I never heard of billable hours. Senator, I have never practiced law for a billable hour. It means if you send the case or dispose of the case and everything else like that, you lose.

The corporate lawyer wants to keep all the cases going. He has all the hours. He just goes to the club, and on the weekend he is off with the chairman of the board, and that is all he has to do. They keep delaying things.

You talk about my friend, JOHN EDWARDS, is a liberal, some kind of nut and some kind of frivolous nonsense here. He has worked hard, and the Chamber of Commerce ought to know that.

Let's talk a minute about trade itself. It is the fundamental duty of Congress to protect—we take an oath to preserve, protect, and defend, and we have Social Security to protect us from the ravages of old age. We have a minimum wage to protect us from slave labor. We have Medicare and Medicaid to protect us from ill health. We have clean air and clean water to protect us from those environmental poisons. You can go right on down the list. We have the Army to protect us from within.

The fundamental of us is to protect jobs and the fundamental of us is to create jobs. You know what the multinationals have to do? They have to move the jobs out because it is cheaper. Why? Because of you and me. We say that before you can open up in manufacturing, you have to have clean air, clean water, Social Security, Medicare, Medicaid, minimum wage, plant closing notice, parental leave, safe working place, safe machinery—I can go down the list. But you can go to Shanghai, China, for 58 cents an hour with none of that.

I called up Walter Allison Dreeny. He was an executive of Pirelli. We brought him to South Carolina in the Lexington County area. I helped him get connected with water and sewer lines. He made a heck of a success in the fiber glass section of Pirelli. He went out on his own and organized what is called Avanex on the big board, and he was doing good. This was about 5 years ago. I learned a lesson. I called Walter and I said: Walter, I see where you are doing good and we don't have a plant of yours in South Carolina. If you continue to do well and you expand, I would like to get your expansion somewhere in Columbia, where you still have a home, or somewhere in our State.

He said, Fritz, I don't produce anything in this country.

I said: You don't?

He said: No, I have my research and sales here.

He sells the innards of computerization and communications, fiberoptic stuff.

He says: I produce in China. When you go to China, they will build a billion. You have a year-to-year contract. They have a good and capable workforce. You got a guarantee. You put a quality man there; you get a young BYRON DORGAN and say you go to Shanghai and oversee this thing—somebody you can trust who knows the business. He watches it for you. You sit on the Internet and you watch it every day as to what they have done. You visit three or four times a year to see how it is going. If the national trend goes big, you get an additional contract in China. If it goes bad, you don't have to renew the contract. You have no obligation to the labor at all.

That is what we are competing with. That is the reality. Yes, the Chamber of Commerce has to understand why their task is to make a profit for the stockholders. Our task is to build jobs. We are not interested in profit. We are interested in building the economy, in education, in health care, safety, law enforcement, yes, and we are interested in the economic strength of this country.

The security of the United States is like a three-legged stool. You have the one leg of our values, our stand for individual freedom, unquestioned the world around; you have the second leg of the military, unquestioned, the superpower; the third leg, the economic leg, has been fractured intentionally.

I say intentionally fracture because after World War II, we had to rebuild freedom and capitalism the world around us, and we had to more or less give up the store. We not only had the Marshall plan, the expertise, the money, and the equipment, but we gave a good part of our own production.

I had a hearing with President Kennedy in 1961 when he put out his famous seven-point program showing that it was injurious to the national security of the United States for us to import more than 10 percent of our consumption in textiles clothing. I am looking around and everywhere I look, I can tell my colleagues that 70 percent of the clothing is from offshore, imported into the United States. Yes, 84 percent of the shoes on the floor of this Chamber are imported. We are out of the shoe business. We are out of my textile business.

Yes, we are going to go out of the computer business, and we are going out of the semiconductor business. Ronald Reagan was the best of the best. He saw that during his 8 years. And do my colleagues know what President Reagan did? He got what they called VRAs, voluntary restraint agreements, on semiconductors, automobiles, steel, and machine tools, hand tools. Ask Andy Grove of Intel. If President Reagan had not put protectionism, a voluntary restraint agreement, on semiconductors, we would not have had an Intel. We put that program in SEMATECH. It was assistance to equalize high technology development that was about to go out.

As I see it, we are about to go out not only of textiles but semiconductors, automobiles, and other products. We have to have basic production. That basic production has developed the middle class, the strength of America. If you want to do away with it, Mr. Chamber of Commerce, and move everything to China all for a profit and no country at all—it is scandalous what corporate America has been doing, running over to Bermuda, evading and avoiding taxes.

I saw one report the other day that in corporate America, something like only 20 percent pay taxes. About 80 percent of them do not pay taxes at all. And they talk about high corporate taxes. They have more experts on how to evade and avoid and change and cancel out. So it happens.

Yes, Senator EDWARDS has worked not only on the Intelligence Committee, knowing foreign policy for 6 years now. In one of the stories, they said if something happened to JOHN KERRY, we would have a President with no experience again. The only thing is, this President, EDWARDS, would be interested in being President. President Bush is only interested in being Candidate Bush. He goes out every day to some military or some police or other particular situation, gets that 7 o'clock news photo, makes his little statements, and he does not keep up with any of the legislation. He is not proud of any legislation. We do not have any leadership from the White House on getting anything done. We are getting little nagging spitballs of class actions and—what is that other thing—a constitutional amendment on marriages.

One can get a common-law marriage in South Carolina. Are we going to put that in the Constitution? Come on, a big national problem. He has more funny bunny things to think of and bring up and waste our time. It is the worst administration I have ever seen.

My point is the Chamber of Commerce.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank the Chair.

Mr. President, I want the Senator to comment on this statement. Here is a good-faith effort to move a bill—I do not like the bill. OK, I do not like the

bill, but we have a few Democrats who like it, so we decided not to stand in the way of this legislation.

I have a letter from Jerry Jasinowski who is the president of the National Association of Manufacturers. Here is what he said yesterday, and I want my friend, the distinguished Senator from Wisconsin, who supports this legislation and others to hear what this plan has been. This is not something that came up this morning.

He writes on this card to one of the Members:

I urge you to vote in favor of cloture.

There was never any intention of this being a fair deal out here; will the Senator agree with that?

Mr. HOLLINGS. That is right. They know their scheme. I tell you, our Republican colleagues know what they are doing when it comes to running campaigns. We know how to run the office once we get in, but they know how to run for the office. We saw President Bush was already in Raleigh, NC, and they called for, of all things, class actions so they can lambaste our Vice Presidential choice. That is what is going on. The campaign is going on on the floor, and I am joining in on the campaign. I have tried to stay out of it, but I am happy to join it because when we get about protectionism—and this is what this article says, we are going to lose out on everything and regressive—what are all those funny words they use?

Here is yesterday's Financial Times: ''China vows to use anti-dumping and trade measures to protect its markets.''

I ask unanimous consent to print the Tom Donohue article and this article about China in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, July 6, 2004]

U.S. BUSINESS HITS AT CHOICE OF RUNNING MATE

(By Edward Alden and Alex Halperin)

The choice of John Edwards as the Democratic running mate has triggered an unusually harsh reaction from U.S. business, which fears his selection will tilt the Democratic ticket sharply against tort reform and trade liberalisation.

Tom Donohue, president of the U.S. Chamber of Commerce, the country's largest business group, attacked Mr. Edwards in an interview with the Wall Street Journal before John Kerry made his announcement yesterday. He warned that if Mr. Edwards were chosen, the group might abandon its traditional neutrality in presidential elections and dedicate ''the best people and the greatest assets'' to defeating the Democratic ticket.

Mr. Donohue said the issue of curbing costly lawsuits was ''so fundamental to what we do here at the chamber that we can't walk away from it''. He was lobbying the Senate yesterday for passage of a bill to restrict such lawsuits.

The National Association of Manufacturers, which is leading a coalition of companies fighting what it says is ruinous asbestos litigation, was equally harsh. ''The prospect of having a trial attorney a heartbeat away from the presidency is not something we relish,'' said Michael Baroody, executive vice-president.

The NAM tracks the votes of senators on issues deemed important for manufacturing companies, and in the current Congress Mr. Edwards has supported the NAM on only one of 16 votes, the same as Mr. Kerry. ''It's not auspicious,'' said Mr. Baroody.

While U.S. trial lawyers have long been an important source of funding for the Democratic party, Mr. Edwards' ties are unusually close. He made his own fortune as a plaintiffs' lawyer in North Carolina before running for the Senate and trial lawyers are by far the largest contributors to his political career. Of his top 25 career patrons, 22 are fellow trial lawyers, according to the Center for Public Integrity, which tracks political contributions.

The American Tort Reform Association, which represent companies opposed to class-action suits, yesterday accused Mr. Edwards of favouring ''a prolitigation, anti-civil justice reform agenda that puts his wealthy personal injury lawyer patrons ahead of the American people''.

U.S. companies are also worried about Mr. Edwards' stance on trade liberalisation. In his run for the Democratic nomination, he was an outspoken opponent of the North American Free Trade Agreement with Mexico, and helped make the ''outsourcing'' of U.S. jobs overseas into a key issue for the Democrats. North Carolina is among the states hit hardest by the loss of manufacturing jobs. But he has also cast several votes in the Senate in favour of trade liberalisation.

The president of a business group representing U.S. multinational companies, who asked not to be named, said that while Mr. Edwards' rhetoric on trade during the Democratic primary was not encouraging, ''he has not been by any means one of the worst on the Democratic side''.

He said Richard Gephardt, the former Democratic House leader who has voted against all the main trade agreements of the past decade, would have been a much worse choice in terms of future trade liberalisation.

[From the Financial Times, July 6, 2004]

CHINA VOWS TO USE ANTI-DUMPING AND TRADE MEASURES TO PROTECT ITS MARKETS

(By Mure Dickie in Beijing and Guy de Jonquières in London)

China plans to step up its use of anti-dumping and other trade measures to protect its market, saying its economy and industries need to be able to adjust to tougher competition since it joined the World Trade Organisation in 2001.

China has been the biggest target of anti-dumping actions by other countries. As well as signalling more awareness of the potential for using such measures, the decision is a pointed reminder to trade partners that the country is now the world's fourth biggest importer.

The shift in policy also coincides with intensive, but so far unsuccessful, efforts by Beijing to persuade the US and European Union to grant it ''market economy status''. That would make it easier for Chinese exporters to defend themselves against anti-dumping cases.

The official China Daily newspaper yesterday quoted Gao Hucheng, vice-minister of commerce, as calling for ''concerted efforts'' by industrial associations and legal agencies to help Chinese companies compete with foreign rivals. ''It is an imperative task for governments at all levels to resort to legal means that are enshrined in the WTO pact, such as anti-dumping, anti-subsidy and other protective measures,'' it quoted Mr. Gao as saying. China has long been among the fiercest critics of U.S. and Eruopean anti-dumping actions, saying they discrimate against its exports. However, its use of such measures has increased since joining the WATO.

Last year, it initiated 22 anti-dumping investigations, more than any WTO member except India and the US. Though lower than the 30 cases brought the previous year, the figure was sharply higher than the six China opened in 2000.

Anti-dumping investigations can lead to steep duties being imposed on imports that are found to have been sold below cost and to have harmed producers in the importing countries. Many trade experts criticise the methodology used to determine dumping, saying it is opaque and open to official manipulation.

Beijing recently caused concern in Washington by imposing preliminary anti-dumping duties of as much as 48 per cent on optical fibre imports from the US, Japan and South Korea.

The China Daily quoted Wang Qinhua of the commerce ministry's bureau of industry injury investigation as saying that government officials were watching closely ''to see if some of the industries are hurt by unfair foreign competitors''.

The newspaper said the government was also seeking to shield Chinese exporters from foreign anti-dumping actions by providing advice and information on international prices.

According to the WTO, other countries opened 45 investigations into imports from China last year. The total number of anti-dumping cases brought worldwide fell last year to 210 from 311 in 2002 after a peak of 366 the previous year.

Although industrialised countries were for a long time the most active users of anti-dumping measures, developing nations have accounted for most of the investigations since the mid-1990s.

Mr. HOLLINGS. Mr. President, the reason I had the China article printed in the RECORD is because China is following Japan. We have yet, in 50 years, to get into the downtown market, Main Street, Tokyo. We cannot sell in Tokyo what we sell in the United States. No. They have total protection. They not only have MITI with the financing and the refinancing and keeping even bankrupt entities going, but they control that market so they go for market share. They are not worried about profits the way the government runs things. We have antitrust, they have pro-trust.

That Lexus I have sells for, let's say, $35,000. It will sell for $45,000 in downtown Tokyo. They pay at the local market way more for that camera, way more for that television set, way more for that automobile because we are talking about profit, and they keep on getting more and more market share.

So we have to understand not only the thrust of their competition, but that they are competing. They are as protectionist as can be on anti-dumping. We get into WTO and say: Oh, no, it is WTO violative; you cannot enforce any antidumping statutes in the United States. That is why we have that funny tax bill over there that they loaded with all these extra tax cuts for corporate America. It is a disgrace. Everybody has written about that.

Warren Buffett, two days ago, said that tax bill is a disgrace. But the reason we got the tax bill started was to try to equalize the situation where we have been taking care of our particular businesses and industries, and if we are going to have the U.S. Chamber of Commerce join the other side, this is like joining Saddam in Iraq.

If my colleagues want to see a business-oriented State, come to North Carolina where JOHN EDWARDS is a Senator. I can say right now, they talk now about the two most liberals. That is the biggest bunch of nonsense I have ever heard. I resent it, particularly respected entities like the National Chamber of Commerce taking business away from America. Tom Donohue is just adamant on doing that. He has been taken over by the multinationals. His main membership is the Business Roundtable. They are not for your stores, they are not for the Main Street merchants anymore.

That is why the Chamber of Commerce—by the way, I was a member of the oldest Chamber of Commerce in the United States, so I speak with some authority. I have seniority in something. I have been around here for so long, I have been looking for it wherever I could find it.

In any event, what we have to do is sober up. The business leadership has to quit this race to China, quit this tax race avoidance to Bermuda, quit this Chamber of Commerce nonsense about who is liberal and who is conservative, and understand that our jobs are here to build up this market so they can sell what they sell here, not dump. If we do not have any jobs, they cannot buy, they cannot sell.

We have the richest market in the world, but we are vastly developing into the poorest market. That is why I have my job. I see some other Members. But they talk about a wonderful economy, we have 5 percent growth. Baloney. I have 56,800 manufacturing jobs lost since President Bush took office, and they have not come back as of last night. This is from the Bureau of Labor Statistics. That is manufacturing. Do not tell me about growth, growth, growth. I am not getting all of this growth.

We have a lot of Government jobs. The Government is growing, the law practice is growing, health care is growing, but business is not growing. Production is not growing in America. The middle class is diminishing.

It is shrinking. We have to worry about that. We cannot go along with these labels about, we have the Chamber of Commerce now which has already said he is the most liberal. He could not be a Senator—he could not have won any election in the State of North Carolina if he had that character.

I say to my colleagues, he believes in hard work, he believes in justice, he believes in trying his case, and 12 jurors and the presiding judge and the appellate court all agreed with JOHN EDWARDS. Tell Tom Donohue to bug off.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. DORGAN. Mr. President, will the Senator from Wisconsin yield for a unanimous consent request?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. My understanding is the Senator from Wisconsin is going to speak for about 5 minutes. I ask consent to be recognized following his presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I rise today in support of the Class Action Fairness Act of 2004. Class action lawsuits serve an important role in our court system. They permit consumers to address their injuries collectively and hold the wrongdoers accountable, often when a lawsuit would have been too costly for any one individual to bring it alone.

Most of these cases proceed exactly as we would hope. Injured parties, represented by strong advocates, get their day in court or reach a positive settlement that is good for the parties and handled well by their attorney.

Unfortunately, this is not how it always works. Rather, some are taking advantage of the system and consumers are getting the short end of the stick, recovering coupons or pocket change, while the real reward is going to others. The Washington Post put it clearly, ''no portion of the American civil justice system is more of a mess than the world of class actions.''

This legislation addresses the mounting problems in class action litigation in a fair and balanced way. The bill is not a panacea, but it will stop many of the unfair and abusive class action settlements that plague our court system and short-change consumers.

Let me provide just a couple of examples of these abuses. In a large class action suit against Blockbuster video, consumer plaintiffs received coupons for $1 off their next rental as their only compensation for a successful settlement to their legitimate claims. Their lawyers received $9.25 million.

Or consider Martha Preston of Baraboo, WI, who was a member of the Bank of Boston case. It was Mrs. Preston's experience that demonstrated for many of us that we needed to take a serious look at changing the class action system. When her class action suit was over, Mrs. Preston had technically won the case, but ended up owing $91 to her lawyers and defending a lawsuit that her own lawyers filed against her in State court.

Studies show that these are not isolated examples. Rather, certain State and county courts welcome the sort of unfair class action suits that lead to the embarrassing settlements that we are trying to end. Anyone who follows this problem can say that class action cases brought in Madison County, IL or certain counties in Florida or throughout most of Mississippi will succeed regardless of the merits of the case and regardless of how poorly any truly injured consumers make out in the settlement.

Our bill stems the abuses in the class action system. While we change the location where some lawsuits are heard, the bill recognizes the essential role class action cases play in our legal system. We can say without reservation that not a single merited case will be deprived of its day in court under this bill.

We stop the coupon cases that are far too prevalent. We ask the State attorneys general to review the settlements that affect their constituents in an effort to add another layer of protection for consumers. Finally, we move some cases to Federal court where the judges have more resources and expertise to devote to these complex cases.

We look forward to debating this bill and all of the amendments that promise to be offered to in the coming days. We have worked on this bill for many years, crafting significant changes in response to constructive criticism. Indeed, today we can say proudly that a strong bipartisan coalition supports this legislation.

This project that we started with Senator GRASSLEY several years ago has matured through numerous committee hearings, multiple markups, countless favorable editorials, and a general educational campaign that has taught Members that the class action device is in dire need of repair. We have garnered broad support through repeated compromise and negotiation and have now reached a point where a large majority of the Senate supports this bill.

I would particularly like to thank Senator GRASSLEY with whom I have worked for many years on this bill as well as Senators HATCH and CARPER for all of their diligent efforts in support of class action reform in the last couple of years.

The changes that we have made to the bill responded to the criticism that we moved too many cases to Federal court and that local cases should remain in State court. We addressed that first in a major compromise with Senator FEINSTEIN during the committee markup last year. We addressed that the other concerns at the end of last session with a second compromise with Senators DODD, SCHUMER, and LANDRIEU.

The changes we made to the bill were good ones that did a better job of tailoring our bill to address only the sort of cases that are the worst abuses. Cases that belong in State court will stay there under this bill. Cases of national importance will be heard in the Federal system.

We have told the Republican leadership repeatedly that there must be a reasonable amount of time for amendments to be offered to this bill and voted upon. We understand that the

minority leader offered a maximum of 5 non-germane amendments and 10 germane amendments to the bill this morning. This would certainly quality as reasonable under any definition. We know that many of us, both Republicans and Democrats, want to offer amendments, both related, and unrelated to this bill. There must be an opportunity to do that. Unfortunately, so far we have not had that chance.

We are eager to see the Senate work its will and pass this bill. That would be an important step designed to protect consumers injured by these abusive class action settlements.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I was inspired by my colleague from South Carolina. Senator HOLLINGS comes to the floor to speak, among other things, about international trade issues and does it in a way that is not only right on point but also very colorful. I would like to follow on that a bit and talk about a couple of other subjects.

I know we have the class action reform bill on the floor of the Senate, but that bill apparently is going nowhere at this moment. My understanding is the majority leader has ''filled the tree,'' which is a fancy way of saying he is blocking everything. He puts a bill down, blocks everything, and creates a little gate in the majority leader's office saying: Show me your amendment. If I like it, you can offer it; if I don't, you can't. That is where we are. Because of that action, I assume very little is going to happen at the moment.

While I think that class action reform is an important issue and we should get to the amendments to the bill, there are other things we also need to be doing. There is a lot of unfinished business in this Chamber. We are doing very little on any of it, regrettably.

On appropriations, we had some subcommittee markups scheduled this week that have been canceled. We need to get the appropriations done.

Writing a new highway bill, we were supposed to have written the highway bill last year, and it is not done this year. Now they are talking about extending it until next year. There is no better job generator for those who are concerned about new jobs in this country than having a highway bill because that puts people to work right now with contractors and workers all across this country. Yet the highway bill was supposed to have been rewritten last year. It wasn't. It was supposed to have been rewritten this year. It isn't. So there is a lot to do in this Congress that is regrettably not getting done. There is a lot of unfinished business.

My colleague from South Carolina talked about trade, the trade deficit, the shrinking employment base in manufacturing and the shrinking manufacturing base itself in this country. He also spoke of the Chamber of Commerce that was critical of our colleague, Senator EDWARDS.

That was one of the things I was going to talk about today. The head of the Chamber of Commerce, in a speech just within recent days, said people who are affected by off-shoring should ''stop whining.'' Again, the head of the Chamber of Commerce says those people who are affected by outsourcing, by the movement of jobs overseas, by offshoring, ought to ''stop whining.''

I don't know of the head of a corporation who has had his or her job moved overseas. I don't know of a Member of the House or Senate, I don't know of a politician who has had his or her job moved overseas. I don't know of one journalist who has had his or her job moved overseas. But there are plenty of folks who work in manufacturing in this country who have been the victims of offshoring, outsourcing, moving jobs overseas.

I have pointed this out on numerous occasions, but it is worthwhile to do it again, just because it is, I think, such a good illustration of what is happening in our economy.

This is a bicycle I have spoken of often in the Senate, a Huffy bicycle. Most Americans know of a Huffy bicycle. It has 20 percent of the American market. Many Americans have ridden a Huffy bicycle.

This used to be made in Ohio, by the way, by one plant with over 900 proud employees who made Huffy bicycles and did a good job by all accounts. They came to work one day and discovered they were all fired. Why were they fired? Because they made $11 an hour plus benefits and that was too costly.

The manufacturing plant in which these bicycles were produced was moved to China. It was moved to China because they could hire somebody for 33 cents an hour in China and work them 12 or 14 hours a day, 7 days a week. So that is why Huffy bicycles are not made in this country any longer.

Those who say to those 900-plus workers who lost their jobs, ''stop whining,'' apparently don't understand the anguish of being told, in this country, that making $11 an hour is too much money. You can't compete with a Chinese worker who makes 33 cents an hour.

The American people don't need to be told that. We can't compete with 33 cents an hour. We can't compete with someone in Indonesia who is making shoes for 16 cents an hour. We understand we can't compete with that. Nor should we be required to.

This country, for one century, has fought over the issues that are important to a good life in this country, issues of abolishing child labor, in which we were sending kids into factories and down into mines. So we have child labor laws. There are issues about plants that dump effluents and poisons into the air and water, and so we have environmental laws. We have issues about safe workplaces, so that workers can expect to go into a factory that is safe, and so we have laws dealing with safe workplaces. There are issues about fair wages, so we have minimum wages in this country.

There are issues about the right to organize. People died on the streets in this country for the right to organize as workers, and so we have labor unions with the right for people to organize.

In one fell swoop, a company wishing to pole-vault over all of those issues can simply decide it wants to be an American company for purposes of incorporation, but it would like to be a foreign company for purposes of production. Whether it is a Huffy bicycle or a little red wagon, the Radio Flier wagon which for 100 years was made in this country and now is gone, they can decide to move the production of those products somewhere in the world where they don't have to worry about child labor laws, environmental laws, about a labor union, because they can move it to a place where labor unions are not permitted, workers are not permitted to organize, where there are no requirements with respect to fair wages.

What is happening, as we know, is more and more companies are engaged in outsourcing. It is not just bicycles and little red wagons, the Radio Fliers; it is not just that. It is now white collar jobs as well, where there is outsourcing into Indonesia and China and elsewhere. And they are told stop whining. By whom? By people who have never lost their jobs and are not about to. They are not going to lose their jobs to outsourcing. To them, this is all theory.

By describing all of this, I am not suggesting we build a wall around this country because I don't believe we should or could. I believe in expanded trade and I believe in expanding opportunities for Americans through trade. But I do not believe in the kind of trade agreements that have been brought to this Senate for approval.

I don't intend to support the Australian-United States Free Trade Agreement, which will come to the floor of the Senate soon, because it, again, in my judgment, undercuts the interests of this country.

I am perfectly willing to support trade agreements that are fair to this country, fair to America's workers and require us to engage in competitive and fair trade. If we can't win in fair trade, then that is our tough luck. That is our fault. But let me give some examples of what our trade negotiators have done, time after time after time. If there are people who want to defend this, I wish they would come to the floor of the Senate. None have and none will. I will give just one example and then go on to several others.

About 2 years ago, we did a bilateral trade agreement with the country of China. In that agreement our trade negotiators said this to China: You produce automobiles and ship them to

the United States. We will charge a tariff of 2.5 percent on any automobiles that you ship into the United States. But we agree that any U.S. automobiles, any automobiles produced in the U.S. that we would ship to China, you can charge a 25-percent tariff. In other words, our negotiators said: I will tell you what we will do. You have a very large trade surplus with us, China. We have a $130 billion trade deficit with you. But I will tell you what we will do. We will set up an agreement with respect to automobile trade, and you can charge a tariff on U.S. automobiles going to China that is 10 times higher than any tariff we would impose on Chinese automobiles going to the U.S.

I would like to find the softheaded negotiator who decided that this is something that is fair to America, fair to America's workers or fair to America's producers.

I don't come from an automobile State. I will give you one more example of automobile trade—that is, automobile trade with Korea.

We have a circumstance with Korea where we ship about 2,800 automobiles every year to be sold in Korea. That is how many automobiles we get into Korea. What does Korea ship to the United States? Somewhere over six hundred thousand vehicles come into our marketplace, and 2,800 we get into Korea. You know why? Because our marketplace is wide open and the Korean Government doesn't want U.S. cars in Korea, so they set up dozens of impediments to our shipment of U.S. cars to the Korean marketplace.

The list goes on and on and on. If you are an American rancher and believe you ought to get beef into Japan—after all, we have a deficit with Japan of $50 billion to $60 billion every year, year after year, so the Japanese market ought to be open to U.S. beef—you find that years after the United States-Japan beef agreement, there still remains a 50-percent tariff on every single pound of beef that is sent from this country into Japan. Unfair? You bet your life it is. Anybody care about it? No. Our trade negotiators are off busy negotiating new agreements with Singapore, Australia, Morocco, Honduras, Costa Rica—all of these new agreements that create new unfairness in trade law—before they will even talk to you about the old trade laws that aren't working.

We have the largest trade deficit in history—not just our history but in the history of the world. Someday it will have to be repaid. It will regrettably be paid with a lower standard of living in this country, and nobody seems to care about it.

Let me talk about that trade deficit for a moment. On May 13, we see headlines that the U.S. trade deficit grows unchecked—a $46 billion trade gap in March—1 month, a $46 billion trade deficit. How about the next month, June 15, when we learn that the U.S. trade deficit sets another record in April—$48.3 billion in a single month. Up and up and up goes this trade deficit, with American jobs leaving, outsourcing, offshoring. That is not a way, in my judgment, to strengthen our country and strengthen our economy. No country will long remain a world economic power without a strong, vibrant, growing manufacturing base, and our manufacturing base is being decimated month after month. These are not circumstances of fair trade. We ought to be debating them on the floor of the Senate with respect to legislation. But we will not. Instead, we will debate the United States-Australia Free Trade Agreement, and will be unable to offer a single amendment because of fast track rules.

While I talk about some of the circumstances of trade, one of the problems, of course, is that U.S. companies are setting up foreign subsidiaries—not for the purpose of producing in a foreign country for sale in another foreign country, but for the purpose of producing in a foreign country for the sale into the U.S. marketplace. And in fact, another reason they are setting up foreign subsidiaries is to avoid paying taxes to the U.S. Government.

Here is an interesting statistic. In a recent year, of the 100 largest publicly traded companies that do business with the Federal Government—I am talking about Federal contractors, the biggest companies that build things, airplanes, tanks and all of the things they sell to the Federal Government—59 of them had created subsidiaries in tax-haven countries. Why? Because they want to move production plants to tax-saving countries? No. Because they don't want to pay taxes.

Halliburton Corporation, the subject of a couple of hearings I have had, had 17 subsidiaries, 13 in the Cayman Islands. This is all about running a corporation through a mailbox, not for the purpose of producing anything but for the purpose of trying to avoid paying taxes.

What you have is companies that decide they want to be American citizens, they want to do business in this country, they want to sell into our marketplace and contract with the Federal Government, but they do not want to pay taxes. Second, to the extent they can, the production which they want to contract to the Federal government they want to move offshore. Why? Because it is cheaper to produce offshore.

Once again, anytime someone gives a speech, as my colleague from South Carolina did or as I do from time to time, about trade and requiring and demanding fair trade rules, the institutional press and others will say this is just uninformed nonsense from a bunch of xenophobic, isolationist stooges who can't see over the horizon.

You can't have a thoughtful debate about trade. We have now a $48 billion monthly trade deficit. Nobody wants to talk about it. Nobody will talk about it. Will there be anything brought to the floor of the Senate to deal with this? No. We talk a lot about the fiscal policies and budget deficits, and we have a reckless fiscal policy that is out of control. No question about that. But this trade policy is something nobody talks about, and these trade policy deficits are way out of control. They are affecting our economic base, our manufacturing base, and our productive capacity in this country. We will pay a heavy price for that unless we decide at some point that our trading partners are required to engage with us in fair, competitive, and open trade.

My colleague talked a little bit about the effort through the WTO and the allegation by some that we must remove our antidumping provisions that exist in law. Antidumping provisions are provisions that protect a country against another country that would try to dump into that marketplace at a price well below the price of production and injure or demolish an industry in your country. The trade ambassador said those are on the table for negotiation. We are willing to negotiate and we will negotiate in the WTO negotiations our antidumping provisions and get rid of them potentially. So we will get rid of the only protection that exists for producers and workers in this country against unfair competition. I don't understand that. Is there some notion that we shouldn't stand up for this country's interests?

I come from a State that must find a foreign home for a substantial amount of its agricultural production, and I am the last person in the world to want a trade war or to shut down opportunities for fair trade. But I will give you some examples of things that bother us.

We produce a great deal of wheat in my State. So we do a bilateral trade agreement with China. The Chinese say: Well, under this agreement we will set a tariff rate quota of 8.5 million metric tons. I didn't believe that, but I especially didn't believe it when I saw the South Asia Post one day and the Agriculture Minister from China was traveling down there speaking in an interview in the South Asia Post. He said to the Chinese: This 8.5 million metric tons of wheat, that is just theory. That is just theory. That doesn't mean we are going to buy it. And sure enough, they didn't buy it. Now, finally, they have made some modest purchases. But we didn't have any substantial quantity of wheat going into China for years after the agreement because they didn't have any intention of making those purchases. Our farmers deserve the opportunity to compete in these markets and yet were denied that opportunity.

Probably the most obvious hood ornament on foolishness here in Congress in terms of public policy and in the White House is our attempt to sell goods into Cuba. Talk about a political odd couple. John Ashcroft and I, when he was a Senator, actually got legislation passed which is now law, and it opens just a bit the embargo with Cuba

so that we could sell agricultural commodities into Cuba. After 40 years of an embargo, we finally, because of the bipartisan work here in the Congress, passed a law that opened that market just a bit so we can sell some agricultural products into Cuba. Cuba has to pay cash. They have to run the transaction through a European bank, a bank that is not in this country. But, nonetheless, we have been selling agricultural products to Cuba. But the State Department and the administration are doing everything they can, every conceivable thing they can to shut down even that small amount of export of agricultural commodities to Cuba.

I don't understand this effort to injure ourselves. Public policy that hurts our country, that is believed to be sound and good policy, whether it is at the White House or by some in Congress, is something that makes no sense to me at all.

On a related subject but somewhat off of trade, in addition, with respect to Cuba, we have a travel ban. That travel ban, incidentally, is an attempt to slap around Fidel Castro, someone for whom I have no use at all, a Communist dictator that Cuba does not deserve. In an attempt to punish Fidel Castro, our Government has decided we shall prohibit Americans from traveling to Cuba, so we have a travel ban. We do not ban people from traveling to Communist China. We do not ban people from traveling to Communist Vietnam. But they cannot go to Cuba.

At a time when we are beset by terrorist threats in this country, we have a little organization down in the U.S. Department of Treasury that ought to hang its head these days. They have, I understand, 20 people in an organization called OFAC, Office of Foreign Assets Control. Their job is to track financial movements of money to the terrorist organizations.

Twenty of them are tracking Americans traveling to Cuba. They are accusing them of trying to take a vacation. A woman named Joan Scott went to Cuba. Joan Scott went to Cuba to distribute free Bibles on the streets in Cuba with a missionary zeal and a religious sense of making a difference. She went to Cuba to distribute free Bibles. Guess what. Boy, the Treasury Department got hold of her recently and is going to fine her $10,000.

There is a fellow from near Seattle, WA. His dad died and was cremated. His dad's last wish was to be buried on the church grounds where he ministered in Cuba. This young fellow took his dad's ashes to Cuba. They tracked him down, the people who are tracking down terrorists. They tracked down a young man taking his dad's ashes to Cuba.

Or Joan Slote. They are supposed to track terrorists; they tracked Joan Slote down. Joan Slote is a 76-year-old grandmother who rides a bicycle all over the world. She joined a Canadian bicycle club and bicycled to Cuba. She did not know it wasn't legal. She had a good time, a 76-year-old grandmother bicycling to Cuba. They tracked her down right quick and slapped a big fine on her. It was all a mistake because she was not even home when they sent her the first letter. She was gone because her son was dying of a brain tumor. She was not there, did not get the letter, so they slapped her with a bigger fine. After she paid part of that fine, they tried to attach part of her Social Security check.

These are people who are supposed to be tracking terrorists, but they are going after people distributing free Bibles in Cuba, retired grandmothers who are taking bicycle trips, and a young fellow trying to bury his dead father's ashes.

It is embarrassing what is happening in this administration dealing with this issue of the travel ban. We have, on repeated occasions, on a bipartisan basis, with Republican support and Democrat support in the Senate, voted to lift that ban. Yet, somehow, in the end, the White House always wins. That ban is in place and we are using precious resources that are supposed to be tracking terrorists who are now tracking American citizens accused of taking vacations in Cuba and slapping them with $10,000 fines.

I digress. That was not the point of raising the Cuba issue. The Cuba issue is about trade and the foolishness of what we are doing to inhibit our family farmers from fully exploring the opportunities of trade in Cuba. We have a natural advantage over Canadian and European farmers with respect to that marketplace.

Incidentally, they are required to pay cash for the food they buy in these trades and yet the administration is making it more and more difficult for our farmers to access those marketplaces.

I started by saying the Senator from South Carolina was talking about the Chamber of Commerce and, as I said, the President of the Chamber of Commerce said people should stop whining if they are affected by offshoring or offsourcing or moving jobs overseas.

I don't think people who have been hurt by this should stop speaking up at all. I don't think they are whining. But you could certainly see the anguish on the faces of people who are proud to go to work in the morning and make a good product, only to discover their employer felt $11 an hour was excessive and they would sooner get that product made by Chinese workers at 33 cents an hour. You can certainly see the anguish in the faces of those people who had to go home some night and tell their loved ones: Honey, I lost my job. It was not my fault. I worked here for 15 years. I lost my job today because I make $11 an hour and my employer wants to go offshore and find somebody who will do it for 33 cents an hour, and who will be prevented from joining a labor union, and who will work at a plant that may not necessarily be safe, and who will work in a plant that will put poisons into the air and the water, and who will work in a plant where there are no child labor laws.

That is a hard thing for people to do, to go home and tell their families. It is not whining. These Americans deserve better than that. This country was built by people who take showers after work. This country was built by people who work hard, do their best, expect a fair deal, expect there is some connection between effort and reward in this country. And regrettably, these days, when we see this avalanche of outsourcing and offshoring and decisions that this is not about workers being part of the country, workers are like a pair of pliers or tools; when you are done with them, get rid of them. That attitude on the part of business is wrong.

I visited with a CEO of a corporation recently. He said, I am one of the few companies in my industry that has not offshored or outsourced a portion of the servicing of my customers. He said, Everyone else has done it and I have not. It costs me more and it makes me a little less competitive because I have not done it, but I have resisted it because I have not wanted to lay off workers in the United States and to outsource that to China or India.

I applaud him. But there are precious few companies which have that attitude.

In short, we need trade laws that stand up for this country's interests. Why is it embarrassing for someone to say, I support this country's interests? Why has that become something no one will talk about? I am not talking about advantage; I am talking about fair trade. Why is it not fair for us to say we stand for requirements of compensation that are fair? Yes, with China, with Japan, with Korea, with Europe.

Why do we allow Korea to have a 300-percent tariff on potato flakes from our country? Why do we allow the Koreans to decide they will keep out our American automobiles to the extent they can, or keep out American pickup trucks to the extent they can, while boats pull up at our docks with Korean cars?

I say to Korea, that is fine, bring your cars to our marketplace. Our consumers want the opportunity to shop for them. But there is a condition for that. Then your market must be open to American vehicles. It must. We ought to have the strength and the assertiveness to say that to all of our trading partners.

This country needs to get a backbone. This country needs to have a spine that says, look, we believe in trade and it should be mutually beneficial. We also are not going to apologize for standing up for this country's interests. This country has interest in a growing economy and expanding economy and jobs. There is no essential program we will vote on in this Congress that is as important as a good job

that pays well with good benefits. There is no social program that is any more important than that.

It is time, it seems to me, to turn to important things in the Senate. First and foremost, perhaps the majority leader should come to the Senate and stop blocking amendments so we can finish the class action bill. If we do not finish the class action bill, it will be because of one reason, and that is because the majority leader decided to block amendments.

If he wanted to offer amendments, I assume our side could have offered a number of the amendments we were prepared to offer today, work through tonight, tomorrow, tomorrow night, and finish the class action bill. In my judgment, in all the discussions I have been in, and I am part of the leadership on our side, there was no desire to block class action. There was an acknowledgment and an understanding that this bill was going to get done—until this morning when the majority leader came to the Senate and used an unprecedented maneuver to block all amendments except those with which he would agree.

The first thing we ought to do is unhinge that problem, move forward on class action, and then deal with a range of other issues we know are important for this Congress. It is surprising to me how little this Congress has accomplished and how much it should be required to accomplish.

The highway bill, which is so important, as I indicated earlier, is last year's business. It was not done last year and now apparently will not be done this year.

What are we doing? Standing around here in the Senate. We will not vote today, apparently, and probably will not vote tomorrow, I don't know why. Why? Because we have these unusual procedures of blocking amendments because someone is concerned, apparently, that someone else is going to offer an amendment that somebody else does not like.

I do not understand. We probably should be required to retreat someplace in a room and read Senator BYRD's history of the U.S. Senate. Maybe that would be helpful, and we can read about some of the great debates in this Congress—tough debates, sharp debates. But they went on and they had votes and they resolved them and got through them.

Mr. President, with that, 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

SUDAN

Mr. MCCAIN. Mr. President, I come to the floor today to discuss the mass human destruction unfolding in the Darfur region of Sudan. The stakes in Darfur are extremely high and the death toll could exceed the number killed in Rwanda 10 years ago.

Both Secretary of State Powell and U.N. Secretary-General Kofi Annan have visited Sudan in recent days. Their attempts to promote an end to the killing in Darfur are admirable. The Sudanese Government has agreed to contain the janjaweed militias and allow human rights monitors into Darfur. Yet it is not at all clear that the Government of Sudan is serious. The Sudanese Foreign Minister continues to blame the militias alone for the violence in Darfur, and before Kofi Annan's visit, local authorities cleared the squatter camp he visited.

Now, I have been around for a fair number of years. I have never heard of a situation where the Secretary-General of the United Nations was going to visit a refugee camp—actually it was a squatter camp—and the government comes in the night before and evacuates the whole place. I can imagine how insulting that is to the Secretary-General of the United Nations. And it certainly may give us some insight into the seriousness or lack of seriousness on the part of the Sudanese Government.

Government officials have said that reports of humanitarian catastrophe are overblown, and Sudan's Ambassador to the United States says that despite widespread reports that the Government is using Antonov bombers to attack villages and water wells, that this is false and ''part of a smear campaign against Sudan.''

Mr. President, I received a letter from the Ambassador of Sudan that I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPUBLIC OF SUDAN,
THE AMBASSADOR,
Washington, DC, June 23, 2004.

Hon. JOHN MCCAIN,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: In reference to your article today, Wednesday, June 23, 2004 in the op-ed section of the Washington Post, concerning the situation in Darfur, a western region of Sudan. First of all, I would like to express my respect and appreciation for your sincere concerns about the plight and suffering of my fellow citizens who are affected by the rebellion that began in February 2003. This rebellion began in response to an erroneous assumption that the peace between the northern and southern parts of Sudan would come at the expense of other regions in the country.

Militias affiliated with the two rebel groups in Darfur, the Sudan Liberation Movement and the Justice and Equality Movement, are numerous. These rebels call themselves Tora Pora after a place in Afghanistan and Pushmanga in Kurdistan. The Tora Pora, the Pushmanga and the pro-Arab Janajweed are all outlaws and bandits that burn, rape, and loot. President Al-Bashir is working to disarm all of them and bring these criminals to justice. Attached you will find the full text of his decree concerning this matter.

In regards to the Antonov bombers that you mention attacking water wells, this is not the case and is in fact part of a smear campaign against Sudan. This Russian aircraft does not even possess the technical capability of undertaking such a task. I would like to assure you that in the end the Government of Sudan is determined to resolve this conflict as quickly as possible. We hope that the U.S. Congress will help.

Sincerely,
Ambassador, KHIDIR HAROUN AHMED,
Head of Mission.

Mr. MCCAIN. I think this letter may give my colleagues an idea of how Orwellian the situation is because the Ambassador basically denies that any human rights abuses are going on.

The fact is, the Sudanese Government has teamed with the janjaweed to slaughter civilians in a systematic, scorched-earth campaign designed to ethnically cleanse Darfur of black Africans. The Government and its militias have bombed villages, engaged in widespread rape, looted civilian property, and deliberately destroyed homes and water sources. The Government does not oppose the militias, as they suggest; the Government and the janjaweed are on the same team.

How do we know that the Government is lying about its role and the scale of the crisis? Numerous press reports, victim accounts, and other evidence paints a tragic picture. The numbers are shocking: at least 1.1 million people driven from their homes and up to 30,000 already dead. And 320,000—I repeat, 320,000—people may die by the end of this year, and a death toll far higher is easily within reach.

But numbers do not tell the whole story. The National Geospatial-Intelligence Agency has produced a number of satellite images that depict what is going on in the Sudan.

This map I have in the chamber of western Sudan and eastern Chad shows the large number of damaged and destroyed villages across the Darfur region. Each orange fire with a black center, as shown on the map, represents a village that has been completely destroyed—each one of these areas shown in orange with the black in it.

At least 400 separate villages, most of which were stable black-African farming communities, have been partly or completely burned by military forces. This number reflects only those villages where there was a clear intent to damage or destroy these villages. The total number of damaged and destroyed villages could be considerably higher.

Also, on this map, you will see pink triangles that represent U.N. refugee camps inside Chad.

Now, this is very widespread. Remember, this country of Sudan is very large, about the size of the State of Texas.

Where have the people living in these villages gone?

The pink triangles on this map show U.N. refugee camps located 50 kilometers inside the Chad border. Yet

some are still unsafe because the militias are launching cross-border attacks. Those who are not in camps have settled in dry riverbeds, and the rainy season is approaching. These people will soon be unreachable.

The next picture shows the village of Karraro, a farming community destroyed within the past few months. The village consisted of approximately 250 huts. By May, they were all gone. This image shows healthy vegetation in red. There is very little left, and this was a farming village. The blues and grays show areas that have been destroyed.

It is remarkable.

This slide shows El Geneina, the capital of Western Darfur State. The town is under the control of the Sudanese Government—I repeat, is under the control of the Sudanese Government—and has not been attacked by militia forces.

In the upper right-hand corner of the slide, you can see a government airfield, one of three in the Darfur region. Sitting on the ground are M–24 HIND attack helicopters, as shown right here. According to eyewitness accounts, the Government has used these attack helicopters to target the civilian population. It is not a matter of counterinsurgency techniques; the Government is deliberately attacking civilians and their villages.

The Government of Sudan may argue that the ethnic cleansing is being carried out only by militias over whom the Government has no control. But look at this image: These white arrows, right here, point to craters which the imagery analysts conclude are consistent with aerial bombing.

This is the Forchana Rufugee Camp. As I mentioned earlier, there are upwards of one million internally displaced persons in Darfur today. In addition, over 100,000 Sudanese have sought refuge in camps inside eastern Chad. The U.N. has erected eight camps in Chad, and they continue to grow. This image shows the Forchana refugee camp in Chad and they continue to grow. Since this image was acquired in mid-April, this camp has increased to over 10,000 residents. Many residents fled when their homes and crops were burned. You can see approximately 1,700 tents, and it had a population of 7,000 on 19 April and is now well over 10,000.

These satellite images together paint an appalling picture—a picture of ethnic cleansing of the worst sort, of mass killing and untold human suffering. To bring this picture into even sharper relief, I would like to share some photos taken on the ground.

I would like to thank Nicholas Kristof of the New York Times for his permission to reprint and use the following four slides.

This photo is of a 19-year old named Hussein. Hussein was in a group of men attacked by the janjaweed, and he suffered gunshot wounds to the neck and mouth. In this image you can see the scarring on his face—he still cannot eat solid food. His brother, who was also shot in the attack, discovered Hussein still alive when he returned to the village to bury the dead.

This second photo shows a shelter set up under a tree along the Chad border. The woman who lives here lost her husband and sons when they were murdered by the janjaweed. As the region enters the rainy season, many of the refugees are forced to live like this, without adequate protection from the flooding and storms.

It is hard to adequately express my disgust at this photograph. This 35-year-old woman is pregnant with the baby of one of the 20 janjaweed raiders who murdered her husband and then gang-raped her. Now she lives in Bamina, a remote border village where aid agencies have been unable to provide any help.

The current situation in Darfur is orphaning many children. This photo shows two children whose parents, uncle and older brother are all dead or missing. The girl, Nijah, is 4 years old, and she is carrying her malnourished 1-year-old brother. Many orphans, such as these two, are alone and face starvation.

I could go on, but I think the picture is clear. The world cannot let the situation in Darfur continue. The international community is getting the message, and the administration has taken some needed steps. But we must do more, and we must do it immediately.

The United Nations Security Council should issue a demand to the Sudanese government: stop immediately all violence against civilians, disarm and disband its militias, allow full humanitarian access, and let displaced persons return home. The test of the government's commitment must be what happens on the ground. If we do not see tangible evidence that the government and militias are meeting these demands, the leadership of both should face targeted multilateral sanctions and visa bans.

Peacekeeping troops should deploy to Darfur to protect civilians and expedite the delivery of humanitarian aid, and we should encourage African, European, and Arab countries to contribute to these forces. The African Union has announced that it will send 300 peacekeepers, but this is just a start. The United States should help provide financial and logistical support to countries willing to provide peacekeeping forces. We should also initiate our own targeted sanctions against both the janjaweed and government leaders, and consider other ways to pressure the government.

Some Americans, understandably preoccupied with events in Iraq, Afghanistan, and elsewhere, may think that these steps are too difficult or too expensive. Dealing with ethnic strife is never easy, and it is tempting to turn our heads. In a recent Washington Post op-ed by Senator DEWINE and myself, we quoted a survivor of the Rwandan genocide named Dancilla. She said, ''If people forget what happened when the U.N. left us, they will not learn. It might then happen again—maybe to someone else.'' All Americans should realize one terrible fact: It is happening again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me first congratulate and thank my colleague from Arizona for his very eloquent statement and also his great leadership in regard to Darfur. Not only his comments but those unbelievable pictures really tell the story about what is going on in this very tragic region of the world. The world is beginning finally to wake up and pay attention to what is going on.

During the Fourth of July recess, the crisis in Darfur, Sudan, made headlines with the visit of Secretary of State Powell and U.N. Secretary Kofi Annan. I applaud them for going there and for taking the spotlight of that office that their office commands—the bully pulpit, as Theodore Roosevelt would say—and bringing the world's attention to that region. I applaud them for bringing this much needed attention to the genocide, the humanitarian crisis in Darfur.

Our colleague Senator SAM BROWNBACK and Representative FRANK WOLF also visited Darfur over the Fourth of July break. I had the opportunity to talk to Congressman WOLF about this visit, and Congressman WOLF is someone who, along with Senator BROWNBACK, has traveled to regions of the world before. He has seen grave humanitarian crises before, so nothing really shocks him. But when I talked to him on the phone the other day, he told me that what he saw in Darfur really defies imagination. He said: I am just so upset, so pessimistic. Of course, the pictures that Senator MCCAIN showed us make us understand.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. DEWINE. I certainly will.

Mr. MCCAIN. I thank Senator DEWINE for his involvement in this effort and his commitment to trying to see some rapid addressing of an unfolding tragedy.

My question to Senator DEWINE is, Did you happen to see that the Secretary General of the United Nations travels to Darfur and is scheduled to go to what they call a squatters camp, which is where displaced persons are, understanding from news reports that there is kind of a show camp where the Sudanese Government takes their regular visitors to cycle through. The staff of the Secretary General of the U.N. visited this camp. It is in deplorable condition the day before. The Secretary General of the United Nations shows up the next day, and it is empty. The Sudanese Government has evacuated every living soul. I can't recall anything quite as insulting to the Secretary General of the United Nations.

I wonder if Senator DEWINE had a comment on that.

Mr. DEWINE. If I may respond to my colleague, it shows the arrogance of this government. We have seen what they have done to these individuals. The other thing it indicates to me is that, even now, when the world is paying attention, they still are thumbing their nose at the world, thumbing their nose at the Secretary General, thumbing their nose at the Secretary of State. They really will not let people in to see what the circumstances are.

So when we hear some people say: Senator DEWINE, they promised they were going to take care of these people and they promised they were not going to encourage the continuation of this genocide; why don't you believe them? The answer is because of what my colleague pointed out. It is that type of attitude.

I think we know that if this was occurring in other parts of the world, such as in Europe, let's be candid, the world would have paid attention a lot earlier. That is the truth. The world would have paid attention. Something would have been done about it earlier. Finally, now, the world is paying attention.

The imperative to act in Sudan is clear. As my colleague from Arizona pointed out, there are steps that must be taken; steps such as sending in a U.N.-authorized peacekeeping force and planning tribunals that punish the guilty are steps Senator MCCAIN and I have called for in the past. I think the first time I talked about them was back in May. Yet we are still waiting for the international community to act. This delay, let no one make any mistake, is costing lives.

The U.S. Government and the Senate have taken other steps several weeks ago, such as providing more humanitarian aid funding. I thank my colleagues for that vote. The House did the same. Yet much more needs to be done.

Let me go through, if I could, a list of what needs to be done. First, the U.N. should authorize peacekeeping forces and monitors to guard the region of Darfur, and particularly the displaced persons camp. Again, as we discussed, I know the Sudanese Government already promised to protect the people of Darfur. They have made the same promises for months.

I want to show this picture of Darfur and show why the Government of Sudan has been stalling. Satellite photos that are available from USAID confirm the destruction of nearly 400 villages and 56,000 houses. Here is a picture from the ground. Here is what it looks like after they are done. Here is what is left of the village. The stories are terrible. A villager described it best. She said:

> The Janjawid arrived and asked me to leave the place. They beat women and small children. They killed a little girl, Sara. She was two years old. She was knifed in her back.

We need to send peacekeepers in for Sara, and for the tens of thousands like her who have been killed because they were Black. That is why they were killed—because they were Black. These people have no reason to trust a government that has done this to them, and neither do we. I would trust African Union monitors and peacekeepers. We need to help them with logistical planning and support, and I hope we will help them as they prepare their troops. We have been calling for this for a number of months, and maybe now people will start to realize it is the only step. The wolf cannot be expected to guard the sheep, and the Sudanese military, which includes former militia members, cannot be expected to guard and help the people of Darfur.

Furthermore, 300 peacekeepers is just a start. There are too many camps, too many people, all in a region the size of Texas, for 300 people to be the answer; 300 is only the first step. I expect other countries to follow the African Union's lead.

Second, we need to classify what is going on in Darfur as genocide. I know with the use of that term comes a legal obligation under the Convention on the Prevention of Punishment of the crime of genocide, but we should not refrain from using the term simply to avoid acting. If it is genocide—and it is—we should call it that. It is my understanding that the litmus test for using the term ''genocide'' is a matter of intent. Is there intent to commit genocide? Let me tell you, when men on horseback and camel kill men, women, and children, and then go 50 miles to Chad to complete the task when they fail, I don't know what other term to use. It is genocide and we should call it that.

Third, we need to name names. This is a list of 7 of those responsible for orchestrating the atrocities within the militias of Sudan. We should share this information and publicly identify these people so the world knows that those who aid in genocide will not be able to hide in the shadows.

Fourth, we should impose targeted sanctions on Government of Sudan officials who are responsible for aiding the militias. It is not enough to target the militia members who are little more than thugs on camels; we need to target sanctions at government officials, including travel bans. It is not enough to say we are going to do travel bans against these militias. They are not going anywhere. We need to get the people to whom it will really matter, and that is the people in the government. We need to go after their assets and deny them the freedom and rights they have denied to those in Darfur.

Fifth, we need to prosecute the war crimes in competent international tribunals. Dog and pony show trials are no substitute for justice, and a lasting peace in Darfur and in the rest of Sudan will require that justice is served. This is particularly important for the militia members who were counting on slipping back into the Sudanese military or back into the villages after all this is done.

The only future for those guilty of war crimes should be the inside of a courtroom and then the inside of a jail cell.

Sixth, we will need peace talks in order to address the deep roots of this conflict. This is not just about skin color; this is about a systematic policy of the Government of Sudan to deprive outlying regions the resources they need to develop. There are other regions of Sudan that are also suffering from neglect, and unless the Government of Sudan changes its attitude and starts to treat its people with respect, it will face more insurgencies in the future. The Government of Sudan needs to understand that.

Finally, I close with a word about the humanitarian situation in Darfur now. According to the World Health Organization, 10,000 people will die this month in Darfur if nothing is done. Today, it is projected that 100 to 200 people will die. By the end of the week, an additional 1,000 people will die, not just from disease but from inaction. The crisis will require more than just contributing money, although money is important. According to the World Health Organization, military logistics are needed immediately to distribute the aid. According to the United Nations, at least 50 camps are currently receiving no aid at all. That is only going to get worse as the rainy season intensifies, washing out all of the roads.

We know the Government of Sudan likes to deny that this is a crisis, as Senator MCCAIN pointed out, but we all know this is the worst humanitarian crisis in the world today. People are counting on us, counting on our action. Tens of thousands of lives hang in the balance.

I encourage my colleagues to join the growing chorus of voices demanding action in Darfur. I thank all those who have supported our efforts so far. We cannot rest upon our past laurels, but instead we must continue to move forward, pushing the international community to do more. After Rwanda, when we said never again, we meant it.

I thank the Chair. I yield the floor, and 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. SESSIONS. 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. SESSIONS. Mr. President, I rise today to talk about the critical need for class action reform. The class action fairness bill that is before us, S. 2062, seeks to guarantee that plaintiffs in a class action, the people who have actually been harmed and who have a right to be compensated, are the actual beneficiaries of class action and not only attorneys.

The Class Action Fairness Act provides, one, the ability to remove actions to Federal court in cases where the aggregate amount in question exceeds $5 million and the home State plaintiffs are no more than two-thirds of the class. In other words, class actions that are essentially State court matters will remain in State court, but matters that involve major amounts of money and large numbers of plaintiffs in multi-State regions, which frequently occurs, ought to be in Federal court. Why should a single county in a single State, a State judge, decide a matter that affects all 50 States and perhaps hundreds of thousands of individuals?

It will provide special scrutiny for the abused coupon settlements. That is something we have heard a lot about and is not right; that the victims get coupons for the product and the lawyers get paid millions of dollars. It provides protections against unwarranted higher awards for certain class members based on geographic location.

The bill is responsible, it is restrained, it will curb class action abuses, and produce a more productive class action system.

As I understand the situation today, the majority leader wants to proceed to this bill, and I hope we can do that in short order. The bill passed out of the Judiciary Committee, of which I am a member, in June of 2003 by a 12 to 7 strong bipartisan support. Since passing out of committee, the bill has been through two major substantive periods of negotiation, each one bringing on more Senators in support of the legislation. Currently, 62 Senators have either voted for cloture on the previous version of the bill or have publicly expressed their support for this version.

It is time to proceed to the bill, to debate the substance of the bill, and have an up-or-down vote on class action reform. But I am concerned, I must say, that many of the people who say they are for it, my Democratic colleagues who in the past have been reluctant to sign on, but they studied it more and said they are for it, that they may not really want to move to this bill. One way we can do that—and all Members of this body understand how it works: Add amendment after amendment to legislation, and they draw out the debate on issues nonrelated, nongermane to the legislation and, in effect, they can kill legislation through a filibuster by amendment.

The majority leader has a lot of things we need to do. We need to pass this bill. We have strong bipartisan support for it, but he has a lot of other legislation that needs to be done. The majority leader has propounded a series of proposals that would provide an opportunity for Members on the other side to offer minimum wage amendments and other amendments, unlimited germane amendments, amendments related to this bill, unlimited, and they have been rejected.

So what that suggests is there is not a serious commitment, that this bill is being obstructed and being blocked from even having an up-or-down vote by a device that does not give any limits on the amount of debate. That is very unfortunate. It is not the right thing to do. As I indicated, it is a device that allows a group of Senators to block the passage of the bill even if they say they are for it. But if we try to cut off and limit debate and have a definite time for a vote, they say, no, they will not support that; I am for the bill, I just will not give this time limit; I will not agree to how many amendments we can put on.

The majority leader goes to it, we spend a week to 10 days on it and we still have not passed it. Then what can he do? So he cannot move to a bill under those circumstances. We need to have an agreement.

I hope Senators will reevaluate those circumstances so we can reach an agreement and move forward with this legislation that is very important. If not, everybody needs to know it was blocked again, obstructed from being able to be brought up, debated, and amendments offered to it.

I know the Presiding Officer served on the Texas Supreme Court and also as attorney general of Texas. He understands the legal issues perhaps better than any other Member of this body. I think we would agree, and most lawyers would agree, class actions are not evil in themselves. In fact, they are good tools to deal with litigation in which there is a single type of cause that injured a whole host of people, where perhaps hundreds of thousands of people were injured or wronged by the same act or series of acts. So as the matter of proof gets to be unjustifiable, if the amount of loss is $100 or $200, 100,000 people in America have to hire a lawyer to file 100,000 lawsuits, so a person can file a class action and a lawyer can represent the whole class to determine how much that group of people were damaged and get them checks, pay them and get them recompensed. I think that is a good procedure, and I am all for that. It is a real good procedure. It is something we ought not to believe is bad in and of itself.

State courts are being overwhelmed by these actions. I saw the numbers from 1988 to 1998. The number of class actions pending in State courts increased by 1,042 percent while the number in Federal courts increased only 338 percent during that period.

State courts have often been unable to give class actions the attention they need, and abuses have occurred too often under those circumstances. It has hurt class members sometimes to the benefit of attorneys. Make no mistake about it, an attorney in a class action is in a delicate position. That attorney's interest, when the settlement negotiations come around, can be in conflict with the interest of the people he represents.

So what happens sometimes in these negotiations is that lawyers demand from the big companies, or whoever they are suing, big fees to be paid to the lawyers, millions of dollars, and then acquire only token benefits for the members of the class. That is not good, and I will talk later about some of the cases where this has happened. Lawyers in such cases have lost their perspective and have not handled the interest of their clients with integrity.

This bill would crack down on that. It would give more power to the judge to make sure those kinds of abuses do not happen.

Sometimes these class action cases are being used as judicial blackmail, forcing defendants to settle cases that are basically unjustified, even frivolous, rather than spend millions of dollars in litigation and the risk of loss of a whole customer base maybe because of bad publicity. So the defendants are compelled to pay even if they are really at fault, and sometimes they will pay the lawyers more than they will pay the people who have been victimized.

Other examples of class action problems include what has been referred to as ''drive-by'' class actions where the class is certified even before the defendant has notice. There are ''copycat'' class actions where the actions are filed in multiple jurisdictions to see which court will certify the class first, or they are filed by another lawyer to try and steal what appears to be a lucrative claim from the person who filed the first class action; get in a race to the courthouse.

This is a matter of significance. Lawyers are supposed to have fidelity to their clients. In some cases, the fidelity to their clients leads them to do things that are lawful and proper under the law but are really abusive. This is one of those examples. Class action lawyers are known to forum shop by naming irrelevant parties in class actions in order to destroy diversity and to agree to settlements that pay bounties for someone discovering a class action, awarding the original plaintiff more than any other member of the class.

It is hard to criticize a lawyer for forum shopping. If he looks all over the United States of America, he has a complaint that involves everybody, maybe it is a MasterCard that in every county in America somebody has one, and there is a complaint about that, he can pick the best jurisdiction in America, the best county. Maybe he knows the judge who is very favorable to his theories. He can file it in any county in the United States that he chooses. There are some counties in Alabama that are known for this. He gets total choice of where to file the case. I cannot say that is morally bad for the lawyer to do that, but those of us who set the laws, who set the policy for class actions, we ought to review that. We ought to create laws that make it more difficult for a lawyer to be able to pick the single most favorable jurisdiction in the whole United States in which to file an action.

Let me talk about this situation in the Toshiba case. A class action suit was filed in Texas, complaining of an entirely theoretical defect in the floppy disk controllers of Toshiba laptops. There were no allegations that the asserted defect had resulted in injury to any user, and not one customer had ever reported a problem attributable to the defendant. However, Toshiba faced potential liability of $10 billion, and they decided to try to settle the claim. The class members received between $200 and $400 in a coupon off the purchase price of Toshiba products. The two named plaintiffs received $25,000, and the attorneys received $147 million. The class members in this case only benefitted from the lawsuit if they purchased additional products from Toshiba and used the coupons. This is not the way the legal system is supposed to work.

Class action reform is also needed so that people who are not injured do not receive compensation. If members of a class are unable to demonstrate damage, they ought not to be paid.

Lawyers are supposed to represent real clients with real problems. They are ethically bound to represent the interests of their client foremost beyond their own interest.

Class action lawsuits are designed to be available when lawyers realize that an entire class of people has been harmed in the same way his client had been harmed. Class action should not become a way for creative lawyers to gain excessive fees. It should not be a situation where good advocates figure out a way, by adding unrelated defendants or otherwise, to file actions in friendly circuits or to use other methods that maximize the benefit to their clients while ignoring the rest of the class members.

Another case touched on my home State of Alabama, the famous, or infamous, Bank of Boston case. In this case, a class action was filed by a Chicago attorney in the circuit court of Mobile, AL. The case alleged that the bank did not properly post interest to its clients' real estate escrow accounts. The class settlements limited the maximum recovery to individual class members at $9 each. That $9 was the maximum amount anybody could recover.

After the State approved the settlement, the bank disbursed more than $8 million to the class action attorneys in legal fees and credited most of the accounts of the victims with sums of less than $9. The legal fees which were automatically debited from the class members' bank accounts total 5.3 percent of the balance of each account. It was bad enough that a lot of these people did not even know they had been in a class action or that they owed an attorneys' fee for the $9 recovery that had been won for them, the worst part is that many accounts were debited for amounts that exceeded the credit they obtained from the settlement, meaning that the attorney fee that came out of their account far exceeded the $9 benefit they received from the class action.

For example, Dexter J. Kamowitz, of Maine, a case which a Chicago attorney filed in Mobile, AL, and the plaintiff, who is supposed to be winning a verdict, who lives in Maine, who did not initiate the class action against the Bank of Boston—he just happened to be declared a member of the class—but he received a credit of $2.19 on the settlement. At the same time, the class action attorney debited his account for $91 in legal fees, producing a net loss of $87.81. Such results, as might be expected, produced outrage from class members in other States affected by the action.

Judge Frank Easterbrook, circuit judge of the seventh circuit, asked:

> What right does Alabama have to instruct financial institutions in Florida to debit the account of citizens in Maine and other States?

So we need to be careful about these matters. We need to be careful that these cases are handled fairly. This bill takes steps forward in that regard. That is why it received strong support throughout the Nation, and that is why so many Senators have committed to supporting it, Republicans and Democrats.

S. 2062, offered by Senator GRASSLEY and passed out of the Judiciary Committee last summer, will help eliminate many of these abuses. I think I have noted those. I will just note it will eliminate forum shopping, keeping State judges of a case of less than one-third of the member class who are members of that State from dictating the fate of plaintiff members in 49 States.

I hope we will have a healthy debate on this process and that we can move forward and get this bill before us and confront a problem that is jeopardizing America. We have a lot of members here who say: We believe in jobs, we want to see the economy grow, they are not creating enough jobs in America. But when you have huge, multimillion dollar, sometimes virtually extortionate lawsuits filed against businesses on a regular basis—they go up more than 1,000 percent in State court in 10 years, 300-something percent in Federal court in 10 years; these lawsuits are gaining momentum all over the country—it does impact our productivity as a Nation.

No nation carries the kind of litigation cost that the United States does. When we export a product outside our country, the total value and cost of producing that product, which has to be competitive in prices in the world market, that cost is created and added to by litigation costs. Much of that is just insurance premiums. The more these cases are filed, the higher insurance premiums go.

So it is a real problem for us. It has hurt our job creation, it has hurt our economic growth. It is time for this Nation to get in sync with the rest of the world and bring some containment to the abuses in litigation.

I believe in litigation. I believe in the court system of America. I believe many of these lawyers are not improper or immoral; they are just using the existing legal system in every way they can to maximize the benefit they can obtain for their client. So what happens then? It is up to us to deal with it.

A lot of people have talked about this question of federalism, States' rights, how we ought to handle this and why should the Federal Government involve itself in class actions or why are we dealing with it. Over the last 30 years, we have had a host of pieces of legislation that poured through this body, many of them driven by our friends on the other side of the aisle, that impact States' rights. Now all of a sudden they are claiming States' rights will be violated by class action reform. Let me just say a few things about that question because it is very important. It is one we should think about and analyze honestly.

First, there is no doubt whatsoever that the kind of cases we are talking about ought to be or can be handled in Federal court. That is perfectly constitutional. The Constitution provides for the litigation between citizens of different States to be in Federal court to begin with. It is only through the device of undermining diversity by suing a local defendant that Federal jurisdiction has been avoided in many of these cases. The intention of the Framers of the Constitution was, in these interstate lawsuits, jurisdiction should be in Federal court. So it is not unconstitutional for these cases to be tried in Federal court. I don't think there is a single Senator in this body who would argue that making these a Federal case somehow violates the State's rights because they are interstate cases. They involve plaintiffs from more than one State. That really was always thought to be appropriately handled in Federal court. I know that.

The next question is: Should we do it? Is it proper that we put more of these cases in Federal court? I think so. I believe it is proper because we are seeing abuses of state court jurisdiction and because Federal courts have a better ability to handle multi-state litigation issues. Let's take this practical example. Let's say there is a lawsuit—I think there was one filed a number of years ago involving the construction of seatbelts for automobiles. It was filed on behalf of the class of everybody in America who had automobiles, and virtually every county in America had one of those automobiles and so they go to a certain county in the Midwest where thousands of these class action lawsuits are being filed and they filed it there, the result of which could be an order and financial judgment that would impact the way seatbelts are handled throughout America.

If you appealed any verdict from that county, where would it go? It would go

to the supreme court of the State that handled it. But it is going to affect everybody in America. So if you file this lawsuit in Alabama or Texas or Illinois, and you get a verdict that impacts the whole United States and you appeal it, a single State gets to decide whether it was properly tried and whether the order was appropriate. But if it is tried in Federal court, the appeal would be to the U.S. Supreme Court, which handles the jurisdiction of the whole United States of America, where it ought to be if the verdict is going to impact a multitude of States. So I think that is perfectly logical and a good policy reason for us to do it in that way.

We are seeing a problem in which litigation is impacting adversely our ability to create economic growth and impacting adversely our ability to create jobs. It adds to the cost of products that we want to export around the world. It adds to the cost of products produced here and sold in America making them less competitive against imports that come into this country. If we can reduce the cost of litigation on businesses in America, they will be more effective about their business.

We do not want to deny people who are wronged fundamental rights. In no way does this legislation do that. It says the litigation ought to be tried in Federal court if it involves these kinds of situations and it contains some provisions to limit abuses.

Frankly, let me say this: I was a Federal prosecutor in Mobile, AL, for 15 years, and 12 years as U.S. attorney. I have tried cases in State court and in Federal court. I know the Presiding Officer knows that by and large Federal judges have a lot fewer cases than State judges. The fact is, in our State, Federal judges probably carry on their dockets one-fourth or less the number of cases in State court, or maybe one-tenth the number of cases. State court judges have thousands of cases. Frequently, State court judges have fewer law clerks—sometimes no law clerk—when the Federal judges usually have one or two law clerks to help them do their work.

Where would a big, complex multistate, multimillion-dollar lawsuit be better filed? Which court is best able to handle these cases? Which ones were designed by the original founders to handle interstate cases to begin with? It is clear to me that it is in Federal court. That is where these cases ought to go.

Frankly, I could see taking more class action cases than this legislation provides for in Federal courts. I think it would be justified.

But because of the objections of some of my colleagues, we negotiated and worked out concerns that some lawyers had, these negotiations will keep more cases in state court than the bill originally intended, but I am willing to live with that.

Article III of the Constitution vests the Federal courts with jurisdiction over ''controversies between citizens of different states.'' When you have a bank in Miami, a lawyer in Chicago, victims in Maine and Alabama and other places, that is a controversy between citizens of different States. It is only through the reinterpretation of the diversity rule that these cases have many times been able to be kept in the State court system rather than to be allowed to go through the Federal courts. I think this is right way for us to go. I think this is a logical, fair, restrained, professional response to a problem of the abuse of class actions in America.

It is important for our economy. It is important for our business in America. I believe we need to pass it. I hope our colleagues who are holding up this bill today will reevaluate and reach an agreement with majority leader Bill Frist to have some amendments or all the amendments that are relevant to the bill they want but not an unlimited number of amendments on any subject they want to offer amendments on. That won't work. That is not right. Let us move this bill forward. Let us pass it. Let us do what at least 60 Senators in this Senate believe is proper.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

COST OF GOVERNMENT DAY

Mr. SESSIONS. Madam President, I would like to talk today briefly about an important matter.

As many of you may know, today is Cost of Government Day. Not that we need to celebrate it, but it is an important day.

What is Cost of Government Day, you ask? It is the day on which the average American worker has earned enough money to cover his or her share of the Federal, State, and local government. That means that our government is so large and spends so much money that we must work our poor citizens 189 days a year before they can break even with spending.

Think about it like this. Say you go out and buy a house and the monthly mortgage you have to pay for your house is one-half of your monthly salary. That is a huge amount. One-half of the money you earn—one-half of your salary—has to go to pay your house mortgage. Say every month you get your paycheck and about half of it is written off to the bank to cover your mortgage.

That is the same way our government works. The cost of government consumes 51.6 percent of our national income. It is taking more than the hypothetical mortgage payment of half your salary. I cannot help what someone's mortgage payment is but we in this body can have some impact on the cost of the government.

I say to those here today, that spending is getting out of hand. Since 1977, the earliest Americans have paid off their cost of government was June 28. Now it is July 7. The United States prides itself in being a frontrunner in human and civil rights protections. We come together under the values of life, liberty, and the pursuit of happiness, those values that the Founders declared to be the basis of this great Nation.

But there is a dragon in the midst, a burglar in the basement, sucking Americans dry of their hard-earned money. The perpetrators are right here among us. Our government is being burdened with cumbersome and unnecessary legislation and regulation for which the American citizens also pay the bill. In this season of budget and appropriations bills, we need to think about who we are representing and the sacrifices they are making for each bill we pass.

We are not celebrating Cost of Government Day, a day 189 days into the year. I am here to celebrate America. The strength and vitality of this Nation is its belief and its investment in individual American citizens, entrepreneurs, people working hard, giving their very best every day. They do not mind paying a reasonable amount in taxes. But we need to fight every day. We need to analyze the situation with every bill and ask ourselves: How much more can we expect the American people to pay? How much burden can we expect them to carry? How can they carry a dynamic and growing economy that creates jobs and allows higher pay, where people work and save and invest and do well economically with these burdens?

We do better, slightly better, somewhat better than the Europeans. Their taxes are going through the roof. I notice that the leadership in Germany cited the U.S. tax cuts that have spurred our economic growth in recent months, something we are definitely celebrating. They are discussing whether they need to do that. The Europeans, though, are further down the road in social welfare, in burdens economically, than even we are.

We need to watch what we are spending. We need to indelibly imprint in our mind that the cost of Federal, State, and local government is the work of American citizens for 189 days this year, 51.6 percent of the income earned. That is more than we need to allow. We do not need to see those numbers increase. They need to start going down. It is something we ought to work on.

We must remember every day there is a limit to the burden that the American citizens can carry if we expect them to be competitive in the world market.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to speak on behalf of the Class Action Fairness Act, a bill to stop unfair and abusive class action lawsuits that ignore the best interest of injured plaintiffs. This legislation is sorely needed to help people understand their rights in class action lawsuits and protect them from unfair settlements. It is needed to reform the class action process which has been so manipulated in recent years that U.S. companies are being driven into bankruptcy to escape the rising tide of frivolous lawsuits that have resulted in the loss of thousands of jobs, especially in the manufacturing sector.

Unfortunately, not enough Americans realize we are in a global marketplace and businesses now have choices as to where they manufacture their products. Many of our businesses are leaving our country because of the litigation tornado that is cutting through the economy and destroying their competitiveness. The Senate must start taking into consideration the impact of its decisions on this Nation's competitive decisions in the global marketplace. Too often, we think about things in the United States for Americans and forget the fact that we are in a global marketplace. Today, manufacturers and consumers worldwide have many choices about where to do business.

I believe for the system to work we must strike a delicate balance between the rights of aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole. I believe this is what this legislation does. I am proud to be a cosponsor of it.

Since my days as Governor of Ohio, I have been very concerned with what I refer to as a ''litigation tornado'' that has been sweeping through the economy of Ohio, as well as the Nation. The Ohio civil justice system is in a state of crisis. Ohio doctors are leaving the State and too many have stopped delivering babies because they cannot afford the liability insurance.

From 2001 to 2002, Ohio physicians faced medical liability insurance increases ranging from 28 to 60 percent. Ohio ranked among the top five States for premium increases. General surgeons pay as much as $75,000 and OB/GYNs pay as much as $152,000. Comparatively, Indiana general surgeons pay between $14,000 and $30,000 and OB/GYNs pay between $20,000 and $40,000.

Further, Ohio businesses are going bankrupt as a result of runaway asbestos litigation. Today, one of my fellow Ohioans can be a plaintiff in a class action lawsuit that she does not know about, taking place in a State that she has never even visited.

In 1996, as Governor of Ohio, I was proud to sign H.B. 350, strong tort reform legislation into law—for a while. It might have helped today's liability crisis but it never got a chance. In 1999, the Supreme Court of Ohio in a politically motivated 4-to-3 decision struck down the Ohio civil justice reform law, even though the only plaintiff in the case was the Ohio Academy of Trial Lawyers, the personal injury bar's trade group.

Their reason for challenging the law—this is incredible—they claimed their association would lose members and lose money due to the civil justice reform laws that were enacted.

The bias of the case was so great that one of the dissenters, Justice J. Lundberg Stratton, had this to say:

> This case should never have been accepted for review on the merits. The majority's acceptance of this case means that we have created a whole new arena of jurisdiction—''advisory opinions on the constitutionality of the statute challenged by a special interest group.''

From this, it is obvious to me the way we currently administer class actions is just not working.

While we were frustrated at the State level, I am proud to have continued our fight in the Senate, a fight for fair, strong, civil justice.

To this end, I worked with the American Tort Reform Association to produce a study entitled ''Lawsuit Abuse and Ohio'' that captured the impact of this rampant litigation on Ohio's economy, with the goal of educating the public on this issue and sparking change.

Can you imagine what this study found? In 2002 in Ohio, the litigation crisis cost every Ohioan $636 per year. For every Ohio family of four, the cost was $2,544. These are alarming numbers. This study was released August 8, 2002. Imagine how high these numbers have risen since that time.

In tough economic times, families cannot afford to pay over $2,500 to cover other people's litigation costs. Something needs to be done. Passage of this bill will help.

This legislation is intended to amend the Federal judicial code to streamline and curb abuse of class action lawsuits, a procedural device through which people with identical claims are permitted to merge them and be heard at one time in court.

In particular, this legislation contains safeguards that provide for judicial scrutiny of the terms of the class action settlements in order to eliminate unfair and discriminatory distribution of awards for damages and prevent class members from suffering a net loss as a result of a court victory.

The bill is designed to improve the handling of massive U.S. class action lawsuits while preserving the rights of citizens to bring such actions. Class action lawsuits have spiraled out of control, with the threat of large, overreaching verdicts holding corporations hostage for years and years.

In total, America's civil justice system had a direct cost to taxpayers in 2002 of $233.4 billion. That is 2.23 percent of our gross domestic product. That is $809 per citizen and equivalent to a 5-percent wage tax. That is a 13.3-percent jump from the year before—a year when we experienced a 14.4-percent increase, which was the largest percentage increase since 1986. These lawsuits cost billions of dollars and are putting a crimp in the budgets of every American.

Now, some of my colleagues have argued that this bill sends most State class actions into Federal court and deprives State courts of the power to adjudicate cases involving their own laws. They argue that the bill, therefore, infringes upon a States' sovereignty. However, there is no evidence for this assertion, and, in fact, it is the present system that infringes upon State sovereignty rights by promoting a ''false federalism'' whereby some State courts are able to impose their decisions on citizens of other States regardless of their own laws.

Another argument against the bill is that it will unduly expand Federal diversity jurisdiction at a time when courts are overcrowded. However, State courts have experienced a much more dramatic increase in class action filings and have not proven to be any more efficient in processing complex cases. In addition, Federal courts have greater resources to handle most complex interstate class action litigation and are insulated from the local prejudice problems so prevalent under current rules.

We all know that so many of these class action lawsuits are filed in jurisdictions—two or three of them—because they know the results of those cases if they file them in certain jurisdictions. We have a certain jurisdiction in Illinois. We have another in Mississippi. As a result, there is no fairness to the defendants.

I emphasize to my colleagues that this is not a bill to end all class action lawsuits. We will have plenty more class action lawsuits. Rather, it is a bill to identify those lawsuits with merit—with merit—and to ensure that the plaintiffs in legitimate lawsuits are treated fairly throughout the litigation process. It is a bill to protect class members from settlements that give their lawyers millions while they see only pennies. It is a bill to rectify the fact that over the past decade, State court class action filings increased over 1,000 percent. It is a bill to fix a broken judicial system.

Madam President, I am a strong supporter of this bill and I urge my colleagues to do the same. I hope that the Holy Spirit enlightens us so we can have a vote on this legislation which is so important to the future of America's economy.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he leaves the Senate floor, I commend my colleague from Ohio for his excellent statement.

I agree with him that this is an important piece of legislation. I have spent a good part of a year, along with

my good friend and colleague from Delaware, and others—the Senator from California, Mrs. FEINSTEIN, the Senator from Wisconsin, Mr. KOHL, and the Senator from New York, Mr. SCHUMER—working to try to put together a responsible bill on class action reform. We have done that with this proposal.

I regret the fact that nearly eight months after we forged a compromise on class action reform, we have just begun to deal with this issue. I had hoped the legislation would have come up earlier in the year when there would have been more time available to consider it.

I was pointing out to my colleagues earlier, as someone who managed and wrote the securities litigation reform bill, that we spent almost 3 weeks on the floor of the Senate debating that bill. At the time, Bob Dole was the majority leader of the Senate. We had countless amendments that were offered, both relevant and nonrelevant amendments. Never once was cloture invoked. Never once did someone fill up the amendment tree so as to limit who could offer what amendments. You didn't have to get permission, in effect, to offer your amendment. It was a contentious debate from time to time, but ultimately the will of the Senate prevailed. The legislation was adopted.

But I also point out, interestingly, the securities litigation reform was the only bill that President Clinton vetoed that was ultimately overridden by both the House and the Senate. It became the law of land.

It was a lengthy process, but it was a good process. I think the debate was healthy. It was complicated, but nonetheless I believe the legislation ultimately proved to be worthwhile.

I cite that example because here we are now in a situation where before any amendments were offered—and we went on this bill almost 24 hours ago—we were told last night by the majority there would be no votes last evening. We have been in session since about 9 o'clock this morning. There have been no amendments offered one way or the other because we have an amendment tree that is filled up, and you must get permission to bring up an amendment.

Madam President, this is the U.S. Senate. I have served here for a quarter of a century and I have rarely seen this kind of procedural tactic being used on a bill that enjoys a strong majority of support. I believe we have at least some 62 supporters of this bill. The idea that we are not going to allow amendments to be brought up unless approved by the majority runs counter to everything this institution stands for.

Now I know that some of these nongermane amendments are uncomfortable. There are people who are against them, although in several instances they have strong bipartisan support. For example, the legislation dealing with immigration reform has been offered by Senator CRAIG of Idaho and Senator KENNEDY of Massachusetts. Also the reimportation issue on drugs. I will be the first to admit it, but I think an overwhelming majority of our colleagues are either cosponsoring or supporting that legislation. Even in the other areas, we have had a limited amount of time to bring up some of these issues.

But I believe we can get time agreements on some of these amendments if we stay in today, if we stay in tomorrow, if we stay in Friday, if we work longer hours, and if we come back on Monday or Tuesday. I believe we could adopt this important legislation, and we would either accept or reject a number of these other nongermane amendments. But to go through now the second day with nothing being done on a bill that many would argue is one of the most important pieces of legislation from the business community perspective is inexcusable. I want the business community to know what is happening here because I am sure the allegations are going to be made that somehow the minority is trying to stop this legislation. That is anything but the case.

We probably could have dealt with five, six, or seven amendments on the floor of the Senate today. I am told there are only 13 filed amendments on this bill. In effect, we probably could have almost concluded action on this legislation instead of stonewalling to make sure some amendments are not going to be debated and heard. We stop everything from happening so a good piece of legislation that a lot of people have worked long and hard on to get right may be denied an opportunity to be heard. That is wrong, Madam President.

Now, again, I know voting on nongermane amendments is not something we are terribly excited about here. It is the U.S. Senate though. In the U.S. Senate, we allow nongermane amendments—absent a unanimous consent agreement or filing cloture—to be considered by this body. So even before a single amendment is debated here, the majority is now invoking rules and procedures that limit the ability of this institution to be heard. I regret that deeply.

I was fearful this would happen. I am sort of mystified as to why it is happening. The majority, at least among their members, are more supportive of the class action reform bill.

There are a number of Members on this side who are supporting this legislation, but the bulk of the support comes from the majority side. I am mystified as to why the majority would not be pushing us to bring up our amendments, agree to time limits, and then vote on the amendments one way or the other and move the bill forward. But that is not the case.

So we find ourselves now at the close of business on this day. We voted on one judge yesterday, and that is it. Now we are about to go into Thursday. We will be leaving, I presume, sometime around noon on Friday and probably won't come back until next Tuesday. We have about 30 legislative days left around here to consider all matters before the elections of the fall. If my colleagues sense some frustration in this Senator's voice, it is because I am frustrated.

I regret having spent as much time on the bill only to find out in the end we can't even get amendments to be brought up to debate. Instead, we have to agree ahead of time what amendments are going to be brought up. Those rules exist in the House of Representatives. The rules of the Senate are very different. This body is the antithesis of the House of Representatives, and for good reason. That has been the way this institution has functioned for two centuries.

On important legislation such as this, to invoke House rules to apply in the Senate is unfortunate. As important as this bill is, how this institution functions, in my view, is far more important. Senators have the right to be heard. Because one day, not too distant in the future, the very Senator who today is trying to stop a debate may be the one seeking one. And so be careful what you wish for when you set precedents or establish procedures that may be repeated at times when you may find yourself on the other side of the political equation.

For all of those reasons, I am frustrated that this important bill many of us have spent a lot of time on may be close to death. We may not be able to enact it. That is unfortunate that we are getting to that point with this bill, despite all the efforts that have been made, where we may not get a chance to even debate it, much less act on it.

I hope the leadership will listen to those who want to bring up some amendments, and see if we can't work out some time agreements and move forward. If that is not the case, the idea that somehow the Senate as an institution would have to take a back seat to some procedural hurdles the majority would want to impose on the minority is not worth giving up. As important as this bill is, how the Senate operates is more important to this Senator. I will be most reluctant, but nonetheless I want my colleagues to know if it comes down to making a decision about supporting a bill I have helped write or abandoning procedures in the Senate, I will protect this institution over this bill, as much as I would like to see this bill enacted.

I am not going to sit here and support a set of procedures which deny my colleagues an opportunity to be heard. I wouldn't support an unlimited right that goes on for days with endless amendments. I know when I am being gamed. I know when I am being taken advantage of. That is not the case at this point at all, not even close to being the case.

My hope is wiser heads will prevail, that voices who care about this legislation would be heard, and that we could move to consideration of this legislation in the normal course of business,

on how we normally function when matters such as this emerge, where there is a division of thought and there are differences of opinion.

There are those who feel strongly about not adopting this legislation. I understand that. But there are also those in the majority who would like to see it adopted. To suggest somehow we are going to prohibit those who would disagree with the bill an opportunity to be heard on other matters on this legislation is a wrong set of procedures to be followed.

Despite the fact my name is on this bill and I am proud of the fact it is—I think it is a good bill and we did a good job writing this compromise—and as much as I would like to see S. 2062 become the law of the land, I am not about to turn my back on an institution that allows Members to be heard and their ideas to be debated. As important as this bill is, it is not as important as maintaining the integrity of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, before the Senator from Connecticut leaves the floor, I want to say how much I have enjoyed working with him on this issue. I appreciate the wisdom and experience he brings to the matter.

We had a press conference today around noon, those of us Democrats and Republicans who support this compromise on class action. The real stars of the press conference were three guests: A woman from near Charlotte, NC; another from Wisconsin; and a third lady who, along with her husband, for many years ran a pharmacy down in Mississippi. They shared with us how they had been involved in class action legislation.

In the case of the Mississippi lady whose pharmacy down there in this little county had been named in over 100 lawsuits, not because they had done anything wrong but because it was a way to be able to try to get a class action certified in that particular county of Mississippi, really the defendants were the big pharmaceutical company.

Another lady talked about being a plaintiff in a class action involving the Bank of Boston and the issue was escrow accounts. Apparently somebody took umbrage at the way the Bank of Boston was handling escrow accounts and money going in and out of escrow accounts, and they filed a class action lawsuit. In the end, the folks on whose behalf the class action had been filed ended up losing moneys. Their accounts were actually debited in order to be able to help pay the attorneys' fees which were rather substantial.

The other lady was a lady from Charlotte, NC. She talked about late fees by Blockbuster. She didn't like the fact that they had a late fee that was unfair. Over the course of time, because of the family and this sort of thing, they paid a fair number of late fees, and she didn't appreciate it, so there was this class action lawsuit. She apparently got named as a plaintiff because she had shopped there, and she was included in the lawsuit.

In the end, the agreement that was worked out enables her to get—I will paraphrase: Out of this, maybe I am going to get a couple of coupons for rentals, for two videos. And I will get a dollar-off coupon. I could do as well clipping coupons from the newspaper from Blockbuster. She was not pleased, particularly when she mentioned how much the attorneys were going to get in the litigation.

The point I am trying to make is, they were the really interesting people who spoke at our press conference. What they had to say reinforced my belief that we are trying to do the right thing.

Again, I realize it is not something everybody agrees upon. We are trying to find some balance in this legislation which says when people have a legitimate beef, they have been harmed by a product or service or been taken advantage of, even people who don't have a lot of power, the little people, they would have an opportunity through a class action to join together and to hold accountable the big companies that have harmed them or at least treated them unfairly.

I had hoped we would have a chance today by this time to have debated and voted on a couple of germane amendments, maybe a nongermane amendment or two, and even work into the night. From what I am told, we may be wrapping up here fairly soon. It is not even 6 p.m. I hate to see us waste the day.

We had some exchange earlier today between our leaders where Senator DASCHLE had suggested maybe an approach where we agree to offer five nongermane amendments to the bill and maybe 10 germane amendments. Senator FRIST countered with the ability for either side maybe to offer 1 nongermane amendment and maybe 10 or more unlimited germane amendments. If you look at the numbers between one and five in terms of nongermane amendments, there is a number between one and five that is probably more than two, maybe five, maybe four, but there is probably a number there we could agree on.

Our side is not going to go along with the idea of the Republicans telling us what nongermane amendments we can offer. But I am encouraged that if the two leaders will take some time later today, maybe as early as this evening, and sit down, they can hopefully work out among themselves how many nongermane amendments and maybe even work out the ones that would be offered.

There are a couple of amendments the Republican leader indicated he would not want to see offered as nongermane. And to the extent that is a concern he has, I respect that concern. I had hoped maybe he would change his mind. But if there is something he doesn't want to see offered as an amendment to this bill, it is not germane to this bill, but it might be germane to another freestanding bill that would be offered later, let's go ahead and make a commitment to offering that nongermane amendment, not on this bill but at a later point in time to another bill.

So the proponents of that measure would know for sure that they are going to have a chance to debate their issue and get a vote on it in the Senate. I am not discouraged. Somebody asked me earlier—and it may have been the Presiding Officer—if we were going to make any progress this week on this bill. I think we are. I am encouraged. If our leaders will sit down and talk it through between the two of them, they can work this out. It is important they do that. Nobody on our side wants to be seen as obstructionist. A number of us have worked very hard on this proposal. Most of the folks on the other side are acting in good faith on this bill, too. Whether you happen to be a company out there that wants to just get a fair shake when you are taken to court, or if you are a consumer who wants to make sure you are not being ripped off by some company, there is a way to meet the legitimate concerns of both interests.

The more I learn about this bill and the more I hear about the germane amendments that will be offered, frankly, the more I am pleased with the work that has been done. I think Senator BINGAMAN has a germane amendment or two he would like to offer. I think Senator BREAUX has a germane amendment. I think maybe Senator PRYOR has an amendment to offer that is germane. Maybe Senator KENNEDY has a germane amendment to offer, too. There may be germane amendments on the other side. They are thoughtful amendments. Each of them bring some concern. They, frankly, need to be debated on the floor and we need to have a chance to vote.

Mr. REID. Will my friend yield for a question?

Mr. CARPER. I am happy to yield for a question.

Mr. REID. I want the record to reflect that I know how deeply the Senator from Delaware feels about this issue. There are not many issues where the Senator from Delaware and I disagree. This is one of them. I know how strongly he feels. Also, I know how strongly the Senator from Delaware feels about other issues. For example, even though the Senator from Delaware feels extremely strong about this bill, when there came a time a few weeks ago when the majority leader made a tentative decision to move off the very important Defense authorization bill, I called my friend from Delaware and I said: Don't you agree that we should finish the Defense bill before we move to class action? Without any hesitation, the Senator, being a veteran himself, who has hundreds of hours in an airplane for our country, said yes.

As a result of that, Senator DASCHLE and I gave the Senator from Delaware our word that we would do everything we could, as soon as the Defense bill was completed, to move to this bill. In fact, we made a unanimous consent agreement that the minute we finished the Defense bill we would move to the class action bill.

I am disappointed, but not that the bill is not going to go anywhere because I don't like the bill; I am disappointed in the way the bill was disposed of. This is like having a football game and the football field is only 90 yards long. It is not fair to either side. I want the record to be spread with the fact that the Senator from Delaware has been fair in all his dealings in the Senate. The example I just made was the Defense authorization bill. That was a prelude to the question. I am terribly disappointed because it appears to me that this has been in the minds of the majority for some time, at least in the minds of the majority yesterday, July 6. We have a card that was sent to one Senator from the National Association of Manufacturers, dated yesterday, July 6. Today is July 7.

Dear Senator: On behalf of the 14,000 member companies in the National Association of Manufacturers, including more than 10,000 small and medium-size manufacturers, I urge you to vote in favor of cloture on this bill.

This was planned yesterday. So I am disappointed because we are playing on a football field that is not quite long enough. That is too bad, not for the end result that I see, but I believe, as the Senator from Connecticut so well described, in this institution. Having served in the Congress of the United States for 22 years, as I have, I believe in the institutional integrity of these bodies. When you see something such as this, it means there is not a fair hand being dealt. He is someone who believes strongly in legislation.

Frankly, I think people have taken advantage of the Senator from Delaware. He is a very hard person to take advantage of because he has a lot of experience in government. This has not been fair. It is not good for this body and it is not good for individual Senators.

I thank the Senator for yielding. I was supposed to ask you a question, but I didn't do that. I hope the Senator understands. I wanted to make sure he was on the floor.

Mr. CARPER. Madam President, Senator REID and I came to the House together in 1982. We worked on a lot of issues together. He is a straight shooter and a real good leader on our side. I appreciate his words.

Let me close with this: I have said any number of times to my Republican friends, when we are talking about how to bring this bill to the floor, the one sure way to kill it is to not permit the minority to have a reasonable opportunity to offer amendments, germane and nongermane. I was troubled this morning, after having tried to drive that message home again and again in the past months, for us to end up on the floor today with a motion to invoke cloture and to limit amendments to one nongermane amendment and a number of germanes.

That was the wrong way to get started. We need to get back on the right track. We can do that. The people who can get us back on the right track are the majority leader and the minority leader. While the minority leader is not a proponent of the bill, he has been fair in terms of making sure those who are proponents can have our day in court on the floor and not be obstructionist. I am grateful for that. I hope that maybe even while we are speaking, or shortly thereafter, the two leaders will get together and have the kind of discussion in private that they need to have, and maybe later in public on the floor, so we can have a day that is more productive tomorrow than today was.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I wish to take an opportunity to make a few comments and respond to some of the statements that have been made by individuals on the other side of the aisle who are opposed to this bill. I know a lot of people on the other side of the aisle favor this bill and that is why we have been able to get to the place where this legislation is coming up again. So my remarks are made toward and in response to those who oppose this legislation, not those who have been helping us move it along.

For instance, I heard there were claims that the Class Action Fairness Act has never been considered before, that there have not been any hearings or markups on this legislation. Clearly, these Members have not been talking to the Senator from Wisconsin, Mr. KOHL, who has worked hard with me since the 105th Congress. Clearly, critics didn't pay any attention to what I had to say last night in my opening statement or, for that matter, many of the statements made by my colleagues on the long history of this legislation.

To the contrary, Congress has been considering this Class Action Fairness Act for several years. Small businesspeople who are paying for this irresponsible tort system we have in America would tell you they have been paying dearly too long and that this legislation is long overdue. One might even find some big companies saying that. But there is no free lunch in America. Somebody is paying when there are frivolous lawsuits. Somebody is paying when lawyers are getting paid too much and when consumers are getting too little. It is a cost to the economy, and we ought to do something about irresponsible costs to our economy.

My colleagues may remember—or they may not remember or we would not have heard these comments today about this legislation—as I indicated in my opening statement last night, both the House and Senate have convened hearings on class action abuse and the need for reform. Are we hearing there have never been hearings held? On what planet are those Senators living?

The House has passed similar versions of the Class Action Fairness Act since the 105th Congress and have done it, by the way, with very strong bipartisan support.

In the Senate in the 105th Congress—this is the 108th Congress. We can go back to the 107th, the 106th, and the 105th Congresses when there was work done on this legislation. At that time, I held hearings on class action abuse in the Judiciary Committee's Administrative Oversight and Court Subcommittee. In the 106th Congress, my subcommittee held another hearing on class actions, and the Judiciary Committee marked up and reported the Class Action Fairness Act, two Congresses ago.

In the last Congress, the 107th, the Judiciary Committee held a hearing on class action abuse. And in the 108th Congress, the Judiciary Committee marked up the bill.

Any Senator who says we have not had hearings on this legislation has not been in the Senate very long or they do not have very good staff helping them or they are not doing anything themselves.

The bill we are considering is also compromise legislation that we worked out in a bipartisan way, a continuation of the bipartisan spirit of this legislation that is exemplified by the work of Senator KOHL now for over four Congresses. We did this with Senators SCHUMER, DODD, and LANDRIEU since the cloture vote failed last October.

While the bill numbers may have changed for the Class Action Fairness Act, we have been working on it now for the fourth Congress. If people think just because we change the title of a bill we ought to have another hearing, that is just an excuse for stalling. If they do not like the bill, vote against it. But let's move something along that needs to be moved along, and there is a consensus in this body that it ought to be done.

I heard this morning claims that the Class Action Fairness Act would deny people the ability to file class action lawsuits. That is just plain not true. We do not take away claimants' ability to file in State court. All we do is modify the rules to allow removal to Federal court for class actions that fit certain criteria within this bill, and most often that is when there is a national implication of the class action suit, or it is not limited to a single State. It is in no way mandatory in our legislation that these cases need to proceed to the Federal court.

Moreover, the claims that we have heard this morning and this afternoon that the Federal courts do not certify class actions are not true either. The Federal courts certify class action cases all the time, and the claimants win their suits in the Federal courts

and it is often seen as a forum of preference.

A recent Federal Judiciary Center study found that it was more likely for a class action to be certified in Federal court than in State court. There simply is no foundation, then, for the allegation that Federal courts are less capable of deciding these kinds of cases than State courts. Simply, that does not meet the commonsense test.

It also is not true that it will take longer for Federal courts to decide class actions. The Federal courts have more resources to decide these cases than State courts. In fact, we have the same Federal Judicial Center study indicating that State courts are much more likely than Federal courts to sit on class action lawsuits.

Also, I want to restate that we have made significant changes to the bill to ensure that truly local class actions stay in State court. This is the local controversy exception that was worked out to bring on other Democratic Senators who did not like certain aspects of the bill but wanted the bill to pass and said they would help us get it passed. Those Senators who wanted that local class action exemption, that the class action stay in State courts, were Senators SCHUMER, DODD, and LANDRIEU.

Earlier, some of my colleagues indicated that local issues, such as the PCP leak made famous in the Erin Brockovich case, or suits brought by nursing home residents would be required to be heard in Federal court. Again, this is not true because of the compromise that we crafted with these other Senators and included in the bill that is now before us.

So it is not true that if you have your case heard in Federal court, you will get no justice. That is an outrageous statement and, quite frankly, an insult to the Federal judiciary. The Class Action Fairness Act does not close the courtroom door to anyone. Congress has studied this issue, and Congress has found that there are many problems that need to be considered. That is why we have been working on this steadily for so many Congresses.

A number of studies have come out indicating there are serious abuses of the class action system. There have been numerous editorials and articles that support this bill. It is a bipartisan bill. So I think we ought to move on. The Senate is functioning as the Senate ought to function. As I said last night, nothing gets done in the Senate that is not bipartisan, and when it comes to an issue of partisanship, if 41 Senators stand against it—and that is quite a minority in this Senate—nothing gets done.

We had that vote last October, 59 votes, 1 short of the supermajority to move on, but enough to bring a halt to the consideration of this legislation, because nothing happens in this body unless there is strong bipartisan support. After that cloture vote, we spent last fall working with Senators on the other side of the aisle to get above that 60.

So if there is a situation where one Senator is still not satisfied, do we shut down the whole Senate, or where we maybe even have 10 Senators not satisfied? What more do we have to do to get over that customary rule in the Senate of 60 votes to stop debate to get to finality?

For sure, if we get to a cloture of 60 votes and end up with 70 votes or 75 votes, are not the people trying to stall this legislation somewhat embarrassed by wanting to shut down the whole legislative process? So we have worked to get over that magic hurdle, and when we get over that we will have plenty of votes.

Remember the vote we had through April and May on what we call the FSC/ETI bill, or the JOBS bill, the bill I called creating jobs in manufacturing? We took 15 days over about 2 months to get that legislation passed. It passed 92 to 5.

There were all sorts of games being played with it on matters totally unrelated to the underlying legislation, all in the interest of preserving minority rights. Well, I think this bill has met that test, and we ought to move on. We still have a few people who do not want to move on, and that is a sad commentary, because when one plays by the rules of the game, it seems to me that people who do not get their way have to quit crying in their beer and suck it in, suck it up and move on. That is what I am asking my colleagues on the other side to do, suck it up and move on.

Let the Senate work. It has worked. This legislation is proof that it is working.

I yield the floor.

Ms. MIKULSKI. Mr. President, today I rise to oppose the Class Action Fairness Act.

This bill is anything but fair to the millions of consumers who will have the courthouse doors slammed on them.

Class action lawsuits are the only way a large number of people can get justice for a harm done to them by a consumer product, a corporate practice or an environmental harm. It is often not possible or practical for an ordinary individual to go to court against powerful corporations when they have only have a small amount of damage from a dangerous product. These cases help Americans, who can not bring a lawsuit on their own behalf, get their day in court. We cannot close the courthouse door on them.

I do believe that there are problems in the tort system that we need to address, and I have supported reform efforts to do that. But this bill goes too far. It throws the baby out with the bath water, removing virtually every State class action to Federal court.

Yesterday's New York Times called this bill ''A mischievous bill masquerading as . . . reform.'' In fact, this bill does little to reform the tort system and does much more to benefit the special interests who are supporting it.

Supporters of this legislation have claimed that they are making the system fairer and that they have improved on the original bill. But creating a system which moves virtually all class action cases to federal court is not fair to consumers, workers and victims of discrimination, who stand to benefit from strong State laws on consumer and environmental protection, civil rights protections and labor rights.

In our federalist system, these individuals look to their State courts and State judges for justice and this bill would undermine those rights.

This bill will also cause many of these cases to be dismissed once they reach Federal court. It is a bait and switch game. Get the cases out of State court and into Federal court where there are more hurdles for a class to be certified and then the case is thrown out. That is not fair either.

Finally, this legislation means delay and denial for injured consumers. Our Federal courts are already overburdened. Adding a significant number of cases to their dockets will only create further delay, both for the cases that this bill removes to those courts and for the cases that are already there. Judges will have more complex cases, with no additional resources, and plaintiffs will wait longer and longer for relief, if they get relief at all. Federal judges have even said that they don't want all these cases sent to them.

Instead, it is the special interests who will benefit. They will be able to take cases out of State courts where they belong, even if most of the plaintiffs live in the State and the issue involved purely matters of State law. Corporations will be able to move these cases to Federal court where it is harder to certify a class, where courts often won't certify a multi-State action, and where business interests have an advantage over the little guy. That puts special interests above the interests of working Americans.

Supporters of this bill claim that consumers will benefit from the provisions they have added to the bill. They say that the bill will safeguard consumer rights and make sure that the lawyers don't get all the money. But what this bill really safeguards is a good outcome for corporations, for drug companies, and the tobacco industry, by changing the case to a forum known to be better for business and, once its there, not even guaranteeing that the Federal court will allow it to proceed. That means State and Federal courthouse doors all over our Nation will be slammed on those seeking to hold business accountable for harmful practices. That is not fair and that's not what our legal system is all about.

As I travel through my State, I hear about problems with the legal system. Most often people are concerned about

policies that restrict access to the courts and not with abuses of the tort system. Yet I know that there are problems out there, and I have been on the record saying let's fix the problems.

But this bill doesn't do it. This bill does not deal directly with the problems. This bill is a one-size-fits-all solution to a complicated legal problem. Instead, let's look directly at the problems that are impacting consumers, workers and communities and where there are abuses in legal fees or trial awards they should be fixed. Many States have led the way, fixing their own systems to prevent some of the abuses that proponents of this bill talk about. More work needs to be done and the Senate should be looking at doing that instead of supporting this overbroad bill.

But I believe in fixing the problems. That is why I supported Senator BREAUX's alternative the last time we debated this bill and why I will vote to support his and Senator BINGAMAN's amendments if they are able to offer them this time around. That is why I was optimistic when members of the Judiciary Committee were debating this issue, and I wish that we had given them more time to conduct hearings to get the root of the concerns and provide a specific solution.

Yet today we find ourselves faced with a bill that goes too far. I came to the Senate to fight for the little guy when his or her rights were trampled. This legislation threatens those rights, and I urge my colleagues to reject it. We should go back to the drawing board and come up with a proposal that gets at the heart of the abuses but doesn't undermine the rights of consumers and others looking for a fair day in court.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I arrived to hear the final comments of my very respected colleague from the neighboring State of Iowa. With all due respect, I am surprised, at least as I heard it, that my colleagues and I on this side of the aisle are being vilified for the status of this legislation. I was curious because the Senator, of course, knows, as chairman of the Senate Finance Committee, about the fate of the legislation that he saw through in his own committee to which he just referred, the FSC/ETI bill.

From my understanding of that legislation, what happened to that after it left the Finance Committee, to the point where it reached the Senate floor, and not always with the chairman's concurrence, what was added to it as part of the process and what has been done to it over in the House, if we want to talk about legislation that has had measures added to it where there is no connection to the public interest—and I see no connection to the bill at all which is called the JOBS Act; in the House it was called the Jobs in America Act—and then provides the kind of tax breaks that it does in the Senate bill for $39 billion worth for outsourcing American jobs and expanding businesses and their subsidiaries in other countries, it is hard for me to see how we are the sole culprits in wanting to add measures to this bill.

I believe there are members of the other caucus who also desire to add measures to this bill because there are not many bills that are likely going to be passed and confereed and signed into law. We have our genuine interests in seeing that some of these important measures receive at least an up-or-down vote in the Senate, and then either proceed or not accordingly.

The Senator said we devoted 15 days to that corporate tax bill. I do not know why there is this rush to close the door on this legislation which is before us now. I do not support this bill, but I do support dealing with it and having an up-or-down vote on it, but only after all of us on both sides of the aisle have had the opportunity to bring forward our amendments and have them acted upon. That is the tradition of the Senate. That is the spirit of the Senate. Those are the rules of the Senate. I do not see anybody on this side who is trying to be an obstructionist. I see people on this side who thought that was our understanding and agreement and want to proceed on that basis.

I do rise to oppose this underlying legislation, which is truly a wolf in sheep's clothing. Its proponents claim, as a top U.S. Chamber of Commerce official is quoted in yesterday's Washington Post, that it is strictly process, that it does not affect anyone's substantive rights.

That is nonsense. If that were true, we would not be debating this bill on the Senate floor yet again and it would not be the third time that this issue has been brought before the Senate in this session. That same Chamber of Commerce official also said: There are a number of juries on the State level where a lot of abuses are going on.

What are those abuses that we hear about over and over by the proponents of this legislation to justify the actions that it would take? Well, the people who are pushing this legislation are unhappy with the decisions that juries are making. Too often the U.S. Chamber of Commerce and other proponents claim juries are deciding for the plaintiffs, for the groups of people who have claimed that they have been wronged, and against the defendants, which are usually large and wealthy corporations.

So that is the abuse: Juries, comprised of qualifying citizens agreed to by the attorneys for both sides, are deciding too many cases for the people who have been harmed and then are awarding financial settlements more costly than the convicted defendants would like. Well, our country's judicial system has a long roster of defendants who are unhappy with the verdicts and their punishments, but Congress is not considering changes that benefit all of them.

This present judicial system is not perfect—nothing ever is—but it works better than most systems in our country. In fact, it may be the last place the people without money have a fair chance against people who do. People without money cannot afford to hire a full-time lobbyist to influence Congress or State legislators or Federal and State administrations. They do not make big campaign contributions or hold fancy receptions at party conventions. Many Americans cannot even afford to hire a lawyer to assert their rights in a court of law. They do not have the hundreds or thousands of dollars needed to pay for the preparation of complex cases and all the time required to go through the judicial process. They cannot afford the special consultants that many legal defense teams use to select the juries that are most sympathetic to them. Thus, many Americans have to join together with other alleged victims in order to be able to afford all together to seek justice, to have their day in court. They might win; they might lose, but at least they have their day in court. They do lose, many times, in State courts as well as in Federal courts. But of course we don't hear any complaints from the Chamber about those juries. The only ''abuses'' are when the people win, and the moneyed interests lose. So the moneyed interests have come to the Congress to get the special favors they want in order to have the world their way.

Tragically for this country, it is likely, it appears, that Congress is going to give the powerful, moneyed special interests what they want at the expense of everyone else in America. Hundreds or thousands of the people we are supposed to represent will be hurt by this legislation. Most of them do not realize yet that they are in the process of being harmed; they are too busy working, raising their families, going about their lives, until something bad happens to them and they need to seek justice.

This legislation would hurt their chances to get that justice. This bill would move many of their cases to Federal courts where the delays are greater, where the waits for justice are much longer, and where, evidently, the rich and the powerful win more often. That is why this bill's proponents want us to pass it. To me, that is exactly why we should reject it.

There are other reasons to reject this bill. The Chief Justice of the United States has asked Congress not to shift cases from State courts to Federal courts. In 1998 he said:

> In my annual report last year I criticized the Senate for moving too slowly in the filling of vacancies on the Federal bench.

That was back in 1998.

> I also criticized Congress and the President for their propensity to enact more and more legislation which brings more and more

cases into the Federal court system. If Congress enacts and the President signs new laws allowing more cases to be brought into the Federal courts, just filling the vacancies will not be enough.

More recently, the Judicial Conference of the United States, the policymaking body for the entire Federal judiciary, wrote Chairman HATCH on March 6, 2003, of their opposition:

. . . based on concerns that the revisions would add substantially to the workload of the Federal courts and are inconsistent with the principles of federalism.

So this bill ignores the advice of the Federal judiciary and the Chief Justice of the United States, and it ignores the best interests of most Americans in order to further advantage the rich and the powerful. Proponents say the judicial system is broken and needs to be fixed. I say what needs to be fixed is this legislative system, whereby the rich and the powerful get special legislation passed that helps them and hurts everyone else. I have seen it tried time after time in my 3½ years here. I have seen the rich and the powerful win most of those times, and the people who are not rich and powerful abandoned. It looks like that will happen again. What a tragedy for the Senate. What a tragedy for America.

I urge my colleagues to reject this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this late afternoon to stand in support of the Class Action Fairness Act of 2004. I thank my colleagues, especially CHUCK GRASSLEY, chairman of the Finance Committee, and a Senator who has been a champion of the reform of this particular provision of law in our country for a good number of years.

When working properly, class action lawsuits are an important part of our civil judicial system. The whole idea behind class actions is to promote the efficient, effective administration of justice by allowing for the consolidation of numerous, but identical claims brought against one defendant. When working properly, these lawsuits provide relief to a large number of people who have been victimized—when working properly. But our current class action system is not working properly.

The class action system is uniquely ripe for abuse. In normal litigation, plaintiffs who have been injured seek out an attorney to redress their grievances. In class action litigation, this process is reversed—lawyers are appointing themselves as counsel to a group of people who may or may not feel victimized. This designated victim may not only be unaware he or she is even part of a lawsuit, this person might be perfectly satisfied with the product or service that is the subject of the litigation. Even when a large group has suffered an injury, the lawyers are often the real winners, as they are able to secure large fees while their clients receive coupons of little or dubious value.

A serious need for this legislation has also resulted from the actions of a few rogue State courts. Diversity jurisdiction was established to facilitate commerce by ensuring that claims brought against interstate businesses would be heard in Federal court, so as to avoid local biases. The Framers foresaw the potential chilling effect that could occur on commerce if out-of-State businesses were forced to defend themselves in front of State court judges, who have a greater potential to ''play favorites.''

The Framers realized this in 1787. Today, we live in an advanced technological age, where interstate business occurs at the click of a button, 24 hours a day, 7 days a week. Certainly, the Framers' efforts to ensure the fairness of claims brought against out-of-State defendants is no less important today; and, at the very least, commerce still deserves the amount of protection our Constitution already provides.

However, under current law, a class action involving thousands of residents from all 50 States and millions of dollars does not qualify for access to Federal court. The Class Action Fairness Act resolves this problem by ensuring that truly local disputes will be litigated in State courts, while interstate class actions, involving national issues, will be heard in Federal court.

S. 2064 will go a long way toward ensuring the intent behind the establishment of class actions is followed. S. 2064 will do this by reforming the diversity rule applicable to class actions in order to provide greater protections for consumers by curbing class action lawsuit abuses, which are enriching lawyers at the expense of consumers.

S. 2064 is in line with our idea of justice and fairness. As set forth in Article III of the Constitution, the Framers established diversity jurisdiction to ensure impartiality for all parties in litigation involving persons from multiple jurisdictions, particularly cases in which defendants from one State are sued in the local courts of another State. Interstate class actions—which often involve millions of parties from numerous States—present the exact concerns diversity jurisdiction was designed to prevent: the potential for local prejudice by the court against out-of-State defendants or a judicial failure to recognize the interests of other States in the litigation.

This act is not about protecting ''big business,'' as some critics claim. Rather, it is about protecting the rights of workers and consumers. I come from the great State of Idaho, where the need to attract new industries is important to our largely rural economy. If a business cannot be sure of the liability it might face in the event of litigation, it will be more reluctant to leave its State of incorporation. And, when litigation costs become too unpredictable, the effect will be to dissuade investment. Or, worse yet, businesses will converge on a few select States, whose laws are most favorable to corporate interests—not only clogging the dockets and slowing down justice in those courts, but providing business opportunities in only a few select areas. This is not good for anyone.

Under the Class Action Fairness Act, the exact type of cases that should be heard in Federal court—cases involving issues of national importance—will be heard in Federal court. While, a case between two citizens from different states, with no national significance, will be left to the State courts. For these reasons, I encourage my colleagues to support this important legislation.

Finally we have a bipartisan bill on the floor of the Senate and it is ready to be debated, ready to receive amendments, ready to be voted on. It is exciting when work of this kind reaches that, if you will, supermajority status that finds both Democrats and Republicans in support of it. There are some 60 cosponsors, I understand, of this critical legislation.

Much has been said about it this afternoon, both pro and con, but the reality is we have a system that has been largely abused and misused and clearly one our Founding Fathers put within the construct of our judicial system to provide a fairness element to all of those in the broad context that class action addresses, not to be victimized by the system but to be served by the system. I hope we can find ourselves a way, through the course and process of the Senate rules, to allow an amendment, amendments, and ultimately final passage on this important legislation.

I was on the floor earlier this morning when our majority leader was attempting to work out a satisfactory process by which we could debate and bring resolution to this important legislative agenda. But I was one of those who had an amendment on the floor, ready to go, that was not specifically germane to class action. Strangely enough, it is in itself a bipartisan piece of legislation, having now garnered the support of some 63 Members of this Senate. It deals with some element of immigration reform, specifically in the area of agriculture, dealing with substantial reform in the H–2A designated immigrant, or I should say worker, as it relates to agriculture.

Here we have two pieces of legislation worked on for many years by our colleagues here in the Senate, one the class action legislation with 60-plus cosponsors, my agriculture jobs legislation with over 63 cosponsors, and somehow we can't seem to get the process working in a way that would allow us to vote on these up or down.

I was certainly willing to offer my amendment and to seek a time limit of 4 or 5 hours to debate it, to allow Members to come to the floor and possibly amend it or to offer amendments and

withstand the judgment of their colleagues as to whether those amendments were worthy in shaping or reshaping or transforming legislation that 62 other colleagues and I wanted on the floor for the purpose of debate and consideration.

That is also true of the class action legislation. We have heard a great deal today about the pros and cons of the legislation, S. 2062, that is before us. The great tragedy we are now facing is the process and/or the procedure may disallow an up-or-down vote on class action. There is a strong effort on the part of my leadership to block my effort in coming to the floor with a strongly developed bipartisan piece of legislation to address that also.

Does the public become confused by this effort? I suspect they might, and that is difficult as we attempt to work out the differences and allow these kinds of issues to come to the floor. I am prepared to vote on class action. I am prepared to support the legislation, the underlying bill that is now on the floor.

I also hope my colleagues will seriously consider that a time is necessary to deal with an immigration reform policy. Although it is not a whole cup, although it does not address the universe of undocumented foreign immigrants in this country, it deals with a very critical part of America, American agriculture, that now finds it must seek its workforce in a way that allows it to become nearly 80 percent undocumented because the law is so restrictive and prohibitive and cumbersome and bureaucratic that the average agricultural producer simply cannot identify with it in an appropriate timeline to harvest his or her crops.

They seek employment from people who want to come here and work. Not American citizens. American citizens don't do that kind of work anymore. They are, if you will, an economic cut above it. Or they have a social program that simply allows them a sustenance or a lifestyle in which they don't need to seek that kind of employment.

But there are now about 1.5 million undocumented workers in this country who are employed by American agriculture, who harvest our crops, who bring them into the process, and who ultimately help get them to the supermarket shelf. Yet we cannot in a responsible, legal fashion deal with them. That is why I spent the last 5 years working with a vast array of people, both House and Senate, to fashion this legislation. That is why it now has 63 sponsors. It is why it now has over 400 groups nationwide, from the National Farm Bureau to the United Farm Workers Union to the AFL/CIO to the National Nurseries Association, that say it is critical this legislation pass.

We have producers, agricultural producers in our country today who are finding it so difficult to gain the necessary employees to do the work in the field or in the processing sheds that they are contemplating—and some have already made the decision—to go out of business.

Where does that production go? Offshore, out of the country to Chile or Peru or someplace like that instead of happening in the valleys and in the farm fields of America.

Why can't we solve this problem? Some say it is too political. I suggest it is not political at all. It is time that we lead, that we solve it, that we address the issues, that we create a system that allows people to come to our country to do certain kinds of work and to go home—to do it in a legal, open, transparent way while we can effectively control our borders as we should as a great nation, and at the same time for those who are illegal we ought to be able to apprehend them and remove them from our country. But to do the first or the last without something in the middle that creates an effective, responsible avenue and workforce is simply irresponsible.

That, in essence, is what we have created.

What happened after 9/11? We rediscovered all of this vast array of immigration law in our country that doesn't work.

We have between 8 and 12 million undocumented people in our country. I say shame on us for having allowed that to happen. You solve the problem, you control the border. Great nations maintain their integrity by controlling their borders. Great nations maintain their integrity by creating a civil process on the inside that effectively works. Great nations maintain their integrity by apprehending those who are violators of the law and treating them accordingly. In this instance, and in those examples or situations, we are not doing either.

I proposed—and 62 of my colleagues agree—a piece of legislation that is most critical to our country and to a segment of our economy. I brought it to the floor this morning willing to stand it alongside this important piece of legislation, willing to limit the debate on it so that we can facilitate the process and move this through. And I surely thought the underlying bill with 60-plus cosponsors, and my amendment with 63, ought to be something that can come together. Apparently it can't, or it won't.

I am here this evening to tell my colleagues we ought to be debating and voting on this important piece of class action reform legislation, and we ought to be voting on agricultural jobs. We ought not simply put it off. Those who are the critics of it, who have no alternative, simply want us to, as we have done for two decades, turn our backs, look over our shoulders, say, Oops, there is a problem, while in many instances these human beings are treated inhumanely, while over 350 of them died at the United States-Mexican border this past year, while we simply say, Oh, well, it is so complicated we cannot solve it.

I suggest we can. I suggest it is ready to be solved now and that many of us have worked to accomplish that.

I hope our leadership can work with the other side and work out our differences and get a unanimous consent agreement that shapes the time and moves this legislation forward. We ought not have lawyers working the legal system to simply benefit their pockets while the citizens who may have been harmed get little or nothing but a meaningless coupon of dubious value. That is not the appropriate way for our legal system to work in this country. And that is why Senators GRASSLEY, CARPER, CHAFEE, DODD, HATCH, KOHL, LANDRIEU, LUGAR, MILLER, SCHUMER, SPECTER, and a good many others believe that S. 2062 ought to become the law of this land.

I hope by tomorrow we will have resolved this important situation in a way that allows us to move forward in a timely fashion and allow the American people to see where we stand on these critical issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I want to update everybody as to where we are with respect to the Class Action Fairness Act. From the many statements over the course of today and last night, it is clear that this bill is important to the American people, and it is important to the economy. It is a bill about equity and it is a bill about fairness.

Earlier today, I attempted to reach an agreement that would allow an orderly process to consider the bill. The agreement respected Members' rights to offer amendments, but also represented a commitment to focus on the issue—class action reform—and eventually proceed toward a final agreement with the House through the regular conference process. That is all we asked with no restrictions as long as we stayed on the bill, amendments on the bill, and once we passed it in the Senate, it would go to a conference with the House.

The important point is at the end of the day—and this is where we stand tonight—by the end of this week we need to pass this bill and do what is right for the American people to create a public law.

Unfortunately, we were unable to get this agreement. There was an offer from the other side which did not necessarily allow completion of this measure, and that offer included five nongermane amendments, the subject matter of these amendments simply being unknown. These nongermane amendments are totally unrelated to class action reform. They could be controversial in nature, and I can tell my colleagues, sharing with my colleagues

which amendments they might be, indeed they are very controversial in nature and would require extended debate. That is not the way to complete action on this bill.

With that said, I am prepared to file cloture this evening on the bill. I do so continuing to hope we can consider relevant amendments to the bill while the motion ripens. If colleagues do have relevant class action amendments they want considered, I encourage them to come forward and discuss them with the managers and let us work out a process to dispose of them.

CLOTURE MOTION

Mr. FRIST. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 430, S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Bill Frist, Orrin Hatch, Charles Grassley, Peter Fitzgerald, Craig Thomas, Mitch McConnell, Ted Stevens, Robert F. Bennett, Jim Talent, George Allen, Jon Kyl, Rick Santorum, Jeff Sessions, Pete Domenici, Susan Collins, Lamar Alexander, John Cornyn.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the information of my colleagues, this vote will occur on Friday unless it is vitiated by some other agreement, and we will remain in discussion and willing to vitiate it if agreement can be reached. We will be on the bill throughout tomorrow's session. Again, I hope we will be able to dispose of class action amendments during that period.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL RUSSELL WHITE

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of LCpl Russell P. White. Russell epitomized the best of our country's brave men and women who are fighting to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Russell reminds each of us how good we can be.

A resident of Dagsboro, Russell's passing has deeply affected the community. A graduate of Indian River High School, Russell was the son of Gregg and Tricia White. Friends, family, and school officials recalled Russell as a proud young man who made a sacrifice for their freedom, even if his death did not come during combat. As a senior at Indian River High School in rural Frankford, Russell spent his days in classrooms overlooking soybean fields, and his spare time at home hunting duck along tranquil Vines Creek. In his senior year, he tried out for and made the football team at Indian River. He became a starter and, at a mere 165 pounds, played nose guard, out hustling opposing lineman who weighed 50 to 100 pounds more than he did.

But Russell had a desire to be part of something bigger. He wanted to be among the troops sent to hunt Osama bin Laden in the mountainous terrain of Afghanistan, so he joined the Marines early last year.

Russell had been stationed in Afghanistan for about a month prior to his death and was part of the mission to root out bin Laden and other members of al-Qaida. He was assigned to the 3rd Battalion, 6th Marine Regiment, whose home base is at Camp Lejeune, NC.

Russell was remembered by his fellow marines as a young man who had a kind spirit and a zest for life with an outlook that sometimes got him into a little trouble, especially in the 13 grueling weeks of boot camp. When drill sergeants would bark orders, Russell would often crack a smile, unlike others who might shed tears in their bunks at night. ''They couldn't crack him,'' Russell's father, Gregg, said. While Russell may have found some of his early training a little amusing, he was absolutely serious about his duties in Afghanistan.

Russell was a remarkable and well-respected young soldier. His friends and family remember him as an honorable man. He enjoyed playing football, hunting, skiing and being out on the water. He had hoped to return to Sussex County to help run his father's home-building business. Sadly, that dream will not be fulfilled.

I rise today to commemorate Russell, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 1995, a 9-year-old boy named Steven Wilson was found brutally raped, beaten, and drowned in a muddy ditch one mile from his house. Around the town, little Steven was known as a kid who liked to play with dolls. Other kids teased him and called him ''fag.'' Nonetheless, Lamont Harden, a 15-year-old neighbor of Wilson, confessed to this horrific murder on the basis that he was trying to ''humble the fag'' that allegedly got into a scuffle with his brother.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

INTERIOR ALASKA WILDFIRES

Ms. MURKOWSKI. Mr. President, 10 years ago, on July 6, 1994, fourteen wildland firefighters lost their lives fighting the deadly South Canyon Fire near Glenwood Springs, CO. Nine of the 13 who perished were members of a single crew—a hotshot crew based in the small high desert town of Prineville in central Oregon. The ''Prineville Nine,'' as they have come to be called, were all in their 20s.

The events of July 6, 1994 were as significant to the wildland fire community as the events of September 11, 2001 were to the New York City Fire Department, and the brave young men and women who perished in the South Canyon Fire were every bit as heroic as those who perished at the World Trade Center.

The anniversary of the South Canyon Fire brings home to all who live in the West how dearly we hold the brave young men and women, clad in their fire resistant yellow shirts, green pants and helmets, who fight the fires that sweep through our backyards.

On Monday, July 5, I had the privilege to visit a fire camp near Fairbanks, AK. The young men and women based at the camp were fighting the Boundary Fire, which is burning to the North of Fairbanks, under the experienced leadership of Steve Hart and his Type I Incident Management Team, drawn from the Rocky Mountain region of our Nation.

In the course of my visit, I had the opportunity to meet with each of the leaders on the Incident Command Team and received detailed briefings on how the fire was being managed.

One of those briefings was delivered by the Incident Safety Officer, who emphasized the acronym L-C-E-S, which stands for lookouts, communications, escape routes, and safety zones. Wildland firefighters are taught to keep safety in their forefront of their minds, constantly focusing on L-C-E-S.

On the Boundary Fire, the singular focus on safety is evident throughout the camp. It is clear that the lessons of the South Canyon Fire have not been lost to history.

Today there are 73 wildland fires burning in the State of Alaska and some 1,544 wildland firefighters from 26 states and one province of Canada are on the ground tirelessly addressing these fires. Since the beginning of this year's fire season, approximately 2 million acres have burned in Alaska. Most of these acres have burned in seven large fires and ''fire complexes'' which occurred in the last few weeks.

As of the last report that I received, the Boundary Fire is 27 percent contained. Two other incidents are five percent contained and the remaining four are zero percent contained. New fires can start on a moment's notice from a strike of lightening and, depending on the fuel; wind shifts can move existing fires at rates of over 2 miles per hour.

In fact, a new fire was just reported yesterday, near the villages of Bettles and Evansville. At 5:00 PM, when the fire was reported, it had burned one acre, one hour later it was reported at 500 acres and at 10:00 PM it was reported at 1500 acres.

Last week was an exceptionally difficult one for the people of Interior Alaska. In Fairbanks, a dark, smoky haze hung over the community. The Boundary Fire was burning about 30 miles to the north of Fairbanks between the Steese and Elliott Highways, while the Wolf Creek Fire was burning to the east, near Chena Hot Springs Road.

These fires caused the evacuation of more than 280 households and countless animals, including household pets, sled dogs, cows, pigs and llamas. While volunteers from the Tanana Valley Chapter of the American Red Cross were offering shelter, food and respite from the smoke to the people of Fairbanks, officers from the Fairbanks North Star Borough's Division of Animal Control and numerous volunteers were making sure that the displaced animals were being well cared for.

Miraculously, only seven structures, to date, have been lost in the spate of these wildfires with no loss of life. Thanks to the hard work of firefighters through the Independence Day weekend, the people uprooted by the Boundary Fire are returning home today.

Although the Boundary and Wolf Creek fires were the subject of attention in the national media because of their proximity to urban areas, we must not forget that the fires are also threatening bush villages in rural Alaska. The Pingo Fire has burned to within one and one half miles of the town of Venetie and wildfires continue to threaten habitat that is important to the subsistence lifestyle practiced in the village.

The people of Eagle on the Canadian border have been challenged by two fires, one burning west from Dawson City in the Yukon Territory. The safety of these communities, as well as Bettles, Chicken, Evansville, Fort Yukon, Stevens Village and Tok are on our minds today.

The proximity of wildfires to the outskirts of our urban areas reminds us all to be firewise. Building defensible space around structures not only increases the likelihood that a building will survive a fire; it also increases resident and firefighter safety. Alaskans are also being encouraged this week to store their firewood away from structures and to use metal or fire resistant roofing materials in construction. I support these important safety initiatives.

I also continue to support the important fuels reduction provisions of the President's Healthy Forest Initiative, and will continue to work to ensure that adequate resources are made available by Congress to our Nation's fire fighting crews.

Fairbanks is known as the ''Golden Heart City,'' so let me say that our golden hearts go out to the thirty seven Alaska Native firefighting crews that are protecting Fairbanks as well as our villages, the Alaska firefighters on mutual aid assignments to fight the wildfires, and members of the national wildland fire community who have been dispatched to Alaska to help us get through this difficult fire season. I am deeply grateful to all in the wildland firefighter community for their tremendous sacrifices and commitment to making all of our communities safe.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today President Bush is holding a private fundraiser in North Carolina and complaining about the few judicial nominees who have not been given hearings by the Republican-led Senate, when he should be commending the Senate for confirming nearly 200 of his judicial nominees. One-hundred-ninety-eight of his judicial nominees have been confirmed. This number of confirmations is higher than the number of judicial nominees confirmed during President Reagan's first term, during the President's father's Presidency, and during the final term of President Clinton.

With these confirmations, there are only 26 vacant seats in the entire Federal judiciary, which is the lowest level since the Reagan administration. Senate Republicans more than doubled circuit court vacancies and raised overall federal court vacancies to more than 100 from 1995 through early 2001. Vacancies have been greatly reduced with Democratic cooperation during the last 4 years. Vacancies have been cut by more than 75 percent and judicial emergency vacancies have been cut by more than 60 percent from what they were.

During the 1996 session, when President Clinton was seeking a second term, Republicans allowed only 17 of his judicial nominees to be confirmed all year and blocked all of his circuit court nominees from being confirmed. This year, the Senate has confirmed 29 of President Bush's judicial nominees, including five circuit court nominees.

Democrats have acted with bipartisanship toward the judicial nomination process and supported the confirmation of this historic number of judicial nominees of this Republican president. During the 17 months of Democratic control of the Senate, 100 of President Bush's judicial nominees were confirmed. Republicans had blocked the confirmation of more than 60 of President Clinton's judicial nominees, including nearly two dozen to the circuit courts.

The situation in North Carolina illustrates this history of Republican obstruction and the Bush administration's determination to try to pack the courts. During the Clinton administration, four nominees from North Carolina to the Fourth Circuit were blocked by Republican Senators, and they never got a hearing or a vote. U.S. District Court Judge James Beaty would have become the Fourth Circuit's first African-American jurist. According to The Charlotte Observer of March 8, 1996:

> He is an excellent judge, partly because of admirable qualities that make him an ideal candidate for judging others. He rose from humble circumstances and eventually graduate from the UNC-Chapel Hill School of Law. Admirers say he is an ideal judge and citizen: even-tempered, hard-working, fair, serious, intelligent and unfailingly polite.

Judge Beaty never got a hearing or a vote from Republicans in 1995, 1996, 1997, or 1998. U.S. Bankruptcy Judge J. Richard Leonard also never got a hearing or a vote in 1995 or 1996 on his nomination to the Fourth Circuit, nor did Republicans give him a vote in 1999 or 2000 in his nomination to the District Court in North Carolina. North Carolina Court of Appeals Judge James Wynn never got a hearing or a vote on his nomination in 1999, 2000, or 2001. Had Judge Wynn been confirmed he would have been the first African American to sit on the Fourth Circuit. Law Professor Elizabeth Gibson also did not get a hearing or a vote.

During Republican control of the Senate, no nominee from North Carolina to the Fourth Circuit was allowed to be confirmed during the entire Clinton administration. It is ironic that Republicans now claim that Judge Boyle must be confirmed because the seat is considered a judicial emergency by the Administrative Office of the U.S. Courts, when the North Carolina vacancies on the Fourth Circuit were considered judicial emergencies years ago when Republicans blocked Clinton nominee after Clinton nominee. During the Clinton administration, Republicans argued that these vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country, a distinction it still holds. After three

confirmations for Bush nominees to that court, including Judge Duncan, the Fourth Circuit has fewer vacancies today—three—than it did when Republicans claimed no more judges were needed—5 vacancies.

Republicans used every argument they could muster to stop Democratic nominees from being confirmed to the Fourth Circuit, particularly in North Carolina, and now they flip flop to claim that Republican nominees must be confirmed.

When Senator JOHN EDWARDS was elected, he sought out the middle ground on judicial nominations, after years of North Carolina nominees being blocked by Republicans. For example, he should be commended for working with the President on the nomination of Judge Allyson Duncan, an African-American women who had served as the President of the North Carolina Bar Association, for a seat on the Fourth Circuit. Senator EDWARDS fully supported her confirmation. She was a Republican who had testified in favor of Clarence Thomas' confirmation, but she had a reputation of fairness. With Senator EDWARDS' support, Judge Duncan was confirmed. He broke through the Republican logjam in this circuit. Senator EDWARDS also acted with bipartisanship in supporting the confirmation of two Bush nominees to the district court, Judge Brent McKnight and Judge Louise Flanagan.

Senator EDWARDS has sought out compromise with his fellow North Carolina Senators on judicial nominations, but they have, by and large, refused to help find a middle ground. He has supported the proposal of the North Carolina Bar Association that the State establish a bipartisan merit selection commission to propose nominees to the President, Republican or Democratic, to create a long-term solution to impasses that are created by any Senator's insistence on his choice alone, with no compromise, for these lifetime seats of trust on the Federal bench. Unlike President Bush, Senator EDWARDS understands what it means in reality to be a uniter and not a divider. He comes from a part of the country that understands deeply how important it is that leaders seek to unite people across racial, economic and political lines rather than to divide them.

Senator EDWARDS has stood up to efforts by this President to pack the courts with people whose records do not demonstrate that they will be fair judges to all who come before them, rich or poor, Democrats or Republicans, or any race or background. He has expressed concerns about Bush nominees Judge Boyle as well as James Dever, a 40-year-old Federalist Society member and Republican Party activist. President Bush has repeatedly claimed that he is opposed to judicial activism while he has simultaneously nominated activists for judicial positions.

He would not support the confirmation or recess appointment of a judicial nominee who violated judicial ethics to reduce the sentence of a convicted cross burner, as President Bush did over the holiday celebrating the birth of Dr. Martin Luther King. Senator EDWARDS opposed other Bush judicial nominees whose record demonstrate insensitivity or hostility toward the civil rights and the blessings of liberty guaranteed to all Americans. Just yesterday, President Bush nominated Keith Starrett to the vacancy created by Judge Pickering's recess appointment and by his resignation from the district court. This nomination shows again the President's insensitivity to the wishes of so many in the South District of Mississippi by passing over qualified African-American candidates for that powerful district court seat. In act, this President has chosen narrow ideological purity over diversity by nominating more people involved with the Federalist Society than African Americans, Hispanics and Asian Americans combined.

The biggest problem in the judicial nominations process is not with the Senate but with the White House. The judicial nominations process begins with the President, and President Bush has chosen to divide the Senate and the American people with his judicial nominations, instead of to unite us. The administration is intent on undermining the independence of the Federal judiciary and on making it a clone of the Republican Party. The President and his aides have shown the same unilateralism and arrogance to the Senate in their handling of judicial nominations that they have shown in so many other important policy areas.

I commend Senator EDWARDS for breaking through the Republican logjam on appointments from North Carolina to the Court of Appeals for the Fourth Circuit. He has sought out the middle ground while also standing firm in his efforts to protect the right of the people to fair judges in our Federal courts. The American people deserve an independent judiciary with fair judges who will enforce their rights and uphold the law.

DRUG PRICING DISCOUNTS

Mr. CORZINE. Mr. President, I rise today to commend Pfizer, Inc., for its new initiative to provide discounts of between 15 and 50 percent off retail prices of its drug inventory to any uninsured American, regardless of age or income. We have been grappling with the issue of quality, affordable healthcare and accessibility to prescription drugs for some time. I think all of us in Congress believe this is one of our most critical challenges. A lot of thoughtful work has gone in to trying to address this, but from my perspective, we have had only limited success to date. As an industry leader, Pfizer has really stepped up to the plate to fill in some of the gaps that we all acknowledge still exist.

The recently passed Medicare reform bill gives limited assistance to seniors and the disabled but leaves 44 million other uninsured Americans without coverage for their medications. The new program Pfizer is undertaking will offer assistance to those Americans who are not eligible for help under the Medicare plan. Pfizer's effort is truly a model of corporate responsibility, and I applaud the company for its example. I am particularly proud that Pfizer has a strong commitment to my State of New Jersey, with over 3,700 employees there.

We can especially appreciate that this new program covers a range of circumstances. It is widely acknowledged that expanded access to prescription drugs is integral to improving the health and quality of life for millions of Americans. By offering substantial discounts on its entire drug inventory, including the widely used Lipitor, Celebrex and Zoloft, Pfizer is taking an innovative and proactive approach to providing relief to the many Americans who would have gone without these vital medicines because they could not afford them.

In addition, there are 27 advocacy groups that have joined in support of the Pfizer initiative. This kind of collaboration between industry and community-based organizations represents public-private partnerships of the best kind. I am pleased to join with so many others in commending Pfizer's groundbreaking announcement, and look forward to working with all my colleagues in Congress on efforts to provide quality, affordable prescription drug coverage to all Americans.

USS ''RONALD REAGAN''

Mrs. BOXER. Mr. President, last month California bid farewell to President Ronald Reagan. This month, on a happier note, we are greeting a great new ship named in his honor. On July 23, 2004, the people of California will welcome the USS *Ronald Reagan*, CVN 76, to her new homeport in San Diego.

As the Navy's newest and most technologically sophisticated aircraft carrier, the *Reagan* will project tactical airpower over the sea and inland while providing critical sea-based air defense and antisubmarine warfare capabilities.

It is proper and fitting that the new carrier be based in our State: Ronald Reagan was one of California's own. Though he traveled the world and served two terms in the White House, he always called California his home.

The *Reagan* crew will find a warm welcome in San Diego, a beautiful and vibrant city that is proud to be a navy town. San Diego is a cornerstone of America's national defense, and the Navy is a cornerstone of San Diego.

On behalf of the people of California, I want to welcome the USS *Ronald Reagan* and her crew to your new homeport. We are pleased and proud to have you with us, and we will do all we can to make you feel at home.

CAPE VERDE NATIONAL INDEPENDENCE

Mr. REED. Mr. President, I rise today with my colleagues, my fellow Rhode Islanders, and our Cape Verdean community in celebration of Cape Verde Independence Day.

Every country is rich with its own history and unique story of how it achieved democracy, and Cape Verde is no exception. In 1462, Portuguese settlers arrived at Santiago and founded the first permanent European settlement city in the tropics. In 1951, Portugal changed Cape Verde's status from a colony to an overseas province in an attempt to blunt growing nationalism. Five years later, a group of Cape Verdeans, led by Amilcar Cabral, and a group from neighboring Guinea-Bissau organized the clandestine African Party for the Independence of Guinea-Bissau and Cape Verde, PAIGC, demanding improvements in economic, social, and political conditions in Cape Verde and Portuguese Guinea. This important action formed the basis of the 2 nations' independence movements.

By 1972, the PAIGC controlled much of Portuguese Guinea despite the presence of the Portuguese troops, but did not disrupt Portuguese control in Cape Verde. It was not until the April 1974 revolution in Portugal that the PAIGC and Portugal signed an agreement providing for a transitional government composed of Portuguese and Cape Verdeans. On June 30, 1975, Cape Verdeans elected a national assembly, which received the instruments of independence from Portugal on July 5, 1975, making it the official national day of independence.

For its first 15 years of independence, Cape Verde was ruled by one party. Then in 1990, opposition groups came together to form the Movement for Democracy. Working together they ended the 1-party state and the first multiparty elections were held in January 1991.

Cape Verde enjoys a stable democratic system where 4 parties share seats in the National Assembly. It is an example to other nations as to what can be accomplished. These democratic changes meant better global integration as the government has pursued market-oriented economic policies and welcomed foreign investors.

Today there are close to 350,000 Cape Verdean-Americans living in the United States, almost equal to the population of Cape Verde itself. These Americans hold a special right since the Cape Verdean Constitution formally considers all Cape Verdeans at home and abroad as citizens and voters. Thus, July 5th is a day of independence for all Cape Verdean-Americans as well as those in Cape Verde.

Recently we celebrated the independence of our own country, reflecting on the personal sacrifices many have made to ensure our own freedom and democracy. It is fitting we do the same with Cape Verde and I urge my colleagues to join me in wishing all those with direct and ancestral ties to Cape Verde a happy Independence Day.

ADDITIONAL STATEMENTS

TRIBUTE TO THAYAS RAY BRAY

• Mr. LOTT. Mr. President, on July 20, 2004, the city of Moss Point, MS will take time out to honor and pay tribute to one of its own, Mr. Thayas Ray Bray. In fact, his accomplishments are so numerous and his dedication to his community so strong, Moss Point officials have designated this Saturday as ''Thayas Ray Bray Day.'' Along with his wife, Joyce Bray, and two sons, Jerry and Keith, and their families, I want to take this opportunity to join the City of Moss Point in congratulating Mr. Bray on all of his hard work.

Mr. Bray's service to his local community and fellow citizens has taken on many different forms over the years. He has served as president of YMBC, MPAC, Exchange Club, and JC. He has owned Moss Point Sonic since 1976, as well as Lucedale Sonic, and has co-owned Jackson County Funeral Home. I understand he was the original organizer of Moss Point Impact, and a member of the Mississippi Restaurant Association. All the while, he has remained an active member of First Baptist Church of Moss Point.

By giving back so generously to the community through volunteer time, he has truly made a difference in the lives of others. Leading youth in Boy Scouts and Little League baseball are prime examples of his dedication. He has supported local activities such as the high school band and football, Gulfport Special Olympics, and YMBC Golf Tournaments. He also has been an active supporter of the fight against Muscular Dystrophy, and has supported both the American Cancer Society and American Heart Association.

As you can see, his contributions to the City of Moss Point are far-reaching and have benefited the community in many different ways. So again I want to thank Mr. Bray for his contributions to his community, and I want to join my friends and neighbors in applauding and commemorating his service.•

OPPORTUNITY VILLAGE'S 50TH BIRTHDAY

• Mr. ENSIGN. Mr. President, I wish to honor and celebrate an organization that has made an unbelievable impact on my home State of Nevada.

Today marks 50 years since Opportunity Village became part of the Las Vegas landscape. In 1954, a group of families joined together to support the needs of children with mental retardation. In the 50 years that followed, Opportunity Village grew to become the largest private provider of vocational training, employment, advocacy, and recreation for people with disabilities in Nevada.

Words cannot adequately describe the difference that Opportunity Village makes in the life of a person with severe disabilities. The organization gives individuals long-term work experience, marketable job skills, independence, and increased self-esteem. Those benefits are the very least that they provide.

However, Opportunity Village's accomplishments have not been made single-handedly. In Las Vegas, there are many wonderful partnerships between Opportunity Village and community businesses and agencies. Among them are America Nevada Corporation, ATC-Vancom, the U.S. Air Force, the U.S. Bureau of Reclamation, the U.S. Department of Energy, the U.S. Department of Veterans Affairs, the U.S. General Services Administration, the Las Vegas Convention and Visitors Authority, the Las Vegas Valley Water District, Bellagio, Harrah's, Station Casinos, the U.S. Department of Agriculture, Bank of Nevada, Bechtel, Boyd Gaming, the City of Henderson, the Clark County Health Department, Desert Automotive Group, GES, the Internal Revenue Service, KNPR, Krispy Kreme Doughnuts, McCarran International Airport, New York-New York Hotel and Casino, Southwest Gas Corp., Wells Fargo, and Wynn Resorts. I applaud all of Opportunity Village's partners for their vision and their commitment to providing opportunity for so many individuals.

I had the chance to see one of the Opportunity Village partnerships in action and it was then that I truly understood the tremendous impact they make each and every day. Opportunity Village clients serve more than 60,000 meals per month at the Nellis Air Force Base (AFB) dining facility and also operate the postal service center at the base. On one of my visits to the base, Senator REID and I joined Opportunity Village workers in serving lunch in the mess hall.

It was incredible to see individuals with disabilities working and interacting with our military. Not only were they serving food and smiles, but they were contributing to our Nation and the Air Force with their work.

Their accomplishments and contributions are quite remarkable given the hurdles they have faced all their lives.

Eddie was diagnosed a mentally retarded child in the first grade. Those who know him say he has a genuine and caring personality, a child-like shyness, and the focus of a genius. Eddie began working with Opportunity Village in 1986 where his specialty was packaging and product assembly. Following his mastery of that program, Eddie moved on to janitorial services in the work center. Later, he moved to another promotion as a room attendant in a hotel. Finally, he was promoted to mess attendant at Nellis AFB where the results of his hard work are easily seen in the respect he has earned from his coworkers and supervisors.

Jamie was diagnosed with mild mental retardation when he was a child. He refused to let the diagnosis slow him

down and began working with Opportunity Village in 1998. Jamie started in the Work Center where he assembled buckets for $5 an hour. He moved on to become a part of the janitorial crew in the work center. Then he joined the American Nevada Enclave cleaning parking lots. Today, Jamie has proved to be a valuable member of his work team at Nellis AFB where he washes dishes, performs janitorial services, and busses tables. Jamie will proudly tell you the $8.27 an hour he earns now helps to pay his mom's mortgage.

Paul was diagnosed a moderately mentally challenged adult and has a history of seizures. Despite all of the obstacles placed in his way, Paul continues to persevere. Beginning his career with Opportunity Village in August of 1999, Paul focused on production assembly. Quickly mastering the techniques necessary, Paul was promoted to room attendant. Then he moved to a position cleaning at the American Nevada Enclave parking lot. Now, Paul is also a mess attendant at Nellis AFB. Paul proudly calls himself a ''team player.''

While the accomplishments of Eddie, Jamie, Paul, and all of Opportunity Village's clients are inspiring, the benefits to our community are not just emotional. Employment generated through Opportunity Village contracts helps to reduce dependence on Government benefits and increases tax revenues. Individuals with severe disabilities are paid wages that reduce their need for other Government benefits. Earning wages allows them to become productive members of society and to join the ranks of the taxpayers of Nevada. Economic studies show that since its inception 50 years ago, Opportunity Village has saved Nevada taxpayers almost $1 billion.

I mentioned earlier that Opportunity Village receives vital support from business partners in reaching its goals. The other two essential elements to the success of Opportunity Village are its leadership and the contributions of the Las Vegas community.

Year after year, Opportunity Village is named by Las Vegas residents as their favorite charity. Las Vegans of all ages look forward to the yearly Magical Forest fundraising event as well as many other Opportunity Village programs. From world-renowned entertainers to local celebrities to area children to Las Vegas businesses, southern Nevadans continue to understand the importance of Opportunity Village's mission and fully support the 100 percent local organization.

And at the helm of Opportunity Village is a man whose vision and dedication has made it possible to serve more than 600 disabled workers every day. Opportunity Village Executive Director Ed Guthrie has proven to be a tireless advocate for individuals with disabilities and a true friend to the disabled community. I have had the pleasure of working with him on many projects, and I know how committed he is to the continued success of Opportunity Village.

Today, we look back on the last half century with heartfelt gratitude for those local families who, in 1954, decided that their loved ones with disabilities deserved more. They planted the seed that has been nurtured and cared for by their extended family of Las Vegans. Today, families of disabled individuals proudly see their loved ones—who 50 years ago would not have had an opportunity—gain self esteem and achieve things once not thought possible. With Opportunity Village's continued strong leadership, business partners, and community support, the next 50 years will bring opportunity and optimism to future generations of intellectually disabled individuals.●

TRIBUTE TO CHUCK VEST

● Mr. KENNEDY. Mr. President, Chuck Vest will soon end his distinguished 14-year tenure as President of the Massachusetts Institute of Technology. He has been an excellent leader for this outstanding institution in our State. He has attracted and retained a world class faculty, including Nobel Prize winners. He has maintained an impressive balance between consistency and change to meet the changing needs of the university in the modern high-tech world. And has developed the research capacity of the institution far beyond its abilities when he took the helm.

His commitment to diversity has also been impressive. In 1990, the undergraduate student body was 34 percent women and 14 percent underrepresented minorities; today the student body is 42 percent women and 20 percent underrepresented minorities—the result of a conscientious effort by President Vest and the community he cared so much about.

His leadership was marked by many innovative reforms. He decided to publish all course material online, so that it is freely available to anyone in the world. He brought the unequal treatment of senior female faculty to the attention of the community and held an open dialogue on how to correct the situation. He offered health benefits to same-sex partners. His leadership on financial aid methodologies laid the groundwork for the provisions that are now part of the Higher Education Act.

Chuck has worked skillfully as well to obtain increased support for scientific research—especially in the physical sciences—and he was a familiar figure in corporate boardrooms and to many of us in Congress. His cooperative work with Lincoln Labs, with Harvard and with the Broad Foundation and his commitment to the Cambridge and Boston Public Schools are important parts of all he has brought to MIT. When he was named in February to the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, he said, ''I will concentrate on two priorities, MIT and the Commission.''

There is so much to be said about Chuck Vest—his intelligence, his appealing personality, his modesty about his own high accomplishments, and his tireless pursuit of excellence in everything he does. All of us who know him wish him well in the years ahead, confident that we will continue to think and act boldly about the role of science and scientific education in our changing world and its fundamental importance to the future of our Nation and its best ideals.●

MESSAGE FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 103. An act for the relief of Lindita Idrizi Heath.

The message also announced that the house passed the following bills in which it requests the concurrence of the Senate:

H.R. 530. An act for the relief of Tanya Andrea Goudeau.

H.R. 712. An act for the relief of Richi James Lesley.

H.R. 867. An act for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

H.R. 2121. An act to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust fund, and for other purposes.

H.R. 3340. An act 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, and for other purposes.

H.R. 3247. An act 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 message further announced that the House has agreed to the following concurrent resolutions, in which is requests the concurrence of the Senate.

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

H. Con. Res. 410. Concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 530. An act for the relief of Tanya Andrea Goudeau; to the Committee on the Judiciary.

H.R. 712. An act for the relief of Richi James Lesley; to the Committee on the Judiciary.

H.R. 867. An act for the relief of Durreshahwar Durreshahwar Nida Hasan,

Asna Hasan, Anum Hasan, and Iqra Hasan; to the Committee on the Judiciary.

H.R. 2121. An act to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes; to the Committee on Foreign Relations.

H.R. 3340. An act 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, and for the other purposes; to the Committee on Governmental Affairs.

H.R. 4327. An act 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''; to the Committee on Governmental Affairs.

H.R. 4427. An act 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''; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on the Judiciary.

H. Con. Res. 410. Concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8259. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Office of Pesticide Programs Address Changes'' (FRL#7368–4) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8260. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Proppxycarbozone-sodium; Pesticide Tolerance'' (FRL#7365–7) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8261. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus NRRL 21882; Exemption from the Requirement of a Tolerance'' (FRL#7364–2) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8262. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''C8, C10, and C12 Straight-Chain Fatty Acid Monoesters of Glycerol and Proylene Glycol; Exemption from the Requirement of a Tolerance'' (FRL#7352–6) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8263. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lactic Acid, n-proply ester, (S); Exemption from the Requirement of a Tolerance'' (FRL#7362–3) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8264. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan; et al.; Revision of Current Procedures for Handlers to Receive Exempt Use/Diversion Credit for New and New Market Development Activities'' received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8265. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Pacific Northwest Marketing Area—Final Order'' (Doc. No. DA–01–06) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8266. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Mideast Marketing Area—Final Order'' (Doc. No. DA–01–04) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8267. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of User Fees for 2004 Crop Cotton Classification Services to Growers'' (RIN0591–AC34) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8268. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to transactions in the Federal Aviation Administration Aviation Insurance Revolving Fund; to the Committee on Appropriations.

EC–8269. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 04–03, relative to funds for the purchase of Santa Claus suits and hats at the Yongsan Army Garrison, Seoul, Republic of Korea; to the Committee on Appropriations.

EC–8270. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 04–04, relative to the purchase of an information system at the United States Property and Fiscal Office for Maryland; to the Committee on Appropriations.

EC–8271. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03–03, relative to FY 2000 Operation and Maintenance Funds; to the Committee on Appropriations.

EC–8272. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–06, relative to the fiscal years 1996 through 1998 Operation and Maintenance, Navy appropriation funds used by the Administrative Support Unit, Southwest Asia, Bahrain; to the Committee on Appropriations.

EC–8273. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Procurement Authority for Environmental Services for Military Installations'' (DFARS Case 2003–D004) received on June 25, 2004; to the Committee on Armed Services.

EC–8274. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Berry Amendment Changes'' (DFARS Case 2003–D099) received on June 25, 2004; to the Committee on Armed Services.

EC–8275. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8276. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8277. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8278. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8279. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8280. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8281. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8282. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–8283. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–8284. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness,

transmitting, pursuant to law, the report of the approval to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–8285. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of general; to the Committee on Armed Services.

EC–8286. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of general; to the Committee on Armed Services.

EC–8287. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval of a list of officers to wear the next insignia; to the Committee on Armed Services.

EC–8288. A communication from the Attorney-Advisor, Office of the General Counsel, Selective Service System, transmitting, pursuant to law, the report of the designation of an acting officer, change in previously submitted reported information, and discontinuation of service in acting role for the position of Director, Selective Service System, received on July 1, 2004; to the Committee on Armed Services.

EC–8289. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC–8290. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–8291. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–8292. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8293. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's Annual Performance Plan for Fiscal Year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–8294. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 69 FR 23659'' (Doc. No. FEMA–7829) received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8295. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program; Assistance to Private Sector Property Insurers; Extension of Term of Arrangement'' (RIN1660–29) received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8296. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance Definitions; Statutory Change'' (RIN1660–19) received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8297. A communication from the Director, OSHA Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mechanical Power—Transmission Apparatus; Mechanical Power Presses; Telecommunications; Hydrogen (correction)'' received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8298. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Native Hawaiian Revolving Loan Fund; to the Committee on Health, Education, Labor, and Pensions.

EC–8299. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Liquid Medicated Animal Feed and Free-Choice Medicated Animal Feed'' (Doc. No. 1993P–0174) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8300. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Department of Education's competitive sourcing efforts; to the Committee on Health, Education, Labor, and Pensions.

EC–8301. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra'' (Doc. No. 1999F–0719) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8302. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Technical Amendment'' (RIN0910–AC40) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8303. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Revision of Requirements for Spore-Forming Microorganisms; Confirmation of Effective Date'' (Doc. No. 2003N–0528) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8304. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report relative to the Endowment's competitive sourcing efforts; to the Committee on Health, Education, Labor, and Pensions.

EC–8305. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Physicians Referrals to Health Care Entities with Which They Have Financial Relationships; Extension of Partial Delay of Effective Date'' (RIN0938–AM99) received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8306. A communication from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Final Rules Relating to Health Care Continuation Coverage, Technical Corrections'' (RIN1210–AA60) received on June 24, 2004; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 180. A bill to establish the National Aviation Heritage Area, and for other purposes (Rept. No. 108–292).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes (Rept. No. 108–293).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 323. A bill to establish the Atchafalaya National Heritage Area, Louisiana (Rept. No. 108–294).

S. 1241. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes (Rept. No. 108–295).

S. 1727. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978 (Rept. No. 108–296).

S. 1957. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes (Rept. No. 108–297).

S. 2046. A bill to authorize the exchange of certain land in Everglades National Park (Rept. No. 108–298).

S. 2319. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project (Rept. No. 108–299).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1303. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself, Mr. SMITH, Mr. CHAFEE, and Mr. FEINGOLD):

S. 2611. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2612. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.

By Mr. HAGEL (for himself and Mr. DURBIN):

S. 2613. A bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. SANTORUM):

S. 2614. A bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 2615. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mr. COLEMAN:

S. 2616. A bill to increase the availability of H–2B nonimmigrant visas during fiscal year 2004 for rural border areas, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2617. A bill making supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, and Mr. BINGAMAN):

S. 2618. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. BROWNBACK, Mr. COCHRAN, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. MILLER, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, and Mr. TALENT):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; read the first time.

By Mr. CAMPBELL (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DASCHLE, Ms. MURKOWSKI, Mrs. CLINTON, Mr. LIEBERMAN, Mr. AKAKA, Ms. STABENOW, Mr. WYDEN, Ms. MIKULSKI, Mr. INHOFE, Mr. LAUTENBERG, Mr. BINGAMAN, Mrs. BOXER, Mr. DODD, Mr. SMITH, Mr. DOMENICI, Mr. JOHNSON, Mrs. MURRAY, Mr. SCHUMER, Mr. FITZGERALD, Mr. MCCAIN, Mr. CONRAD, Mr. LEAHY, Mr. CHAFEE, Mr. THOMAS, Mr. BURNS, Mrs. DOLE, Mr. NELSON of Nebraska, Mr. HATCH, and Mr. BROWNBACK):

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself and Mr. CRAPO):

S. Res. 399. A resolution designating the week of July 11 through July 17, 2004, as ''Oinkari Basque Dancers Week'', and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. BAUCUS):

S. Res. 400. A resolution recognizing the 2004 Congressional Awards Gold Medal Recipients; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 540

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. BURNS), the Senator from Oregon (Mr. WYDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 568

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 568, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 1704

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1717

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. BOXER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2199

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2199, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 2268

At the request of Mr. BUNNING, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2321

At the request of Mr. BYRD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2389

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2389, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 2399

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2399, a bill to provide for the improvement of physical activity and nutrition and the prevention of obesity for all Americans.

S. 2432

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2432, a bill to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes.

S. 2450

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2450, a bill to amend title 10, United States Code, to revise the requirements for award of the Combat Infantryman Badge and the Combat Medical Badge with respect to service in Korea after July 28, 1953.

S. 2490

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2490, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes.

S. 2522

At the request of Mr. CORZINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S. 2526

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2533

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 2560

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2560, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself, Mr. SMITH, Mr. CHAFEE, and Mr. FEINGOLD):

S. 2611. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today I join Senators SMITH, CHAFEE and FEINGOLD in introducing legislation aimed at helping the 110 million orphans in the world. This legislation is a companion measure to Congresswoman LEE's bill that unanimously passed the House of Representatives last month.

Current estimates suggest that by 2010, there will be more than 25 million orphans worldwide as the result of the HIV–AIDS pandemic. We must do more to provide hope for these children. This legislation is an important step forward.

Our bill would authorize the President to provide assistance to orphans and other vulnerable children in developing countries. Specific authorization is provided in the areas of basic care, HIV–AIDS treatment, school food programs, protection of inheritance rights, and education and employment training assistance.

The legislation also calls on the President to use U.S. foreign assistance to support programs that eliminate school fees. Throughout the world, many orphans are prevented from attending school because they cannot afford to pay for school or are forced to financially support their families or care for sick relatives.

Finally, the bill would establish an Office for Orphans and Other Vulnerable Children within USAID and a monitoring system that will ensure that U.S. assistance is effective. Right now, there is no office or individual within the Agency with responsibility for the overall oversight or implementation of programs for orphans and vulnerable children.

I look forward to working with Congresswoman LEE and the Chairman of the Foreign Relations Committee, Senator LUGAR, in passing legislation to address the tragic issue of AIDS orphans throughout the world.

I ask unanimous consent that a letter in support of this bill signed by the Global Action for Children be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GLOBAL ACTION FOR CHILDREN

DEAR SENATORS BOXER AND CHAFEE: We welcome your leadership on the issue of orphans and vulnerable children. As of 2001, an estimated 100 million children were orphans throughout Sub-Saharan Africa, Asia, Latin America and the Caribbean. The AIDS epidemic is rapidly accelerating the orphan crisis and leaving a generation of children without hope. As millions of parents are dying from AIDS, the children they leave behind are often left without any adult to look after their basic needs and survival.

Your bill expands the capacity of communities to take care of the basic needs of orphans and dramatically expands educational opportunities for orphans. The bill creates a mechanism to eliminate the school fees that prevent so many orphans from ever going to school. School fees also discourage families from adopting orphans because of the major financial burden posed by such fees.

The legislation you are introducing also provides new hope to orphans and vulnerable children living with HIV and AIDS. Each year, 700,000 babies are infected with HIV and most of these children will become orphans. The legislation provides a focus on treatment of these children in order to promote healthy development and normal growth.

Your bill also builds in monitoring and evaluation criteria and improved coordination, including a new office of orphans and vulnerable children, to ensure that funds for orphans will be used most effectively. As we ramp up our response to the orphans' crisis, new structures to ensure effective coordination are essential to meeting the needs of these orphans.

We welcome the Boxer-Chafee legislation as an essential companion to the comprehensive legislation that has already passed the House of Representatives.

Global Action for Children—Leadership Council

AFXB.
Center for Health and Gender Equity (CHANGE).
Episcopal Church, USA.
Global Justice.
Keep A Child Alive.
Progressive National Baptist Convention.
RESULTS.
Student Campaign for Child Survival.
American Jewish World Service.
church World Service.
Global AIDS Alliance.
Hope for African Children Initiative.
Pan-African Children's Fund.
Religions Action Center of Reform Judaism.
Student Global AIDS Campaign.
United Methodist Church, General Board of Church and Society.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2612. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Federal Law Enforcement Pay Adjustment Equity Act. This legislation amends the Law Enforcement Pay Equity Act of 2000 to allow retired police officers of the United States Secret Service Uniformed Division and the United States Park Police to receive the same Cost of Living Adjustment as active officers.

For almost 80 years, Secret Service and Park Police retirees were assured an increase in their pensions whenever their active counterparts received an increase by the ''equalization clause'' in the District of Columbia Police and Firearms Salary Act of 1958. When the Law Enforcement Pay Equity Act passed in 2000, the automatic link that ensured retirees of getting the same COLA as active officers was severed. This bill would restore that link, guaranteeing that the pension for these retired Federal police officers keeps up with the cost of living.

The Law Enforcement Pay Equity Act created a sharp inequality in retirement benefits for a small number of

retirees—600 Secret Service retirees and 470 Park Police retirees, roughly eleven hundred in total. They gave years of loyal service, often in difficult and life-threatening situations. They are the only Federal retirees who had existing retirement benefits scaled back.

Providing for government retirees and their families has always been an important function of the Federal Government. There is no reason why the government should go back on its word to provide this small group of valuable employees with secure retirement benefits. Restoring the COLA to the pensions of 1,100 Federal retirees will have a minimal impact on the Federal budget, but a major impact on the quality of life of the people involved.

When it comes to Federal employees, I believe that promises made should be promises kept. These former Secret Service and Park Police officers planned for their retirement with the understanding that their pension would be enough to live on, even as the cost of living increased. They deserve the retirement benefits they were promised when they signed up for service.

I urge my colleagues to join me in expressing support for this bill to restore promised retirement benefits to retired officers of the United States Secret Service Uniformed Division and the United States Park Police. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2612

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Law Enforcement Pension Adjustment Equity Act of 2004''.

SEC. 2. PERMITTING ADJUSTMENT IN PENSION BENEFITS FOR UNITED STATES PARK POLICE AND UNITED STATES SECRET SERVICE UNIFORMED DIVISION ANNUITANTS.

(a) IN GENERAL.—Section 905 of the Law Enforcement Pay Equity Act of 2000 (sec. 5–561.02, D.C. Official Code) is amended by striking subsection (f).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Law Enforcement Pay Equity Act of 2000.

By Mr. HAGEL (for himself and Mr. DURBIN):

S. 2613. A bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I am introducing, along with my colleague Senator HAGEL, legislation that will help to address the severe workforce shortages within public health agencies throughout the United States. This bill, known as the Public Health Preparedness Workforce Development Act of 2004, provides financial help to both full and part-time students who are interested in pursuing a career in public health at Federal, State and local public health agencies.

Our Nation faces myriad public health threats and challenges, ranging from emerging diseases such as West Nile virus and SARS to the special needs of an aging population, from bioterrorism to obesity, tobacco use and environmental hazards. The ability of the public health system to prevent, respond to, and recover from these challenges depends on adequate numbers of well-trained public health professionals in Federal, State, and local public health departments.

However, our public health system has an aging staff nearing retirement and there are not enough students graduating with training in public health disciplines to provide a consistent source of skilled employees to fill the void. The average age of the public health workforce is 47, 7 years older than the average age of the Nation's workforce. The ratio of public health workers to overall population has dropped from 219/100,000 in 1980 to 158/100,000 in 2000. There are already shortages of public health nurses, epidemiologists, environmental health workers, health educators and other public health professionals at Federal, State and local public health agencies. In my home State of Illinois, the Illinois Department of Public Health estimates that they are in need of at least 15 epidemiologists and are having trouble filling those positions.

Further evidence suggests that as much as 50 percent of the current public health workforce at the State level will be retiring in the next 5 years. Losing so many experienced public health workers at a time when the public health workforce should be expanding to meet increased needs presents a clear argument in favor of encouraging more students to enter the many academic fields related to public health such as epidemiology, health education, nursing and environmental health.

To continue to improve the health of our people, we must have a well-trained and dedicated public health workforce. But developing and maintaining the necessary human capital is already a challenge and promises to continue to be a challenge in the future. Our bill would help alleviate this dangerous shortfall of public health professionals by providing scholarships or loan repayments for full and part-time students in public health and for workers with previous public health training who agree to serve at the Federal, State and local level.

The scholarship program will provide scholarships to eligible graduate, undergraduate and community college students to pursue a course of study to prepare to serve in the public health workforce.

The loan repayment program is designed to help pay for education loans incurred by individuals currently employed or about to be employed in a Federal, State or local public health agency.

The grants for the loan repayment program to political jurisdictions at the State and local level will provide funds to the appropriate agencies to operate the loan repayment program.

The bill is supported by the Association of State and Territorial Health Officials, the National Association of City and County Health Officials, the American Public Health Association, and the Council of State and Territorial Epidemiologists.

I urge my colleagues to join me in this effort to strengthen the capacity of our Nation to respond to public health threats now and in the years to come. The Public Health Preparedness Workforce Development Act of 2004 will help provide the public with the educated and well-trained public health workforce to meet the health challenges of the future.

By Mr. CONRAD (for himself and Mr. SANTORUM):

S. 2614. A bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce the End Stage Renal Disease Modernization Act, designed to improve the quality of care and quality of life for the more than 300,000 Americans with end stage renal disease (ESRD).

To avoid death, patients with ESRD must receive a kidney transplant or undergo dialysis. As you know, the shortage of organs makes transplantation a limited option for the vast majority of patients. Therefore, most rely upon 3–4 hour dialysis treatments three times a week to save their lives.

Congress must honor its commitment to Americans with ESRD by bringing the Medicare ESRD program into the 21st Century. As we recognized in other areas of health care, education serves as a valuable tool in the fight of any chronic disease. ESRD is no exception. This bill would establish educational programs to teach individuals about the factors that lead to chronic kidney disease, the precursor to kidney failure, and how to prevent it, treat it, and avoid kidney failure. It would also support programs for patients once they have kidney failure to assist them in developing self-management skills that could dramatically improve their quality of life.

Another important factor that influences patients' quality of life is the method of dialysis they select. Although most patients must receive in-center hemodialysis, some can benefit from home dialysis. In rural communities, like so many in North Dakota, home dialysis proves an important option for patients who do not have dialysis facilities near their homes. In

this measure, we would require HHS to determine how to provide incentives for home dialysis.

The bill also incorporates provisions to provide for an annual update mechanism from legislation that my colleague Senator SANTORUM and I introduced at the beginning of this Congress. As we have discussed many times in this Chamber, the ESRD Program is the only major Medicare reimbursement system that does not have an annual update mechanism to adjust the payment rates for changes in input prices and inflation.

Since the inception of the Medicare ESRD program, we have made enormous strides in extending the lives and the quality of life of patients with kidney failure. If we are to continue that course, we must allow the program to keep pace with advances and changes in the delivery of services. We must also ensure that patients receive the best information possible so they can make informed choices and provide incentives that promote the highest quality of care. The End Stage Renal Disease Modernization Act is a comprehensive bill that moves the program in that direction. Thus, I urge my colleagues to join with me in sponsoring this important legislation.

By Mr. COLEMAN:

S. 2616. A bill to increase the availability of H–2B nonimmigrant visas during fiscal year 2004 for rural border areas, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, today I have introduced the Emergency Relief for Rural Borderlands Act.

This act deals with a problem which is probably well known to many of my colleagues—the insufficient number of H2–B visas available for temporary seasonal employment this year.

U.S. laws governing labor-based immigration have always maintained that employers must give priority to American workers. I support this philosophy, as I am sure the rest of my colleagues do as well.

I also acknowledge the reality that sometimes there are jobs that, for a variety of reasons, cannot be filled by American workers. This is a fact of life. We can see it on our farms, in our restaurants, and on our construction sites.

My legislation deals with one small sub-set of these foreign workers, temporary seasonal laborers under the H2–B visa program. H2–B guest workers may work in the United States for no more than 6 months, at the end of which they must return to their countries of origin. They fill critical gaps in the labor market, which in turn helps American companies to prosper year-round. They work at summer camps and resorts, for fisheries and for landscapers, and in many other non-agricultural pursuits.

My legislation does not propose to fix the H2–B crisis across the board. Some of my colleagues have introduced legislation to this end, and I would not presume to improve upon their proposals. My legislation represents, instead, a commitment to the needs of a unique geographical situation—rural borderlands.

In my State of Minnesota, and indeed across the country, rural areas continue to be challenged economically. It would be safe to say that there is a crisis in rural America today. To address the challenges faced by rural communities, I introduced the Rural Renaissance Act, and others in the Senate have also introduced legislation that is directed towards rural America. What the Rural Renaissance Act would do is help rural, small towns develop the infrastructure needed to expand communities and create jobs. It takes a long-term view of what is needed in rural America. But at the same time, there is another, temporary crisis for those in rural America who can't get the H2–B visa laborers they rely on. This kind of labor shortage is the last thing rural America needs.

Rural communities located near the border have a special set of challenges, which go beyond even what the rest of rural America is dealing with. Companies who are recruiting workers naturally target the cities and towns closest to them. But when a company is located near an international border, the pool of U.S. workers in close proximity is smaller than for companies located more centrally.

For example, take Warroad, MN, in Roseau County. Roseau, like many rural counties in Minnesota, is dealing with a number of challenges—from out-migration of younger people leaving behind an aging population, to economic sluggishness, to inadequate infrastructure and even flooding issues. The town of Warroad, population 1,722, is located about 6 miles from the U.S.-Canada border. The largest company in Warroad is a first-class window manufacturer, Marvin Windows.

Because of its relationship to construction, the window industry has a seasonal element to it. During the summer, Marvin hires hundreds of American college students to work at its factory in Warroad. But when these students go back to school, there are short-term positions which need to be filled through December. For the last 8 years, Marvin Windows has relied on Canadian workers to fill these critical positions. This year, because of the early date when the cap on H2–B visas was reached, Marvin Windows is looking at a big gap in their employment—which not only could hurt their revenues this year, but also threatens to undercut their long-term reputation as a reliable supplier of windows.

I am aware that my colleague Senator HATCH has introduced legislation to remedy the H2–B visa shortage. I support this legislation. But as we have seen, there is not yet consensus on it.

Companies like Marvin Windows cannot afford to wait much longer. That's why I have proposed the Emergency Relief for Rural Borderlands Act. This legislation is admittedly less ambitious than Senator HATCH's legislation, or Senator KENNEDY's bill. My legislation would simply observe the unique circumstances facing rural areas—which are challenged economically already—as well as the realities of the labor pool for companies located near our borders. My legislation would relieve these rural borderlands from the visa cap for this year only. Moreover, my legislation would only give relief to those companies who can demonstrate that they have relied on the program in the past, by limiting eligibility to only those companies which have made use of H2–B workers in at least 2 of the last 5 years.

My legislation is not a permanent fix, nor is it a comprehensive fix. I know that there are deserving companies that are not going to be able to qualify under my legislation. My legislation is only applicable this year, and I am sure we will need to revisit this issue again next year.

But if we in the Congress cannot reach agreement on a comprehensive solution for this visa shortage, perhaps the time has come to look at a more limited approach. Rural America has unique labor requirements, and borderlands have challenging recruitment conditions. If we begin by looking at the needs of areas that are both rural and close to the border, we can help the economies that stand to be hurt the most by the shortage in H2–B visas this year.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2616

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Relief for Rural Borderlands Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The laws of the United States that govern labor-based immigration require employers to give United States workers priority for employment over foreign workers.

(2) Many employers have found themselves unable to hire United States citizens for certain positions, particularly for temporary, seasonal employment.

(3) Due to the historic availability of H–2B visas, many employers have developed business models based on an assumption that businesses will be able to hire temporary seasonal workers who are aliens.

(4) During fiscal year 2004, the date on which no more H–2B visas could be issued because the maximum number of such visas available for such fiscal year had been issued was earlier than the date such maximum number had been reached during any prior fiscal year.

(5) As a result of the maximum of H–2B visas being issued prior to the end of fiscal year 2004, many employers face an urgent

shortage of workers that threatens to seriously erode the current and future revenues of the employers' businesses.

(6) It is particularly difficult for employers located in rural areas to attract workers and such employers have often relied on foreign workers.

(7) An employer located near an international border has a smaller radius for recruiting United States workers than an employer located more centrally, which can create difficulties in finding United States workers to fill vacant positions.

(8) Large employers located in rural areas are invaluable to the communities in which such employees are located, and a disruption in the business of such employers is devastating for such communities facing challenging economic conditions.

SEC. 3. ADDITIONAL H–2B VISA ENTRANTS FOR FISCAL YEAR 2004.

(a) IN GENERAL.—During fiscal year 2004, an alien who is issued a visa under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 101(a)(15)(H)(ii)(b)) may not be counted toward the numerical limitation set out in section 214(g)(1)(B) of such Act (8 U.S.C. 1184(g)(1)(B)) if such alien is providing temporary service or labor in the United States—

(1) at a work site that is located—

(A) in a rural area; and

(B) not more than 50 miles from an international border; and

(2) for an employer that has hired aliens who received visas under such section 101(a)(15)(H)(ii)(b) during not less than 2 of the fiscal years between fiscal years 1999 and 2003.

(b) EXPEDITED VISA PROCESSING.—During fiscal year 2004, a petition for a nonimmigrant visa submitted by an alien who intends to provide temporary service or labor that meets the requirements of paragraphs (1) and (2) of subsection (a) shall be processed not more than 30 days after the date of the submission of such petition.

SEC. 4. RURAL AREA DEFINED.

In this Act, the term ''rural area'' has the meaning given that term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

SEC. 5. EFFECTIVE DATE.

Section 3(a) of this Act shall take effect as if enacted on September 30, 2003.

By Mr. KENNEDY:

S. 2617. A bill making supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations.

Mr. KENNEDY. Mr. President, the bipartisan No Child Left Behind Act enacted two years ago contains the right set of education reforms for America's public schools. It raises academic standards and calls for better teachers and smaller classes. It supports periodic testing for all children, so that teachers can assess learning needs early, before major problems develop. It also calls for supplemental services and after-school programs for children who are lagging behind academically. It focuses schools on the hardest-to-teach children, and holds schools accountable for the performance of all children, whatever their race or background.

These basic principles in the No Child Left Behind Act have broad bipartisan support. But as we all know, reforms without the resources needed to implement them cannot succeed. Since the law was enacted in 2002, the Bush administration has consistently withheld the resources needed to fulfill the basic promises of the Act. The Administration's budget for the coming fiscal year leaves 4.6 million children behind. It underfunds the President's school reform law by over $9.4 billion.

Even worse, because of the administration's low priority for education, over 7,500 school districts received notice last week that their Federal funds under the No Child Left Behind Act will be cut back this fall. As a result, thousands of school districts across the nation won't even be able to maintain their current quality of education, let alone improve it. Schools that serve the neediest children will be hurt the most.

Every school district in Massachusetts faces a cut in Federal education funding this fall. The city of Lawrence has a 27 percent poverty rate, and it faces a $1.2 million cut in school aid. It can't afford the loss of 20 teachers. The city of Springfield has a 28 percent poverty rate. It faces a cut of $1.4 million, which means that over 1,000 needy children won't get the supplemental services they're counting on. We cannot in good conscience allow these cuts to go forward.

Today, Congressman GEORGE MILLER in the House of Representatives and I are introducing ''The No Child Left Behind Appropriations Support Act of 2004'' to provide $237 million in emergency resources needed this fall to stop the cuts called for by the Administration in funds for school reform. Over 70 Members of Congress have now joined our letter to the Appropriations Committees requesting that emergency funds be provided. With deep and widespread cuts in local education funds, it will be much more difficult to achieve the school reforms that are so urgently needed in communities across the country.

Clearly, Congress needs to act. I urge my colleagues on both sides of the aisle to join in seeing that these critically needed resources are made available to our schools.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2617

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Child Left Behind Appropriations Support Act of 2004''.

SEC. 2. SUPPLEMENTAL APPROPRIATION.

(a) APPROPRIATION.—To carry out this Act, out of any money in the Treasury not otherwise appropriated, there is appropriated $237,000,000, to remain available until expended, for the Department of Education for the fiscal year ending September 30, 2004.

(b) PAYMENTS.—In addition to amounts otherwise provided to a local educational agency under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for fiscal year 2004, the Secretary of Education shall make a payment in an amount determined under subsection (c) to each local educational agency that receives a lesser amount of funds for fiscal year 2004 under such subpart than the agency received for fiscal year 2003.

(c) DETERMINATION OF AMOUNT.—The amount of a payment to a local educational agency under this Act shall be equal to the amount of the difference between—

(1) the amount the agency would otherwise receive for fiscal year 2004 under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.); and

(2) the amount the agency received for fiscal year 2003 under such subpart.

(d) DEFINITION.—In this Act, the term ''local educational agency'' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, and Mr. BINGAMAN):

S. 2618. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Senator BAUCUS and I are pleased to announce the introduction of legislation to extend cost-sharing assistance to qualifying individuals for the Medicare Part B premium through September 2005. Qualified Individuals are a vulnerable population with income between 120 percent and 135 percent of the federal poverty level and limited assets. It is estimated the monthly Medicare Part B premium will be around $75 in fiscal year 2005. Let me put this into real numbers, this extension will provide over $900 dollars of annual assistance to Medicare beneficiaries who earn less than $12,600 per year.

In the Medicare discount drug card program, Congress has targeted this same population with the transitional assistance program. These same seniors are eligible to receive $600 in assistance on their Medicare-approved drug card both this year and next. We need to extend this program, and the President agrees. An extension is part of his fiscal year 2005 budget. It does not seem right for us to assist these Medicare beneficiaries with some of their health care costs and relinquish our assistance in other areas. This program has been in existence since 1997 and has been extended every year thereafter because it targets help to low-income Medicare beneficiaries. I urge Congress to act on this important legislation.

Mr. BAUCUS. Mr. President, I rise with my colleague and friend Chairman CHUCK GRASSLEY to introduce The Qualifying Individuals' Program Extension Act. This bill would extend avery important program that provides assistance to low-income Medicare beneficiaries. The so-called QI–1 program, which will expire at the end of

this fiscal year, currently pays Part B premiums for Medicare beneficiaries earning less than $12,570 this year. That's about $1,050 a month. Medicare Part B premiums are expected to increase to $75 next year. That's a substantial sum for beneficiaries living on a fixed income of $1,000 a month. 7.5 percent of their total income, in fact, and that's just for premiums for one part of the Medicare program—they must still pay coinsurance and the deductible for Parts A and B.

In enacting the Medicare prescription drug benefit last year, Congress acknowledged that seniors with incomes up to 150 percent of the Federal Poverty Line—in 2004, that's about $14,000 a year, or $17,000 per couple—need some additional help in paying their drug bills. I viewed the low-income drug assistance provisions as one of the great successes of the prescription drug bill. We should not give with one hand and take away with another by allowing the QI–1 program to expire—hurting the very same people that we tried to help in the Medicare prescription drug bill.

The QI–1 bill is a truly bipartisan effort. Democrats, particularly my colleague Senator BINGAMAN from New Mexico, have long championed the QI–1 program. And the Administration's budget for Fiscal Year 2005 includes an extension for QI–1s. I urge my colleagues to support this important program and work with me to get it passed as quickly as possible.

By Mr. ALLARD (for himself, Mr. BROWNBACK, Mr. COCHRAN, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. MILLER, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, and Mr. TALENT):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; read the first time.

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION 1. SHORT TITLE.

''This Article may be cited as the 'Federal Marriage Amendment'.

''SECTION 2. MARRIAGE AMENDMENT.

''Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''.

By Mr. CAMPBELL (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DASCHLE, Ms. MURKOWSKI, Mrs. CLINTON, Mr. LIEBERMAN, Mr. AKAKA, Ms. STABENOW, Mr. WYDEN, Ms. MIKULSKI, Mr. INHOFFE, Mr. LAUTTENBURG, Mr. BINGAMAN, Mrs. BOXER, Mr. DODD, Mr. SMITH, Mr. DOMENICI, Mr. JOHNSON, Mrs. MURRAY, Mr. SCHUMER, Mr. FITZGERALD, Mr. CCCAIN, Mr. CONRAD, Mr. LEAHY, Mr. CHAFEE, Mr. THOMAS, Mr. BURNS, Mrs. DOLE, Mr. NELSON of Nebraska, Mr. HATCH, and Mr. BROWNBACK):

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, it is my pleasure and distinct honor to introduce, on behalf of myself and 31 other Senators, a joint resolution commemorating the opening of the National Museum of the American Indian.

This Museum was many years in the making. It's been 15 years since the bill authorizing the construction of the museum was signed into law, and that was only the beginning of a long, difficult path.

There are many people who deserve praise and gratitude for their unstinting efforts in realizing this dream—far too many for me to name them all here. I would, however, like to honor two people in particular for their dedication and perseverance in seeing this task through to completion: my friend, colleague and vice chairman of the Committee on Indian Affairs, DANIEL K. INOUYE; and, Rick West, director of the National Museum of the American Indian, and my Southern Cheyenne brother.

I consider myself fortunate that I was there at the beginning, serving in the House of Representatives when the museum was authorized, and I will be there on September 21, 2004, when the National Museum of the American Indian first opens its doors to the public.

I consider the American people fortunate in that they now possess a remarkable resource for learning learning about Indian cultures and civilizations.

I also consider American Indians fortunate that, finally, there is a national facility dedicated to and worthy of their cultures. History has not always been kind to Native Americans, neither the events that occurred nor the words recorded about them, and the United States has not always accorded honor where honor was due the Indians. The National Museum of the American Indian is an important step in rectifying this omission and continuing the reconciliation between a great nation and its first peoples.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian, and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opens on September 21, 2004;

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

Congress—

(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

(2) honors the cultural achievements of all Native Americans;

(3) celebrates the official opening of the National Museum of the American Indian; and

(4) encourages all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.

SUBMITTED RESOLUTIONS

SEANTE RESOLUTION 399—DESIGNATING THE WEEK OF JULY 11 THROUGH JULY 17, 2004, AS ''OINKARI BASQUE DANCERS WEEK'', AND FOR OTHER PURPOSES

Mr. CRAIG (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 399

Whereas the Basques have a long, proud history in the State of Idaho and across the United States;

Whereas Basque Americans have become an integral part of Idaho's unique identity;

Whereas the Oinkari Basque Dancers have dedicated over 40 years to the preservation and performance of the unique folk dances of their Basque heritage;

Whereas these dedicated young people have traveled nationally and internationally to perform their dances and act as good will ambassadors of the American West;

Whereas the Oinkari Basque Dancers have performed for countless charities, hospitals, nursing homes, and centers for the disabled to share their culture and talents with other;

Whereas the Oinkari Basque Dancers have shown continued dedication to promote culture, dance, music, and education; and

Whereas the Oinkari Basque Dancers will be sharing their unique culture and music with visitors of Washington, D.C., as part of the ''Homegrown 2004: The Music of America'' concert series, presented by the Library of Congress American Folklife Center: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of July 11 through July 17, 2004, as ''Oinkari Basque Dancers Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CRAIG. Mr. President. It is with great pleasure that I rise today to recognize the Oinkari Basque Dancers for their dedication to the arts and culture of their great heritage.

The Basques have a long, proud history in the State of Idaho, which is home to the largest concentrated population of Basques outside of their native country. The first Basques began arriving in Idaho around 1890, the same year Idaho achieved statehood. Since then, the Basques have become an integral part of Idaho's unique identity. While citizens of Basque decent exist in each of our 50 States, the presence of the Basque culture is perhaps most evident in Boise, ID, a hub of Basque cultural activities and home to the Basque Center, the Cenarrusa Center for Basque Studies, and the Basque Museum and Culture Center. Boise also hosts the Jaialdi Basque festival, which attracts visitors from around the world. One of the most notable activities for young Idaho Basques is the preservation of their unique music and dance. The Oinkari Basque Dancers are an excellent example of this dedication to dance, music and education.

This group of young Basque Americans was founded over 40 years ago to preserve and perform the unique folk dances of their Basque heritage. Their traditional dances have been taught to hundreds of young Basques over the years. These dedicated young people have traveled nationally, including here in our Nation's capital, and internationally to perform their dances and act as good will ambassadors of the American West. Their travels have included trips to the Basque country where they performed alongside native Basque dancing groups. The Oinkaris also perform for local charities, hospitals, nursing homes and centers for the disabled to share their culture and talents with others. They have entertained people from the State Fair to the World's Fair and never failed to impress an audience.

There are many talented individuals responsible for the Oinkaris' many accomplishments, but I believe there is one who deserves special recognition. The dancers are led by the music of Jim Jausoro, a founding member of the Oinkaris. ''Jimmy'' Jausoro has received numerous cultural honors, including the National Heritage Award from National Endowment for the Arts. Under his tireless leadership, the Oinkaris have grown and developed into an elite dance group who represent their ancestry in the true spirit of dance and music.

For their dedication to arts, I am pleased to call Idaho the home of the Oinkari Basque Dancers, and pleased to honor them today.

SENATE RESOLUTION 400—RECOGNIZING THE 2004 CONGRESSIONAL AWARDS GOLD MEDAL RECIPIENTS

Mr. CRAIG (for himself and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 400

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need positive direction as they transition into adulthood;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Congressional Awards program is committed to recognizing our Nation's most valuable asset, our youth, by encouraging them to set and accomplish goals in the areas of volunteer public service, personal development, physical fitness, and expedition/exploring;

Whereas more than 14,000 young people have been involved in the Congressional Awards program this year;

Whereas through the efforts of dedicated advisors across the country this year one hundred seventy-six students earned the Congressional Award Gold Medal;

Whereas increased awareness of the program's existence will encourage youth throughout the nation to become involved with the Congressional Awards: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the 2004 Congressional Award Gold Medal recipients Kori Agin-Batten, Elsbeth Allen, Noah Anderson, Geoffrey Patrick Arai, Kristyn Amour, Stephen Asker, Benjamin Jacob Ulrich Banwart, Elizabeth Barker, Robert G. Barnett, Christopher Belcher, Regina Bennis-Hartman, Samuel B. Blumberg, Christopher Bosch, Barrett Brandon, Blair Brandon, Brooke Brandon, Lindsey Buscemi, Adam M. Cain, Daniel Campis, Tina Cannon, Kent Cheung, Alexander Chun, Madeleine Clark, Sarah Clark, Michael Clontz, Michelle Coxe, Jeremy Crump, Kimberly Dahl, Dung Dam, Quoc Dam, Tri Dam, Kaitlin Davis, Deanna M. DeGregorio, Erin J. DeGroot, Katherine D. DeGroot, John Daniel DeJarnette, Clifton Michael Der Bing, Joshua W. Detherage, Christina Dodson, Matthew Doumar, Lindsay Madison Elgart, Marisa Enrico, Elizabeth Erratt, Julia Evans, Dewan Kazi Farhana, Amanda Feldman, Sarah Finch, Justin Floyd, Amanda Flynn, Richard Zachary Freed, Rigoberto Garcia, Yaneth Garcia-Lopez, Amanda Gersch, Cory Gibson, Anna Gorin, Arielle Gorin, Gina Marie Gormley, Daniel Grad, Tabitha Grad, Rebecca Marie Green, Megan Hanson, Nicole Hanson, Ryan Headley, John Baron Hoff, Jessica Honan, Laura Honan, Lindsey Howard, Harry Kline Howell III, Dermot Sean Hoyne, Daniel Hults, Manuel Ibarra, Angeles Jacobo, Jennifer Anne Jasper, Sarah Jennings, Tabitha Jennings, Tyler Jussel, Atul Kapila, Nikolas Kappy, Megan Kavanagh, Cristina Kavendek, Abbie Klinghoffer, Alexander J. Knihnicky, Ross Kozarsky, Jeffrey David Lambin, Andrew Langfield, Heather R. Leung-Van Hassel, Grace Lichlyter, Zachary Myles Lindsay, Jessica M. Link, Katherine Victoria Lugar, Ryan MacCluen, Raul Magdaleno, Raymond Malapero, Jonathan R. Mason, Rebecca N. Massicotte, Kelly McCormick, Benjamin McDonough, Alyssa McIntyre, Richelle Milburn, Sri Hari Miskin, Sarath Mom, Eric Moulton, Kathleen Mullins, Sarah Mullins, Carolina Munoz, Christine Murray, Kathleen Murray, Samuel Nassie, Douglas Neder, Matthew Neder, Patrick Novak, Ricardo Nunez, Maria Fatima Olvera-Santana, Sona Or, Lauren Pace, Colby Patchin, Emily C. Patchin, Jamin Patel, Elizabeth Philbin, Daniel R. Philbrick, Lauren Priori, Christy Pugh, Hannah Qualls, Sarah Raymond, Brett Rendina, Kristen N. Richter, Margarete Rosenkranz, Erin Rosen-Watson, Julie Rothfarb, Sarah Ann Rudoff, Maggie Salter, Stacia Scattolon, Jessinah Schaefer, Rachel Lyn Schmidt, Lindsay Schroeder, Megan Schroeder, Loni L. Schumacher, Magan Lindsey Scott, Mallory J. Selzer, Jessica Seppi, Anupriya Singhal, Elyssa Starr Sisko, Geoffrey Morgan Smith, Kayla Smith, Michael Smyth, Eric Snyder, Karin Marie Spindler, Georgia Stegall, Charles Strong, Jared Cameron Sullivan, Danielle Sutter, Creighton Lee Taylor, Matthew M. Thies, Sarah Tipton, Erick Todd, Elaine Trahan, Landon Trost, Christine Truesdell, Georgette Tzatzalos, Staff Sergeant Cornelio Umali, Lacey VanderBoegh, Katherine Warner, Emily J. Warren, Kate V. Warren, Brian Washakowski, Crystal-Mae Waugh, Elyse Weissman, Joanna Whitten, Brent Wright, Chantelle Wright, Trevor John Wright, Christopher Zaehringer, Brian Zobel, Christopher Zobel, Matthew Zobel and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Congressional Awards program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3547. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

SA 3548. Mr. FRIST proposed an amendment to the bill S. 2062, supra.

SA 3549. Mr. FRIST proposed an amendment to amendment SA 3548 proposed by Mr. FRIST to the bill S. 2062, supra.

SA 3550. Mr. FRIST proposed an amendment to the bill S. 2062, supra.

SA 3551. Mr. FRIST proposed an amendment to amendment SA 3550 proposed by Mr. FRIST to the bill S. 2062, supra.

SA 3552. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3553. Mr. GRAHAM, of South Carolina (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3554. Mr. LAUTENBERG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3547. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26 strike line 24 and insert the following of this act:

TITLE ____—NATIVE HAWAIIAN GOVERNMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Native Hawaiian Government Reorganization Act of 2004''.

SEC. ____02. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the ''ceded lands trust''), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the ''Apology Resolution'') was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this title provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. ____03. DEFINITIONS.

In this title:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term ''adult member'' means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term ''commission'' means the Commission established under section ____07(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll

meet the definition of Native Hawaiian set forth in section ___03(8).

(5) COUNCIL.—The term ''council'' means the Native Hawaiian Interim Governing Council established under section ___07(c)(2).

(6) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) INTERAGENCY COORDINATING GROUP.—The term ''Interagency Coordinating Group'' means the Native Hawaiian Interagency Coordinating Group established under section ___06.

(8) NATIVE HAWAIIAN.—For the purpose of establishing the roll authorized under section ___07(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term ''Native Hawaiian'' means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term ''Native Hawaiian Governing Entity'' means the governing entity organized by the Native Hawaiian people pursuant to this title.

(10) OFFICE.—The term ''Office'' means the United States Office for Native Hawaiian Relations established under section ___05(a).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

SEC. ___04. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this title is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. ___05. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary of the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. ___06. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the ''Native Hawaiian Interagency Coordinating Group''.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section ___05(b)(5).

SEC. ___07. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section ___03(8).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section ___03(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section ___03(8).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section ____03(8) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section ____03(8).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section ____03(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to subclauses (i) and (ii) in the Federal Register;

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section ____03(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section ____03(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section ____03(8).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section ____03(8), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section ____03(8) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section ____03(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this title; and

(II) shall have no powers other than powers given to the Council under this title.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section ____08(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the three governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section ____08(b)(1) and the enactment of legislation to implement the agreements of the three governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103–454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to

why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. ___08. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3, 73 Stat. 5), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties shall submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the three governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the three governments.

(c) CLAIMS.—

(1) IN GENERAL.—Nothing in this title serves as a settlement of any claim against the United States.

(2) STATUTE OF LIMITATIONS.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section ____07(c)(6).

SEC. ____09. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—Nothing in this title shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) BUREAU OF INDIAN AFFAIRS.—Nothing contained in this title provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. ____10. SEVERABILITY.

If any section or provision of this title is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. ____11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 3548. Mr. FRIST proposed an amendment to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

At the end, add the following:

SEC. 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced one day after or any day thereafter the date of enactment of this act.

SA 3549. Mr. FRIST proposed an amendment to amendment SA 3548 proposed by Mr. FRIST to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On line 3 of the amendment, strike ''one day'' and insert:

''Two days''.

SA 3550. Mr. FRIST proposed an amendment to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

At the end of the bill add:

SEC. 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced three days after or any day thereafter the date of enactment of this act.

SA 3551. Mr. FRIST proposed an amendment to amendment SA 3550 proposed by Mr. FRIST to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

Online 3 of the amendment, strike ''three'' and insert ''four''.

SA 3552. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—IMMIGRATION

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Agricultural Job Opportunity, Benefits, and Security Act of 2004''.

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

Sec. 201. Short title; table of contents.
Sec. 202. Definitions.

SUBTITLE A—ADJUSTMENT TO LAWFUL STATUS

Sec. 211. Agricultural workers.
Sec. 212. Correction of Social Security records.

SUBTITLE B—REFORM OF H–2A WORKER PROGRAM

Sec. 221. Amendment to the Immigration and Nationality Act.

SUBTITLE C—MISCELLANEOUS PROVISIONS

Sec. 231. Determination and use of user fees.
Sec. 232. Regulations.
Sec. 233. Effective date.

SEC. 202. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and

Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of ''man-day'' under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

Subtitle A—Adjustment to Lawful Status

SEC. 211. AGRICULTURAL WORKERS.

(a) TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the following requirements are satisfied with respect to the alien:

(A) PERFORMANCE OF AGRICULTURAL EMPLOYMENT IN THE UNITED STATES.—The alien must establish that the alien entered the United States at least two years prior to the date of enactment of this Act and has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on August 31, 2003.

(B) APPLICATION PERIOD.—The alien must apply for such status during the 18-month application period beginning on the 1st day of the 7th month that begins after the date of enactment of this title.

(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF TEMPORARY RESIDENT STATUS.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this title that the alien is deportable.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) terminates on August 31, 2009.

(b) RIGHTS OF ALIENS GRANTED TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) ELIGIBILITY FOR FEDERAL MEANS-TESTED PUBLIC BENEFITS.—

(A) DELAYED ELIGIBILITY.—An alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a) as described in paragraph (1) shall not be eligible for any Federal means-tested public benefit by reason of the acquisition of such status until 5 years after the date on which the Secretary confers such status upon that alien under such subsection.

(B) FEDERAL MEANS-TESTED PUBLIC BENEFIT DEFINED.—In this paragraph, the term ''Federal means-tested public benefit'' means a form of assistance or benefit covered by section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the period beginning on September 1, 2003, and ending on August 31, 2009.

(ii) QUALIFYING YEARS.—The alien has performed at least 75 work days or 430 hours, but in no case less than 430 hours, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the period beginning on September 1, 2003, and ending on August 31, 2009. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the period beginning on September 1, 2003, and ending on August 31, 2006.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than August 31, 2010.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because

the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served was 6 months or more.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN PRIOR TO ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status; and

(ii) granted authorization to engage in employment in the United States or be provided an ''employment authorized'' endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) OUTSIDE THE UNITED STATES.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) PRELIMINARY APPLICATIONS.—

(i) IN GENERAL.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an ''employment authorized'' endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this title.

(ii) DEFINITION.—For purposes of clause (i), the term ''preliminary application'' means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) ELIGIBILITY.—An applicant under clause (i) must be otherwise admissible to the United States under subsection (e)(2) and must establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this title as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or subsection (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for status under subsection (a)(1) or subsection (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or subsection (c)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(A) or subsection (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but not to forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Whoever—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of such section 212(a) may not be waived by the Secretary under clause (i):

(I) Subparagraphs (A) and (B) of paragraph (2) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses).

(IV) Paragraph (3) (relating to security and related grounds).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this title, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the 1st day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the 1st day of the 7th month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2005 through 2008.

SEC. 212. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2004,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien was granted lawful temporary resident status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the 1st day of the 7th month that begins after the date of enactment of this Act.

Subtitle B—Reform of H–2A Worker Program

SEC. 221. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

''H–2A EMPLOYER APPLICATIONS

''SEC. 218. (a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers prior to the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Prior to referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer

under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

''H–2A EMPLOYMENT REQUIREMENTS

''SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which must accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. However, an employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—In lieu of offering housing pursuant to subparagraph (A), the employer may provide a reasonable housing allowance, but only if the requirement of clause (ii) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. However, no housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters (i.e., housing provided by the employer pursuant to paragraph (1), including housing provided through a housing allowance) and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than

the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2004 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(i) FIRST ADJUSTMENT.—Unless Congress acts to set a new wage standard applicable to this section, effective on December 1, 2006, the adverse effect wage rate then in effect shall be adjusted by the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the preceding year and December of the second preceding year, except that such adjustment shall not exceed 4 percent.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Effective on March 1, 2007, and each March 1 thereafter, the adverse effect wage rate then in effect shall be adjusted in accordance with the requirements of clause (i).

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in one or more written statements the following information:

''(i) The worker's total earnings for the pay period.

''(ii) The worker's hourly rate of pay, piece rate of pay, or both.

''(iii) The hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4)).

''(iv) The hours actually worked by the worker.

''(v) An itemization of the deductions made from the worker's wages.

''(vi) If piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the General Accounting Office shall jointly prepare and transmit to the Secretary of Labor and to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall address—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) USES OR CAUSES TO BE USED.—(I) In this subsection, the term 'uses or causes to be used' applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer.

''(II) The term 'uses or causes to be used' does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker himself or herself, unless the employer specifically requested or arranged such transportation; or

''(bb) carpooling arrangements made by H–2A workers themselves, using one of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(III) The mere providing of a job offer by an employer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iii) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(iv) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the

provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section or sections 218 or 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

''SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of up to 1 week before the beginning of the period of employment (to be granted for the purpose of travel to the work site) and a period of 14 days following the period of employment (to be granted for the purpose of departure or extension based on a subsequent offer of employment), except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Secretary within 7 days of an H–2A worker's having prematurely abandoned employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the

petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—In the case of an alien who is lawfully present in the United States, the alien is authorized to commence the employment described in a petition under paragraph (1) on the date on which the petition is filed. For purposes of the preceding sentence, the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition. The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States. Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any other provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2004, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

''(1) may be admitted for a period of 12 months;

''(2) may be extended for a continuous period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

''WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

''SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—There is hereby authorized to be appropriated annually not to exceed $500,000 to the Federal Mediation and Conciliation Service to carry out this section, provided that, any contrary provision of law notwithstanding, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn prior to the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''DEFINITIONS

''SEC. 218D. For purposes of sections 218 through 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or

controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—In the case of an application with respect to 1 or more H–2A workers by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications.
''Sec. 218A. H–2A employment requirements.
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
''Sec. 218C. Worker protections and labor standards enforcement.
''Sec. 218D. Definitions.''.

Subtitle C—Miscellaneous Provisions

SEC. 231. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title, and a collection process for such fees from employers participating in the program provided under this title. Such fees shall be the only fees chargeable to employers for services provided under this title.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 221 of this title, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this title, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 221 of this title, and the provisions of this title.

SEC. 232. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 221, shall take effect on the effective date of section 221 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 233. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 221 and 231 shall take effect 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of the Congress a report that describes the measures being taken and the progress made in implementing this title.

SA 3553. Mr. GRAHAM of South Carolina (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 12, strike the end quote and period at the end and insert the following:

''§ 1716. Filing documents under seal

''(a) IN GENERAL.—

''(1) APPLICATION.—In any class action, any party seeking to file documents under seal shall comply with this section. Any party who fails to obtain prior approval as required under this section shall be denied any request or attempt to seal filed documents. Nothing in this section limits the ability of the parties, by agreement, to restrict access to documents which are not filed with the court.

''(2) EXCEPTION.—This section shall not apply with respect to any document which is required to be sealed by another applicable statute, rule, or court order.

''(b) MEMORANDUM.—

''(1) IN GENERAL.—A party seeking to file documents under seal in a class action shall file and serve a motion to seal accompanied by a memorandum containing the information described under paragraph (2).

''(2) CONTENT.—A memorandum under this subsection shall—

''(A) identify, with specificity, the documents or portions of those documents for which sealing is requested;

''(B) state the reasons why sealing is necessary;

''(C) explain (for each document or group of documents) why less drastic alternatives to sealing will not afford adequate protection; and

''(D) address the factors governing sealing of documents reflected in any controlling case law.

''(c) ATTACHMENTS TO MOTION TO SEAL.—

''(1) INDEX.—A non-confidential descriptive index of the documents at issue shall be attached to the motion to seal.

''(2) CONFIDENTIAL INFORMATION.—A separately sealed attachment labeled 'Confidential Information to be Submitted to Court in Connection with Motion to Seal' shall be submitted with the motion to seal. An attachment under this paragraph shall contain the documents at issue for the in camera review by the court and shall not be filed.

''(d) DOCKET.—The docket of the court shall reflect that the motion to seal and memorandum were filed and were supported by a sealed attachment submitted for in camera review.

''(e) PUBLIC NOTICE.—The clerk shall provide public notice of the motion to seal in the manner directed by the court. Absent direction to the contrary, public notice may be

accomplished by docketing the motion in a manner that discloses its nature as a motion to seal.''.

SA 3554. Mr. LAUTENBERG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—MEDICARE TRUST FUND REIMBURSEMENT

SECTION ____01. SHORT TITLE.

This Act may be cited as the ''Medicare Trust Fund Reimbursement Act of 2004''.

SEC. ____02. REPAYMENT TO THE MEDICARE TRUST FUNDS OF AMOUNTS ILLEGALLY DISBURSED FOR POLITICAL PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Comptroller General of the United States determines that the Centers for Medicare & Medicaid Services has violated the restriction on expending appropriated funds for publicity or propaganda purposes contained in the Consolidated Appropriations Resolution of 2003, Pub. L. No. 108–7, Div. J, Tit. VI, §626, 117 Stat. 11, 470 (2003), the principal campaign committee (as defined in section 301(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(5))) of the President of the United States shall reimburse the Federal Government for the amount expended in committing such violation.

(b) REIMBURSEMENT OF MEDICARE TRUST FUNDS.—The amount reimbursed under subsection (a) shall be credited to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(c) EFFECTIVE DATE.—This section shall apply with respect to determinations made by the Comptroller General on and after May 1, 2004.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act.'' The Subcommittee hearing will examine current enforcement of key provisions in the Patriot Act combating money laundering and foreign corruption, using a single case study involving Riggs Bank. The hearing will examine Riggs' anti-money laundering program, administration of accounts associated with senior foreign political figures and their family members, and interactions with its primary regulator, the Office of the Comptroller of the Currency (OCC). The hearing will also examine the OCC's anti-money laundering oversight and enforcement actions. In addition, the hearing will examine the activities of some oil companies in Equatorial Guinea.

The hearing will take place on Thursday, July 15, 2004, at 9 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, Staff Director and Chief Counsel to the Minority, of the Permanent Subcommittee on Investigations, at 224–3721.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 21, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, CA as a wild or scenic river, and for other purposes; S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System; S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, and for other purposes; S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief on public land through a Healthy Forest Youth Conservation Corps; S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send 2 copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a second hearing on the danger of purchasing pharmaceuticals over the Internet. The Subcommittee held a hearing on June 17, 2004, on this issue and will hold a second day of hearings, entitled ''Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet—Federal & Private Sector Response.'' The Subcommittee hearings are examining the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate. In addition, the Subcommittee hearings are examining the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the U.S. Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues.

The Subcommittee hearing is scheduled for Thursday, July 22, 2004, at 9 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 7, 2004, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the following nominations: J. Russell George, to be Inspector General for Tax Administration, Department of the Treasury; Patrick P. O'Carroll, Jr., to be Inspector General, Social Security Administration; Timothy Bitsberger, to be Assistant Secretary of the Treasury, U.S. Department of the Treasury; and, Paul Jones, to be Member of the Internal Revenue Service Oversight Board, U.S. Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 7, 2004, at 10 a.m. for a hearing titled ''Juvenile Detention Centers: Are They Warehousing Children With Mental Illness?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 7, 2004, at 10 a.m. on ''Judicial Nominations'' in the Dirksen Senate Office Building Room 226. Witness list:

Panel I: [Senators].

Panel II: Michael H. Schneider, Sr., to be United States District Judge for the Eastern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 7, 2004 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''Examining U.S. Efforts to Combat Human Trafficking and Slavery'' on Wednesday, July 7, 2004, at 2 p.m. in SD226.

Witness List

Panel I: The Honorable Michael T. Shelby, United States Attorney, Southern District of Texas, Houston, TX; The Honorable Johnny K. Sutton, United States Attorney, Western District of Texas, San Antonio, TX; Sister Mary Ellen Dougherty, United States Conference of Catholic Bishops, Washington, DC; Joseph Mettimano, World Vision, Washington, DC; Dr. Mohamed Mattar, Co-Director, The Protection Project, The Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington, DC; Charles Song, Coalition to Abolish Slavery and Trafficking, Los Angeles, CA; Wendy Patten, Human Rights Watch, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Amanda Samuelson and Amanda Smith from my staff be granted the privileges of the floor for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Ryan Newburn, an intern with the Senate Subcommittee on Terrorism, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that Jordan Dorfman from my staff be granted the privilege of the floor during debate on S. 2062.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

On Thursday, June 24, 2004, the Senate passed H.R. 4613, as follows:

The bill, H.R. 4613 will be printed in a future edition of the CONGRESSIONAL RECORD.

REFERRAL OF NOMINATION

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the nomination of David M. Stone, PN1526, be referred to the Commerce Committee for a period not to exceed 30 calendar days. I further ask unanimous consent that if the nomination is not reported after that period, it be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S.J. RES. 40

Mr. FRIST. Mr. President, I understand that S.J. Res. 40 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 40) proposing an amendment to the Constitution of the United States relating to marriage.

Mr. FRIST. Mr. President, I now ask for its second reading, and in order to place the joint resolution on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its second reading on the next legislative day.

LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 599, H.R. 218.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing today the Law Enforcement Officers Safety Act, H.R. 218, which was passed overwhelmingly by the House last month by voice vote. I have waited a long time to see this action taken.

I want to pay special thanks to Congressman RANDY ''DUKE'' CUNNINGHAM, the author of this bill, and my good friend Senator CAMPBELL, with whom I cosponsored the Senate companion bill, S. 253, for their leadership and fortitude while negotiating this legislation. Without their perseverance and commitment, passage of this bill would not have happened. In fact, Representative CUNNINGHAM has been tirelessly working for over a decade to push this legislation, and I commend him for his dedication to making our communities safer and providing better protection for our law enforcement personnel.

During his time in the Senate, Senator CAMPBELL has been a leader in the area of law enforcement and brings with him invaluable experience. As a former deputy sheriff, he knows the difficulties and dangers law enforcement officers face due to the patchwork of conceal-carry laws in State and local jurisdictions. He and I have worked together on several pieces of law enforcement legislation, such as the Bulletproof Vests Partnership Grant Acts of 1998, 2000 and 2003. It has been a privilege working with him on our bipartisan Law Enforcement Officers Safety Act.

Law enforcement officers are never ''off-duty.'' They are dedicated public servants trained to uphold the law and keep the peace. To enable law enforcement officers nationwide to be prepared to answer a call to duty no matter where, when or in what form it comes, I am proud to join Senator CAMPBELL and 69 other cosponsors, including Judiciary Chairman HATCH, Democratic Leader DASCHLE, Assistant Democratic Leader REID, Majority Leader FRIST and Assistant Majority Leader MCCONNELL, on the Senate version of the Law Enforcement Officers Safety Act, S. 253, which was reported out of the Senate Judiciary Committee in March 2003 by a vote of 18 to 1. Both H.R. 218 and S. 253 will permit off-duty and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations.

These bills are strongly supported by the Fraternal Order of Police, FOP, the National Association of Police Organizations, NAPO, the Federal Law Enforcement Officers Association, FLEOA, the International Brotherhood of Police Officers, IBPO, the Law Enforcement Alliance of America, and the National Law Enforcement Council.

I was honored to work closely on this measure with the former FOP national president, Lieutenant Steve Young, whose death last year was a sad loss for us all. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the Nation armed and prepared whenever and wherever threats to our public safety arise. I have continued my close work with the FOP and current national president, Major Chuck Canterbury, to make this legislation law.

Community policing and the outstanding work of so many law enforcement officers play a vital role in our crime control efforts. Unfortunately, during the past few years the downward trend in violent crime—specifically murder—ended and violent crime rates have turned upward. The FBI has reported that while preliminary numbers show that violent crime overall declined slightly in the first half of 2003, murders increased by 1.3 percent compared with the year before.

There are more than 740,000 sworn law enforcement officers currently serving in the United States. Since the

first recorded police death in 1792, there have been more than 17,200 law enforcement officers killed in the line of duty. Over 1,700 law enforcement officers died in the line of duty over the last decade, an average of 170 deaths per year. Roughly 5 percent of officers who die are killed while taking law enforcement action in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted annually.

The Law Enforcement Officers Safety Act creates a mechanism by which qualified active-duty law enforcement officers would be permitted to travel interstate with a firearm, subject to certain limitations, provided that officers are carrying their official badges and photographic identification. An active-duty officer may carry a concealed firearm under this measure if he or she is authorized to engage in or supervise any violation of law; is authorized to use a firearm by the agency, meets agency standards to regularly use a firearm; and is not prohibited from carrying by Federal, State or local law. This measure would not interfere with any officer's right to carry a concealed firearm on private or government property while on duty or on official business.

Off-duty and retired officers should also be permitted to carry their firearms across State and other jurisdictional lines, at no cost to taxpayers, in order to better serve and protect our communities. H.R. 218 would permit qualified law enforcement officers and qualified retired law enforcement officers across the nation to carry concealed firearms in most situations. It preserves any State law that restricts concealed firearms on private property and any State law that restricts the possession of a firearm on State or local government property.

To qualify for the measure's exemptions to permit a qualified off-duty law enforcement officer to carry a concealed firearm, notwithstanding the law of the State or political subdivision of the State, he or she must have authority to use a firearm by the law enforcement agency where he or she works; not be subject to any disciplinary action; satisfy every standard of the agency to regularly use a firearm; not be prohibited by Federal law from receiving a firearm; and carry a photo identification issued by the agency. The bill preserves any State law that restricts concealed firearms on private property, and any State law that restricts the possession of a firearm on State or local government property or park.

For a retired law enforcement officer to qualify for exemption from State laws that prohibit the carrying of concealed firearms, he or she must have retired in good standing; have been qualified by the agency to carry or use a firearm; have been employed at least fifteen years as a law enforcement officer unless forced to retire due to a service-connected disability; have a non-forfeitable right to retirement plan benefits of the law enforcement agency; meet the same State firearms training and qualifications as an active officer; not be prohibited by Federal law from receiving a firearm; and be carrying a photo identification issued by the agency. Preserved would be any State law that permits restrictions of concealed firearms on private property, as well as any State law that restricts the possession of a firearm on State or local government property or park.

Last month, during the House Judiciary Committee markup of H.R. 218, amendments were accepted to bar officers or retired police from carrying arms in other jurisdictions if they are under the influence of alcohol or other intoxicating or hallucinatory drug or substance, and to require retired police to have proof they received arms training in the previous year before being permitted to carry concealed weapons. The bill was then reported out of Committee by a vote of 23 to 9 and passed overwhelmingly by the House.

Convicted criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out, active or retired, on duty or off duty. The bipartisan Law Enforcement Officers Safety Act is designed to establish national measures of uniformity and consistency to permit trained and certified on duty, off duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

I urge the Senate to take up and pass the bipartisan, commonsense Law Enforcement Officers Safety Act, H.R. 218, as amended and passed by the House, to make our communities safer and better to protect law enforcement officers and their families.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 218) was read the third time and passed.

ORDERS FOR THURSDAY, JULY 8, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, July 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business for 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of S. 2062, the class action bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. If the distinguished leader would allow me to say a few words, and it will be a few words, as I said earlier today the role of the majority leader is extremely difficult. While I disagree with the action taken of filing the motion for cloture, I understand that. But after having said that, there have been many speeches given today. We have heard enough on this issue and we should move forward.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the class action bill. Again, I reiterate my hope that we will make progress on the class action bill on Thursday. We are open for business. We are open for relevant amendments. We ask that those amendments come forward. If they come forward, we can debate them, we can vote on them, and we can complete the bill. We are prepared to consider the amendments and dispose of them. I encourage Members to come forward. Senators, therefore, should expect the possibility of rollcall votes tomorrow.

ADJOURNMENT UNTIL 10 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 7:17 p.m., adjourned until Thursday, July 8, 2004, at 10 a.m.

EXTENSIONS OF REMARKS

WELCOMING KING MOHAMMED VI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PAYNE. Mr. Speaker, my colleague, Mr. PITTS and I, would like to welcome King Mohammed VI of Morocco to the United States and wish him well during his visit. We strongly urge His Majesty to uphold and implement his nation's agreements regarding the conflict over the Western Sahara. In addition, we urge His Majesty to uphold U.N. Security Council Resolution 1541 as a tribute to former Secretary of State James A. Baker III, who promoted international legality and justice while responding to the true long-term interests of both parties concerned in this conflict. His Majesty's support for the former U.N. Special Envoy Baker's Peace Plan would be the best contribution to peace and stability in the region. In addition, upholding the Peace Plan would demonstrate the effectiveness of the pursuit of national aspirations through non-violence in the greater Middle East, a region that has been the target of much violence.

Mr. Speaker, last week, a number of Members sent a letter to President Bush requesting that during his meeting with the King, he strongly encourage His Majesty to implement the United Nations Settlement Plan in order to achieve a just, peaceful, and lasting resolution to the conflict over Western Sahara. The letter welcomed United Nations Security Council Resolution No. 1541 adopted April 29, 2004, which reaffirmed support for the Peace Plan for Self-Determination of the People of Western Sahara devised by U.N. Secretary General Kofi Annan's Special Envoy, James Baker, and shared deep regret over the departure of Mr. Baker and the circumstances that led to his resignation.

In addition, the letter welcomed the confidence-building measures taken by the Polisario Front which released a further 643 Moroccan POWs since July 2003; the number of POWs the Polisario has liberated since 1991 now totals 1,760. However, the Members of Congress expressed their regret that the Government of King Mohammed VI has not reciprocated in a commensurate way. The fact that the Sahrawis have opted for non-violence in the affirmation of their identity and have respected the terms of the cease-fire signed in 1991 between their representative and Morocco, is telling in terms of who is committed to settlement of the conflict.

Further, the letter expressed great concern that if the conflict between these two parties is left unresolved, it has the potential to disrupt peace and stability in the Maghreb region, thus threatening the interests of the United States. The Members expressed that the United States should use its unique influence in that region to press the Moroccan Government and the Polisario Front to agree to the Peace Plan and to implement it under the supervision of the United Nations. Although U.S. attention is primarily focused, as it should be on Iraq and on the war against terrorism, the letter underscores the concern of the Members that the Western Sahara conflict needs to be addressed urgently and fairly to the benefit of the peoples of the region and in the interest of the United States. A peaceful, successful resolution of the conflict over Western Sahara will provide a signal to the Broader Middle East and North African region that in the 21st century there are successful alternatives to violence in the pursuit of national aspirations.

Mr. Speaker, we again extend our welcome His Majesty and strongly urge him not to stand in the way of progress towards the peaceful resolution of the conflict over Western Sahara.

HONORING GRACE CLAYTON ON THE COMPLETION OF HER INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the contributions Grace Clayton has made while interning in my Washington, D.C., office. Grace, a fellow Middle Tennessean, has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

Grace is finishing her second internship in my Washington, D.C., office, but she must return to the University of Alabama, where she is majoring in public relations. She is a member of Kappa Kappa Gamma, a volunteer for Big Brothers/Big Sisters and an acolyte in the Episcopal church.

During her internship, she has been a tremendous help to me and my staff as she assisted us in numerous projects. Not only did she win us over, but she also won over constituents as she guided them through the U.S. Capitol.

I hope Grace has enjoyed her fast-paced internship as much as we have appreciated her hard work. I wish her all the best in the future.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber Wednesday, June 23, Thursday, June 24, and Friday, June 25, during rollcall votes.

Had I been present, I would have voted "Yea" on rollcall No. 288, and "Yea" on rollcall No. 300, "Yea" on rollcall No. 304, "No" on rollcall No. 318, and "Yea" on rollcall No. 325.

HOUSE FOOD SERVICE WORKERS SHOULD BE COMMENDED

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. KUCINICH. Mr. Speaker, on behalf of the food services workers of the Longworth, Rayburn, and Cannon House Office buildings, I submit for the record a letter signed by thirty-eight Members of Congress to Guest Service Inc. CEO/President Gerald T. Gabrys denouncing his decision to have his workers pay his company a day of wages on The National Day of Mourning.

The men and women who serve Members of Congress, staff, and the public each day in the House cafeterias are some of the most dedicated, hard working, and patriotic workers in our nation. They spend hours on their feet each day, ensuring that the House functions smoothly. Their characteristic smiles are a testament to the professionalism with which they go about their jobs.

But while the House food service workers have served Members of Congress for years—often without recognition—it has become time for Members of Congress to serve them. The rest of nation set aside June 11, 2004 to honor and pay solemn tribute to former President Reagan, but Guest Services Inc. (GSI) used the National Day of Mourning as a unique opportunity to extract compensation from its workforce.

Indeed, as federal employees across the nation were granted a one-day paid "holiday" on the National Day of Mourning, Guest Services employees were barred from reporting to work and required to expend a vacation or sick day to be paid for this previously scheduled day of employment. As a government contractor, GSI knew that Congress or the President could close the government at any time. This is a business risk inherent in GSI's relationship with the government. GSI passed the cost along to its employees.

The thirty-eight Members of Congress who signed this letter believe that decision was wrong. We have called upon GSI to pay its workers for the National Day of Mourning and return any vacation or sick time used as a result of their policy.

The House food service workers should be commended—not punished—for their admirable service to the federal government and our nation.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 25, 2004.

Mr. GERALD T. GABRYS,
President/CEO, Guest Services Inc.,
Fairfax, VA

DEAR MR. GABRYS: We write to express our concern and disappointment regarding the decision by Guest Services Inc. (GSI) not to pay its food service workers on June 11, 2004, The National Day of Mourning.

As you know, all executive departments, independent establishments, and other governmental agencies were closed on June 11th

so that our nation could honor and formally pay its respects to the late former President Ronald Reagan.

While federal employees across the nation were granted a one-day paid ''holiday'' for this purpose, non-salaried Guest Services employees in the Longworth, Rayburn, and Cannon House Office Buildings were summarily barred from reporting to work, and GSI announced they would not be paid for this previously scheduled day of employment. Instead, GSI employees were told that they would be required to utilize an accrued vacation or sick day.

What GSI has done is to compel its employees to effectively pay GSI one day of wages for the National Day of Mourning. This is extraordinary. As a government contractor, GSI must have been aware of the possibility that Congress or the President could designate a one-day National Holiday shutting down the federal government at any time. But while the rest of the nation set aside June 11th to honor and pay solemn tribute to former President Reagan, GSI appears to have used the National Day of Mourning as a unique opportunity to extract compensation from its workforce in retaliation for a cost inherent in GSI's relationship with the government.

We do not believe this was appropriate or within the spirit of this historically important day. We request that you both pay your workers for the day of June 11th and return any vacation or sick leave utilized by employees in response to your policy. Your employees should be commended—not punished—for their hard work and dedication in service to the federal government and our nation.

We look forward to your prompt response to this request. Please do not hesitate to contact us with any questions.

Sincerely

Dennis J. Kucinich; Max Sandlin; Gary L. Ackerman; Jim Cooper; Ellen O. Tauscher, Stephanie Tubbs Jones; Jim McDermott; Karen McCarthy; José E. Serrano; Gregory W. Meeks; Brad Sherman; Barbara Lee; Bernard Sanders; Sam Farr; Albert Russell Wynn; Lois Capps; Betty McCollum; George Miller; William D. Delahunt; Diane E. Watson; Patrick J. Kennedy; Tammy Baldwin; Mark Udall; Neil Abercrombie; Sheila Jackson-Lee; Jay Inslee; Fortney Pete Stark; Major R. Owens; Sherrod Brown; Brian Baird; Michael E. Capuano; Jerrold Nadler; Tom Udall; Rosa L. DeLauro; Raul M. Grijalva; Eddie Bernice Johnson; Michael M. Honda; and Chris Van Hollen.

TRIBUTE TO MR. DEREK WINANS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PAYNE. Mr. Speaker, it is with sorrow that I rise to inform my colleagues of the sudden passing of Derek T. Winans. Mr. Winans, a direct descendent of William Wheeler, a founder of Newark with Robert Treat in 1666, lived in my hometown of Newark for over 40 years. He was known for his deep commitment to civil rights and was a major figure in organizing and winning support for anti-poverty, alternative education, and community development programs.

He was a graduate of St. Paul's in Concord, NH, and of Harvard College. His senior thesis at Harvard received a magna cum laude. His own success in education inspired him to devote himself to providing similar opportunities for the youth in our community. Derek founded the Newark Day Care Council/Springfield Avenue Community School, the Ironbound Community Corporation/Ironbound Children's Center, and the Community Mobilization Center. He was co-founder of the Newark Community Project for People with AIDS, served as secretary of the Newark Coordinating Council, was active with the Newark Community Union Project, and acted as a spokesperson and planner for many civil rights and community-based organizations in Newark. He worked as deputy director for the International Youth Organization (IYO), planning director of the United Community Corporation, and was the staff person for Councilman Donald Tucker during his founding of the NJ Black Issues Convention.

Derek was not only involved locally but he also made an impact nationally. He was very active with Congressman BARNEY FRANK of Massachusetts, a Harvard classmate, on the enactment of the Ryan White Legislation in the early 90's, which significantly increased funding for education and treatment of HIV and AIDS. Earlier this year the House of Representatives approved a proposal written by Derek: The New Jersey Underground Railroad Cultural Heritage Project, for which IYO is serving as the lead agency. It was my privilege to work with Derek not only on these two projects but many others mentioned earlier.

Derek loved public policy, believed in the power of people to govern well, and possessed a long history of civic and political involvement. He was an important figure in many New Jersey political campaigns, with State Assemblyman George Richardson, Mayor Ken Gibson, and the Newark City Council campaign of the late Jesse Allan. He was truly a great friend of mine.

Derek was the son of the late Elizabeth Carrington and James Dusenberry Winans. He is survived by his stepmother, Polly Dudley Winans Beischer of Lakewood, NJ; a brother, Pete Torrey Winans of Amelia Island, FL; two stepbrothers; a stepsister; and numerous nieces and nephews.

Mr. Speaker, I ask you to join me in remembering the life of this remarkable man, and I encourage my colleagues to join me in recalling his lifelong commitment to service, integrity, and compassion. I express my condolences to his family and friends as they grieve his passing.

HONORING THE DEDICATED SERVICE OF PAUL RUMLER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the tremendous contributions Paul Rumler has made to Tennessee's Sixth Congressional District. Paul has been an integral part of my Washington staff for the last few months, but he has moved on to greener pastures.

Paul was a versatile contributor in the office, lending a hand to constituent services and the development of legislation. His research on methamphetamine abuse played an important role in the development of H.R. 4636, the Methamphetamine Remediation Act.

During his time here, he quickly won over the staff as well as Middle Tennesseans who were visiting our Nation's Capitol. His easy-going attitude and gentlemanly demeanor made him a wonderful addition to the office.

Although my staff and I will miss his hard work and enthusiasm, we are happy for Paul as he embarks on his new journey. I wish him all the best.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. POMBO. Mr. Speaker, I request that the following letters between the Committee on Resources and the Committee on Ways and Means regarding H.R. 884, the Western Shoshone Claims Distribution Act, be submitted for the record under General Leave.

As you know, H.R. 884 passed the House under suspension of the rules on June 21, 2004. I wish to include these letters between the two Committees concerning the legislation as part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
WASHINGTON, DC, JUNE 3, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I request your help in expediting consideration of H.R. 884, the Western Shoshone Claims Distribution Act, authored by Congressman Jim Gibbons. The bill authorizes the distribution of a monetary judgment awarded to the members of the Western Shoshone tribe in 1979 based on land claims against the United States and mismanagement of their tribal accounts by the federal government. The funds have been appropriated and have been accruing interest for over 20 years. Under current law, legislation is required before the tribal members can receive their awards and to establish an education trust fund for the tribe. The Committee on Resources favorably reported the bill on October 7, 2003.

H.R. 884 is the House companion measure to S. 618, which was passed by the Senate by unanimous consent on October 17, 2003. The Joint Tax Committee has determined that Section 3(c)(3) of the Senate bill contains revenue provisions and would be subject to a blueslip by your Committee. To avoid this Constitutional problem and to facilitate passage in the Senate, I wish to amend H.R. 884 with the text of S. 618 as passed by the Senate and have this considered by the House of Representatives under suspension of the rules next week.

I recognize the Committee on Ways and Means' jurisdictional interest in Section 3(c)(3) of the proposed amendment but ask that you allow H.R. 884 to go forward. I agree that by allowing the revised bill to be scheduled, the Ways and Means Committee does not relinquish any jurisdiction over H.R. 884 or similar legislation. I would also support your request to be represented on a conference on H.R 884, if one should become necessary. Finally, I will include my letter and your response in the Congressional Record during Floor consideration of the measure.

The Western Shoshone have waited for over 25 years to receive their just awards, and Congressman Gibbons has been a tireless advocate on their behalf. We both appreciate

your cooperation on this measure and the able assistance of David Kavanaugh of your staff.

Sincerely,

RICHARD W. POMBO,
Chairman.

COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES,
Washington, DC, June 17, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your letter dated June 3, 2004, regarding H.R. 884, the ''Western Shoshone Claims Distribution Act.'' As you have noted, the Committee on Ways and Means has jurisdiction over Section 3(c)(3) of S. 618, the Senate companion bill to H.R. 884. I appreciate your agreement to amend the text of H.R. 884 and include the language passed by the Senate, thus avoiding any potential Constitutional problems. Further, I appreciate your recognition that this agreement does not prejudice the jurisdictional interests and prerogatives of the Committee on Ways and Means on this provision or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Thank you for your assistance and cooperation with this issue. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

HONORING THE MEMORY OF AMELIA, OHIO NATIVE ARMY SERGEANT CHARLES A. KISER, WHO DIED IN IRAQ

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PORTMAN. Mr. Speaker, I rise to honor the memory of Army Sergeant Charles A. Kiser, a brave soldier, who died Thursday, June 24, 2004, in an explosion near Mosel, Iraq. Sergeant Kiser is a native of Clermont County, OH, an area I represent.

Sgt. Kiser grew up in Amelia, OH, attended St. Bernadette School, and began competing in track in the third grade. He graduated from McNicholas High School in 1985, where he was a champion sprinter and later a member of the University of Cincinnati's track team. It is said that he was one of the most talented sprinters ever at U.C. Several of Sgt. Kiser's records still stand at U.C., including the 300 yard dash indoors and the 300 meters.

After a year at the University of Cincinnati, he left to join the Navy. He spent 7 years in active duty, mostly in Italy, where he met his wife, Debbie, who was also in the Navy. Sgt. Kiser followed that with 7 years in the Naval Reserve.

They settled in Wisconsin, and had two children, Alicia and Mark. Two years ago, Sgt. Kiser joined the Army Reserve and trained at Ft. McCoy, Wisconsin. He left for Iraq in late 2003 with the 330th Military Police Detachment, based in Sheboygan.

Close to his family, Sgt. Kiser grew up with six women: his mother and five sisters, all of whom still live in the Clermont County area. Last night, there was a community-wide celebration of Sgt. Kiser's life at the Clermont County Courthouse in Batavia.

All of us in the Cincinnati area are grateful for Sgt. Kiser's service to our country, and express our deepest sympathy to his family and many friends.

THOMAS F. FARLEY RETIRES AS DISTRICT ADMINISTRATOR FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S NORTHERN VIRGINIA DISTRICT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. WOLF. Mr. Speaker, I rise today to recognize the contributions of Tom Farley to transportation efforts in northern Virginia. For the past 11 years, Tom has served as district administrator for the Virginia Department of Transportation's (VDOT) northern Virginia district which is the most populated and congested area of the Commonwealth.

District administrator for northern Virginia is a difficult job which often bears the brunt of public scrutiny. He is often on the front line when someone has a complaint about roads, snow, or potholes. Nevertheless, Tom has excelled because he is adept at bringing people together to find transportation solutions.

In the course of his career, Tom has worked with hundreds of citizens, homeowners, community groups, and elected officials. Tom has personally been a friend to me and helped with many projects that have benefitted the l0th District. He has also been involved in almost every major transportation issue in northern Virginia in the past 11 years including the Springfield Interchange, the new Woodrow Wilson Bridge, Route 50 traffic calming, the Fairfax County Parkway, and the Capital Beltway Safety Study.

I want to thank Tom for his contributions to northern Virginia and wish him the best as he retires from VDOT knowing that he has been a true public servant to the people of Virginia.

TRIBUTE TO COUNCIL MEMBER-AT-LARGE, DONALD K. TUCKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PAYNE. Mr. Speaker, I rise today to honor a distinguished public servant from my district. It gives me a great deal of pleasure to recognize Councilman Donald Tucker for his 30 years of service to the City of Newark. This is a major accomplishment, and its celebration is a well deserved honor for Councilman Tucker. Having served on the City Council and Southward Democratic Committee with Councilman Tucker, I can attest to his dedication to our community and would like to share a few of his many passions, projects, and accomplishments with you today.

Since 1974, Councilman Tucker has devoted his time and energy to the pursuit of enhancing the quality of life for the residents of Newark. As the senior member of the City Council, he has the historical perspective that makes him a nationally prominent municipal leader. In addition to serving as the President of the National Black Caucus of Local Elected Officials (NBCLEO) for four years, he was on the Executive Board of the National League of Cities. He has been pro-active in his efforts to assist in making Newark a ''Model City.'' Councilman Tucker is founder and State Chairman of the renowned Black Issues Convention (NJBIC). Under his leadership, NJBIC is the longest serving State Black Issues Convention in the country. He is the main operative of the annual ''Newark Day'' observance in Atlantic City during the State League of Municipalities Convention.

In addition to his duties as a Councilman, Donald Tucker finds time to serve the community in other ways. He serves on several advisory boards and has received numerous awards and citations for his dedicated service. Always an advocate for children and senior citizens, Councilman Tucker is the founder of The Centre, Inc., a community services multipurpose center that serves these individuals.

I salute Councilman Tucker for his dedication to our community and I am proud to have him in my district. Mr. Speaker, please join me in extending my thanks to Councilman Tucker, and I invite my colleagues to join me in sending our sincere congratulations and best wishes as he celebrates 30 years of service to Newark's deserving citizens.

PAYING TRIBUTE TO FRANCIS S. CURREY FOR HIS HEROIC SERVICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to recognize and honor Francis S. Currey for his heroic service during the Second World War. I am very pleased to submit this tribute to Sergeant Currey, as the Town of Fallsburg in Sullivan County, New York prepares to celebrate ''Francis Currey Day,'' designated for July 10, 2004. The day of festivities will pay homage to the outstanding and invaluable service that Sergeant Currey provided to our nation during World War II, which earned him the Medal of Honor. Mr. Currey is the only living native of Sullivan County to have received this distinguished award.

The details of Sergeant Currey's courageous actions are chronicled in a citation dated July 27, 1945 and signed by President Harry S. Truman. At the time of the events depicted in the citation, Francis Currey was nineteen years of age. It reads as follows:

''Sergeant Francis S. Currey, U.S. Army, Company K, 3rd Battalion, 120th Infantry, 30th Infantry Division. He was an automatic rifleman with the 3rd Platoon defending a strong point near Malmedy, Belgium, on 21 December 1944, when the enemy launched a powerful attack. Overrunning tank destroyers and antitank guns located near the strong point, German tanks advanced to the 3rd Platoon's position and, after prolonged fighting, forced the withdrawal of this group to a nearby factory. Sergeant Currey found a bazooka in the building and crossed the street to secure rockets meanwhile enduring intense fire from enemy tanks and hostile infantrymen who had

taken up a position at a house a short distance away. In the face of small arms, machine gun, and artillery fire, he, with a companion, knocked out a tank with one shot. Moving to another position, he observed three Germans in the doorway of an enemy-held house. He killed or wounded all three with his automatic rifle. He emerged from cover and advanced alone to within 50 yards of the house, intent on wrecking it with rockets. Covered by friendly fire, he stood erect, and fired a shot which knocked down half of one wall. While in this forward position, he observed five Americans who had been pinned down for hours by fire from the house and three tanks. Realizing that they could not escape until the enemy tank and infantry guns had been silenced, Sergeant Currey crossed the street to a vehicle, where he procured an armful of antitank grenades. These he launched while under heavy enemy fire, driving the tankmen from the vehicles into the house. He then climbed onto a half-track in full view of the Germans and fired a machine gun at the house. Once again changing his position, he manned another machine gun whose crew had been killed; under his covering fire the five soldiers were able to retire to safety. Deprived of tanks and with heavy infantry casualties, the enemy was forced to withdraw. Through his extensive knowledge of weapons and by his heroic and repeated braving of murderous enemy fire, Sergeant Currey was greatly responsible for inflicting heavy losses in men and material on the enemy, for rescuing five comrades, two of whom were wounded, and for stemming an attack which threatened to flank his battalion's position.''

Mr. Speaker, I am delighted to join the Town of Fallsburg in honoring Francis S. Currey, who repeatedly risked his life in order to protect his fellow soldiers and to halt the Nazi offensive near Malmedy, Belgium during the Battle of the Bulge. The enemy offensive that Sergeant Currey thwarted may have prolonged the duration of the War in Europe and cost the lives of many more American soldiers had it been successful. It is with great pleasure that I hereby recognize Sergeant Currey's courageous and selfless actions and express my deep gratitude and appreciation for his tremendous service to this country.

A TRIBUTE TO GREATER FREE GIFT BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Greater Free Gift Baptist Church in recognition of the church's 50th year of existence, serving as a place of spiritual leadership in the community.

The Free Gift Baptist Mission was first organized on May 9, 1954 in the Home of Reverend J.W. McCray on 714A Monroe Street in Brooklyn, New York. The church leaders included Deacon Lee Gains who was chairman of the deacon board; Deacon Brodie who was treasurer; Sister Gertrude Ortory was who the church clerk; and Deacon Roosevelt Kirkland who served as chairman of the trustee board. There were about 25 charter members.

On the following Sunday, worship services were also held at 494 Lexington Avenue, where Reverend Wayne was pastor. In June of that same year, the church occupied its premises at 77 Sumner Avenue. On October 24, 1955, an Advisory Council meeting of the Eastern Baptist Association was held for the purpose of recognizing Free Gift Baptist Church as a regular Baptist church. In September 1956, the pastor, members, and many visitors and friends marched from 77 Sumner Avenue to 1058 Myrtle Avenue.

In June 1959, Reverend Daniel Webster Batts was called to serve as pastor of the church. In 1961, the Free Gift Baptist Church due to legal reasons changed its name to Greater Free Gift Baptist Church. Under new leadership, congregants continued worshipping at 1058 Myrtle Avenue. In 1962, membership was instructed to look for larger and better quarters, and through the help of the Almighty, church members located its present site at 146 Stockton Street. On December 12, 1991, the church lost its pastor Reverend Dr. Daniel Webster Batts and for three years while under the leadership of the Deacon Board, the church searched for a new pastor.

Finally, on February 26, 1995, the church installed its current pastor, Reverend William Raymond Whitaker, Jr. and since then the ministry has continued to grow. Under Reverend Whitaker's leadership, the church now has a ministerial staff consisting of three ministries, a nurses unit, the Greater Free Gift Bible Institute, which includes a General Bible Class and Child and Youth Evangelism Classes, an in-house library, a remedial reading assistance class, a basic computer training class, two vans, the D.W. Batts Fellowship Hall as well as the formation of the Drama and Dance Ministry and Serenity on Stockton Street. In May 2003, the main sanctuary and the D.W. Batts Fellowship Hall were renovated.

Mr. Speaker, the Greater Free Gift Baptist Church has served as a religious sanctuary for 50 years, inspiring spiritual growth, knowledge and understanding in the community. As such, the church is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable congregation.

HONORING COLONEL JACK V. SCHERER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and an admirable leader, COL Jack Scherer of the U.S. Army Corps of Engineers, Memphis District.

On July 12th, COL Scherer will step down as Memphis District Commander after finishing his 3-year term. He leaves behind a legacy of infrastructure and development all along the Mississippi River from Cairo, Illinois, to Rosedale, Mississippi.

COL Scherer has served his country with distinction as a member of several troop assignments including as Platoon Leader, Company XO and Battalion Logistics Officer for the 326th Engineer Battalion, 101st Airborne Division (Air Assault). He also commanded Company E (Mobile Assault Brigade), 1st Engineer Battalion, and 82nd Engineer Battalion, 1st Infantry Division (Mechanized).

His wide-ranging experience in the field and with the Defense Logistics Agency in Ft. Belvoir, VA, has led to a vision and knowledge of water-borne infrastructure far exceeding the norm. The rivers and levees, especially the Mississippi River and tributaries, of our area have not known a greater advocate than COL Scherer; his absence from our future efforts will be terribly apparent.

In addition to his infrastructure development, COL Scherer has been involved in many humanitarian relief operations. Deployed to Bosnia-Herzegovina in support of Operation Joint Guard, he was the Multi-National Division (North) Engineer. While there, he coordinated the work of eight national engineer units supervising land mine-removal operations.

COL Jack Scherer is a hero not only for his courage and leadership as Army colonel, but for his commitment to the infrastructure our region is so reliant upon. On behalf of the Congress, I extend deep appreciation to COL Scherer for his leadership and his dedication to making the area's waterways efficient and practical.

50TH ANNIVERSARY OF CAMP SHALOM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor the 50th anniversary of Camp Shalom, the Madison Jewish Community Council's Day Camp. Camp Shalom has become the oldest day camp in the entire Madison area. It continues to serve children without regard to race, gender, religion, ancestry, creed, sexual orientation, political affiliation, disability, or national origin.

During the past five decades, Camp Shalom has fulfilled its commitment of never denying a child access to its facilities due to family finance. It maintains a nurturing, safe, educational, and enjoyable camp experience for children from ages five through thirteen.

From 1954 through 1999, Camp Shalom made its home in Madison's Wingra and Olin Parks. Since 1999, it has been located at the Irwin A. and Robert D. Goodman Jewish Community Campus in Verona. The new facility has an aquatic center, community center, art center, and basketball courts, enabling children to enjoy a diversity of activities while at day camp. Camp Shalom also operates the Irwin A. and Robert D. Goodman Aquatic Center in a joint venture with Madison Schools—Community Recreation. This joint venture exemplifies an ideal partnership between the non-profit and public sectors.

I wholeheartedly congratulate Camp Shalom for fulfilling a fifty year mission of service to the children and families of the Madison-area community and significantly contributing to the advancement of peace.

SPENDING CONTROL ACT OF 2004

SPEECH OF

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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:

Mrs. BLACKBURN. Mr. Chairman, I rise today to support the RSC budget amendment. It is a responsible amendment, and necessary in a time of war budgeting—and I would suggest, it should even be applied in times of peace.

Congress can act to reduce spending. Public support is there—I hear it from constituents all the time. People have priorities—the war on terror, economic growth through tax relief, and Less Government. They don't want millions more spent on wasteful programs that benefit narrow special interests.

We passed record tax relief and it has helped fuel growth and to create jobs. Now we can put in motion a plan to bring down federal spending—This is the next step in the Republican economic plan for America.

This amendment reverses the cycle of higher spending and higher taxes; it balances the budget within 5 years through spending caps and real deficit reduction.

HONORING CONGRESSMAN DOUG BEREUTER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor a good friend and outstanding public servant, Congressman DOUG BEREUTER.

I have become familiar with DOUG and his work having served as a member of the U.S. House delegation to the NATO Parliamentary Assembly, which he chairs. I have participated in numerous congressional delegations abroad which he has led and was always impressed with his knowledge of world affairs and his determination to increase understanding among NATO partners.

DOUG also has been a tireless advocate for his Cornhusker State constituents during his 26 year House tenure. He has served longer than any other Nebraskan, during which time he has penned many laws to help his diverse constituency, including ones to promote his State's agricultural exports, improve health care and child welfare, end international hunger, and protect Native Americans.

Mr. Speaker, I am proud to call DOUG BEREUTER a friend and colleague. His constituents and our country are losing an honorable and dedicated public servant, the likes of which bring credit to this hallowed institution in which we are so fortunate to serve. I wish him and his wife, Louise, health and happiness in their future endeavors.

BOWDOIN INTERNATIONAL MUSIC FESTIVAL CELEBRATES ITS 40TH ANNIVERSARY SEASON

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. ALLEN. Mr. Speaker, this summer marks the 40th anniversary season of the world-renowned Bowdoin International Music Festival. I take particular pride in this program, which is housed on the beautiful campus of my alma mater, Bowdoin College, in Brunswick, Maine, in my Congressional District.

Each summer for 6 weeks, more than 200 gifted young musicians of graduate, college and high school levels gather here from around the globe. They learn from and perform with some of the best teaching and performing musicians in the world. In this international community, students and faculty thrive in an intense but joyful atmosphere. The program consists of individual classes and practice, chamber coaching and group practice, master classes, and numerous performance opportunities. These include student concerts and an outreach program, in which students perform at local venues such as retirement homes and resorts. The public is also invited to the festival's "MusicFest," a formal chamber music series that features festival artists and internationally-renowned guest artists, "Upbeat!,"a mix of contemporary and traditional music in an informal atmosphere, and the week-long Charles E. Gamper Festival of Contemporary Music.

The Bowdoin International Music Festival has furthered the artistic mastery of numerous students, enriched Maine's educational and cultural environment, and brought pleasure to thousands of listeners. I am confident that its success will continue for decades to come.

70TH ANNIVERSARY OF THE LADIES AUXILIARY OF CLEARY-KRECH POST #1707, VFW

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor the Ladies Auxiliary of Cleary-Krech Post #1707, Veterans of Foreign Wars, from Portage, Wisconsin, who recently celebrated their 70th anniversary. This group, comprised of wives, widows, mothers, grandmothers, daughters, and sisters of those who were eligible for membership in the Veterans of Foreign Wars, came into existence thanks to the tireless efforts of Ella Johnson and Dorothy Krech.

From its inception, the dedicated women of the Ladies Auxiliary have held fundraisers, including bake sales, card parties, pot-luck dinners, bingo, old time dances, and WLS amateur shows at the armory. Those efforts raised money for the National Home in Eaton Rapids, Michigan and a banner for the Auxiliary. In 1937, the Auxiliary began sponsoring the National Essay Contest, giving cash prizes to the three winning essays from high school students.

In anticipation of the district conference, the Auxiliary formed their now famous kitchen band in order to provide entertainment. This band created music using instruments such as brooms, a wash tub, rolling pins, clothes pins, and a skillet. At several special occasions, the band performed their musical talents, including the Portage Harvest Festival. In 1948, 28 members went to the Veterans Hospital in Tomah where they entertained over 350 veterans.

When the Veterans held their Midwinter Conference in Portage in January of 1950, the attendees had to stay in private homes as the hotels were filled. Two national leaders and five hundred representatives of the Veterans of Foreign Wars attended the conference, making it the largest event ever hosted by the Cleary-Krech Post #1707. In anticipation of this large crowd, the vacated police station was purchased from the city and remodeled so that it could house the participants of the conference.

Currently, the auxiliary offers services to local schools, such as the Patriot Pen Award for the best student essay about democracy. They also provide rehabilitation services to veterans and their families, senior citizens, and at-risk homeless veterans. Today, I join the City of Portage in celebrating the Ladies Auxiliary for seventy years of outstanding service to the community and the nation.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. COLLINS. Mr. Speaker, I was not present for debate on the Spending Control Act (H.R. 4663), rollcall vote 305, an amendment by Brady (TX); rollcall vote 306, an amendment by Chocola; rollcall vote 307, an amendment by Castle; and rollcall vote 308, an amendment by Hensarling; rollcall vote 309, an amendment by Hensarling; rollcall vote 310, an amendment by Kirk; rollcall vote 311, an amendment by Ryan; rollcall vote 312, an amendment by Ryan; rollcall vote 313, an amendment by Ryan; rollcall vote 314, an amendment by Spratt; rollcall vote 315, an amendment by Hensarling; rollcall vote 316, an amendment by Kirk; rollcall vote 317, a motion to recommit with instructions; and rollcall vote 318, final passage.

Had I been present, I would have voted "yea" for rollcall votes 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, and 318. I would have voted "nay" on rollcall votes 314 and 317.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. JONES of North Carolina. Mr. Speaker, on Friday, June 25th, I was meeting with constituents in North Carolina and unavoidably missed rollcall votes Nos. 321, 322, 323, 324, and 325.

Had I been present, I would have voted "no" on rollcall vote No. 321; "no" on rollcall vote No. 322; "no" on rollcall vote No. 323;

"no" on rollcall vote No. 324, and "yes" on rollcall vote No. 325.

HONORING CONNECTICUT GOVERNOR JODI RELL

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SIMMONS. Mr. Speaker, on July 1, 2004, my home state of Connecticut saw the dawning of a new political era. The cloud of controversy that had covered Connecticut in recent months was lifted as Lieutenant Governor Jodi Rell was installed as Connecticut's 87th Governor.

I have known our new governor for many years. We served together in the State Legislature and she has been lieutenant governor for nine and a half years. Jodi Rell understands government at both the legislative and executive levels. She is a leader and a hard worker. She understands that among her primary responsibilities is to bring high standards and confidence back to the office of governor. I have no doubt she will succeed.

On a sunny day last week, Governor Rell took office with a pledge of honor, respect and modesty. She spoke of the "culture of corruption" that has infected Connecticut's state government and she acknowledged that her predecessor's ethical problems had shaken the public's faith in government and belief in the dignity of public service.

Governor Rell said, "Today, we begin to restore faith, integrity and honor to our government. It is our solemn obligation. It will be our lasting legacy."

Governor Rell was gracious towards her predecessor. She said, "These have been very difficult and trying times for everyone, including Governor Rowland and his family. My thoughts and prayers are with them."

It was the proper tone for the day.

It was heartening to see officials from both sides of the aisle rally in support of the new governor. They understand that when faith in government is shaken and when our belief in the intrinsic virtue of public service is called into doubt, it is the business of everyone—regardless of political affiliation—to raise the level of dialogue and conduct. Truly, as Governor Rell stated, "The time to heal has begun."

The public deserves absolutely nothing less than the meritorious and disinterested public service of our elected officials. Connecticut's newest governor understands this and I am proud to offer her my full support.

A TRIBUTE TO JOSEPHINE AND HENRY BOLUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Josephine and Henry Bolus in recognition of their 50th wedding anniversary.

Josephine and Henry first met back in 1948 as junior high school students in lower Manhattan. Their courtship was interrupted when Henry began his service in the Korean war. He was stationed in Japan but had to return home due to a family illness. While home, Henry proposed to Josephine, and the couple got married on May 11, 1954 in Harlem, NY at Mount Zion Lutheran Church.

Henry returned to Japan to continue his service to our country. He would later return, and he and Josephine would start their family in Brooklyn, NY.

Henry and Josephine have two children, Michael and Sabrina, three grandchildren, Michael, Ana Margaret, and Hector, and one great-grandchild, Jasmine.

On May 1, 2004, Josephine and Henry will come together in front of friends and family to renew their vows in celebration, love and commitment to each other.

Mr. Speaker, Josephine and Henry Bolus have dedicated their lives to each through 50 years of wonderful marriage, serving as an example to us all. As such, they are more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable couple.

TRIBUTE TO ARTHUR PHILLIP "PHIL" JONES

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great civic leader and great Arkansan; I am honored to recognize Phil Jones in the Congress. His recent death was a great loss to his community, his family, his state, and this Nation.

Phil Jones' commitment to Northeast Arkansas was beyond compare. Mr. Jones demonstrated an energy few can match. In addition to tirelessly serving his church and his community, he is survived by his seven children, eight grandchildren and two great-grandchildren.

Mr. Jones was born in Jonesboro, Arkansas, and graduated from Jonesboro High School. He served his country honorably as a supply corps officer in the U.S. Navy during the Korean Conflict and has served in a public accounting practice since the late 1950s. Mr. Jones is a member of the American Institute of Certified Public Accountants and the Arkansas Society of Certified Public Accountants (ASCPA) and received the First Annual ASCPA Outstanding CPA in Business and Industry Award for his accomplishments in the field. Most notable in a distinguished professional career was more than 40 years of service with Hytrol Conveyer Company, most recently as vice chairman of the board of directors prior to his retirement last year.

But Mr. Jones made one of the most important realizations a member of a rural community can make: education and health care drive a region's growth. Mr. Jones graciously served on several boards affecting education issues for students ranging in age from kindergarten to college. He also served on a fund raising committee for St. Bernard's Cancer Treatment Center, as a board member of St. Bernard's Hospital Development Foundation, and as president of the Parish Council at Blessed Sacrament Church.

Mr. Jones' commitment to others did not end at our Nation's borders, however. He and his wife, Flo, helped bring health care to the under-privileged in Mexico, Colombia and the Czech Republic.

Phil Jones knew that in order for a community to thrive, it must be supported by those within it. He was an impassioned community leader and was deeply devoted to his family. On behalf of the Congress, I extend sympathies to his family, and gratitude for all he did to make the world a better place.

HONORING JUDGE ROGER KENT WARREN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to honor a great American jurist. He not only served with great distinction on the bench, but went on to improve the quality and caseloads of other judges as well. Today I rise to acknowledge the tremendous service of Judge Roger Kent Warren, the outgoing President of the National Center for State Courts.

Judge Warren received his bachelor of arts degree from William College in 1963, and served on a Fulbright Fellowship to Iran in 1964. He was appointed as a judge to the California Municipal Court in 1976, and was elevated to the superior court in 1982. He held this post until 1993, when he became the first-ever presiding judge of the consolidated superior and municipal courts.

Judge Warren was repeatedly recognized for his excellent conduct on the bench, winning the Sacramento Judge of the Year award in 1987, 1993 and 1994; he was awarded the California Jurist of the Year award in 1995 and won the American Judges Association Award of Merit in 1996.

In March 1996, he was appointed President and Chief Executive Officer of the National Center for State Courts, a non-profit organization designed to provide courts with up-to-date information and hands-on assistance that helps our judges better serve the public. He promptly went about providing invaluable educational and consulting services to the judiciary. He formed the Assembly of Court Associations to encourage collaboration among national judicial organizations, developed initiatives such as Communities of Practice to examine the best practices for dealing with family violence, jury reform, and court performance.

On the occasion of his retirement as President and CEO of the NCSC, I rise to honor Judge Warren. The people of the United States have been fortunate to have been served by a person of his stature, and we wish him and his family the very best in the years to come.

TRIBUTE TO MATTIE STEPANEK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise to pay tribute to Mattie Stepanek—a remarkable

poet and precocious young man from my district. Mattie died recently from complications due to a rare form of muscular dystrophy. The 13-year-old captured the hearts of millions with his poetry and message of peace.

Mattie will forever be remembered as a bright-eyed boy with a big, dimpled smile whose personal philosophy was "remember to play after every storm." Mattie's poetry rose to the top of the New York Times best seller list and will now inspire people for generations to come.

Mr. Speaker, Mattie was an incredible role model and inspiration for all Americans. In spite of his hardships, he dedicated his life to spreading harmony and hope. Mattie's message will live on through his poetry. My thoughts and prayers go out to his family and friends during this time of loss.

CONGRATULATIONS TO BROOKE AND MIKE MAROTH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mrs. EMERSON. Mr. Speaker, I rise today to congratulate Brooke and Mike Maroth—the recipients of the 2004 Bill Emerson Good Samaritan Award. Mr. and Mrs. Maroth have provided food aid to thousands of the nation's less fortunate. By greatly expanding the Rock and Wrap it Up! program, they are feeding the hungry in Detroit and around the nation.

Mr. and Mrs. Maroth's innovation came at Mike's workplace—he has been a pitcher for the Detroit Tigers since 2002. After games at Comerica Park, leftover food would simply be thrown away. Brooke and Mike connected their effort to distribute that food with Rock and Wrap It Up—a program which donated leftover food from concert events—and started a whole new facet of the mission. Sports Wrap was the new venture, using the leftover food recovered from the stadium and clubhouse at Comerica. They have fed over 5,000 people in the Detroit area since 2003.

Programs are underway at other stadiums throughout the country. Because of the philanthropic vision of Mr. and Mrs. Maroth, their good work has been repeated in other major-league cities. That is the mark of great volunteers—that others repeat their example. This is truly the case with Mr. and Mrs. Maroth.

This is the vision my husband Bill Emerson had for domestic food aid programs when he worked to pass the Good Samaritan Food Act protecting these donations from liability.

Mr. and Mrs. Maroth have more than earned the Bill Emerson Good Samaritan Award. Bill's hopes for hunger relief in America were very high when he worked to make Rock and Wrap It Up! possible in 1990.

Rock and Wrap It Up! is a volunteer hunger relief charity, which has fed over 20 million since its inception. With over 4,000 volunteers in 500 cities across America, its dedicated supporters recover food in schools, colleges, music concerts, sporting events, and political and corporate functions. Rock and Wrap It Up! was adopted by resolution in 2003 by the United States Conference of Mayors to teach its successful strategies to cities to fill America's food pipeline to feed the indigent.

Brooke and Mike are a major reason the program continues to gain notoriety and grow. They are proof that our commitment to feed America's hungry can always use new initiative and better ideas. As long as there are men, women and children who need the helping hand of other Americans, others like Brooke and Mike Maroth have proven they will be there with a helping hand to offer.

Thank you for your kind service to our nation, Mr. and Mrs. Maroth. Congratulations on earning the 2004 Bill Emerson Good Samaritan Award. Best of luck to both of you as you continue your noble work.

RECOGNIZING PENN STATE'S 150TH ANNIVERSARY

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. FEENEY. Mr. Speaker, in 1854, a young and dynamic America witnessed several historic events. The Republican Party was organized. Commodore Matthew Perry signed a treaty opening Japan to American trade. And Penn State University was founded.

Penn State was at the forefront of the uniquely American practice of widespread higher educational opportunity. In 1863, Penn State became one of the first two land grant educational institutions. Penn State now includes over 20 campuses with 83,000 students.

Penn State is nationally known for its athletic triumphs. More importantly, it has affirmed the value of the scholar-athlete. Penn State graduates its athletes at rates substantially higher than fellow Division I schools. It's no accident that Penn State's library is named for its beloved Joe Paterno while its sports arena is named for a former Penn State president.

Penn State consistently demonstrates its prowess in the sciences and engineering. My district's Kennedy Space Center has launched four Penn State alums into space including Guion Bluford, the first African American to fly into space. Penn State ranked ninth in university patent recipients in 2002. Several Penn State graduate schools rank in U.S. News & World Report's top ten.

But alumni are the real interpreters of Penn State. 466,000 serve as teachers, farmers, physicians, lawyers, artists, scientists, engineers, and yes even Congressmen and women.

So this Penn State alum sends his congratulations to Penn State for its sesquicentennial.

A TRIBUTE TO MEDGAR EVERS COLLEGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise today to recognize Medgar Evers College for adding a Baccalaureate degree program in Social Work to its curriculum. Social Work is an invaluable profession for creative and positive change in our communities, and I commend Medgar Evers for fulfilling this vital social need.

The announcement of this degree program coincides with National Social Work Month. Being a social worker myself, I know the vital role this profession plays in empowering individuals and enhancing social well-being.

Social workers are able to reach the most disaffected members of our communities. People who otherwise would have fallen through the cracks are taught to identify and manage the underlying environmental forces behind their social problems.

There are approximately half a million social workers actively involved in helping individuals with various needs in areas such as health, mental illness, diversity, children, families, aging, poverty, human rights, and social injustice. Despite the far-reaching benefits of social work it is a profession in need of new members. Nearly three fourths of all social workers were born before 1960, and their median age is 50. Programs like the one being started at Medgar Evers are essential for preparing a new generation of social workers to address the complex problems facing society today.

Social workers are on the front lines, battling the many social problems plaguing our communities. The very nature and goal of social work is to help people. I cannot think of a profession more worthy of praise or more significant in impact.

Medgar Evers College faithfully serves the community by fulfilling its mission of meeting "the educational and social needs of Central Brooklyn through the development and maintenance of high quality, professional career-oriented undergraduate degree programs in the context of liberal education." The creation of a degree in Social Work is another step forward in this fine educational tradition.

I know that my own education in social work has been invaluable in both my personal and professional lives, and I am happy that Medgar Evers is supporting this noble and important profession.

Mr. Speaker, Medgar Evers College is working hard to serve its community through the addition of a Social Work degree to its curriculum. As such, it is worthy of receiving our recognition today, and I urge all of my colleagues to join me in honoring this truly remarkable institution.

HONORING PENN STATE UNIVERSITY

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PITTS. Mr. Speaker, Pennsylvania State University is among the most recognizable institutions of our state.

The school is home to one of the country's most storied and successful college football programs.

Today, we celebrate its 150th anniversary, not for its football program, but for its service to our state and its world class academic traditions.

For even the football program, led ably by Joe Paterno, sets the academic standard for programs across the nation. It is part of an athletic department defined by excellence on and off the field.

Penn State graduated 80 percent of student-athletes from the entering class of 1996–

97 within 6 years, compared to a national average of 62 percent for student-athletes at all Division I NCAA institutions.

The football team produced an especially noteworthy academic performance, with 86 percent of the freshmen entering in 1996–97 earning their degrees—significantly above the national rate of 54 percent.

Since 1854, when the school was founded as Farmers' High School, Penn State has revolutionized the way our state approaches farming and continues to be among the world's leaders in agricultural research and innovation.

Over the years, Penn State has expanded its offerings to include every serious academic discipline.

U.S. News & World Report's ''America's Best Graduate Schools 2004'' places a number of Penn State programs among the nation's top ten, including supply chain/logistics, industrial/manufacturing engineering, materials engineering, nuclear engineering, agricultural engineering, higher education administration, administration/supervision, vocational/technical education, counseling services, ceramics, and rehabilitation counseling.

Penn State's Smeal College of Business has been ranked among the nation's top ''Best Undergraduate Business Programs'' at public universities.

The honors extend to undergraduate disciplines across the academic spectrum. In 2003, 15 Penn State faculty or staff members received regular grants to lecture or conduct research abroad as Fulbright Scholars, more outgoing Fulbright grants than any other institution in the United States.

But the measure of a university extends beyond commencement day and even beyond the classroom or research lab.

A university's reputation in businesses and communities across the nation is carried and enhanced by that university's alumni.

Penn State has 466,000 living alumni worldwide, 240,000 of them in Pennsylvania.

The Penn State Alumni Association, formed in 1870, has more than 146,000 members, making it the largest dues-paying alumni association in the nation.

These men and women carry the standard for their alma mater and are proof of the world-class education Penn State students receive during the time on campus.

I am honored to join my colleagues in both House and Senate from the Keystone State in honoring Penn State and thanking its administrators, professors, students, and support personnel for offering a terrific education at a reasonable price to so many for so long.

It is an honor well-deserved.

HONORING THE 150TH ANNIVERSARY OF THE PENNSYLVANIA STATE UNIVERSITY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to speak in support of the resolution congratulating the Pennsylvania State University on its 150th Anniversary and reaffirming its designation as a land grant university.

On February 22, 1855, Pennsylvania Governor William Pollock signed the charter that created what eventually became The Pennsylvania State University. Penn State will be celebrating its 150th anniversary from July 1, 2004 to June 30, 2005. I would like to take this opportunity to congratulate Penn State on its achievements over the years. In addition, I would also like to recognize the importance of the branch campuses to the success of Penn State University.

Initially a small college dedicated to the study of scientific agriculture, Penn State was designated the Commonwealth's sole land-grant institution in 1863. In 1874, the Agriculture College of Pennsylvania became the Pennsylvania State College and in 1954 became the Pennsylvania State University.

Currently, Penn State has an enrollment of 83,000 students, which consists of individuals at the main campus in University Park, the 20 branch campuses, located across Pennsylvania and students at the College of Medicine, the Dickinson School of Law and the Pennsylvania College of Technology. As a result, 1 in every 8 Pennsylvanians with a college degree attended the Pennsylvania State University.

In particular, I would like to take this opportunity to commend the branch campuses in my district for the role they play in educating Penn State students. There are three branch campuses located in my district: Penn State Hazleton, Penn State Wilkes-Barre and Penn State Worthington-Scranton. These branch campuses came about in the 1930's when students could no longer afford to travel away from home to college because of the Depression.

Since then, these branch campuses have evolved, offering the four-year bachelor degrees, associates degrees and a wide range of continuing education classes to students in our area. In addition, the branch campuses offer certificates and professional development credits. As a result, many businesses in my area encourage their employees to take classes at the branch campuses. The branch campuses, therefore, have not only increased the educational attainment level of the workforce in my district, they have also helped promote economic development in the region.

Over the next year, the Pennsylvania State University will mark its anniversary with series of special events highlighting the achievements of the university. I wish them well over the next year and in the years to come as they continue to provide quality education to students in Pennsylvania.

HONORING 150 YEARS OF THE PENNSYLVANIA STATE UNIVERSITY

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. GREENWOOD. Mr. Speaker, since its inception 150 years ago as a pioneering land grant college located in an area now known to millions as ''Happy Valley,'' the Pennsylvania State University has come to the forefront of American collegiate academic and athletic achievement by doing things honorably and exceptionally . . . by doing things ''The Penn State Way.''

Today, Penn State still maintains their commitment to providing premier agriculture science education while expanding their national prominence in the areas of engineering, business, architecture, meteorology, social sciences, arts, and communications. Penn State's 24 campus locations boasts an unprecedented 83,000 undergraduate, graduate, law and medical students that have the opportunity to take 11,300 courses in 180 degree majors! With so many scholastic avenues worth pursuing and exploring, Penn State provides every undergraduate student with a well-balanced education through their extensive general education requirements. However, Penn State's educational leadership far exceeds the boundaries of the classroom through their distance education and statewide agricultural extension programs.

If you have ever talked to a Penn State alumnus—and with 1 in 720 Americans holding a Penn State degree, it isn't hard to find one, it will take just a moment for them to envelop you with their enthusiastic love for the Nittany Lions. As Americans we have all benefited in one way or another from either a Penn State alumnus, or Penn State research guided achievement. Imagine what our lives today without the only FDA approved heart pump, the electron microscope, the screenplay to ''Casablanca'' or a Fischer Price toy. In addition to the hundreds of my constituents graduating from Penn State every year, I have been able to personally benefit from Penn State's outstanding academic programs through the knowledge that was imparted to my current staff, Judy Borger, Amanda Murphy, and Jeff Urbanchuk, and to former staff member Sara McGraw.

If you are lucky enough to visit, it can take as little as a walk through Old Main lawn while enjoying a scoop of Peachy Paterno ice cream from the Creamery, or sitting among 108,000 of your closest friends in Beaver Stadium watching the Marching Blue Band perform their signature ''Floating Lions'' drill to perfection, to understand why Penn State has the largest alumni association in the world . . . because once you've experienced Penn State, you will never want to let go.

For years, Penn State has built a reputation of integrity, respect, and competitiveness in their nationally-renowned programs in fencing, gymnastics, women's volleyball, women's basketball, soccer, and swimming—while more importantly serving as a shining example to other universities by putting the student before the athlete.

And then there's the football. One cannot talk about Penn State's history and achievements without acknowledging the 53 years of unmatched leadership from Joe Paterno—a truly great example of what it means to be Penn State proud. Under his watchful eyes, Penn State has become a national powerhouse in men's college football, accruing 2 national championships and 5 undefeated seasons. However, when asked about his most important successes, Mr. Paterno will not quote these figures for you, nor will he mention that he is one of the most winning coaches in NCAA history, because the most important figure to Mr. Paterno is his team's graduation rate—with over 80 percent of Penn State football players graduating within 6 years, well above the national average.

Even if a student hasn't experienced the pride of playing in the nameless blue and white uniforms, or enjoyed a Saturday afternoon at Beaver Stadium cheering on the team

with their friends—every Penn State student has benefited from Mr. Paterno's generosity and philanthropy as he contributed significant funds to an addition of the library that was completed in 2000, and was instrumental in raising more than a billion dollars for the university in only 5 years.

Happy 150th Birthday, Penn State . . . may we all be united in our own personal efforts to stand for your admirable principles and in that respect we will all be able to say, WE ARE . . . PENN STATE!

PENN STATE: 150 YEARS OF SERVICE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SHUSTER. Mr. Speaker, I rise this evening to join my colleagues in recognition of Penn State's 150 years of service to students in pursuit of higher education. Charted in 1854 in response to a request from Pennsylvania State Agriculture Society, Penn State was established as agriculture based school with the goal of applying scientific principles to farming. In time, its ability to draw intellectual talent and broaden its mission enabled it to grow into one of the premier educational institutions in the country.

Over the past 150 years, Penn State has continued to expand its mission to meet the challenges of tomorrow. Today, the University consists of 11 academic schools and 20 campuses throughout the state, including two in my district, located in Altoona and Mont Alto. Additionally, the Penn State system holds a College of Medicine, the Dickinson School of Law and the Pennsylvania College of Technology. All together the combined enrollment in Penn State programs is more than 80,000 students.

To give a sense of this school's impact over the years let me share some facts: one in every eight Pennsylvanians with a college degree is a Penn State graduate and one in 720 people in the U.S. is a Penn State graduate. On personal level, I have felt Penn State's impact in my own life, three of my siblings attended Penn State and numerous members of my staff over the years are Penn State alumni.

So why is it that thousands of students from all walks of life come to Penn State in pursuit of a higher education? They come knowing that their time at Penn State will translate into a top-quality education. Penn State has been consistently recognized as one of the best technical schools in the country and U.S News and World Report's "America's Best Graduate Schools 2004" selected a number of Penn State programs among the nation's top ten. These strong credentials are proof of Penn State's high standards.

Mr. Speaker, once again I want to congratulate Penn State on 150 years of excellence and to thank all of the professors, administrators, staff, students and alumni who dedicate themselves to making Penn State one of the most valuable educational institutions in our state and our nation.

CELEBRATING THE PENNSYLVANIA STATE UNIVERSITY SESQUICENTENNIAL

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SHERWOOD. Mr. Speaker, it is with great pleasure that I rise before you today to honor the Pennsylvania State University as it celebrates its Sesquicentennial. On February 22, 1855, Pennsylvania Governor William Pollock signed the charter that created what is today The Pennsylvania State University. The University will be celebrating its Sesquicentennial for a full year from July 1, 2004 through June 30, 2005.

Penn State was started as a small college dedicated to the study of scientific agriculture; the University was then designated the Commonwealth's sole land-grant institution in 1863 by the Pennsylvania Legislature and has grown to become one of the world's most renowned public universities. The University is well known not only for its agricultural research and extension programs but also engineering, architecture, social sciences, medicine, and law.

Penn State has been instrumental in creating a heart-assist pump developed by medical and engineering faculty in 1976 to prolong the lives of cardiovascular patients. This pump was the first surgically implantable, seam-free, pulsatile blood pump to receive widespread clinical use. It led to the Penn State Heart, the only artificial heart approved by the U.S. Food and Drug Administration. A Penn State surgeon and two engineers also perfected the world's first long-life, rechargeable heart pacemaker.

In 1955, physics Professor Erwin Mueller became the first person to "see" an atom, using a field ion electron microscope of his own invention. The device was a landmark advance in scientific instrumentation that allowed a magnification of more than 2 million times.

Penn State in 1955 became the first university to be issued a federal license to operate a nuclear reactor, which it continues to use for studies in the peaceful uses of atomic energy and the training of nuclear industry personnel.

Penn State is a leader in food science. In 1892 Penn State offered America's first collegiate instruction in ice cream manufacture, followed soon after by a pioneering "short course" program that has helped to make the University an international center for research in frozen confections. Ice cream gurus Ben & Jerry got their start from a correspondence course in ice cream making from Penn State.

Pennsylvania's and the nation's pure food laws stem partly from the work of pioneer chemist William Frear, who in the early 1900s analyzed foods for government agencies and headed an expert committee whose recommendations shaped the landmark Pure Food and Drug Act of 1906.

In the 1920s, Penn State became the first land-grant college to initiate a comprehensive mushroom research program. Researchers developed improved composts and production practices that were adopted by growers worldwide and also helped Pennsylvania retain its leadership as the number one source of domestic mushrooms.

This institution has contributed tremendously to the Commonwealth and the nation, with graduates throughout the world as well as the largest outreach efforts with programs in every state and 87 foreign countries. The University has 11 academic schools and 20 campuses located throughout the Commonwealth, as well as an extension program that reaches nearly one out of two residents annually. Penn State annually host the largest all student run philanthropy in the world raising over 3.5 million dollars for The Four Diamonds Fund which provides money for comprehensive care of children with cancer, support for their families, and for research of pediatric cancer.

One out of every eight Pennsylvanians and one in every 720 people in the United States, as well as one out of every 50 engineers and one out of every four meteorologists has a Penn State degree. The university also boasts the largest dues paying alumni association in the nation that was established in 1870.

The University has also produced many championship Division I athletic teams, as well as a record breaking and legendary football coach Joe Paterno.

The 150th anniversary of Penn State will highlight what is important and good about this distinguished institution and the fine people and research that it produces.

Mr. Speaker, I urge you and my colleagues to congratulate the administration, faculty, staff, alumni and students of Penn State as they celebrate the Sesquicentennial of this fine institution. I wish them all the best during their next 150 years.

A TRIBUTE TO HENRY BOLUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Henry Bolus in recognition of his service to New York City and his country as well as his accomplishments in the beauty industry.

Henry was born to Henrietta and Roy Bolus on February 19, 1934, in City Hospital of New York, located on Welfare Island now known as Roosevelt Island. He was one of 5 children. Henry's solid education was obtained through the New York City public school system, from kindergarten straight through Brooklyn College. Long coupled with his wife, Henry has gone from teenage friend of Josephine, to a loving husband of more than 50 years, and the cherished and respected father of their two children: Michael Henry and Sabrina Jo. Henry is the warm and generous father-in-law of Ana Alicea; the cheerful, playful, and caring grandfather of three, Michael Luis, Ana Margarita, and Hector Luis; and lastly the proud great grandfather of Jasmine. At the urging of his young children, Henry went from never having a single pet, to happily living with cats and dogs.

Throughout his adult life, Henry has had a long history of dedicated and exemplary volunteer service to the community. He has touched and enriched the lives of many. From an altar boy in the Catholic Church, he found his way to becoming a member of the Knights of Columbus. He volunteers each week as an usher at the 10:30 a.m. Mass at the Shrine Church of St. Jude in Canarsie.

Voluntarily enlisting in the U.S. Army, Henry proudly served his country during the Korean

conflict. First as a private infantryman, and later as a paratrooper, he served in the 187th Airborne Regimental Combat Team of the U.S. Army. His service, in support of our country's efforts to thwart the spread of communism into South Korea and perhaps beyond, led to his being the humble recipient of a 2003 New York City Council Proclamation which cited his exceptional service to this great Nation.

Henry went from a street-corner shoeshine boy, to an electrical appliance stock clerk, to a beauty equipment salesperson, and finally to a designer of many of Brooklyn's beauty salons & barber shops. His dedication to his clients and the beauty industry earned him the "Cosmetology Man of the Year" Award.

Henry has also become a valuable community activist. Working quietly in the background, yet always willing to help, he has provided transportation for those in need; helped setup health fairs for numerous civic organizations; and assisted in the resurrection of the Canarsie Memorial Day Parade. He has also served on numerous civic and special community associations, such as the Boy Scouts and Girl Scouts of America, the Brooklyn Canarsie Lions Club Inc., the United Parents Fraternal, and Informed Voices of Canarsie, Etc. He has the distinct honor of having served as the only African-American on the 69th Precinct Community Council, in its 35-year history. For his hard work and commitment to the Canarsie Community, he received an award from the Friends United Block Association (FUBA) in 2001. For helping to establish the NYC branch of North Carolina A&T College Alumni, he was awarded an Associate Alumni membership.

As a longtime, 43 years resident of New York City Housing, he established the NYC Bayview Housing Sports Day. This is a festive day of multiple sports events, dancing, food, and awards for the children of the community.

Mr. Speaker, Henry Bolus has dedicated his life to serving his country and his community through his active participation in a vast array of civic organization. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING MILDRED HASTINGS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today to offer my sympathies to the Hastings Family. Mrs. Mildred Hastings, mother of Congressman ALCEE HASTINGS, passed away on June 24, 2004 after complications related to a heart disease. Her passing is deeply felt and she will be profoundly missed.

A woman of humble beginnings, Mildred Hastings worked hard to improve the circumstances of her family and those around her. She was revered by many in her community and developed personal bonds with constituents from the district. Mildred Hastings was a great motivator and her positive outlook on life not only influenced her family and friends, but also the members of Congressman HASTINGS' staff. The Congressman's Chief of Staff, Art Kennedy, greatly admired her positive energy and her unwavering support of her son. She has left those close to her with fond memories.

Congressman HASTINGS said, "My mom was my greatest friend and mentor." Mildred Hastings guided her son throughout his life and along his milestones to becoming a lawyer, judge, and now Congressman of Florida's 23rd District, Miramar. Mrs. Hastings is survived by her son, grandchildren, and cousins. She was 82 years old. My sincerest condolences go out to the Hastings family in remembrance of this inspiring woman. She will be greatly missed.

H. CON. RES. 410—RECOGNIZING THE 25TH ANNIVERSARY OF THE ADOPTION OF THE CONSTITUTION OF THE REPUBLIC OF THE MARSHALL ISLANDS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Ms. BORDALLO. Mr. Speaker, I rise in support of House Concurrent Resolution 410, which recognizes the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands (RMI) and expresses our nation's gratitude for our shared commitment to the principles of democracy and freedom.

Over the past 25 years and since attaining their independence as a sovereign nation, the RMI has emerged to become one of the greatest and most reliable democratic allies of the United States. Our special relationship with the RMI, embodied in the Compact of Free Association renewed last year, has helped fulfill the two principal U.S. objectives in the Western Pacific of forging strategic alliances and establishing democratic systems of government. The RMI was the first of the three former entities of the United Nations administered Trust Territory of the Pacific Islands, to adopt their own Constitution and gain their independence. Their example and influence helped stabilize the Pacific Region and win the cold war.

For over 400 years, the people of the Marshall Islands were subjected to foreign and colonial control. The Spanish, the Germans, the Japanese, and the Americans all took control of the islands, named for English explorer John Marshall who visited the islands in 1799, at one time or another. Today, the people of the Marshall Islands strive to retain and preserve their identity and traditions. In many respects, they have been amazingly successful, even as they have faced and embraced the forces of Westernization and globalization. In January, I had the good fortune of visiting their beautiful country as a member of the Congressional Delegation led by Mr. POMBO, the Chairman of the House Resources Committee. While in Majuro, we met with President Kessai Note, as well as elected officials from Bikini, Enewetak, Rongelap and Utrok. We also visited the U.S. Army's Ronald Reagan Ballistic Missile Test Site on Kwajalein Atoll, which is a testament to the strength and dependability of U.S.-RMI relations. With 40 years of cooperation, the Missile Test Site has provided a critical role in development and success of our nation's missile defense and space programs.

On Sunday, July 4th, this nation celebrated our freedom and democratic progress. It has now been 228 years since our founding fathers declared our nation's independence and our democratic form of government. As we reflect upon our democratic experiment and the values we cherish as Americans, it is also fitting that we recognize those who embrace these same values and freedoms. The United States has a proven and trusting friend in the Republic of the Marshall Islands. As we continue to build our relationship, let us work to resolve the remaining issues that the nuclear testing era brought for the benefit of our strategic partnership and special relationship.

I want to thank the gentleman from Arizona, Mr. FLAKE, and my good friend from American Samoa, Mr. FALEOMAVAEGA, for their leadership in introducing this resolution and for their firm commitment to sustaining and strengthening the friendship between the people of the United States and the people of the Marshall Islands. Lastly, I want to recognize and congratulate the Marshalls' Ambassador to the United States for his efforts in strengthening the relationship between our governments, the Honorable Banny de Brum. Si Yu'os Ma'ase and Komol tata.

RECOGNITION OF ANN AND LYDIA ENDREJATIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Ann and Lydia Endrejatis of Collinsville, Illinois.

Ann and Lydia are recipients of this year's "Spirit of Excellence" award annually awarded by the Collinsville Chamber of Commerce. Ann and Lydia are being recognized for their lifelong commitment to making Collinsville a better place for all of us.

In nominating them, Diane Meyer wrote the following:

Diakonia. If you think diakonia is Greek to you, well you're correct. Diakonia is Greek for service, an ancient art still being practiced today in Collinsville. The number of people volunteering their time and talent for the good of the community is unrivaled. These "servants" exemplify the ancient meaning of the word mercy—concrete acts of kindness. Although most neither seek nor desire the spotlight, they certainly deserve our sincere thanks.

Ann and Lydia Endrejatis.

While many who volunteer specialize in one or two things, Ann and Lydia do about everything and through their many specific acts of kindness, truly define the word "volunteer." Since retiring, one or the other or both have worked for the following entities:

Anderson Hospital Auxiliary, Miner's Theater, Collinsville office of the American Cancer Society, Downtown Collinsville, Inc., Collinsville Senior Citizens, Cahokia Mounds Visitor's Center, City of Collinsville Shuttle Bus Dispatchers, senior citizen income tax preparations, Fox Theater usher, Holy Cross Lutheran Church Altar Guild and senior citizen worship meal, city historic researchers for Lucille Stehman's newspaper series, Meals on Wheels, schools library aid. The amazing thing about this extraordinary list is that it is a partial list.

The story of Ann and Lydia does not end with the work that they do. It continues with their encouragement and support of others who volunteer for the community. If someone is receiving an award, they are there. If something is being dedicated, they are there. If someone puts on a parade, they are there. If there is a civic ceremony, yes, they are there. With encouragement comes hope and with hope comes the wherewithal a city needs to tackle its future. Ann and Lydia Endrejatis provide Collinsville with concrete acts of kindness and to them we give our heartfelt thanks. Diakonia.

I offer my personal congratulations to my friends Ann and Lydia as well as my thanks to the Collinsville Chamber of Commerce for being as moved by Diane's nomination as I was.

COMMMENDATION OF TECH. SGT. THOMAS NEVIN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, it gives me great pleasure to rise today in commendation of Tech. Sgt. Thomas Nevin, recipient of this year's USO Warrior of the Year award for the Cleveland area.

Sgt. Nevin is a member of the 910th Civil Engineer Squadron out of Youngstown Air Reserve Station in my district, and I am proud of his service to America in the war on terrorism. Sergeant Nevin was selected for volunteering to serve in Operation Enduring Freedom and Operation Iraqi Freedom for over a year and a half. While deployed, he received high praise from his superiors as he demonstrated his technical skills in replacing generators, redirecting a power outage, and installing diesel generators. In Iraq, he led a task force that doubled the available power to an airport in an area that was considered potentially dangerous. As our service men and women work hard daily to rebuild and improve Iraq's power grid, I am confident Sergeant Nevin was vital to that effort while deployed.

Mr. Speaker, at a time that calls for men and women to stand up and volunteer, I am privileged to have a constituent that appeals to our best qualities as citizens. It is good to know the people of Ohio's 17th congressional district are represented in uniform by a man with character, courage, and commitment to national service.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed five votes in the House of Representatives on June 25, 2004. Had I been in attendance I would have made the following votes:

Vote on the Sanders amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "no."

Vote on the Wilson (NM) amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "no."

Vote on the Meehan amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "no."

Vote on the Hefley amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "yea."

Vote on passage of H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "yea."

RECOGNIZING THE 50TH ANNIVERSARY OF THE THORNE ECOLOGICAL INSTITUTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the 50th anniversary of the Thorne Ecological Institute (TEI), its record of providing ecological education and environmental awareness to countless numbers of young people, and its development of forward-looking environmental policies.

I believe that many of the problems which face our Nation can be solved through better understanding and awareness of our natural surroundings. For 50 years, the Thorne Ecological Institute has been dedicated to fulfilling this goal by giving hands-on experience to children and adults in Colorado.

In 1954, Dr. Oakleigh Thorne, II, established the Thorne Ecological Institute in hopes of bringing environmental education to the community of Boulder, Colorado. He taught a variety of courses at the University of Colorado at Boulder, working to increase his students' understanding of the environment and its complex interrelationships. His goal was to "connect people to nature," and the last 50 years have seen this goal met with great success. To this day, the Thorne Ecological Institute maintains its commitment to environmental education, now with a focus on children and young people in the Colorado's Front Range. Innovative programs like Project BEAR—Building Environmental Awareness and Respect—reach inner-city children and establish a connection with the wonders of nature, an invaluable accomplishment and contribution to our society.

In addition to their outstanding efforts with children, the Institute was a catalyst in establishing environmental organizations in Colorado, including the first chapters of the Nature Conservancy, the Sierra Club, and the Denver Audubon Society. These organizations have been essential to the protection and promotion of Colorado's environment, and their impact is a direct result of Dr. Thorne's pioneering work.

I would also like to recognize the Thorne Ecological Institute for its innovation within environmental policy. The City of Boulder has been honored nationally for its policy of buying open-space to ensure a high quality of life for its residents. We must remember, though, that the Institute played a critical role in developing this landmark policy. Moreover, long before the Environmental Protection Agency required environmental impact studies, the TEI was conducting them in Colorado to increase understanding of the consequences of commercial development and to lay the foundation for their mitigation.

Mr. Speaker, environmental understanding and protection of environmental quality are things close to my heart—and the Thorne Ecological Institute has been at the forefront of the environmental movement in the Rockies for 50 years. Under the leadership of Dr. Oakleigh Thorne, II, the TEI has fulfilled the dream of connecting people to nature. I congratulate the Thorne Ecological Institute for its accomplishments and ask my colleagues to join me in appreciation.

A PROCLAMATION HONORING MARION STEWART ON HER 99TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. NEY. Mr. Speaker:

Whereas, Marion Stewart was born on July 19, 1905; and

Whereas, Marion Stewart is celebrating her 99th birthday today; and

Whereas, Marion Stewart, is a long-time active participant in the social and civic life of the community; and

Whereas, Marion Stewart has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Marion Stewart a very happy 99th birthday.

PENN STATE UNIVERSITY'S 150TH ANNIVERSARY

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. DOYLE. Mr. Speaker, I rise today to join in this special order commemorating the 150th anniversary of the founding of Penn State University. As a proud alumnus of Penn State University, I can attest to the quality of education offered by this outstanding institution of higher learning.

Beginning like so many other state universities as a school to provide an education in farming and agricultural science to the citizens of Pennsylvania—which, by the way, is still one of its important missions—the Agricultural College of Pennsylvania in Centre County, Pennsylvania, grew rapidly and has educated thousands of Americans over the last 150 years.

Today, The Pennsylvania State University boasts 20 branch campuses across the commonwealth and offers a full range of undergraduate majors and graduate degrees, as well as a college of medicine and a highly respected law school. In fact, many of Penn State's grad schools are considered among the nation's top ten in their fields. It has an enrollment of over 80,000 students each year,

and it is considered one of the premier research universities in the nation. I might add that it also has one hell of a football team, which has been led to many victories over the years by its legendary coach, Joe Paterno.

I look back fondly on my years in State College as some of the best years of my life. I received a world-class education at Penn State between 1971 and 1975, and I also had a pretty darned good time on campus.

Consequently, I am proud to mark this milestone in the life of my alma mater by participating in this special order commemorating the 150th anniversary of the founding of this remarkable institution of higher learning. I can't wait to see what Penn State and its alumni achieve in the next 150 years.

IN RECOGNITION OF MARY E. LEISHMAN, LIFELONG COMMUNITY ACTIVIST AND FRIEND OF NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Mary E. Leishman, a longtime resident and champion of New York City. Ms. Leishman, who passed away on June 12, 2004, leaves behind a large and caring family, devoted friends, loyal colleagues and an incredible record of community service. Mary worked every day to promote the interests of her community and to better the lives of New York City residents. The city and people of New York will miss her dearly.

Ms. Leishman was known as the "Godmother of Yorkville"—the area of Manhattan she called home for the majority of her life. Yorkville lies between the Upper East Side and East Harlem neighborhoods of Manhattan, which are traditionally regarded as the borough's wealthiest and poorest areas. The great diversity of Ms. Leishman's neighborhood fueled her many accomplishments, and provided the setting for her significant contributions to the public good.

Mary was truly a servant of the people, devoting much of her time and energy to New York City politics and public policy. Ms. Leishman served for more than fifteen years as a District Leader of the Eastside Democratic Club and was a longtime delegate to the Democratic County Convention. Mary worked tirelessly for the causes in which she believed, and showed a particular affinity for "grassroots" campaigning. Mary was always available to work at polling locations, collect signatures and perform other administrative tasks—duties that are essential to the functioning of our democracy, but that are often overlooked.

Mary was always attentive to the adage that "all politics is local." Ms. Leishman was a devoted member of Manhattan Community Board Eight, serving in both professional and volunteer capacities. Ms. Leishman was the Chairwoman of Board Eight's Roosevelt Island Committee and for decades visited the island at least twice a week to assess neighborhood concerns and needs. Mary is perhaps best remembered, however, for her efforts to help a great many New Yorkers, particularly veterans and the disabled, find affordable places to live. Indeed, Ms. Leishman led Board Eight's efforts to preserve the Upper East Side's stock of moderate-income housing.

In recent days, many of Ms. Leishman's friends have contacted me to relate stories of Mary's great kindness to individuals in her community. I understand that not too long ago, Ms. Leishman and a friend were walking along 34th Street in Manhattan when a man stopped to ask them for money. Noticing that the man was barefoot, Mary led him to a nearby store and bought him socks and a new pair of shoes. Similarly, Mary was known to regularly provide hot meals to homeless persons she encountered in her travels around the city. These are only a few examples of Mary's generous spirit, but they underscore the fact that Ms. Leishman never ignored the most vulnerable members of her community.

Mr. Speaker, I request that my colleagues join me in honoring the late Mary Leishman, whose lifetime of community service exemplifies the tradition of civic involvement that makes America the greatest nation in the world. To Ms. Leishman's friends, family members and colleagues, I offer my continuing respect, admiration and support.

HONORING FATHER FRANK PERKOVICH

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize and honor Father Frank Perkovich, for his fifty years of faithful service and tireless ministry.

A native of my hometown, Chisholm, Minnesota, Father Perkovich recently announced his retirement as pastor of Saint Joseph's Catholic Church in Gilbert, Minnesota, and I know that all who know Father Perkovich will miss his original style of spreading "The Good News."

Father Perk, as he is known, believed it did not matter how one worshiped as long as it raised one's mind and heart to God. Drawing on his strong Slovenian heritage and the culture of his community, Father Perk created a Mass set to the old ethnic melodies of polka music and celebrated the first Polka Mass in 1973. For the next 30 years, this unusual blend of folk music and holy worship has become internationally popular, and Father Perk's recording of the Polka Mass has become one of the top-selling polka albums of all time.

In 1983, Father Perk traveled to Rome and celebrated the Polka Mass on the high altar of St. Peter's Basilica in the Vatican for Pope John Paul II, who blessed the "Polka Priest's" endeavor. It was the experience of a lifetime for a humble pastor from a small town in Minnesota who only wanted to create a liturgical service that would bring people together and closer to God.

On the occasion of his retirement, I want to join his many friends and parishioners to congratulate Father Perkovich for his many years of service to his Catholic faith community and Minnesota's Iron Range.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. GRANGER. Mr. Speaker, due to a death in my family, I was absent from the House of Representatives on June 24, 2004 and missed votes. Had I been present, I would have voted the following way:

Rollcall No. 303 (H. Res. 692) "yea,"; Rollcall No. 301 (H. Res. 685) "nay,"; Rollcall No. 304 (H. Res. 676) "yea,"; Rollcall No. 319 (H. Res. 691) "yea,"; Rollcall No. 318 (H.R. 4663) "nay."

A PROCLAMATION HONORING MERLE W. MARBURGER ON HIS 90TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. NEY. Mr. Speaker:

Whereas Merle W. Marburger was born on July 21, 1914 and is celebrating his 90th Birthday today; and

Whereas, Merle W. Marburger is a long-time active participant in the social and civic life of the community; and

Whereas, Merle W. Marburger has exemplified a love for his family and friends and must be commended for his life-long dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Merle W. Marburger as he celebrates his 90th Birthday.

RECOGNITION OF THE LIFE OF MICHAEL LEHNEN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life of Assistant Fire Chief Michael Lehnen of Bethalto, Illinois. Chief Lehnen passed away at the age of 57 after 29 years of service to his community. His funeral held in Bethalto drew large crowds of grateful citizens.

I rise today to honor more than simply one life of one man from my home district. I rise to honor a man, Michael Lehnen, whose work as a fireman represents what's truly good in America. He lived his life, day in and day out, always ready to rush into burning buildings to save the lives of whoever was in danger. Firemen and women, like Mike don't get many monuments, they don't get much in the way of recognition, but they should; because they represent the best that we should all aspire to be ourselves.

We live in a time where sports stars, rock stars and pro-wrestlers are our children's heroes. I hope that we might also commit ourselves to showing our children and grandchildren who are the real heroes in their lives—the many Michael Lehnens who serve their communities each day.

At Michael's funeral there were tears, particularly when the fire alarm sounded again in his honor. But more than sadness it was a celebration. Michael had lived a life of service to others. He put himself at risk of death every day for his fellow man. He is a man who we, while reflecting on his life, can honestly say made a difference.

What greater tribute can there be to a man than when his wife and family looked out at the huge crowd paying their respects, they may have asked themselves who in that crowd wouldn't be there today had Michael not lived. The incredible impact of saving lives has a power that far outlives the hero who makes it happen.

I'm sure some might find it trivial to pay respects to an Assistant Fire Chief from a small town in Illinois. But, Mr. Speaker, I would argue that there are few greater heroes we can praise from this noble House. I extend condolences and our thanks to the family of Michael Lehnen.

COMMENDING CAPTAIN BRENT DAVIS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, today I rise to commend a resident of my district who has raised the bar for personal sacrifice on behalf of others. His name is Captain Brent Davis, and he serves as the chief of public affairs for the 910th Airlift Wing at Youngstown Air Reserve Station.

What impresses me most about Capt. Davis is his desire to serve above and beyond the call of duty. Already serving his country in uniform, Capt. Davis was approached to shore up support for the C.W. Bill Young Dept. of Defense Bone Marrow Program, and he accepted the task with enthusiasm. He registered himself in the program, named for my distinguished colleague who formally served on the Armed Services Committee, and when he received word that he was a perfect match to donate marrow, he was equal to the task. With the support of his wife, Sonya, Capt. Davis went through the rigorous screening process to ensure his compatibility with the recipient, and on December 8th of last year, he successfully donated bone marrow at Georgetown University Hospital.

The recipient was a 17-year-old young man who was suffering with non-Hodgkin's lymphoma, a type of cancer that afflicts the body's lymphatic system. A parent himself, Capt. Davis was determined to help this family. He was concerned first and foremost with the welfare of the recipient and was committed to helping him survive.

Mr. Speaker, our struggle with cancer in all its forms is one we must win. While we search for cures and effective treatments, I take comfort in the fact that there are men and women like Capt. Davis out there, volunteering and even risking their own health so that others may have hope of recovery. I commend Capt. Davis for his courage and sacrifice; he is a model citizen and exemplary officer.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. RYUN of Kansas. Mr. Speaker, I rise to recognize the vision and achievements of Mr. Harry W. Colmery, from Topeka, Kansas.

Because of Mr. Colmery's remarkable service to our country, I urge my colleagues to pass H. Con. Res. 257, calling on President Bush to posthumously award the Presidential Medal of Freedom to Harry Colmery. President Truman established the Medal of Freedom in 1945 as an honor for exceptional service in war, and President Kennedy reintroduced the Medal in 1963 for distinguished service in peacetime. Harry Colmery embodied both of these things and is deserving of this highest civilian honor.

After serving as an Army aviator in World War I, Mr. Colmery spent his civilian life actively promoting and defending the rights of America's veterans. In 1929, he was part of a coalition that worked to pass a major veterans' hospital construction bill. In 1936, he was elected National Commander of The American Legion.

In 1943, while staying in Washington's Mayflower Hotel, Harry Colmery wrote the first draft of what would later become the Servicemen's Readjustment Act of 1944, also known as the World War II GI Bill of Rights. This legislation provided historic new benefits to military veterans as they transitioned back into civilian life. Most importantly, the new educational benefit would revolutionize America's higher education system.

Since the enactment of the GI Bill, America has continuously provided educational support for our nation's veterans. Exceeding all expectations, more than two million eligible men and women went to college using these educational benefits in the decade following World War II. The result was an American workforce enriched by 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another million college-educated men and women.

Building upon the success of the original GI Bill, Congress subsequently approved the Veterans Readjustment Benefits Act of 1966 and the Veterans' Educational Assistance Program for the post-Vietnam Conflict era. Finally, in 1985, Congress passed the Montgomery GI Bill.

Awarding the Medal of Freedom to Harry Colmery would be a tribute to all veterans in 2004, as we mark the 60th anniversary of the GI Bill.

HONORING PENFIELD TATE III OF DENVER, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UDALL of Colorado. Mr. Speaker, it gives me great pleasure to rise today to recognize Mr. Penfield Tate III of Denver, CO, for his outstanding career of public service and his inspiring role as father and husband. I would like to thank him on behalf of all Coloradans for the depth and diversity of contributions he has made to ensure our public life.

Before my election to Congress, I served in the Colorado House of Representatives with a number of remarkable individuals who made a difference through their legislative excellence. I also served with some legislators noted for their warm, energetic personalities. However, in my experience there are very few people as gifted—personally and professionally—as Pen Tate.

Every day I worked with him reaffirmed the ideal qualities of a public official: idealistic, caring, optimistic, intelligent and principled. Spirited in debate, Pen was, nevertheless, always a gentleman, being open-minded and respectful to everyone with whom he worked. As a state representative, state senator, and mayoral candidate he was a tireless seeker for solutions to some of Colorado's most pressing problems, and a peerless advocate for children, seniors, workers, and civil rights, causes he championed both in and out of the State Capitol.

Since ending his tenure in the Colorado Legislature, Pen has returned to his law practice in Denver. He has also been given more time to spend with his wife Faye and daughter Elleana. Although he has returned to life as a private citizen, Pen remains as dedicated to his causes today as he was during his time in the legislature. He is active in many charitable organizations and gives generously to his community.

Not surprisingly, Pen's contagious combination of effective legislator and humanitarian has inspired members of his community to award him numerous civic distinctions. His unyielding pursuit of justice and equality was recognized with the 2003 Civil Rights Award given by the Anti-Defamation League. Most recently, Pen was awarded the 2004 Father of the Year by the National Father's Day Council and the American Diabetes Association. This impressive award is only a token of appreciation to a man who dedicates so much of his time to his family. I am attaching a newspaper report of this honor.

Mr. Speaker, I ask my colleagues to join me in saluting such an honorable person and his distinguished career in public service. My family and I wish him, his wife, Faye, and their daughter, Elleana, good health and happiness in their future together.

[From the Denver Post, June 19, 2004]

A TIP OF THE HAT TO TATE THE DAD

MAYORAL ADVISER IS ONE OF SIX MEN HONORED AS REGIONAL FATHERS OF THE YEAR

(By Erin Cox)

For Elleana Tate, daughter of Denver lawyer and former state senator Penfield Tate III, it only takes a little task for Daddy to make her happy. ''Tuck me in,'' said 14-year-old Elleana, flashing her smile at her father. Tate, nestled next to his disabled daughter on a couch in his 27th-floor downtown Denver office, looked at her with soft eyes. ''Tuck you in still?'' Tate said, beaming.

Tate, partner in a Denver law firm, adviser to Mayor John Hickenlooper, winner of a 2003 Civil Rights Award and former state senator, is first and foremost a father. The National Father's Day Council and the American Diabetes Association honored him as a 2004 Father of the Year, along with five

other Denver men. ''It sometimes feels strange to get honored for the things you ought to do,'' Tate said in his acceptance speech Tuesday night. The diabetes association also named Jeffrey Campos, Thomas Dyk, Steve Kelley, Jay Leeuwenburg and Sam Pegues as regional Fathers of the Year.

The National Father's Day Council was established in 1931 to promote the then little-known Father's Day holiday and has been honoring exceptional fathers across the nation since 1942. Tate was selected for the award because of his ability to balance his personal life with a successful career, organizers said. Tate's list of qualifications for what makes a Father of the Year is a little different. ''You have to be loving. You have to be patient, generous, consistent and persistent,'' he said. ''It's a continual reinforcing of things.''

Elleana, who has mild cerebral palsy and limited eyesight, spends a lot of time with Tate getting that reinforcement and fatherly support. Born premature, Elleana has made frequent trips to hospitals and surgery rooms during her life. Tate is always there. ''I'm bouncing off the walls, and he's very reasoned, measured, thoughtful,'' said Elleana's mother, Faye Tate. The struggles with Elleana's health and its potential limits have brought Elleana and her father close. She has been by Tate's side on the campaign trail and at his law firm.

Little exceeds Tate's affection for his daughter, whose artwork hangs on the door of his office. ''He spends a lot of time instructing Elleana,'' Faye Tate said. ''He lets her do everything. He lets her try everything.'' Elleana was barely out of the toddler stage when she rode her first horse, with the urging of her father and despite her mother's fears.

Tate believes there is no other way to parent. ''I don't know what she can or can't do until she tries. I don't know what she likes until she tries it,'' he said.

Tate's grandfathers and father shaped his approach to fatherhood. As a child, Tate spent summers with his three sisters and cousins at his grandfather Tate's farm, where his grandfather ''was everybody's babysitter. He spent a lot of time talking to you. They really made sure you were connected to family,'' Tate said. Tate's maternal grandfather, an immigrant from Jamaica, taught him to keep contact with extended family, and Tate's own father, Penfield Tate II, taught him about friendship. ''My dad was my best friend. He was my law partner and best man at my wedding,'' Tate said.

Tate and Elleana are best friends, too. ''We keep secrets from Mom sometimes,'' Tate said. ''We talk about boyfriends now, and boys.'' Elleana wiggled on the couch and gave an enthusiastic nod at the subject. She and her dad share a special language. ''They talk in code,'' said Tate's sister, Paula Tate. ''We'll hide under the pillows and just talk about stuff,'' he said. A father must be ''firm and fair. And playful,'' Tate said.

Tate brushes off the feat of balancing an impressive public career and the role of loving father. ''It's all a matter of scheduling,'' he said. ''When you work, you work. When you're home, you're home,'' he said. Even though fatherhood is a job in itself. ''You really have to enjoy being a dad,'' Tate said. ''It's too much work not to enjoy it.''

HONORING CARLA BARICZ FOR WINNING NATIONAL HISTORY DAY CONTEST

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Carla Baricz, a rising star at Springstead High School, for her achievements of winning the prestigious National History Day contest and earning a full four year scholarship to Case Western Reserve University in Ohio. Carla drafted a research paper entitled "Vincent van Gogh and the Exploration of Emotion Through Art: An Encounter With the Human Struggle." This lovely manuscript earned Carla second place in the State History Day Contest. Despite this wonderful accomplishment, Carla strived for perfection. She revised the paper and submitted it for the national contest, where Carla's commitment to education separated her from the rest of the competitors and brought her to the forefront of this prominent competition.

I would like to recognize the dedication and drive that Carla Baricz has displayed. As a former educator, I take pride in knowing that students continue to aspire to great dreams and realize that education is the key to success. Carla has used her interests and love for history to create a marvelous opportunity for herself. Carla Baricz is a model student and an inspiration to all. Young people like her fill America with joy and hope as we see the future generation embracing the merits of education and the values of history. Carla is a testament to hard work and dedication. She makes me proud to represent the Fifth District of Florida.

BOOK REVIEW ON PRESIDENT REAGAN BY JUDGE JOHN C. HOLMES

HON. J. D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. HAYWORTH. Mr. Speaker, yesterday was the official end of the period of national mourning for former President Ronald Reagan. During this month there have been many tributes to this great President, all of which were deserving.

Recently, I was given a copy of a book review by the well-respected Administrative Law Judge John C. Holmes, who is now retired. In August 1998, Judge Holmes reviewed Dinesh D'Souza's book, Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader. It was an excellent review that summed up how so many of us view Ronald Reagan and his life. I would like to submit the review for the RECORD and I commend it to my colleagues.

[From the Free Press, 1997]

RONALD REAGAN: HOW AN ORDINARY MAN BECAME AN EXTRAORDINARY LEADER

(By Dinesh D'Souza)

Dinesh D'Souza, who served briefly as a low-level advisor to President Reagan in 1987-88, is an open admirer of Reagan's accomplishments. Yet not even Reagan's harshest critics are more revealing of his character flaws and human weaknesses. Rather than expressing scorn and derision, however, the author is in turn bemused, delighted, curious, and intrigued in candidly reporting the former president's character and personality idiosyncrasies. After careful examination, he concludes that Reagan's very real limitations in fact assisted as much as deterred this seemingly ordinary man in becoming an extraordinary leader. Beneath his apparent simplicity was a complex and sometimes contradictory person.

For example, Reagan's sunny personality and near continuous optimism masked a psychological curtain that could descend on even his most intimate friends and family, keeping them at a distance. There was also the contradiction that, while constantly extolling the virtue of the family and its values, Reagan exhibited a disjointed personal one, having been divorced from his first wife, Jane Wyman, and distant from his son, daughter, and stepdaughter. Reagan's acknowledged short attention span masked a tenacious adherence to those principles and policies that concerned him most. His good-natured jokes and story-telling, sometimes criticized as irreverent and irrelevant, served to disarm and win over adversaries from Tip O'Neill to Mikhail Gorbachev. His famous line in the presidential debate with Walter Mondale that he ''would not use Mondale's youth and inexperience against him'' caused an involuntary grin and chuckle from his surprised opponent, totally diffusing the increasingly serious campaign issue of Reagan's age, and propelling Reagan into one of the largest presidential victories ever. He loved pomp and cavorted with the wealthy, but had a singular capacity to connect with, and was beloved by, the common man.

The author dispels or modifies some public misconceptions. While Reagan himself self-deprecatingly joked about his nap times, he worked sometimes grueling hours, particularly for a man of his age, exhibiting strong discipline in doing homework on those issues he needed to know. His discipline in keeping physically fit probably saved his life early in his presidency when he was the recipient of a would-be assassin's bullet that lodged less than an inch from his heart. His character was revealed during this frightening time when despite the seriousness of the situation he could extemporaneously joke to his wife Nancy: ''Honey, I forgot to duck!'' and to his treating physicians: ''I hope you're all good Republicans.'' Such good humor in the face of adversity won him a reservoir of good will by an appreciative public.

TAKING ON THE ''EVIL EMPIRE''

Reagan was a naive, rosy optimist, thinking that, if he could only show Gorbachev how ordinary Americans lived, Gorbachev would recognize the differences between the two systems and make big changes for the better. Reagan was a foolhardy, almost comical belligerent, standing at the Berlin Wall and challenging Gorbachev to ''tear down this wall!'' He was an embarrassment, a blind, unsophisticated patriot who had the gall, bad manners, and political incorrectness to call the free world's adversary an ''Evil Empire.'' He was an actor who knew nothing of foreign policy, a genial dummy who straddled between reckless action and somnolent inattention. Or so he was portrayed and so many believed.

But D'Souza recognizes Reagan's historic accomplishment in fostering the dissolution of the Communist empire, which emanated at least in substantial part from the man's own willful, steadfast purpose. This dissolution was not foreordained, as has become the fashionable view. The author demonstrates the transparency of Reagan's critics, quoting

extensively from their pronouncements on the growth, stability, and power of the Soviet economy and the folly of attempting directly to challenge Russia itself. Liberal historian Arthur Schlesinger Jr. observed in 1982 that ''those in the United States who think the Soviet Union is on the verge of economic and social collapse are wishful thinkers.'' John Kenneth Galbraith, Harvard economist and guru during the Kennedy-Johnson years, pronounced that ''the Russian system succeeds, because, in contrast with the Western industrial economies, it makes full use of its manpower.'' Such assessment was concurred in by even ''neutral'' economists such as Paul Samuelson and Lester Thurow, who as late as 1989 marveled at the Russian growth process.

As for confronting Russian expansion, Sovietologist Stephen Cohen of Princeton University thought that Reagan was pathologically wrongheaded in apparently abandoning the comforting previous policies of containment and detente for the objective of ''destroying the Soviet Union as a world power and possibly even its Communist system.'' Strobe Talbot, then a senior correspondent at Time magazine and later deputy secretary of state in the Clinton administration, indignantly scoffed at Reagan's unrealistic and misguided attempts to return to the '50s goal of rolling back Soviet domination in Europe.

Though criticized as too ideological, Reagan appointed skilled pragmatists to implement his aggressive foreign policy. They included the maligned but effective Bill Casey at the CIA, Cap Weinberger at Defense, and George Schultz at State. Reagan's overarching plan was relatively simple: he would outspend the Russians on defense, thereby showing the vulnerability of the Russian economic system which Reagan, almost alone, was convinced would not keep pace. This culminated in the proposed future deployment of defense missiles and lasers dubbed ''Star Wars,'' a concept ridiculed by many, and not fully understood even by Reagan, but greatly feared by the Russian leadership. D'Souza presents the still-minority viewpoint, which I believe history will eventually confirm, that the elevation by the Russian leadership of Gorbachev was largely stimulated as an antidote for the very presence of Reagan, who by then had emerged as a popular and effective world leader who articulately advocated challenge of Russian aspirations for world dominance. Reagan took an immediate liking to Gorbachev and instinctively felt they could do business. His subsequent perseverance in challenging Gorbachev to reform the system, combined with U.S. military buildup, precipitated the eventual dismembering of the formerly impenetrable Russian political hegemony and military might.

For this accomplishment alone Reagan should be recognized as the single most important person in the second half of this century in pointing our world in the direction of freedom and democracy. However, to the surprise and even anguish of liberal opponents, and the consternation of some conservative friends, his challenge was not limited to the communist totalitarian system, but to dictators everywhere, whether in the Philippines, South America, or Africa. The resulting extensive conversion from socialist and totalitarian states to democracies and free economies was truly remarkable, never before seen in the history of the world.

TAKING ON BIG GOVERNMENT

As Reagan ran against the political wisdom and apparent majority public opinion in advocating defeat of, rather than detente with, communism, so too he opposed the belief that a powerful central government was essential to ensure freedom, justice, and the general welfare. Reagan presented the then-heretical view that central government was the problem, not the solution. While Reagan accepted much of Roosevelt's New Deal as a necessary reaction to the economic emergency following the Great Depression, he felt the Great Society agenda fostered by President Johnson took the country too far along the path toward a suffocating central government that would eventually stifle individual initiative and freedom. His conversion from Democrat to Republican resulted.

Reagan carried his message forward in speech after speech, initially while traveling the country for General Electric. Although the 1964 Republican Convention produced the spectacularly losing campaign of Barry Goldwater, Reagan's nominating speech—which has been since dubbed merely ''The Speech''—launched him into the national scene as the future messenger and leader of the conservative cause. It also brought him to the attention of king-makers in California, who lured him into a successful run against the incumbent, the firmly entrenched Governor Pat Brown, who, like every candidate Reagan has run against, underestimated his talents, personality, and character.

As Governor, Reagan preached austerity, but in his first term did little in practice to put California's economic house in order. His main contribution, perhaps, was in standing up to the most radical of the free speakers, thereby keeping the universities open and restoring a modicum of stability during those turbulent times. The author labels Reagan's governorship as only moderately successful. Reagan, however, gained a stage that eventually catapulted him into the presidency.

While running for and entering the presidency, his economic message remained the same: limited government. On the one hand, as his critics are quick to point out, Reagan never directly achieved his economic goals, as the high cost of defense build-up and his insistence on a tax cut made a balanced budget impossible. Moreover, this imbalance was exacerbated by the Democratic-controlled Congress, whose ''compromise'' meant more spending on cherished domestic programs rather than cuts that would have helped pay for the defense build-up. On the other hand, his intense lobbying efforts on his first budget, while not reaching all the results he envisioned, provided the mechanism for a future more limited domestic spending program, and provided more funds for the private sector through tax cuts. Through a numbing recession in 1982, with critics contending his ''voodoo'' supply-side economics were a proven failure, Reagan elected to ''stay the course,'' retreating to his California ranch for resuscitation and refusing the siren song to ''do something.'' He was assisted by a supportive Federal Reserve, which tightened credit to reduce the fever of double digit inflation prevalent during the preceding Carter administration. With recover came increasing public and business confidence. A growing economy meant more dollars to pay for the defense build-up.

The author points to the ''outrageous'' act of firing the air traffic controllers as a further plank in economic recovery. Though their union, the Professional Air Traffic Controllers (PATCO), was one of the few to support Reagan's presidential bid, Reagan had no compunction in firing them and replacing them by non-union workers. Considering them ''untouchables,'' no previous president had so directly taken on unions and government workers. To Reagan, the moral basis was simple: government workers were servants of the people and not their masters. The law supported his viewpoint. Condemned, ridiculed, and pressured even by allies, and temporarily losing popular support, particularly from new-found ''Joe Six-Pack'' converts to the Republican party, Reagan stuck to his guns. This action, and his subsequent refusal to compromise, so shocked and silenced union leaders and government workers that corporations and government agencies were afforded for years to come the opportunity to downsize and ''reorganize.'' The seemingly forgotten principal that jobs were a privilege and not a right was at least partially restored and the economy further stimulated.

Reagan's goals were not all achieved while in office. Nevertheless, he left an agenda that is still in many respects being followed today. Free international trade through agreements such as NAFTA, and the outline for fiscal savings as drawn up in the ''Contract for America,'' were Reagan initiatives. Even the line-item veto, scorned and laughed at as a campaign throw-away, and impossible to enact, has become law, ironically co-opted by President Clinton and touted as his own accomplishment. While temporarily contributing to a huge unbalanced budget and an unfavorable foreign trade deficit, the successful war against communism eventually allowed a resulting ''peace dividend,'' a prosperous economy, and a curtailed federal government. A balanced budget would be achieved 10 years after he left office.

Reagan again knew instinctively what the most sophisticated economists were oblivious to. Reduction of tax rates during times when government has become too large and costly can actually increase total revenues by freeing the private sector from stifling governmental costs and regulations, thereby enabling sales and profits (as well as taxes paid) to rise. What was to become known worldwide as ''privatization'' resulted from these policies. Where previous Republican administrations had merely attempted to cut around the edges to make governments a little more efficient and accountable, Reagan attacked it head on, by word and deed freeing the private sector to accomplish its goals with minimal intervention.

TAKING ON ''MALAISE''

A third area that Reagan sought to change flowed naturally from and was dependent upon success in his attack on communism and big government: restoration of the prestige and respect of the presidency, and the confidence, optimism, and patriotism of the American people. Following the ''Peace and Prosperity'' and ''Return to Normalcy'' of the 1950s under Eisenhower, we had experienced the assassinations of President Kennedy, Martin Luther King, and Robert Kennedy; the quagmire of Vietnam, causing President Johnson's decision not to run; Nixon's seemingly moderately successful presidency brought down by Watergate; and the failed Carter presidency, ending in American hostages being ignominiously held in Iran, communism seemingly on the march in international expansion, and Carter himself describing a ''malaise'' in the American psyche. Onto the stage strode the unlikely candidate the conservatives lusted for, but mainstream Republicans merely tolerated, and Democrats welcomed as ''easy pickings''—seemingly too old, too ideological, and too inexperienced to be elected or to accomplish the job.

The reigns of government had barely been grasped when a sickening feeling of deja vu returned as an attempt was made on Reagan's life. Reagan's humorous reaction and relatively quick recovery boded well, allowing him to initiate his foreign and domestic programs. The sputtering of the economy in late 1981, leading to recession, however, dispelled this good will and left the nation in a

sullen mood. As recovery finally came and Reagan's ''stay the course'' was more or less vindicated, his personality and talents as a ''Great Communicator'' began to sharpen and shape the American and world landscape. He entreated the people of the United States, the country he felt destined to be ''a shining city on the hill,'' to support and further his program and policies. He restored a sometimes teary-eyed patriotism, encouraging Americans to take pride in and celebrate our country, its meaning, and its history. Using his powers as a former actor and the sincerity of his own belief in the goodness of America, whose ''morning had just begun,'' he sought to enlist the people to assist the world along a better path to a brighter future. He returned a pride in military service, severely wounded since the Vietnam war. His own dedication to duty and pride of office restored dignity and world leadership to the presidency.

History may record Reagan as having been extraordinarily lucky to have accomplished his successes at such an advanced age, barely before senility and the eventual ravages of Alzheimer's disease fully took over. D'Souza does not think so. He credits—too much, some will argue—Reagan's ability to cut through the thicket of unimportant matters and take the correct action at nearly every important juncture. Far from being a mere bystander, Reagan led on matters that mattered, even when his decisions were unpopular.

D'Souza notes a nearly mystical aura that President Reagan himself privately acknowledged as governing some of his actions. While many presidents donned the mantra of churchgoing for public consumption, and Reagan himself supported, mainly as a sop to the religious right, a constitutional amendment to allow public school prayer, his own religious beliefs were more complex. Not an active churchgoer before or during his presidency, he apparently firmly believed in an intervening and active higher authority from whom he privately sought solace and guidance. When asked what person he most admired, Reagan invariably answered, ''The man from Galilee.'' Though public ridicule was made of his wife Nancy's seeking guidance from astrologers, without serious objection and perhaps active support from the President, Reagan's truer belief would have been the personally delivered opinion of Mother Theresa that he had been put on this earth for a divine purpose.

This book will not find favor with liberal economists, with those Jeanne Kirkpatrick labeled ''Blame America Firsters,'' or with apologists for the former Soviet communist system who then had advocated accommodation and appeasement, but many of whom now find its demise historically inevitable and Reagan irrelevant. One of D'Souza's obvious purposes in the book is to attack this attempted instant historical revisionism. In so doing, he can fairly be accused of straying too often from a ''pure'' chronicle of Reagan to a strident attack on his critics. No doubt in anticipated rebuttal, D'Souza points to a ''stacked deck'' committee chaired by Arthur Schlesinger Jr. and commissioned by the editors of the New York Times in December 1996 to render a collective verdict on how history will rank the U.S. presidents. Not surprisingly these ''history experts,'' which included Doris Kearns Goodwin, James MacGregor Burns, ex-Governor Mario Cuomo, and ex-Senator Paul Simon, liberals all, ranked Reagan in the lower half, below George Bush and in the undistinguished company of Jimmy Carter, Chester Arthur, and Benjamin Harrison. In contrast, D'Souza believes Reagan should be ranked with the Roosevelts, Wilson, Lincoln, and Washington.

Interestingly, however, the ideologically conservative ''true believers'' who allege that Reagan was merely a popular messenger for an irresistible movement will not be overjoyed with the book. D'Souza paints Reagan as a unique individual, the likes of which are unlikely to return. Though Reagan articulated the principals of the ascending conservative movement, he was flexible rather than rigid, and his sunny personality lent itself to compromise on everything except his hardcore principals. This enabled Reagan to overcome popular reluctance to accept his conservative agenda.

D'Souza describes an apparently simple, but actually a flawed, complex, and contradictory man who accomplished his aims by concentrating on a few specifics that were fundamental to his beliefs. To this reviewer, who was initially extremely skeptical of Reagan's governing capability, let alone his electability to the presidency, but who has come to the happy realization that there really was something in the stars that brought forth this unlikely man to lead our country at such an important time in history, Ronald Reagan gets it exactly right.

IN COMMEMORATION OF THE 150TH ANNIVERSARY OF THE PENNSYLVANIA STATE UNIVERSITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to congratulate the students, alumni, faculty and administration of The Pennsylvania State University, known more familiarly as Penn State, as the school turns 150 this year.

Established in 1855 as a land grant college, it began modestly as a one-building agriculture school in the center of Pennsylvania. Because there was not even a town there at the time, the town that grew up around the school eventually became incorporated as State College. In testimony to the grit and hardworking tradition of Pennsylvanians, Penn State grew quickly in size as well as academic stature among institutions of higher learning.

Penn State can be proud of its academic tradition. The university boasts a wide array of academic achievements in countless disciplines, from agriculture to engineering, from mathematics to meteorology, from the arts to applied research. Penn State is well-known and respected in national collegiate athletics for the strict academic standards it applies to its athletes. Penn State intercollegiate athletes graduate at a rate significantly above the national average. This sets a national example not only to other collegiate athletes but to college and high school students as well.

I am proud to join my Pennsylvania Colleagues in paying tribute to an institution that has so enriched Pennsylvania and our nation academically and culturally.

CONGRATULATING MRS. FRANCES HARRIETT COBB HART ON HER 75TH BIRTHDAY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is with great honor and pleasure I ask my colleagues to join me in congratulating Mrs. Frances Harriett Cobb Hart on her 75th Birthday. Mrs. Hart, a native Floridian, has given much of her life to serving her family, church, community, and nation. She is truly an exemplary American.

Born on June 28, 1929, Mrs. Hart was born to Charles Ernest Cobb and Mary Elliott Cobb. As the daughter of citrus growers, Mrs. Hart spent much of her early life becoming acquainted with Florida's rich agricultural tradition. Not limited simply to citrus farming, Mrs. Hart's family raised both cattle and horses in a rural community once known as Cobb's Landing.

After graduating from Wesleyan College in Macon, Georgia, Mrs. Hart married Methodist Pastor James Wynne Hart. Choosing to leave her Florida roots behind, Mr. and Mrs. Hart have spent much of their adult lives between the hills and mountains of East Tennessee and Western Carolina.

An extremely active woman, Mrs. Hart was an avid athlete in her youth, often partaking in such physically strenuous activities as the amateur rodeo. In her maturity, Mrs. Hart has spent much of her time as a church historian and artisan. Throughout her life Frances has been an active member of her community, both willingly and unselfishly serving those around her.

Mr. Speaker, as we celebrate Mrs. Frances Hart's birthday we also celebrate her legacy as a wife, mother, and community volunteer. For her endless contributions and uncompromising devotion to her family and community we are proud to honor Mrs. Frances Harriet Cobb Hart on her 75th birthday. Let us rise today to honor this great woman of strength, character, and moral standing.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes:

Mrs. WILSON of New Mexico. Mr. Chairman, I rise to address serious problems with this bill and particularly with its Report, which cannot be fully remedied by the amendment I propose.

The problem is not so much with the bill, which we have before us, but with the directive report language that goes along with it.

As members, we rarely focus on report language and our vote in favor of the bill does

not approve the report language. Usually, report language tracks the provisions of the bill. In the case of this appropriations measure, the report language goes far beyond the authority of the appropriations committee, directly contradicts recorded votes taken by this House, and is inconsistent with the FY05 Defense Authorization Act which the House has passed.

I will vote for this Bill, which in itself generally provides funds necessary for Department of Energy to execute its important responsibilities in scientific research, energy, and national security. In fact, I applaud its increase in research funding for the Office of Science.

But with my ''yes'' vote today, I also feel compelled to speak in favor of the majority in this House and put in the record our well documented objection to a number of directions to the Department of Energy in the accompanying Report.

The Report language seeks to undermine initiatives supported by recorded votes in the Defense Authorization bill for the past two years, supported by votes on the House floor for two years, and sustained in the other body for two years. These initiatives have been advocated by the House majority in a policy statement; have been supported and requested by the Department of Defense and the Defense Science Board; and have been a sustained part of this Administration's development of a strategic forces policy for the 21st century consistent with reducing our nuclear forces to the lowest levels possible.

Mr. Chairman, we all know that Committee Staff sometimes overreach in reports, and I would bet a dozen Krispy Kreme Donuts that fewer than half a dozen members of this House are even aware of what has been included in the report accompanying this bill in very prescriptive terms. But this report seeks to give legitimacy to policy positions directly contravened by recorded votes in this House and we cannot allow there to be any confusion about where we stand.

The Bill appropriates $6,514,424,000 for Weapon Activities. The Report seeks to give the appearance that the House has limited funding for the Robust Nuclear Earth Penetrator. But we have not. We will vote today to spend those funds and we voted in the FY05 Authorization bill on May 20th of this year to authorize $6,577,953,000, including $27.6M for the Robust Nuclear Earth Penetrator study, approving that bill by a vote of 391–34. An amendment to explicitly remove authorization for this study failed on that same day by a vote of 214–204.

The Report seeks to give the appearance that we would like to restrict Laboratory Directed Research and Development at Department of Energy Laboratories. But we have not. We will vote today to fund out laboratories. Only the House Armed Services Committee can pass legislation to limit the LDRD program. On May 20 we passed the FY05 Defense Authorization Act that continued the previously authorized LDRD program at our laboratories.

After September 11, 2001, we were grateful that those Laboratories had been doing this kind of exploratory research under the LDRD program. The fact they have done so has helped secure our homeland and aid our troops in the field. To chill such research would be unwise.

Further, the Report would have you believe that we are voting to restructure the future LDRD program. But we have not. This bill does not change the LDRD program in any way.

Further, the Report language would have you believe that we are voting to have the NNSA focus solely on its missions of life extension of the existing stockpile and the current stockpile stewardship program. But we are not. The bill does nothing of the sort. In fact, if we were to pay any attention to the report language, we would be threatening those priorities. The Report suggests that we make major reductions in one Life Extension Program unsupported by an assessment of the impact and risks this would imply. It would also require a higher priority for dismantlement activities in a way that will likely come at the expense of meeting current Life Extension milestones for the Department of Defense. It would make significant reductions to numerous areas of the stockpile stewardship program that were designed by the NNSA to address technical needs to assess with adequately small uncertainty the safety, reliability, and performance of our weapons without nuclear tests.

None of this makes any sense and the report language would not stand up to any serious review by elected Members of Congress.

The Report suggests that by voting for this bill we are changing the way NNSA operates with other entities within the DOE. But it does not. The report suggests that we are adding a burdensome procedure for approval of NNSA activities at the request of, other elements of the DOE, and would hold hostage numerous unique activities of the NNSA labs within these energy and science programs.

The Report would suggest that we are approving a review of future requirements for the weapons complex development plan, to be conducted only by people with no experience in doing that work. That would be silly and the bill includes no such thing.

The reason we cannot vote to amend report language under the rules of the House is because report language is not law and does not have the authority of law. The law we are voting on is in the bill before us. In most cases, report language explains and supports the bill.

In this case, those writing the report went far beyond any reasonable authority as staff members and I think we need to make it clear that the measures included in the Report are inconsistent with statute, inconsistent with the FY05 Defense Authorization Act, inconsistent with recorded votes taken by this House and have no force or authority whatsoever. An error of this magnitude must be jettisoned in the conference committee so that agencies affected are not confused by the mixed messages sent here.

Mr. Chairman, the problems in this Report are many. I felt it important to clarify for the record that members of the House are approving the text of the Bill. We do not approve of the Report language, which is replete with practical problems and inconsistent with the law.

VETERANS OF FOREIGN WARS #2055 RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the Ladies Auxiliary of the Veterans of Foreign Wars Post #2055. Every year the third weekend in September is set aside as National Prisoners of War and Missing in Action Day. For the last six years, the Ladies Auxiliary of VFW Post #2055 has honored the 196 soldiers from Illinois that are considered to be a prisoner of war or missing in action. I join the Ladies Auxiliary in honoring these brave individuals.

As well, I commend the auxiliary for their efforts to honor these men and their families. May God bless not only these 196 that will be honored by VFW Post #2055 but also those serving today. May God continue to bless America.

ENCOURAGING CONGRESS TO CONTINUE TO FUND INTERNATIONAL CREDIT UNION DEVELOPMENT PROJECTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. KAPTUR. Mr. Speaker, more than 85 million Americans are familiar with the benefits offered by credit unions of a safe place to save, a place to get a good deal on a consumer or home mortgage loan and solid advice on how to manage their families' financial affairs. However, not everyone in the world has the same advantage of being able to choose to save and borrow at a credit union as we do here in the U.S. The World Council of Credit Unions is working on USAID-funded projects on six continents to develop and strengthen credit unions in ten countries. Current development projects have already resulted in nearly three million credit union members who have saved $1.6 billion and received affordable loans up to $1.3 billion in a number of developing countries such as the Philippines, Romania, Ecuador, Guatemala, Poland, Uganda, Rwanda, Uzbekistan and Mexico.

I met recently with representatives from Mexico's two largest credit unions, Caja Popular Mexicana and Caja Libertad, men who spoke with me about how the World Council of Credit Unions, with funds from USAID and U.S. credit unions, has helped more than a million of Mexico's poorest citizens through access to the benefits of credit unions.

The World Council of Credit Unions, as part of the credit union system that includes the Credit Union National Association (CUNA) in the U.S. and its affiliated state credit union leagues, is working in partnership to close the gap between people of the world that ''have more'' with those who ''have less.'' Today, 1.1 billion people on the planet ''have more'' and 5.2 billion ''have less.'' By 2050, projections indicate that while the ''have more'' number will remain constant, those ''having less'' will rise to 7.8 billion people. This widening gap represents a security risk to the U.S. Credit unions can help alleviate this crisis.

The World Council of Credit Unions' Caja Popular Mexicana project is a $3.5 million four-year project funded by USAID's Office of Microenterprise Development. Since the project began in late 2001, membership in Caja Popular Mexicana has increased by more than 60 percent and loan delinquency decreased by nearly 70 percent, enabling more of Mexico's citizens to access the services of a safer credit union. The World Council of Credit Unions provides Caja Libertad in-house technical assistance to support the credit union's efforts to strengthen its operations, increase its outreach and better compete in the evolving Mexican financial market. Last year, Caja Libertad opened four rural microfinance branches to serve very poor women and strengthened its financial structure with increased provisions for delinquent loans.

Both of these credit unions are involved with the International Remittance Network (IRnet), an international remittance product developed by the World Council of Credit Unions. Caja Popular Mexicana began distributing remittances in August 2003 on a pilot basis and increased distribution to three hundred branches by November of last year. As of May 2004, more than fifteen thousand remittances totaling $6.6 million were distributed. The overwhelming majority of receivers are women, and most receivers are credit union members. Non-members are encouraged to consider taking advantage of the benefits of membership, and are joining at a rate of 5 percent per month. Caja Libertad is on target to begin distributing remittances through IRnet later this year.

Through IRnet, money is sent safely and affordably to friends and family members who use the remittances to pay for food, housing, education, to start new businesses and to save for the future. It is this last part that makes receiving international remittances at a safe and sound credit union so important. Receivers can safely and easily deposit a portion of the remittances into their credit union accounts. A new product being launched by one of these Mexican credit unions will mean a consistent remittance history is even basis for loan approval. Remittance distribution, through credit unions, is enabling the Mexican people to improve their financial standing exponentially.

I congratulate Caja Popular Mexicana and Caja Libertad for their successes in becoming safer credit unions reaching out to more of Mexico's poorest people, and thank them for traveling to the U.S. to share with my colleagues and me the importance of U.S. support of their projects. I encourage Congress, through USAID and other avenues, to continue to fund international credit union development projects that promote the credit union ideal of "people helping people to help themselves," and encourage the World Council of Credit Unions to continue its important work of making credit union membership available throughout the world, especially to those in underdeveloped countries.

THE DEDICATION OF UNION CHURCH IN BERRIEN TOWNSHIP

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UPTON. Mr. Speaker, I rise today to honor the dedication of Union Church in Berrien Township, as a Michigan Historical Marker. This celebrated Church has stood and continues to stand as a symbol of faith, hope, and reverence. It is vitally important to preserve our nation's sense of history and ideals, and this marker will certainly maintain both for many years to come.

On July 4, 2004, one hundred and forty-six years after its construction, Union Church's long and illustrious history was honored as a Michigan Historical Marker. I am very pleased that the communities of Southwest Michigan and Berrien Township in particular, were able to come together for this wonderful occasion and historic achievement.

Because of the dedication of individuals within the Union Church Historical Preservation Society, Southwest Michigan and our country continue to be great places to live, work, and worship.

DELAWARE RIVER MAIN CHANNEL DREDGING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to set the record straight on the issue of dredging in the Delaware River Main Channel. I fear that some of my colleagues have been misinformed as to the economic and environmental impacts of dredging in the Delaware River.

Mr. Speaker, Delaware River's regional ports handle approximately 58 million tons of cargo yearly. More than 54,000 jobs in the region are dependent upon the Port of Philadelphia alone. The ports in my district bring $3.5 billion into the regional economy, creating $1 billion in wages, and contributing $486 million in state and local revenues. Those effects are not just felt in my district, or in the City of Philadelphia, or even just in Pennsylvania. They are felt in suburban Philadelphia, and in our sister states, Delaware and New Jersey. This project is economically sound and a good use of the taxpayer's money. In February 2004, a supplement to the Comprehensive Economic Reanalysis Report identified $24.2 million in annual benefits and $21 million in annual costs, yielding a net benefit of $1.15 for every $1 spent on the project.

Shipping is a volatile industry, which is increasingly moving toward larger ships. Today's container ships can be more than 1,000 feet long and require at least 45-foot channel depth.

Ports in the United States and throughout the world have undertaken projects to deepen their channels in order to accommodate larger vessels. In order to remain competitive with other ports across the Eastern seaboard, the Delaware River's Main Channel must be deepened.

And, this project is not simply about jobs and the competitiveness of my region's ports. The dredging of the Delaware River main channel is vital to the nation's energy needs and to our ability to wage the war on terror.

Mr. Speaker, the Department of Defense selected the Port of Philadelphia as a Strategic Seaport for the Northeast Corridor of the United States. Since that selection, material has been shipped from Philadelphia in support or our troops under fire. We must have a deep, clear channel in the event that larger vessels are required to meet DoD's needs.

Military logistics often rely heavily on commercial shipping and thus are impacted by industry trends toward larger vessel.

Three quarters of the East Coast's refinery capability is located in the Philadelphia region. Due to the Channel's shallow draft, oil tankers cannot reach the Port of Philadelphia and must off-load oil on to small ships through a process called "lightering." This is environmentally hazardous. Every time oil is off-loaded, there is a real risk of a spill. By deepening the Delaware, oil tankers will be able to sail straight to port, cutting the chance of a spill.

And when some raise the specter of environmental damage due to dredging, I must point out that Several series of tests were conducted using EPA testing procedures which mixed and stirred Delaware River sediment with Delaware River water to approximate dredging, and no toxic releases were found. New York EPA Region 2, and Philadelphia EPA Region 3, have both independently analyzed the river sediment and found the claims of toxic sediment false. Furthermore, both Pennsylvania and New Jersey Departments of Environmental Protection have evaluated the sediment to be dredged and also found it to be not toxic.

It is true that the dredged sediment from the existing Delaware River maintenance project has been placed at Tamaqua, PA, as one of my friends has stated on the floor of this House. However, it was placed there at the request of the Commonwealth of Pennsylvania in order to prevent pollutants from entering streams from existing, unused mines. Mine reclamation is the reduction of acid mine drainage, which is the number one cause of stream degradation in PA. Before being used, the material was tested and passed inspection by the Pennsylvania Department of Environmental Protections. And we are safely using this material even now in my district. The City of Philadelphia is using these so-called spoils to reclaim unusable wet lands at our old Navy Yard and for pier reclamation. And we'll take even more in the future. So, let's put to rest this false rumor about Philly sludge being dumped up state or in New Jersey. We're taking our fair share.

Mr. Speaker, the Delaware River deepening project is important for my constituents, for our region and for the entire nation. I trust that, when they examine the facts about it, every one of my colleagues will join me in supporting it.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. MAJETTE. Mr. Speaker, on July 6, 2004 I was not able to be here for two rollcall votes.

On rollcall No. 326 regarding H. Con. Res. 326, recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world, I would have voted ''yea.''

On rollcall No. 327 regarding H. Con. Res. 257, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery, I would have voted ''yea.''

TRIBUTE TO SAXTON, PENNSYLVANIA AS IT CELEBRATES ITS 150TH BIRTHDAY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to commemorate Saxton, Pennsylvania as it celebrates its 150th Birthday. As the largest community in the Broad Top Mountain region of South Central Pennsylvania, the town's emphasis on energy production has made it an instrumental factor in securing the scientific success of America.

In the last one hundred and fifty years industrialization has dictated the progression of this land. The vast opportunities for employment in coal mining, iron production, and railroad construction throughout the nineteenth century attracted an eclectic group of workers, who worked diligently to build the Huntingdon and Broad Top Mountain Railroad and the East Broad Top Mountain Railroad. Proving instrumental in transporting natural resources to keep the communities flourishing, the railroads served the area for one hundred years. Within the last fifty years, Saxton has displayed its versatility, making the transition from the old industries to a community reliant on tourism, logging and manufacturing.

Throughout its history, Saxton has continually been a critical asset to Pennsylvania. It not only contributed to the industrial advances that became vital to the region, but as the home of the Saxton Nuclear Experimental Corp., the town pioneered many experiments from which the people of the United States have profited.

Since its founding, the citizens of Saxton have remained loyal and committed to industry—the very roots upon which this community was founded. The rich history that has been told through the sweat and tears of Saxton's past inhabitants parallels the history of our nation. As you immerse yourselves in this celebration of Saxton's 150th Birthday, you are learning about the people and the events that formed the very foundation of the United States of America.

Happy Birthday Saxton, and best wishes for many more.

CONGRATULATING THE LIONS CLUB OF MAPLE SHADE, NEW JERSEY ON 60 YEARS OF SERVICE TO THEIR COMMUNITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. ANDREWS. Mr. Speaker, it is my honor to rise today in recognition of the Lion's Club of Maple Shade, New Jersey as they celebrate 60 years of service to the township. This coming Sunday, July 10th, will mark the 60th anniversary of this great organization, which has become an important institution of community service in the local neighborhoods of Southern New Jersey.

The International Association of Lions Clubs is the largest service organization in the world with over 1.4 million members in more than 43,000 clubs covering 182 countries and geographic areas. Lions Clubs are not social clubs, although there are social benefits to membership. Rather, Lions Club members give their time, skills and resources to raise funds for charitable giving both in their communities and internationally.

The first organized meeting of the Maple Shade Lions Club was held in the Congregational Church on April 18, 1944. Arthur N. Cutler acted as temporary Chairman of the meeting and was later elected as the first President of the Maple Shade Lions. Since its inception, the Lion Club of Maple Shade has sponsored three clubs in New Jersey: Moorestown in April 1948, Burlington in February 1949, and Levittown (now Willingboro) in May 1959.

The Maple Shade Lions Club regularly donates money, services and needed items to organizations and projects such as the Decker Liver Transplant Fund, the Guide Dog Foundation, Camp Happiness, Camp Marcella, Recording for the Blind, Association of Blind Athletes, Lions Eye Research Foundation, Delaware Valley Eye Bank, Eye Institute of New Jersey, and the Juvenile Diabetes Foundation. In addition, they provide walkers, canes, and wheelchairs, as well as free eye exams and glasses for individuals in need. The Lions also donate funds to the Maple Shade youth sports leagues and the local Boy and Girl Scouts.

The Lions Club of Maple Shade has a simple motto: ''We Serve.'' The individual members of the Lions Club pride themselves on the many contributions that they have made to their community, and the citizens of Maple Shade owe them a sincere debt of gratitude for their efforts. Mr. Speaker, I ask that you join me in congratulating the Lions Club of Maple Shade, New Jersey on their 60 years of loyal service, and expressing appreciation for their continued efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 8, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the proposed reauthorization of the Corporation for Public Broadcasting.
SR–253

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Gramm-Leach-Bliley Act (P.L. 106–102), to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.
SD–538

Energy and Natural Resources
To hold hearings to examine the role of nuclear power in national energy policy.
SD–366

Judiciary
To hold hearings to examine Blakely v. Washington and the future of the federal sentencing guidelines.
SD–226

United States Senate Caucus on International Narcotics Control
To hold hearings to examine the abuse of anabolic steroids and their precursors by adolescent amateur athletes.
SD–215

11 a.m.
Conferees
Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.
Room to be announced

2 p.m.
Judiciary
To hold hearings to examine section 211 of the Department of Commerce Appropriations Act, 1999, as included in the Omnibus Consolidated and Emergency Supplemental Appropriations Act 1999 (Public Law 105–227).
SD–226

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine human trafficking issues.
SD–419

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

3 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.
SR–253

JULY 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine home products fire safety issues.
SR–253

Foreign Relations
To hold hearings to examine balancing reform and counterterrorism in Pakistan.
SD–419

Rules and Administration
To hold an oversight hearing to examine the Federal Election Commission.
SR–301

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by an oversight hearing on the implementation of the American Indian Religious Freedom Act of 1978.
Room to be announced

Judiciary
To hold hearings to examine the implications of drug importation.
SD–226

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2:30 p.m.
Foreign Relations
To hold hearings to examine U.S. policy toward Southeast Europe, focusing on the Balkans.
SD–419

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2317, to limit the royalty on soda ash, S. 2353, to reauthorize and amend the National Geologic Mapping Act of 1992, H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and H.R. 2010, to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives.
SD–366

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine adult stem cell research issues.
SR–253

JULY 15

9 a.m.
Foreign Relations
To hold hearings to examine a report on the latest round of six-way talks regarding nuclear weapons in North Korea.
SD–419

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine current enforcement of key provisions in the Patriot Act combating money laundering and foreign corruption, using a single case study involving Riggs Bank, focusing on Riggs' anti-money laundering program, administration of accounts associated with senior foreign political figures and their family members, and interactions with its primary regulator, the Office of the Comptroller of the Currency.
SD–342

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the prevention of chronic disease through healthy lifestyles.
SD–192

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulation of the hedge fund industry.
SD–538

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine Pell grants for primary education.
SD–430

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine implementation of the Nielsen local people meter TV rating system.
SR–253

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1852, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin, S. 2142, to authorize appropriations for the New Jersey Coastal Heritage Trail Route, S. 2181, to adjust the boundary of Rocky Mountain National Park in the State of Colorado, S. 2374, to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, S. 2397 and H.R. 3706, bills to adjust the boundary of the John Muir National Historic Site, S. 2432, to expand the boundaries of Wilson's Creek Battlefield National Park, S. 2567, to adjust the boundary of Redwood National Park in the State of California, and H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JULY 20

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine performance and outcome measurement in substance abuse and mental health programs.
SD–430

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve.
SH–216

JULY 21

9:30 a.m.

Foreign Relations

To hold hearings to examine combating multilateral development bank corruption, focusing on the U.S. Treasury's role and internal efforts.

SD–419

10 a.m.

Indian Affairs

To hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.

SR–485

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

SD–366

JULY 22

9 a.m.

Governmental Affairs

Investigations Subcommittee

To resume hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues.

SD–342

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

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Chamber Action

Routine Proceedings, pages S7689–S7773

Measures Introduced: Eight bills and four resolutions were introduced, as follows: S. 2611–2618, S.J. Res. 40–41, and S. Res. 399–400. **Pages S7749–50**

Measures Reported:

S. 180, to establish the National Aviation Heritage Area, with an amendment in the nature of a substitute. (S. Rept. No. 108–292)

S. 211, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico. (S. Rept. No. 108–293)

S. 323, to establish the Atchafalaya National Heritage Area, Louisiana, with an amendment in the nature of a substitute. (S. Rept. No. 108–294)

S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, with an amendment in the nature of a substitute. (S. Rept. No. 108–295)

S. 1727, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978, with an amendment in the nature of a substitute. (S. Rept. No. 108–296)

S. 1957, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, with an amendment in the nature of a substitute. (S. Rept. No. 108–297)

S. 2046, to authorize the exchange of certain land in Everglades National Park, with an amendment in the nature of a substitute. (S. Rept. No. 108–298)

S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project, with an amendment in the nature of a substitute. (S. Rept. No. 108–299)

H.R. 1303, to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference. **Page S7749**

Measures Passed:

Law Enforcement Officers Safety Act: Senate passed H.R. 218, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, clearing the measure for the President. **Pages S7772–73**

Class Action Fairness Act: Senate continued consideration of S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, taking action on the following amendments proposed thereto: **Pages S7697–S7743**

Pending:

Frist Amendment No. 3548, relative to the enactment date of the Act. **Pages S7698–99**

Frist Amendment No. 3549 (Amendment No. 3548), relative to the enactment date of the Act. **Page S7699**

Frist Motion to Commit the bill to the Committee on the Judiciary, with instructions to report back forthwith. **Page S7699**

Frist Amendment No. 3550 (to the instructions of the motion to commit), relative to the enactment date of the Act. **Page S7699**

Frist Amendment No. 3551 (Amendment No. 3550), relative to the enactment date of the Act. **Page S7699**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 9, 2004. **Page S7743**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Thursday, July 8, 2004. **Page S7773**

Nomination—Agreement: A unanimous-consent agreement was reached providing that the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security, be referred to the Committee on Commerce, Science, and Transportation for a period not to exceed 30 calendar days. **Page S7772**

Messages From the House: **Page S7747**

Measures Referred: **Pages S7747–48**

Measures Read First Time: **Page S7748**

Executive Communications: Pages S7748–49

Additional Cosponsors: Pages S7750–51

Statements on Introduced Bills/Resolutions: Pages S7751–56

Additional Statements: Page S7746–47

Amendments Submitted: Page S7756–71

Notices of Hearings/Meetings: Page S7771

Authority for Committees to Meet: Pages S7771–72

Privilege of the Floor: Page S7772

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:17 p.m., until 10 a.m., on Thursday, July 8, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7773.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration, who was introduced by Senator Sununu, and J. Russell George, of Virginia, to be Inspector General for Tax Administration, Timothy S. Bitsberger, of Massachusetts, to be an Assistant Secretary, and Paul Jones, of Colorado, to be a Member of the Internal Revenue Service Oversight Board, all of the Department of the Treasury, after each nominee testified and answered questions in their own behalf.

JUVENILE DETENTION CENTERS

Committee on Governmental Affairs: Committee concluded a hearing to examine juvenile detention centers, focusing on unnecessary incarceration of youth who are waiting for community mental health services, after receiving testimony from Representative Waxman; Carol Carothers, National Alliance for the Mentally Ill, Augusta, Maine; Tammy Seltzer, Bazelon Center for Mental Health Law, Washington, D.C.; Leonard B. Dixon, Wayne County Juvenile Detention Facility, Detroit, Michigan, on behalf of the National Juvenile Detention Association; Ernestine S. Gray, Orleans Parish Juvenile Court, New Orleans, Louisiana; and Kenneth J. Martinez, Director, New Mexico Children, Youth and Families Department, Santa Fe.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Michael H. Schneider, Sr., to be United States District Judge for the Eastern District of Texas, after the nominee, who was introduced by Senator Hutchison, testified and answered questions in his own behalf.

HUMAN TRAFFICKING

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Property Rights concluded a hearing to examine United States efforts to combat human trafficking and slavery, after receiving testimony from Johnny K. Stutton, United States Attorney for the Western District of Texas, and Michael T. Shelby, United States Attorney for the Southern District of Texas, both of Department of Justice; Mary Ellen Doughtery, United States Conference of Catholic Bishops, Joseph Mettimano, World Vision, and Mohamed Y. Mattar, Johns Hopkins University Paul H. Nitze School of Advanced International Studies, and Sr. Wendy Patten, Human Rights Watch, all of Washington, D.C.; and Charles Song, Coalition to Abolish Slavery and Trafficking, Los Angeles, California.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 4767–4777; 1 private bill, H.R. 4778; and 3 resolutions, H. Res. 705, 708–709 were introduced. Page H5330

Additional Cosponsors: Pages H5330–31

Reports Filed: Reports were filed today as follows:

H.R. 4766, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005 (H. Rept. 108–584);

H.R. 1231, to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums, amended (H. Rept. 108–585, Pt. 1);

H.R. 3737, to increase the minimum and maximum rates of basic pay payable to administrative law judges, amended (H. Rept. 108–586);

H.R. 338, to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, amended (H. Rept. 108–587);

H.R. 2934, to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, amended (H. Rept. 108–588);

H. Res. 706, providing for consideration of H.R. 3598, to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers (H. Rept. 108–589); and

H. Res. 707, providing for consideration of H.R. 4755, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005 (H. Rept. 108–590). **Page H5330**

Speaker: Read a letter from the Speaker wherein he appointed Representative Murphy to act as Speaker Pro Tempore for today. **Page H5199**

Suspensions: The House agreed to suspend the rules and pass the following measures:

High Performance Computing Revitalization Act of 2004: H.R. 4218, amended, to amend the High-Performance Computing Act of 1991; **Pages H5203–07**

Department of Energy High-End Computing Revitalization Act of 2004: H.R. 4516, amended, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; **Pages H5208–09**

Reauthorizing the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988: H.R. 3890, amended, to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; **Pages H5214–15**

Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003: H.R. 1856, amended, to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998; and **Pages H5215–18**

Supporting the goals and ideals of the World Year of Physics: H. Con. Res. 301, supporting the goals and ideals of the World Year of Physics. **Pages H5218–19**

Suspension—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further proceedings will continue tomorrow, July 8.

National Windstorm Impact Reduction Act of 2004: H.R.3980, amended, to establish a National Windstorm Impact Reduction Program. **Pages H5209–14**

Department of Commerce, Justice, and State, the Judiciary, and related agencies Appropriations Act for FY 2005: The House began consideration of H.R. 4754, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005. Further proceedings will continue tomorrow, July 8. **Pages H5219–H5323**

Agreed to limit the number of amendments and the time for debate on such amendments offered on the bill. **Page H5284**

Later agreed that the chairman and ranking minority member of the Committee on Appropriations or their designees may offer one pro forma amendment to each amendment for the purpose of further debate. **Page H5306**

Agreed to:

Manzullo amendment that restores funding for the Small Business Administration's 7(a) loan program (agreed to by a recorded vote of 281 ayes to 137 noes, Roll No. 328); (agreed to limit time for debate on the amendment); **Pages H5240–53, H5253**

Crowley amendment that increases funding for public safety officer benefits; **Pages H5259–60**

Pitts amendment that provides that certain funds be used for the Bureau of Democracy, Human Rights and Labor of the Department of State to compile and publish a list of foreign government officials who order the use of, are involved in, or engage in torture; **Pages H5291–92**

Wolf amendment that restores funding for the Small Business Administration's "micro loan" technology and loan program; **Pages H5293–97**

Flake amendment that prohibits the use of funds to implement the Commerce Department's new restrictions on gift parcels to Cuba and the amount of personal baggage allowed for travelers to Cuba (by a recorded vote of 221 ayes to 194 noes, Roll No. 329); **Pages H5307–15, H5316–17**

Kucinich amendment (no. 13 printed in the Congressional Record of July 6) that reduces funding for the Commerce Department's management expenses and increases it by the same amount (by a recorded

vote of 232 ayes to 186 noes, Roll No. 332); (agreed to limit the time for debate on the amendment)

Pages H5282–84, H5318–19

Millender-McDonald amendment that increases funding for the Small Business Administration; and

Pages H5321–22

Wolf amendment expressing the sense of Congress that the Secretary of State should make a determination as to whether recent events in the Darfur region of Sudan constitute genocide and support the investigation and prosecution of war crimes and crimes against humanity committed in the Darfur region of Sudan. **Pages H5322–23**

Rejected:

Jackson-Lee of Texas amendment (no. 15 printed in the Congressional Record of July 6) that sought to increase funding for the DNA analysis and backlog elimination program; **Pages H5256–57**

Paul amendment (no. 7 printed in the Congressional Record of July 6) that sought to prohibit the use of funds for the Census Bureau's American Community Survey; **Pages H5292–93**

Weiner amendment that sought to increase funding for Community Oriented Policing Services (by a recorded vote of 206 ayes to 212 noes, Roll No. 330); **Pages H5269–77**

Hefley amendment that sought to eliminate funding for the re-engineered design process for the 2010 Short-Form Only census (by a recorded vote of 71 ayes to 342 noes, Roll No. 331); (agreed to limit the time for debate on the amendment);

Pages H5279–80, H5318

Paul amendment (no. 9 printed in the Congressional Record of July 6) that sought to prohibit the use of funds to pay expenses for any U.S. contribution to the United Nations Educational, Scientific, and Cultural Organizations (by a recorded vote of 135 ayes to 283 noes, Roll No. 333);

Pages H5297–98, H5319–20

Farr amendment (no. 6 printed in the Congressional Record of July 6) that sought to prohibit the use of funds to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States (by a recorded vote of 148 ayes to 268 noes, Roll No. 334); and

Pages H5300–06, H5320

Paul amendment (no. 10 printed in the Congressional Record of July 6) that sought to prohibit the use of funds to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations (by a recorded vote of 83 ayes to 335 noes, Roll No. 335). **Pages H5315–16, H5320–21**

Withdrawn:

Jackson-Lee of Texas amendment (no. 14 printed in the Congressional Record of July 6) that was offered and subsequently withdrawn that would have increased funding for the Commission on Civil Rights; **Page H5253**

King of Iowa amendment that was offered and subsequently withdrawn that would have provided that a certain amount of funds appropriated for legal activities of the U.S. Parole Commission be used for enforcing sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

Pages H5261–62

Tancredo amendment (no. 5 printed in the Congressional Record of July 6) that was offered and subsequently withdrawn that would have prohibited the use of State Criminal Alien Assistance Program funds by state and local governments who do not comply with provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and **Pages H5298–H5300**

Burgess amendment that was offered and subsequently withdrawn that would have expressed the sense of Congress that the Federal Trade Commission should provide to Independent Physician Associations guidance on contracting with health plans, on practice business arrangements, and on member communications, and a reasonable time for such Associations to ameliorate certain arrangements that could lead to Federal Trade Commission enforcement of antitrust laws against any such Association that has engaged in alleged anticompetitive activities.

Pages H5321–22

Point of Order sustained against:

Section 607 of the bill regarding the Buy America Act; and **Page H5291**

Paul amendment (no. 8 printed in the Congressional Record of July 6) that sought to prohibit the use of funds to prosecute doctors and their staff for prescribing and administering legal drugs for pain relief or management. **Pages H5294–97**

H. Res. 701, the rule providing for consideration of the bill was agreed to by voice vote. **Page H5221**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5331–32.

Quorum Calls—Votes: Eight recorded votes developed during the proceedings of today and appear on pages H5253, H5316–17, H5317–18, H5318, H5318–19, H5319–20, H5320, and H5320–21. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:59 p.m.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia approved for full Committee action the District of Columbia appropriations for fiscal year 2005.

TROOP ROTATIONS; MOBILIZATION OF ARMY'S READY RESERVE

Committee on Armed Services: Held a hearing on Army and Marine Corps troop rotations for Operation Iraqi Freedom 3 and Operation Enduring Freedom 6 and the mobilization of the Army's Individual Ready Reserve. Testimony was heard from the following officials of the Department of Defense: David S.C. Chu, Under Secretary, Personnel and Readiness; LTG Norton A. Schwartz, USAF, Director of Operations (J–3), Joint Chiefs of Staff; LTG Richard A. Cody, USA, Vice Chief of Staff, Department of the Army; and LTG Jan C. Huly, USMC, Deputy Commandant, Marine Corps, Plan, Policies, and Operations.

EXAMINING CASH BALANCE PENSION PLANS

Committee on Education and the Workforce: Held a hearing entitled ''Examining Cash Balance Pension Plans: Separating Myth from Fact.'' Testimony was heard from public witnesses.

VOICE OVER INTERNET PROTOCOL SERVICES

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''Voice Over Internet Protocol Services: Will the Technology Disrupt the Industry or Will Regulation Disrupt the Technology?'' Testimony was heard from Jeffrey Carlisle, Senior Deputy Bureau Chief, Wireline Competition Bureau, FCC; and public witnesses.

ENSURING ACCURACY AND ACCOUNTABILITY IN LAB TESTING

Committee on Government Reform: Subcommittee on Criminal Justice continued hearings entitled ''Part II—Ensuring Accuracy and Accountability in Laboratory Testing: Does the Experience of Maryland General Hospital Expose Cracks in the System?'' Testimony was heard from Carol Benner, Director, Office of Health Care Quality, Department of Health and Mental Hygiene, State of Maryland; and public witnesses.

FILLING UP—DRIVING DOWN THE COST

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled ''Driving Down the Cost of Filling Up.'' Testimony was heard from the following officials of the Department of Energy: Guy F. Caruso, Administrator, Energy Information Administration; and Mark R. Maddox, Acting Assistant Secretary, Fossil Energy; Jeffrey R. Holmstead, Assistant Administrator, Air and Radiation, EPA; Jim Wells, Director, Natural Resources and Environment, GAO; William E. Kovacic, General Counsel, FTC; and public witnesses.

DOD—BUSINESS PROCESS MODERNIZATION

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management and the Subcommittee on National Security, Emerging Threats and International Relations held a joint oversight hearing entitled ''Business Process Modernization at the Department of Defense.'' Testimony was heard from Lawrence Lanzilotta, Under Secretary, Comptroller (Acting); and Greg Kutz, Director, Financial Management and Assurance, GAO.

DEFINING FEDERAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing entitled ''Defining Federal Information Technology Research and Development: Who? Where? What? Why? And How Much?'' Testimony was heard from David Nelson, Director, National Coordination Office, Information Technology Research and Development, Executive Office of the President; Peter Freeman, Co-Chairman, Interagency Working Group and Assistant Director, Computer and Information Science and Engineering Directorate, NSF; Hratch Semerjian, Acting Director, National Institute of Standards and Technology, Department of Commerce; C. Edward Oliver, Associate Director, Office of Advanced Scientific Computing Research, Department of Energy; and public witnesses.

ELECTRONIC VOTING SYSTEM SECURITY

Committee on House Administration: Held a hearing on Electronic Voting System Security. Testimony was heard from Kathy Rogers, Director, Elections Administration, Office of the Secretary of State, State of Georgia; Linda H. Lamone, Administrator, Board of Elections, State of Maryland; and public witnesses.

U.S. SUPPORT OF HUMAN RIGHTS AND DEMOCRACY

Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and

Human Rights held a hearing on United States Support of Human Rights and Democracy. Testimony was heard from the following officials of the Department of State: Lorne W. Craner, Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and Roger P. Winter, Assistant Administrator, Bureau of Democracy, Conflict and Humanitarian Assistant, U.S. Agency for International Development; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: S. 2363, to revise and extend the Boys and Girls Clubs of America; and H.R. 4518, as amended, Satellite Home Viewer Extension and Reauthorization Act of 2004.

LEGISLATIVE APPROPRIATIONS

Committee on Rules: Granted by voice vote, a structured rule providing for consideration of H.R. 4755, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005. The rule provides one hour of general debate 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. The rule provides that the bill shall be considered as read. 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). The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report 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. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Kingston and Representative Holt.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

Committee on Rules: Granted by voice vote, a structured rule providing for consideration of H.R. 3598, Manufacturing Technology Competitiveness Act of 2004. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report 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 a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representatives Ehlers, Peterson (PA), Gordon, Costello, Larson (CT), Udall (CO), Jackson-Lee (TX), Slaughter, and Emanuel.

REBATE OF VALUE ADDED TAXES AT THE BORDER

Committee on Small Business: Held a hearing on the Rebate of Value Added Taxes at the Border and the Competitive Disadvantage for U.S. Small Businesses. Testimony was heard from public witnesses.

U.S.–MOROCCO TRADE AGREEMENT IMPLEMENTATION

Committee on Ways and Means: Held a hearing on implementation of the United States-Morocco Free Trade Agreement. Testimony was heard from Peter F. Allgeier, Deputy U.S. Trade Representative; and public witnesses.

Joint Meetings

SAFE ACCOUNTABLE FLEXIBLE AND EFFICIENT TRANSPORTATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, but did not complete action thereon, and will meet again on Tuesday, July 13.

COMMITTEE MEETINGS FOR THURSDAY, JULY 8, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Admiral Vernon E. Clark, USN, for reappointment to the grade of admiral and to be Chief of Naval Operations; and Lieutenant General James E. Cartwright, USMC, for appointment to the grade of general and to be Commander, United States Strategic Command, 10 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine S. 2411, to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, 9:30 a.m., SR–253.

Committee on Governmental Affairs: Financial Management, the Budget, and International Security, to hold hearings to examine the federal government's financial statement and accountability of taxpayer dollars at the Departments of Defense and Homeland Security, 10:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 1635, to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees; S.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; S. 1700, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases; S. 2396, to make improvements in the operations and administration of the Federal courts, and the nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Michael H. Watson, to be United States District Judge for the Southern District of Ohio, David W. McKeague, and Richard A. Griffin, both of Michigan, each to be a United States Circuit Judge for the Sixth Circuit, and Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida, 9:30 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, to mark up the Labor, Health and Human Services, Education and Related Agencies appropriations for fiscal year 2005, 9:30 a.m., 2358 Rayburn.

Committee on Armed Services, hearing on the economic, technology, vocational and skills implications of the Department of Defense trade offsets, 9 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled "FASB Proposals on Stock Option Expensing," 1:30 p.m., 2123 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled "United Nations Oil for Food Program," 9:30 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled "Assessing Digestive Diseases Research and Treatment Opportunities," 11 a.m., 2322 Rayburn.

Committee on Government Reform, to mark up the following bills: H.R. 4380, To designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building;" H.R. 4381, To designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building;" H.R. 4442, To designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site; H. Res. 646, Expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and H. Res. 684, Honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion; followed by a hearing entitled "Beneficial or Critical? The Heightened Need for Telework Opportunities in the Post-9/11 World," 10:15 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled "Trafficking in Persons: The Federal Government's Approach to Eradicate This Worldwide Problem," 2 p.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, to mark up H.R. 4586, Family Movie Act of 2004, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing entitled "The Aging of the Energy and Minerals Workforce: A Crisis in the Making?" 2 p.m., 1334 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, to mark up of the following bills: H.R. 1630, Petrified Forest National Park Expansion Act of 2003; H.R. 2457, Castillo de San Marcos National Monument Preservation and Education Act; H.R. 3954, Rancho El Cajon Boundary Reconciliation Act; and S. 1576, Harpers Ferry National Historical Park Boundary Revision Act of 2003, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up the following bills: H.R. 3391, Provo River Project Transfer Act; H.R. 4459, Llagas Reclamation Groundwater Remediation Initiative; and H.R. 4606, Southern California Groundwater Remediation Act; followed by a hearing on the following bills: S. 943, to authorize the Secretary of

the Interior to contract with the city of Cheyenne, Wyoming, for storage of the city's water in the Kendrick Project, Wyoming; H.R. 4588, Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2004; and H.R. 4650, Wichita Project Equus Beds Division Authorization Act of 2004, 10 a.m., 1324 Longworth.

Committee on Rules, July 8, to consider the following bills: H.R. 4766, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes; and H.R. 2828, to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, 3 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Tax, Finance and Exports, hearing entitled ''H.R. 1818, Workforce Health Improvement Act of 2003: Healthy Employees; Healthy Bottom Line,'' 10 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on National Capitol Region Air Space Control: A Review of the Issues Surrounding the June 9, 2004 flight of ''N24SP,'' 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on the following bills: H.R. 784, Water Quality Investment Act of 2003; H.R. 4470, To amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010; H.R. 4688, To amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program; and H.R. 4731, To amend the Federal Water Pollution Control Act to reauthorize the national Estuary Program, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, to mark up a measure to authorize the Secretary of Veterans Affairs to enter into certain capital leases, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following bills: H.R. 4759, United States-Australia Free Trade Agreement Implementation Act; and H.R. 4418, Customs Border Security and Trade Agencies Authorization Act of 2004, 10 a.m., 1100 Longworth.

Select Committee on Homeland Security, hearing entitled ''Practice Makes Perfect: Strengthening Homeland Security by Exercising Terrorism Scenarios, 1 p.m., 210 Cannon.

Next Meeting of the SENATE

10 a.m., Thursday, July 8

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 2062, Class Action Fairness Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 8

House Chamber

Program for Thursday: Consideration of H.R. 4755, Legislative Branch Appropriations Act for FY 2005 (structured rule, one hour of general debate).

Consideration of H.R. 3598, Manufacturing Technology Competitiveness Act of 2003 (structured rule, one hour of general debate).

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