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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 12, 2004.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

LEGISLATIVE ARM TWISTING

Mr. BROWN of Ohio. Mr. Speaker, last Thursday was a bad day for democracy in the House of Representatives. Adding to their laundry list of legislative arm twisting, House Republicans once again bent democracy to fit their needs by holding a vote open for 38 minutes until they were able to change the outcome of the vote. Thursday was not an isolated incidence of arrogant disregard for the political process by Republican leadership in this Congress. It was an example of the modern-day Republican win-at-all-cost style of governance.

This shameful record speaks for itself. Never before, when the Democrats were in control, when Newt Gingrich was Speaker with the Republicans in control, never before until the last year or so has the House of Representatives operated in such secrecy.

At 2:54 a.m. on a Friday in March last year, the House cut veterans benefits by 3 votes.

At 2:39 a.m. on a Friday in April last year, the House slashed education and health care by 5 votes.

At 1:56 a.m. on a Friday in May, the House passed the leave no millionaire behind tax cut bill by a handful of votes.

At 2:33 a.m. on a Friday in June, the House passed the Medicare privatization and prescription drug bill by one vote.

At 12:57 a.m. on a Friday in July last year, the House eviscerated Head Start by one vote.

And then after returning from summer recess at 12:12 a.m. on a Friday in October, the House voted $87 billion for Iraq. Always in the middle of night, always after the press had passed their deadlines, and always after the American people had turned off the news and gone to bed.

What did the public see? At best, Americans read a small story with a brief explanation of the bill and the vote count in Saturday's papers, understanding that Saturday is the least-read paper of the week; no accident there. But what did the public miss? They did not see the House votes which normally take 17, 18, 19, 20 minutes dragging on for as long as an hour as Members of the Republican leadership trolled for enough votes to cobble together a majority.

They did not see GOP leaders stalking the floor for whoever was not in line. They did not see the gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. DELAY), the majority leader; and the majority whip, the gentleman from Missouri (Mr. BLUNT) coerce enough Republican Members into switching their votes in the middle of the night to produce their desired results. In other words, the American people did not see the subversion of democracy.

In November, they did it again. The most sweeping change to Medicare in its 38-year history was forced through the House at 5:55 a.m. on a Saturday morning. The debate started at midnight, the rollcall began at 3. Most of us voted within the typical 20 minutes. Normally the Speaker would have gaveled the vote closed, but not this time because the Republican leadership Medicare privatization bill was losing. By 4 a.m., the bill had been defeated 216 to 218. Then the assault began. The gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS) and the chairman of the Committee on Energy and Commerce (Mr. TAUZIN) all searched the floor, walked around the Chamber looking for House Republicans to bully, the 25 Republicans that had the integrity and the guts to vote against their leadership and to do the right thing.

I watched them surround the gentleman from Cincinnati, Ohio (Mr. CHABOT) trying first a carrot and then a stick; but he, with integrity intact, remained defiant. They then aimed at a retiring Member, the gentleman from Michigan (Mr. SMITH) whose son is running to succeed him. They promised support if he changed his vote to ''yes.'' They promised retaliation if he did not change his vote to ''yes.'' He stood his ground.

Many of the two dozen Republicans who voted against the bill simply went home because they did not want to deal with the pressure. I found one Republican Member in the Democratic Cloak

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Room in order to avoid Republican arm twisting. By 4:30, the browbeating had moved into the Republican Cloak Room in the back of the Chamber, out of sight of C–SPAN cameras and the insomniac public. Republican leaders woke up President Bush, and a White House aide passed a cell phone from one recalcitrant Member to another in the Cloak Room. At 5:55 a.m., 2 hours and 55 minutes after the rollcall began, twice as long ever as any rollcall had taken in the history of the House of Representatives, two western Republicans, one from Arizona and one from Idaho, emerged from that Cloak Room, walked down the aisle, picked up one of these cards, a green card, scrawled their name and their district number on it, and sheepishly surrendered it to the Clerk of the House. The Speaker gaveled the vote closed 2 hours and 55 minutes after it began. Medicare privatization had passed.

To paraphrase Yogi Berra, I guess it is not over until the drug companies and the Republican leadership says it is over.

Mr. Speaker, Republicans can do a lot in the middle of the night under the cover of darkness. Last week, House Republican leadership demonstrated a new bravado, the same kind of thing they did last year, month after month, by holding this vote open in broad daylight.

What can the American people expect to see from the Republican leadership in the future?

CELEBRATING LIFE OF MICHAEL C. SAVAGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. DAVIS) is recognized during morning hour debates for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I have always been told that life is filled with uncertainty. Therefore, we should always endeavor to do as much as we can while we can because we never know when the time will come when we cannot do.

Such has been the life of Michael C. Savage who recently died in a boating accident. Mike was young, 51 years of age. He was openly gay, had a partner of 15 years, was a loving son to his mother, Ms. Maureen Savage, and brother to his siblings, Chuck and Cindy.

Mike was the chief executive officer of Access Community Health Network, probably the most successful group of community health centers in the country. Mike worked on AIDS and gay issues in Chicago, moved away to Boston to become executive director of the Fenway Community Health Center, and then returned to Chicago to run the Access Community Health Corporation.

When Mike took over Access in 1994, they had nine sites. At the time of his death, he had grown the network into 41 sites and increased its annual budget from $19 million a year to almost $70 million, and they served over 160,000 patients a year. In addition to his full time professional job, Mike was an active member of Dignity Chicago, a community of lesbian, gay, transgender, bisexual and straight Catholics. He was also active with United Power For Action, Stand Against Cancer, and was a board member of the National Association of Community Health Centers.

Mr. Speaker, I have been around the community health center movement for many years; as a matter of fact, since its inception, and I have never encountered a more talented, energetic, visionary and effective leader, planner, and manager. It is indeed unfortunate Mike passed on so soon. Fortunately, he did much good while he was here.

Therefore, I express condolences to his family, friends and colleagues, and trust that Access will continue as the best of its kind in the Nation. We simply pause to say thank you to Mike Savage.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 2 p.m.

PRAYER

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

Ever-faithful Lord God, to create a new order among Your people, the prophet Ezekiel established a new scheme of weights and measures for all aspects of daily life and business.

His prophetic action causes us to ask what criteria do we use to measure and judge ourselves, others, and the performance of institutions today. Only You, O Lord, hold the light to see honestly the highest aspirations and, at the same time, the deepest limitations of Your people.

Help America to live in the light of Your eternal wisdom. Guide the determinations of this Congress as they formulate laws based upon America's ideals and yet practical enough to address our limitations in facing the most important problems of today and tomorrow.

Free government leaders from all self-deception and the manipulation of others, that they may accomplish Your good purpose for this Nation and be measured themselves honestly by their constituents. In You alone is the balance of mercy and justice 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.

Mr. PETRI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. PETRI led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

> H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

CONGRESS MUST ACT TO PASS REFORM TO CURRENT MEDICAL JUSTICE SYSTEM

(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, $230 billion. That is the cost last year of the medical justice system in this country. Of that figure, 20 percent went to compensate patients for actual pain and damages, 20 percent went to lawyers' fees, 20 percent went to insurance overhead, and 25 percent was paid out in noneconomic damages for things like pain and suffering.

Mr. Speaker, we can scarcely afford this continued type of expenditure in this country; and, indeed, this House

has passed, twice in the past 2 years, legislation seeking to reform this system. Unfortunately, that legislation has languished on the other side of the Capitol.

Mr. Speaker, it is more than just the monetary damages, though. It is the cost in terms of the human capital that we are losing today from doctors who are leaving practice early, hospitals that are having to close their doors. But even more important than that, Mr. Speaker, is the cost of human capital that will never be developed. I am talking about students in medical school, undergraduate school, and high school who will look at their medical career ahead of them and decide it is just not worth the effort.

Mr. Speaker, we must act in this Congress.

CONDOLENCES TO FAMILY AND FRIENDS OF ARMY LT. ROBERT COLVILL

(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, the sad news reached Hoosiers last week. Army Lieutenant Robert Colvill, Junior, of Anderson, Indiana, lost his life fighting to liberate Iraq and defend American ideals overseas. He and three other soldiers died as a result of wounds suffered during a terrorist car bombing and mortar attack.

Robert Colvill, Jr., was a hero who believed in this great Nation. In the ninth grade, he determined he would serve his country in the Marine Corps. And so, after graduating from Madison Heights High School in 1991, he joined the Marines. He retired after 8 years of service, having achieved the status of sergeant. But his passion for fighting for his country was too much to ignore; and Robert Colvill, Jr., enlisted in the United States Army after only 1 year as a civilian.

I think Mayor Kevin Smith of Anderson, Indiana, said it best when he said, ''Soldiers like Lt. Colvill represent the best of the United States of America, men and women of ideals who are unafraid to fight for freedom for themselves, their country, and other peoples of the world.''

Mr. Speaker, Lt. Robert Colvill, Jr., is a hero whose service and sacrifice brought freedom to 25 million Iraqis. His memory and the memory of that sacrifice will forever be emblazoned on the hearts of two grateful nations.

I offer my deepest condolences to his family and friends and the community at large as we deal with the loss of a hero.

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.

EXPRESSING SENSE OF CONGRESS THAT DINAH WASHINGTON BE RECOGNIZED AS ONE OF THE MOST TALENTED VOCALISTS IN AMERICAN POPULAR MUSIC HISTORY

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 144) expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history.

The Clerk read as follows:

H. CON. RES. 144

Whereas Dinah Washington was born in August 1924;

Whereas Dinah Washington was a singer and performer whose early influence and focus was gospel music and spirituals, and who first toured the Nation to perform in 1940;

Whereas Dinah Washington was hired to sing with Lionel Hampton's big band in 1943, and through this exposure gained her first recording contract;

Whereas Dinah Washington was recording with jazz stars and leaders in the industry by 1948, and was a full-fledged pop music star by the late 1950s after recording the ballad, ''What a Difference a Day Makes'';

Whereas Dinah Washington recorded in jazz, blues, rhythm and blues, and pop, and was considered a preeminent figure and enormously gifted vocalist in each; and

Whereas Dinah Washington died on December 14, 1963, after dominating the charts in the late 1940s and 1950s, and by today's measures would have been considered a tremendous crossover superstar: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Dinah Washington should be recognized for her versatility, remarkable musical talent, and for influence on female vocalists in jazz, blues, rhythm and blues, pop, and gospel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 144.

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

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H. Con. Res. 144.

Mr. Speaker, House Concurrent Resolution 144, which expresses the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history.

Born in 1924, Dinah Washington was a singer and performer whose early influence and focus was gospel music and spirituals. She began touring the country in 1940, was hired to sing with Lionel Hampton's big band, and signed her first recording contract in 1943.

Dinah Washington was recording with jazz stars and leaders in the industry by 1948 and was a full-fledged pop music star by the late 1950s after recording the ballad ''What a Difference a Day Makes.''

Throughout her career, Dinah Washington recorded in jazz, blues, rhythm and blues, and pop and was considered a preeminent figure and an enormously gifted vocalist in each genre. After dominating the charts in the late 1940s and 1950s, Dinah Washington died on December 14, 1963. By today's measure, she would have been considered a tremendous crossover superstar.

House Concurrent Resolution 144 is simple and straightforward. It expresses the sense of Congress that Dinah Washington should be recognized for her versatility, remarkable music talent, and for influence on female vocalists in jazz, blues, rhythm and blues, pop, and gospel. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I commend the gentleman from New York (Mr. RANGEL) for his introduction of this resolution, and I rise in support of H. Con. Res. 144, which recognizes the tremendous talent and accomplishments of Dinah Washington.

I have always been told that music is universal and everlasting. Therefore, Ms. Washington's impact on music can be felt and seen even among today's contemporary talents. While Dinah Washington was born in the 1920s, her true impact on music began in the late 1940s and 1950s.

Ms. Washington's early focus was on gospel music and spirituals, yet she did not believe in mixing the secular and spiritual. And once she entered the nonreligious music world professionally, she refused to include gospel in her repertoire. She became a full-fledged pop music star by the late 1950s, giving her the title of the Most Popular Black Female Recording Artist at that time.

She was noted as one of the most versatile and gifted vocalists in American popular music history. Ms. Washington's talent lent itself to making recordings in jazz, blues, rhythm and blues, and pop.

Despite her passing in December of 1963, her music continues to influence artists today. In 1993, her memory and influence on music became forever as we remember she was inducted into the

Rock and Roll Hall of Fame. Her face became a symbol of soul as her voice does in her music, as she is portrayed in one of the black history commemorative stamps.

In closing, Mr. Speaker, I want to urge Members to support this resolution. I remember some of the titles of songs, ''What a Difference a Day Makes,'' ''Just 24 Little Hours,'' ''My Yesterday Was Blue But Today I'm a Part of You''; and forever in the annals of music history will Dinah Washington be a part of us. What a difference a day makes and what a difference she made.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 144.

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.

CONGRATULATING CALIFORNIA STATE UNIVERSITY FULLERTON TITANS BASEBALL TEAM ON 2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I COLLEGE WORLD SERIES

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 704) congratulating the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series.

The Clerk read as follows:

H. RES. 704

Whereas on June 27, 2004, the California State University, Fullerton Titans baseball team won the 2004 National Collegiate Athletic Association (NCAA) Division I College World Series Championship, the fourth College World Series Championship for the Titans baseball team;

Whereas the Titans defeated the top ranked University of Texas Longhorns by scores of three to two and six to four in consecutive games of the best-of-three World Series Championship in Omaha, Nebraska;

Whereas the Titans completed a remarkable season capped by finishing first in the Big West Conference during the regular season, winning the Big West Conference tournament championship, and winning the NCAA Championship in the same year after starting the season with a record of 15 wins and 16 losses;

Whereas Titans Head Coach George Horton was named the 2004 Big West Conference Coach of the Year for the third time in his career;

Whereas Titans baseball team members Kurt Suzuki and Jason Windsor were honored as All-Americans for the 2004 season by Baseball America;

Whereas the Titans baseball team has displayed outstanding dedication, resilience, and sportsmanship throughout the season in achieving the highest honor in collegiate baseball;

Whereas the students, alumni, and faculty of California State University, Fullerton, and other fans of California State University, Fullerton Titans baseball have shown tremendous commitment and support to the Titans baseball program; and

Whereas the Titans have brought pride to the California State University, Fullerton, community and to the State of California: Now, therefore, be it

Resolved, That the House of Representatives congratulates the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 704.

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

There was no objection.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the author of the resolution.

Mr. ROYCE. Mr. Speaker, I rise in support of House Resolution 704, which is legislation that I introduced. And this legislation congratulates my alma mater, the Cal State Fullerton Titans baseball team, on winning the 2004 College World Series. I am pleased that my colleagues from Orange County have joined me in acknowledging this triumphant season for the Titans.

For those of us who grew up in Orange County, this is a momentous occasion. This is the fourth time in the school's history that the Titans have won the College World Series championship.

□ 1415

The Titans' victory was far from predicted. They were the underdog from the start. They started this season with a 15–16 won-loss record at midseason. Despite their early struggles, the Titans continued to display character and resiliency by working hard. This scrappy Cal State-Fullerton baseball team went on to beat the odds and did so in the most humble fashion possible, through good old-fashioned teamwork.

Cal State-Fullerton went on to win the Big West Conference over perennial conference powerhouse Long Beach State. This contentious conference is hard fought year after year, with the Titans always displaying consistency and determination, although favorable results are not always the outcome. However, this season, as in some seasons past, the Titans emerged victorious alongside their passionate coach George Horton, who sees every opportunity as one in which positive results may rise.

The Titans continued their inspiring display of teamwork and will to win throughout the College World Series. They defeated the University of Miami Hurricanes and then the University of South Carolina Gamecocks in the semifinals. This run of the Titans culminated with their sweep of the best-of-three championship series by defeating the top-ranked University of Texas Longhorns 6–4 and 3–2 in come-from-behind victories.

The Cal State-Fullerton Titans finished with an overall record of 47 wins and 22 losses and a postseason record of 11 wins and 2 losses. This victory for Cal State-Fullerton head coach George Horton was bittersweet as he defeated his longtime mentor and friend Augie Garrido who led the Titans in the past for 21 seasons during which he won three national championships before leaving to coach the University of Texas Longhorns back in 1996.

The atmosphere at both the stadium in Omaha, Nebraska, and back home in Orange County was electrifying. Fans across Orange County displayed their Titan pride in waves by wearing Cal State-Fullerton colors identified by the distinguishable orange and blue.

The Titans were welcomed home by an enthusiastic crowd of supporters upon their arrival in Orange County where a parade took place in honor of these exceptional college athletes.

Throughout the season, the Titans were led by a gutsy group of players such as All-Americans Kurt Suzuki, who hit a single with two outs in the bottom of the seventh inning driving home the game-winning run in the final game of the series, and Jason Windsor, who pitched his second complete game of the College World Series, earning him Most Outstanding Player honors as they captured the NCAA Division I baseball championship.

Mr. Speaker, I congratulate the Cal State-Fullerton Titans' players, coaches, staff and fans who were instrumental in bringing the College World Series championship back to Fullerton for a fourth time.

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

Mr. Speaker, I am pleased to join with the gentleman from Wisconsin in consideration of this resolution, and so I rise in support of H. Res. 704, recognizing the NCAA men's baseball championship earned by the California State-Fullerton Titans. The Titans started 15–16, highly unusual, but they capped a memorable run to the 2004 national championship with a 3–2 win over Texas. Cal State-Fullerton's All-American catcher, Kurt Suzuki, hit an RBI single in the bottom of the seventh inning to put the Titans ahead to stay.

Despite the loss, Texas coach Augie Garrido, the Texas players and their fans should be proud of a well-played

season. By winning this championship, California State-Fullerton's coach George Horton and the rest of the Titans have a lifelong memory to treasure. Cal State's fans and the entire university community should be proud, as they are, of their team's accomplishments.

I want to urge Members to support this resolution.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the resolution, H. Res. 704.

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

A motion to reconsider was laid on the table.

RESOLVING BOUNDARY CONFLICTS IN BARRY AND STONE COUNTIES, MISSOURI

Mr. BURNS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1167) to resolve boundary conflicts in Barry and Stone Counties in the State of Missouri.

The Clerk read as follows:

S. 1167

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

SECTION 1. RESOLUTION OF BOUNDARY CONFLICTS, VICINITY OF MARK TWAIN NATIONAL FOREST, BARRY AND STONE COUNTIES, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) The term ''appropriate Secretary'' means the Secretary of the Army or the Secretary of Agriculture.

(2) The term ''boundary conflict'' means the situation in which the private claim of ownership to certain lands, based on subsequent Federal land surveys, overlaps or conflicts with Federal ownership of the same lands.

(3) The term ''Federal land surveys'' means any land survey made by any agency or department of the Federal Government using Federal employees, or by Federal contract with State-licensed private land surveyors or corporations and businesses licensed to provide professional land surveying services in the State of Missouri for Table Rock Reservoir.

(4) The term ''original land surveys'' means the land surveys made by the United States General Land Office as part of the Public Land Survey System in the State of Missouri, and upon which Government land patents were issued conveying the land.

(5) The term ''Public Land Survey System'' means the rectangular system of original Government land surveys made by the United States General Land Office and its successor, the Bureau of Land Management, under Federal laws providing for the survey of the public lands upon which the original land patents were issued.

(6) The term ''qualifying claimant'' means a private owner of real property in Barry or Stone County, Missouri, who has a boundary conflict as a result of good faith and innocent reliance on subsequent Federal land surveys, and as a result of such reliance, has occupied or improved Federal lands administered by the appropriate Secretary.

(7) The term ''subsequent Federal land surveys'' means any Federal land surveys made after the original land surveys that are inconsistent with the Public Land Survey System.

(b) RESOLUTION OF BOUNDARY CONFLICTS.—The Secretary of the Army and the Secretary of Agriculture shall cooperatively undertake actions to rectify boundary conflicts and landownership claims against Federal lands resulting from subsequent Federal land surveys and correctly reestablish the corners of the Public Land Survey System in Barry and Stone Counties, Missouri, and shall attempt to do so in a manner which imposes the least cost and inconvenience to affected private landowners.

(c) NOTICE OF BOUNDARY CONFLICT.—

(1) SUBMISSION AND CONTENTS.—A qualifying claimant shall notify the appropriate Secretary in writing of a claim that a boundary conflict exists with Federal land administered by the appropriate Secretary. The notice shall be accompanied by the following information, which, except as provided in subsection (e)(2)(B), shall be provided without cost to the United States:

(A) A land survey plat and legal description of the affected Federal lands, which are based upon a land survey completed and certified by a Missouri State-licensed professional land surveyor and done in conformity with the Public Land Survey System and in compliance with the applicable State and Federal land surveying laws.

(B) Information relating to the claim of ownership of the Federal lands, including supporting documentation showing that the landowner relied on a subsequent Federal land survey due to actions by the Federal Government in making or approving surveys for the Table Rock Reservoir.

(2) DEADLINE FOR SUBMISSION.—To obtain relief under this section, a qualifying claimant shall submit the notice and information required by paragraph (1) within 15 years after the date of the enactment of this Act.

(d) RESOLUTION AUTHORITIES.—In addition to using existing authorities, the appropriate Secretary is authorized to take any of the following actions in order to resolve boundary conflicts with qualifying claimants involving lands under the administrative jurisdiction of the appropriate Secretary:

(1) Convey by quitclaim deed right, title, and interest in land of the United States subject to a boundary conflict consistent with the rights, title, and interest associated with the privately-owned land from which a qualifying claimant has based a claim.

(2) Confirm Federal title to, and retain in Federal management, any land subject to a boundary conflict, if the appropriate Secretary determines that there are Federal interests, including improvements, authorized uses, easements, hazardous materials, or historical and cultural resources, on the land that necessitates retention of the land or interests in land.

(3) Compensate the qualifying claimant for the value of the overlapping property for which title is confirmed and retained in Federal management pursuant to paragraph (2).

(e) CONSIDERATION AND COST.—

(1) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of land under subsection (d)(1) shall be made without consideration.

(2) COSTS.—The appropriate Secretary shall—

(A) pay administrative, personnel, and any other costs associated with the implementation of this section by his or her Department, including the costs of survey, marking, and monumenting property lines and corners; and

(B) reimburse the qualifying claimant for reasonable out-of-pocket survey costs necessary to establish a claim under this section.

(3) VALUATION.—Compensation paid to a qualifying claimant pursuant to subsection (d)(3) for land retained in Federal ownership pursuant to subsection (d)(2) shall be valued on the basis of the contributory value of the tract of land to the larger adjoining private parcel and not on the basis of the land being a separate tract. The appropriate Secretary shall not consider the value of any Federal improvements to the land. The appropriate Secretary shall be responsible for compensation provided as a result of subsequent Federal land surveys conducted or commissioned by the appropriate Secretary's Department.

(f) PREEXISTING CONDITIONS; RESERVATIONS; EXISTING RIGHTS AND USES.—

(1) PREEXISTING CONDITIONS.—The appropriate Secretary shall not compensate a qualifying claimant or any other person for any preexisting condition or reduction in value of any land subject to a boundary conflict because of any existing or outstanding permits, use authorizations, reservations, timber removal, or other land use or condition.

(2) EXISTING RESERVATIONS AND RIGHTS AND USES.—Any conveyance pursuant to subsection (d)(1) shall be subject to—

(A) reservations for existing public uses for roads, utilities, and facilities; and

(B) permits, rights-of-way, contracts and any other authorization to use the property.

(3) TREATMENT OF LAND SUBJECT TO SPECIAL USE AUTHORIZATION OR PERMIT.—For any land subject to a special use authorization or permit for access or utilities, the appropriate Secretary may convert, at the request of the holder, such authorization to a permanent easement prior to any conveyance pursuant to subsection (d)(1).

(4) FUTURE RESERVATIONS.—The appropriate Secretary may reserve rights for future public uses in a conveyance made pursuant to subsection (d)(1) if the qualifying claimant is compensated for the reservation in cash or in land of equal value.

(5) HAZARDOUS SUBSTANCES.—The requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)) shall not apply to conveyances or transfers of jurisdiction pursuant to subsection (d), but the United States shall continue to be liable for the cleanup costs of any hazardous substances on the lands so conveyed or transferred if the contamination by hazardous substances is caused by actions of the United States or its agents.

(g) RELATION TO OTHER CONVEYANCE AUTHORITY.—Nothing in this section affects the Quiet Title Act (28 U.S.C. 2409a) or other applicable law, or affects the exchange and disposal authorities of the Secretary of Agriculture, including the Small Tracts Act (16 U.S.C. 521c), or the exchange and disposal authorities of the Secretary of the Army.

(h) ADDITIONAL TERMS AND CONDITIONS.—The appropriate Secretary may require such additional terms and conditions in connection with a conveyance under subsection (d)(1) as the Secretary considers appropriate to protect the interests of the United States.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentleman from California (Mr. DOOLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

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

Mr. Speaker, I rise today to ask the House of Representatives to pass S. 1167, the Senate companion to H.R. 2304. This legislation provides a mechanism for the Forest Service and the Army Corps of Engineers to resolve boundary conflicts between the Mark Twain National Forest and adjacent private landowners. The dispute over boundaries stems from recent surveys conducted by contractors to the U.S. Army Corps of Engineers, which have frequently been found to be severely flawed by the State.

The measure sets a process for dealing with the disputed boundaries. A landowner would notify the Secretary of Agriculture of a disputed boundary, prompting a new land survey. If the Secretary determines the boundary conflict is the result of a reliance on a previous land survey, the land in dispute can be returned to the private property owner.

It is important to note that the bill does not require the conveyance of any particular lands. Where a new survey shows that the lands in question were surveyed improperly, the Forest Service can either execute a quit claim to the land, assert Federal ownership if the Federal Government has improved the land, or compensate the landowner for the land.

This is a case where the Federal Government has not exercised adequate due diligence in maintaining their land surveys to the detriment of their neighbors. Rather than redrawing map boundaries from Washington, we are creating a process where these folks can address their claims closer to home. The Committee on Agriculture regards this as an equitable solution to a local problem created by the Federal Government. I urge my colleagues to support this bill.

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

Mr. DOOLEY of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DOOLEY of California. Mr. Speaker, I rise in support of S. 1167, which seeks to correct a number of boundary conflicts that have occurred in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri.

The boundary conflicts at issue resulted from discrepancies between recent land surveys conducted by the U.S. Forest Service and decades-old surveys conducted by the Army Corps of Engineers. As a result of the more recent Forest Service land surveys, private property lines adjoining Federal lands were moved and private property landowners discovered that, due to their reliance on the older Army Corps of Engineers land surveys, they had inadvertently trespassed on Federal lands.

S. 1167 will remedy these boundary conflicts by authorizing and directing either the Secretary of Agriculture or the Secretary of the Army to convey title to U.S. Forest Service land on which private landowners can demonstrate that they inadvertently trespassed due to their innocent reliance on a previous inaccurate Federal survey, or relied on a survey based on a previous inaccurate survey.

This legislation largely mirrors H.R. 2304 which passed the House on November 17. While most of the differences between S. 1167 and H.R. 2304 are technical, S. 1167 gives the Secretary of Agriculture or the Secretary of the Army more flexibility in resolving the boundary conflicts by explicitly allowing the appropriate Secretary to use existing authorities to resolve the conflicts, in addition to the process outlined in the legislation.

I urge my colleagues to support this legislation so that these boundary conflicts can be resolved.

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

Mr. BURNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank my friends both for supporting this bill and the gentleman from Georgia for yielding to me to talk about it a few minutes.

This is a bill, as the gentleman from California said, that the House has passed at an earlier time. It does seem occasionally that even in a very small, local issue that it takes an act of Congress to resolve a problem that one would think that common sense would be able to resolve, but in this case that is not the case and it takes this bill, Senate bill 1167, to provide a speedy resolution to really a boundary dispute affecting private property owners in my district.

The historic boundary lines neighboring the Mark Twain National Forest and Table Rock Lake in Missouri's Barry County and Stone County were blurred when the U.S. Forest Service decided in the recent past to restore the mid-1800s Corners Program. The only problem with restoring this program is that nobody, including the Corps of Engineers, had paid any attention to it since the mid-1880s and land surveys conducted in the 1970s by and for the Corps of Engineers have found that major discrepancies would be the case if these old markers somehow became the rule of how property would be determined. Instead, property has been based on a 1950s survey when Table Rock Lake was built.

A fight with the Federal Government over a boundary line can really be an uphill battle, as we all know or could imagine. Don Ayers of Shell Knob in my district tells me that the Forest Service showed up on his property and moved his boundary by 30 feet. When they did that they essentially repossessed his driveway, took part of his garage and an outbuilding on the land that he had every reason to believe he owned and clearly not only had paid taxes on but had made improvements, including those improvements that the Forest Service said now would belong to them once that boundary line was moved. Recognizable and verifiable boundary lines are essential to private property ownership.

This bill, sponsored by my colleague from Missouri, Senator BOND, sets a process for dealing with disputed boundaries in Barry and Stone Counties. As the gentleman from California said, we passed similar legislation in this body last November. This bill allows us to go ahead and get that job done.

The Federal Government already owns one-third of the Nation's land, and inaccuracies in Federal surveys should never force landowners to forfeit their property. I urge my colleagues to support this commonsense legislation.

Mr. BURNS. Mr. Speaker, I urge my colleagues to support S. 1167.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the Senate bill, S. 1167.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1167, the Senate bill just passed.

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

There was no objection.

EXPRESSING SENSE OF THE HOUSE ON ESTABLISHING NATIONAL COMMUNITY HEALTH CENTER WEEK

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (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.

The Clerk read as follows:

H. RES. 646

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 15,000,000 people in over 3,500 urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to individuals in the United States who would otherwise lack access to health care, including 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans;

Whereas these health centers and other innovative programs in primary and preventive care reach out to over 621,000 homeless persons and more than 709,000 migrant and seasonal farmworkers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average form 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for over 70,000 community residents; and

Whereas the establishment of a ''National Health Center Week'' for the week beginning August 8, 2004, would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a ''National Health Center Week'' to raise awareness of the health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

House Resolution 646 supports national community health centers and their invaluable work in numerous American communities. The great Americans that work at these centers serve the unfortunate and, as the resolution states, their service acts as a vital safety net in the Nation's health delivery system. Their work is so very important to the welfare of many, many men, women and children who have a variety of health and wellness needs.

Community health centers and public housing provide food, shelter and care to the Nation's needy.

□ 1430

And I am so pleased to join the gentleman from Illinois (Mr. DAVIS), my distinguished colleague on the Committee on Government Reform, in support of this legislation. I hope its adoption today raises important awareness of the compassionate contributions to society provided by community, migrant, public housing, and homeless health centers. The concerned men and women who provide these centers' health services deserve our gratitude. I congratulate the gentleman from Illinois for advancing House Resolution 646.

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

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

Mr. Speaker, I am pleased to join with my colleague from Michigan in consideration of this resolution.

Mr. Speaker, I rise today as the proud sponsor of this resolution to establish a National Community Health Center Week. As we continue to discuss health care and as we continue hopefully to move towards enactment of a national health plan which covers everyone without regard to their ability to pay and as we continue to discuss access, affordability, and strategic deployment of services, we can take pride in some of our accomplishments in health care; and one of the most important and effective accomplishments since the enactment of Medicare and Medicaid has been the development of community health centers.

Fortunately, community health centers are available throughout the Nation to help those in need or those who get displaced by job status or other economic conditions. Community health centers have become the safety net within the health care system, caring for one of every eight uninsured individuals, one of every nine Medicaid beneficiaries, one of every seven people of color, and one of every nine rural Americans, as well as reaching out to over 621,000 homeless persons and more than 709,000 migrant and seasonal farm workers.

Community health centers are established in almost every corner of our Nation representing every aspect of any congressional district, whether it be assisting the working poor in the inner city or in the rural farmland, migrant workers, or even those who have insurance but do not have access to any other health facilities.

These health centers provide high-quality, cost-effective health care as they continue to meet escalating health needs and assist in reducing health disparities as they provide high levels of quality care. With the weakened economy and unemployment reaching its highest point in almost a decade, our Nation's health centers are feeling and will continue to feel the brunt of increasing volume of patients, especially the uninsured. So by establishing a week to raise awareness of community health centers, we will also be highlighting each year the great accomplishments these nonprofit community-owned and -operated health providers offer to many communities throughout the Nation.

With recent numbers indicating that the Nation's uninsured population is even higher than once thought, at a startling 60 million, if our Nation will not realize the need for universal health care, we need to at least realize the importance and the need to better fund our community health centers.

So I am pleased to note the significant increase in the fiscal year 2005 budget that our community health centers that are in great need are receiving in order to continue and expand these services as well as construction for new and expanded facilities.

One of the most amazing and important aspects of community health centers is the involvement of the community. Each center tailors their services to best meet the needs and priorities of the communities in which they reside. Citizens in these communities become active participants in their community's health care decision-making. Health centers even provide approximately 70,000 jobs to the residents in communities of these areas.

Mr. Speaker, community health centers are indeed the safety net which is committed to serving all individuals with the mission that everyone deserves quality health care services regardless of where they reside, if they can pay or whether or not they have insurance. They are vital to ensuring that even the poor and disadvantaged in this country have the greatest opportunity to be healthy. These centers

are indeed a hallmark of development of our Nation's health care delivery system.

I am pleased that I can stand and be a part of promoting the awareness that they exist and the accomplishments which they have achieved.

Mr. MATHESON. Mr. Speaker, I rise today to express my strong support for House Resolution 646, legislation expressing the sense of the House that a week in August should be set aside to promote public awareness of the many health services provided by community, migrant, public housing, and homeless health centers.

Every day our Nation's health centers provide high quality, affordable primary care and preventive health services to people who might not otherwise have access to health care. Through their cost-effective, community-based approach, health centers serve a very important role in our efforts to ensure that all Americans have access to health care.

I am very pleased with the work of Utah's community-based health centers. In 2002, Utah's Health Centers provided comprehensive health care services for over 93,000 Utahns, and they are working to expand their services to meet the needs of Utah's working poor, homeless, elderly, minority, and rural populations. I have long supported the community health center program and am proud of the efforts of Utah's Community Health Centers to increase access to health care and preventive health services in a community-oriented fashion.

I believe it is very fitting that we recognize the commitment of our Nation's health centers with National Community Health Center Week and I urge my colleagues to join me in supporting this important resolution.

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

Mrs. MILLER of Michigan. Mr. Speaker, I certainly urge all Members to support House Resolution 646. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 646.

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

A motion to reconsider was laid on the table.

HONORING DAVID S. TIDMARSH, 2004 SCRIPPS NATIONAL SPELLING BEE CHAMPION

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 684) honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion.

The Clerk read as follows:

H. RES. 684

Whereas Mr. David Scott Tidmarsh was a student at Edison Intermediate Center located in South Bend, Indiana;

Whereas Mr. Tidmarsh earned his right to compete for the national spelling bee title by winning the City of South Bend, Indiana spelling bee;

Whereas the 77th Annual Scripps National Spelling Bee was held in Washington, D.C. June 1 through 3, 2004;

Whereas 265 spellers from across the United States, American Samoa, the Bahamas, Jamaica, Puerto Rico, Saudi Arabia, and the United States Virgin Islands all competed for the title;

Whereas Mr. Tidmarsh, competitor number 76, competed in the bee and survived 15 rounds of competition; and

Whereas Mr. Tidmarsh's achievement brings an immense sense of pride to Edison Intermediate Center, his hometown of South Bend, and the state of Indiana: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) congratulates David Scott Tidmarsh on his mastery of the English language, culminating in his correctly spelling ''autochthonous'' in Round 15, and becoming the 77th Annual Scripps National Spelling Bee champion;

(2) recognizes the dedication and achievement of Mr. Tidmarsh;

(3) wishes Mr. Tidmarsh much success in achieving his life goals; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Edison Intermediate Center, located in South Bend, Indiana, for appropriate display and to transmit an enrolled copy of this resolution to David Scott Tidmarsh and his family.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the House acknowledges the accomplishments and the contributions of many deserving Americans during the course of every year. But today during the consideration of House Resolution 684, we congratulate one of our youngest honorees, and certainly one of the most impressive as well. Thanks to the work of the distinguished gentleman from Indiana (Mr. CHOCOLA), today the House of Representatives salutes the winner of the 77th Annual Scripps National Spelling Bee. This is a 14-year-old boy named David Scott Tidmarsh. He lives in South Bend, Indiana.

David won the South Bend city spelling bee to earn a trip to the Scripps National contest here in Washington, D.C. from June 1 through June 3. And during the championship, David survived 15 nail-biting rounds against a couple of hundred of the most gifted spellers from across the Nation; and he clinched the championship on the word, and I hope I can even pronounce the word, ''autochthonous,'' I believe it is pronounced. It was very impressive, I would say. For those who are scoring at home, let me spell it for them. That is a-u-t-o-c-h-t-h-o-n-o-u-s.

While it is not surprising, due to his very clear mastery of the English language, it is important to note that David is a straight-A student who loves to read. Reportedly David's favorite books are mysteries and science fiction. And I also understand he enjoys learning about politics; so I would certainly urge both the national political parties to think about recruiting this young fellow very early on. David obviously has a very bright future ahead of him no matter what he decides to do.

Mr. Speaker, on behalf of the whole House, we wish David Scott Tidmarsh the very best in his continued schooling and in the future. Again, I want to thank the gentleman from Indiana (Mr. CHOCOLA) for recognizing David's incredible accomplishment, of which David should be very proud.

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

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

I am pleased to join with the gentlewoman from Michigan in consideration of this resolution honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion.

Mr. Speaker, I rise today to congratulate a very special student for possessing a great skill. This year David Scott Tidmarsh survived 15 challenging rounds to win the 77th Annual Scripps National Spelling Bee by spelling a very challenging word. As a matter of fact, I was saying to myself that had not it been for the fact that Mrs. Beadie King taught us to read phonetically, that is, to break words apart and separate them, I probably never would be able to enunciate this word. But it is ''autochthonous,'' and I thank Mrs. Beadie for the phonetic way in which she taught us to read. That helps me.

But the National Spelling Bee is a wonderful competition that celebrates a child's intellect and thirst for learning. Each year, students compete within their schools, then within their region, and then, if successful, at the national competition in Washington, D.C.

David Scott Tidmarsh advanced to the national competition by winning the Edison Intermediate Center competition in South Bend, Indiana, and then by winning the citywide competition.

At the National Spelling Bee, Tidmarsh was pitted against 265 other talented spellers from all over the U.S., as well as American Samoa, the Bahamas, Jamaica, Puerto Rico, Saudi Arabia, and the United States Virgin Islands. Using concentration and determination, Mr. Tidmarsh persevered to become national champion.

Mr. Speaker, I would like to congratulate David Scott Tidmarsh. His

willingness to study hard and to work toward a difficult goal is an example from which all Americans can learn. He is indeed a rare and talented young person. Again, I extend to him my congratulations.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. CHOCOLA).

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

Mr. Speaker, today I rise in support of H. Res. 684, a resolution honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee champion. I want to thank my colleague, the gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform, for moving this resolution so quickly through his committee.

Mr. Speaker, 14-year-old David Tidmarsh is truly a remarkable young man. Having had the opportunity to meet him and witness his accomplishments, I think I can say that with great confidence.

This soon-to-be freshman at Adams High School in South Bend, Indiana, is no stranger to the national spelling bee contest. He finished tied for 16th place in last year's spelling bee, but this year he knew he could do better, and he set out on a plan to achieve that goal.

David Tidmarsh has four dictionaries that he calls his own in his personal collection, including one that is so well worn that, if you shook it, it would probably fall apart. He has read through that one cover to cover twice. In fact, he compiled a list of words he thought might be included in the contest and typed them into his family's home computer. He also studied word lists from prior competitions.

Mr. Speaker, I think it is safe to say this is a very determined young man.

I was surprised to learn that in the 77-year history of the Scripps National Spelling Bee there has never been a winner from Indiana until this young man correctly spelled ''autochthonous,'' which is hard enough to say, very hard to spell, in the 15th round.

Mr. Speaker, I know that people from all over the country were holding their breath, watching David spell that final word on ESPN. I also know that his school and his hometown of South Bend, Indiana, was overwhelmed with excitement when he claimed the championship.

In fact, he has had quite a whirlwind tour since winning. He won the trophy on Thursday, June 3. That very night, he and his family traveled to New York City, and the next morning he appeared on the CBS Early Show, ABC's Good Morning America, NBC's Today Show, and, after that, he appeared on Fox News and CNN as well.

After that, he came back here to Washington, D.C., to deliver the speech at the bee's banquet that evening; and then he finally went back home to South Bend, Indiana, on Saturday.

On Monday, he attended a rally in his honor at his school, Edison Intermediate Center, hosted by the City of South Bend and the South Bend Community School Corporation. At the celebration, he was praised by Indiana's Governor, Joe Kernan, for the way he handled his victory. In fact, Governor Kernan was so impressed that he awarded David the State of Indiana's highest honor, the Sagamore of the Wabash Award.

But that was only the beginning of the accolades. South Bend Mayor Steve Luecke presented David with the key to the city and declared June 7, 2004, David Scott Tidmarsh Day. In St. Joseph County, Commissioner Cindy Bodle presented David with a key to the county.

Since that time in early June, David has thrown out his first pitch at a South Bend Silverhawks game, and I might say it was a strike, I was there to witness it, and he has appeared in numerous local parades and even had the opportunity to visit with the President of the United States in the Oval Office.

Everyone, including his very proud parents, his classmates, his extended Hoosier family, the Indiana Congressional Delegation and myself, are all extremely proud of David's accomplishments.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mrs. MILLER of Michigan. Mr. Speaker, I strongly support House Resolution 684, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 684.

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

A motion to reconsider was laid on the table.

HONORING FORMER PRESIDENT GERALD R. FORD ON HIS 91ST BIRTHDAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 702) honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the House of Representatives to former President Ford and his family.

The Clerk read as follows:

H. RES. 702

Whereas Gerald Rudolph Ford was born on July 14, 1913;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan where he was a star center on the football team and later turned down offers to play in the National Football League;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas in 1942, Gerald R. Ford joined the United States Navy Reserves and served valiantly on the U.S.S. Monterey in the Philippines during World War II, surviving a heavy storm during which he came within inches of being swept overboard;

Whereas the U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives where he served with integrity for 25 years;

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and restoring the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas in 1975, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the ''Helsinki Agreement'', which ratified post-World War II European borders and supported human rights;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999;

Whereas Gerald R. Ford was awarded the Congressional Gold Medal in 1999; and

Whereas on July 14, 2004, Gerald R. Ford will celebrate his 91st birthday: Now, therefore, be it

Resolved, That the House of Representatives honors former President Gerald R. Ford on the occasion of his 91st birthday and extends its congratulations and best wishes to former President Ford and his family.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

It is certainly a true pleasure today to rise in support of House Resolution 702. This is a resolution that wishes former President Gerald R. Ford a wonderfully happy 91st birthday on behalf

of the House of Representatives. President Ford certainly holds a unique place in American history. Within a 1-year period during the very destructive Watergate scandal, he held the positions of House minority leader, of Vice President, and President because he was such a respected national leader of unquestioned integrity and principle.

Mr. Speaker, Gerald Rudolph Ford was born in Omaha, Nebraska, on July 14, 1913; and then he moved to Grand Rapids in the great State of Michigan shortly after his birth. He was always an exceptional student and athlete and was very active in extracurricular activities, even attaining the rank of Eagle Scout.

President Ford attended the University of Michigan to study economics and political science; and as a member of the U of M's football team, he won two national championships in 1932 and 1933. In 1934, he was named the team's most valuable player.

Rejecting offers to play professional football with either the Detroit Lions or the Green Bay Packers, Gerald Ford took a job at Yale University as a boxing coach and an assistant football coach, and he received his law degree then at Yale in 1941.

The war was on, and he joined the U.S. Naval Reserve during the war; and then he returned to Grand Rapids after the war, in 1946, to work as a lawyer. In 1948, he defeated the incumbent United States Representative in that district in the primary election and then won the general election by a very wide margin.

Mr. Speaker, Gerald Ford was a Member of this body from 1949 to 1973 and he served as House minority leader from 1965 to 1973.

□ 1445

In the Congress, Ford was an ardent proponent of strong national defense, and he realized the important role that the United States played in the global theater.

In October of 1973, as the Watergate scandal gradually unfolded, President Richard Nixon nominated Ford to succeed Spiro Agnew as Vice President of the United States. Ford became Vice President on December 6, 1973, and, in doing so, he also became the first Vice President to be appointed under the procedures of the 25th amendment.

Mr. Speaker, Gerald Ford's vice presidential tenure lasted less than a year. When Nixon resigned due to continued revelations of Watergate, Ford became President on August 9, 1974. In a move he deemed the best for the sake of the Nation, he issued a complete pardon to Nixon in an effort to end what he categorized as the Nation's long nightmare.

During his inauguration speech, President Carter paid immediate tribute to President Ford's role in helping America through such a difficult period saying, ''For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.''

On April 20, 1995, President Ford's boyhood home in Grand Rapids was designated as an historic site. I bring that up, Mr. Speaker, because at the time I was the Michigan Secretary of State, and one of my duties and responsibilities was serving as Michigan's official historian.

Certainly one of my fondest memories was hosting the President and his wonderful wife, his very gracious wife, Betty Ford, for the home's dedication. There was a huge crowd of family and friends and neighbors, and the President was standing on the front porch of his home telling everybody about some of his fond remembrances of living in that home in Grand Rapids and how he used to play baseball out in front of the house.

Gerald Ford is an extraordinary man and yet he grew up in an ordinary neighborhood, just like thousands of other neighborhoods all across our Nation. President Ford and his great accomplishments epitomize the greatness the American spirit, and I was truly honored to stand next to a living piece of American history that day.

Mr. Speaker, I thank the distinguished gentleman from the great State of Michigan, the dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL) for introducing this highly deserved tribute to our 38th President of the United States, Gerald Ford. Our entire Nation thanks him for his service, and we wish him a very happy 91st birthday.

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with the gentlewoman from Michigan in consideration of this resolution, and it is my pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), the author of this resolution and one of the most distinguished and longest-serving Members of this body, the dean of the institution and the ranking member of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I thank my distinguished friend and colleague for yielding me time. I commend him for handling this legislation, as I do the gentlewoman from Michigan, who has done such a fine job of presenting the case for this legislation.

Today, we honor and congratulate a former President of the United States on his 91st birthday, and we extend to him and to his wife the best wishes of this body on this 91st birthday which he is celebrating Wednesday.

We are proud of his service, not only in this body, but elsewhere. He will be 91, as I mentioned, on July 14, which is Wednesday. He is married to a distinguished lady, Elizabeth ''Betty'' Ford, who is much loved in this body and much loved elsewhere.

He attended the University of Michigan, Yale University Law School, served with distinction in the United States Navy in the Philippines during World War II. He served in the House of Representatives for 25 years and was appointed to and served with distinction on the Warren Commission by President Johnson.

He was minority leader of this body from 1965 to 1973 and Vice President from 1973 through 1974. He was sworn in as President on August 9, 1974, and served in this great capacity for 2 years.

The thing which I think we can best remember about Gerry Ford is not all of the distinguished actions which he took or the high offices which he held but, rather, the fact that in a very difficult time he brought this country together out of a period of ill will and misfortune, which I think is almost unique in the history of this country. With that healing leadership, he will be long remembered for what he has done for us. The University of Michigan School of Public Policy is named after him, and he is much loved also in our State.

I want to commend and thank my colleagues who have joined in the cosponsorship of this legislation: the gentlewoman from California (Mrs. Bono), who is at this time his Congresswoman; the gentleman from Michigan (Mr. CONYERS); the gentleman from Michigan (Mr. HOEKSTRA); the gentlewoman from Michigan (Ms. KILPATRICK); the gentleman from Michigan (Mr. LEVIN); the gentlewoman from Michigan (Mrs. MILLER); the gentleman from Michigan (Mr. SMITH); the gentleman from Michigan (Mr. UPTON); the gentleman from Michigan (Mr. CAMP); the gentleman from Michigan (Mr. EHLERS); the gentleman from Michigan (Mr. KILDEE); the gentleman from Michigan (Mr. KNOLLENBERG); the gentleman from Michigan (Mr. MCCOTTER); the gentleman from Michigan (Mr. ROGERS); and the gentleman from Michigan (Mr. STUPAK).

We from the Michigan delegation have unanimously suggested that this is a good resolution for this body to adopt. We celebrate the accomplishments, the great humanity and decency of a wonderful citizen of our State and of the United States who served with distinction in the Presidency and in many other offices, and we do at this time wish him, through this resolution and in other ways, the best wishes of this body, of the House of Representatives and of all of us individually, and those many other American citizens who have had fine reason to love a great American who still serves his country with distinction.

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

Mr. Speaker, I certainly urge all Members to support the adoption of House Resolution 772, that extends 91st birthday wishes to President Gerald Ford.

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

Mr. Speaker, I am pleased to join with my colleagues today to pay tribute to former President Gerald Ford on the occasion of his 91st birthday and to thank him for his service to our Nation. President Ford assumed the office of President under difficult circumstances and guided us with strength and steadiness that helped us to regain confidence that we had lost in our Nation's most important office.

Looking back on President Ford's life, it is easy to see that he would distinguish himself as a leader. At the University of Michigan, he excelled both at his studies and at football. He received a law degree from Yale University. When duty called, he enlisted in the Navy, where he earned the rank of lieutenant commander during World War II.

Following the war, President Ford returned to his home State of Michigan and was elected to the House of Representatives for his first of 13 terms. An innate ability to lead helped President Ford rise quickly through the ranks of Congress. He was soon assigned to the influential Committee on Appropriations and rose to became the ranking Republican on the Subcommittee on Defense of the Committee on Appropriations.

In 1972, Gerald Ford was nominated as Vice President. He became President in 1974, following the resignation of President Richard Nixon. Faced with many challenges when he took office, President Ford worked to repair the damaged relationship between the American people and its government and the image of America with the rest of the world.

Two of his historic accomplishments were bringing an end to the Vietnam War and facilitating improved relations between Egypt and Israel. Improved relations between Israel and Egypt would lead to a peace pact between the two rival nations, an unprecedented step towards peace in the region.

On his inauguration day President Jimmy Carter began his speech by saying, ''For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.''

While we all may not agree with all of the decisions President Ford made during his political career, we can all concur that he carried himself with dignity at a time when our Nation needed it most.

Mr. Speaker, I again want to thank President Ford for his service. I commend the gentleman from Michigan for introducing this resolution.

Mrs. BONO. Mr. Speaker, I rise today to honor a man who holds a distinguished record of life-long public service to the United States. President Gerald R. Ford, the 38th President of the United States, celebrates his 91st birthday today. Since 1913, President Ford has been a diligent, humble steward of public service to our great country. He is a role model for all of us involved with public office, and I am fortunate to also call him a dear friend and constituent. It is with great pleasure that I congratulate President Ford, and extend best wishes to his family on this day of celebration.

President Ford's public service began in high school, where he achieved the honor of Eagle Scout. He later earned ten battle stars as lieutenant commander in the Navy, served the State of Michigan in Congress for 12 terms, eventually served as House Minority Leader in 1965, and finally, he served our country as the 38th President. As President, he lead America through the weakest economy of the post-World War II period, confronting tough issues as rising levels of both inflation and unemployment.

After completing his term as President, he returned to Rancho Mirage—a region of southern California that I have the privilege of representing. Now, even at the age of 91, he continues to invest time, energy, and experience into improving our community. His investments in the Rancho Mirage region helped to spark unprecedented levels of economic growth that began in 1983 and continue today. His commitments include support for the McCallum Theatre in Palm Desert, the Living Desert and Desert Museum, and the Eisenhower Medical Center and the Betty Ford Center.

In 1997, Ford joined Gen. Colin Powell in Philadelphia for the formation of America's Promise. In my district, he brought the goals of helping young people to fruition by chairing an America's Promise chapter in the Coachella Valley.

President Bill Clinton presented Ford with the Medal of Freedom in 1999, recognizing his role in guiding the nation through the turbulent times of Watergate, the Nixon resignation and the end of the Vietnam war. Also in 1999, he received the Congressional Medal of Honor for, "dedicated public service and outstanding humanitarian contributions."

In my district, President Ford is heralded as a man who consistently puts country over political party. He is a respected and honored leader, who tirelessly and passionately fights for principles of freedom, hope, and justice. On a personal note, President Ford has provided me with advice and inspiration to better serve the people of the 45th District of California.

Ford and his wife, Betty, continue to support numerous local and national charities and service projects. Despite Ford's long list of honors, his humble spirit remains as a shining example to us all. When asked about his and Betty's unrelenting investment of public service, he simply responded: "We're trying to do our full share." After decades of compassionate leadership, President Ford remains a trusted, proven leader, who views giving back to the community as a civic responsibility of all Americans, not just the task of elected officials.

On behalf of my constituents, the people of California, and the people of America, I am pleased to honor a man who has dedicated a lifetime to public service on this very special day. Happy 91st Birthday, President Gerald Ford. You are a continuous inspiration, admired leader, and valued friend.

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

Mrs. MILLER of Michigan. Mr. Speaker, happy birthday to a great American, President Gerald R. Ford.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 702.

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

A motion to reconsider was laid on the table.

SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING

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

The Clerk read as follows:

H.R. 4380

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

SECTION 1. SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, shall be known and designated as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Sergeant First Class Paul Ray Smith Post Office Building.

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

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

□ 1500

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 4380 commemorates the incredible bravery and patriotism of Army Sergeant First Class Paul Ray Smith. On April 4 of 2003, Sergeant Smith of Holiday, Florida, was tragically killed in action in Operation Iraqi Freedom during a fierce fire fight near Baghdad.

Mr. Speaker, Sergeant Smith was a member of the Bravo Company, Eleventh Engineer Battalion of the Army's

Third Infantry Division. He enlisted after graduating from high school and served an accomplished 13-year career in the Army. Sergeant Smith served valiantly in Operation Desert Storm, Operation Desert Shield, Kosovo, and Bosnia. He earned several military honors, including the Bronze Star as well as the Purple Heart.

Mr. Speaker, Sergeant Smith leaves behind a wife and two children in Holiday, Florida; and we pray and we hope that this post office designation will always remind them of the bravery and the love of their husband and father, Paul Ray Smith. Our entire Nation owes Sergeant Smith an incredible debt, and that is why I strongly urge the passage of H.R. 4380. I certainly thank the gentleman from Florida (Mr. BILIRAKIS) for advancing this legislation that honors the courageous Sergeant Paul Ray Smith.

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

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

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4380, legislation designating the United States Postal Facility in Holiday, Florida, after Sergeant First Class Paul Ray Smith. This measure, which was introduced by the gentleman from Florida (Mr. BILIRAKIS) on May 18, 2004, was unanimously reported by our committee on July 8, 2004. The bill enjoys the support and cosponsorship of the entire Florida delegation.

When Paul Smith graduated in 1989 from Tampa Bay Vocational-Technical High School, he did what a lot of young men and women do: he joined the Army. Sergeant First Class Paul Smith served in the Army's Eleventh Engineer Battalion, Bravo Company from Fort Stewart's Third Infantry Division, Mechanized. His unit was assigned to build a compound for Iraqi prisoners of war near the captured Baghdad Airport. As a combat engineer, Smith was part of a group that built bridges for troops to cross to difficult areas and found and destroyed enemy weapons.

According to news accounts, it was during the early morning of April 4, 2003, when Sergeant First Class Smith and his combat engineers were working on setting up roadblocks on the highway between the old Saddam International Airport and Baghdad. His battalion was attacked after knocking down the gate to a Republican Guard complex. At that point, a small group of American soldiers was confronted with over 100 Iraqi fighters.

Sergeant First Class Smith, after looking after his wounded troops, jumped into a damaged tank and fired upon the Iraqis with 50 caliber bullets for an hour and a half. His unit credits him with killing 30 to 50 of the enemy. When the fighting was over, Sergeant First Class Paul Smith was found shot in the head, the only soldier of his unit to die that day.

For killing the enemy and defending his unit against attack, Sergeant First Class Paul Ray Smith has received the Bronze Star and the Purple Heart. He has been nominated for the highest military honor: the Medal of Honor.

Mr. Speaker, I commend my colleague for seeking to honor Sergeant First Class Paul Ray Smith in this manner. Sergeant First Class Smith was a loving husband and father, and now a hero. I urge swift passage of this resolution.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. BILIRAKIS), the sponsor of this resolution.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) particularly, and the leadership for their cooperation in bringing this bill to the floor as quickly as we have.

I too rise with great honor to support my bill, H.R. 4380, which will name the post office at 4737 Mile Stretch Drive in Holiday, Florida, the Sergeant First Class Paul Ray Smith Post Office. I cannot think of anything more fitting than to name the only post office in Holiday, Florida, after one of her bravest citizens, Sergeant First Class Paul Ray Smith. While Paul was many things to many people, he can be remembered best as a distinguished soldier and American hero and a great family man.

Paul was raised in Tampa, Florida, by a single mother who instilled the values of hard work and determination in Paul and his three siblings. Paul would later use these values in battle in Baghdad.

Paul attended the Tampa Vocational-Technical High School in 1989 and joined the U.S. Army following graduation. He served tours of duty in Saudi Arabia during the first Gulf War and during the Bosnia and Kosovo conflicts. Throughout his career, Sergeant Smith distinguished himself as a fine soldier. He was awarded five Army Commendation Medals, six Army Achievement Medals, a Kuwaiti Liberation Medal, a NATO Liberation Medal, two National Defense Service Medals, three Good Conduct Medals, a Sergeant Morales Club for his courageous actions during combat, the Bronze Star and the Purple Heart.

His most valiant action as a soldier occurred on April 4, 2003, outside of Saddam International Airport in Baghdad. Sergeant Smith's unit, the Bravo Company of the Eleventh Engineer Battalion of the Third Infantry, was tasked with securing a prison for Iraqi prisoners of war at the Baghdad Airport, which had just been secured by American forces. Sergeant Smith immediately thought of the grassy courtyard he had seen that was encompassed by a tall stone wall and next to a tower that overlooked it.

He gave the orders to build a prison, not knowing that the tower and surrounding area was still occupied by members of the Iraqi Republican Guard. While Sergeant Smith and his men were working in the POW prison, they spotted members of the Republican Guard nearby. Paul called for a Bradley, which was at a nearby road block, and he prepared his men for engagement. Sergeant Smith took charge and led the effort while they waited for the Bradley, which would bring an intimidating fire force.

Even though Sergeant Smith and his men were outnumbered by more than two to one, they continued to fight back. Paul jumped on an Army vehicle and began firing a 50 caliber machine gun. He fired and reloaded and continued to fire. Sergeant Smith's determination and bravery gave him the strength to lead the fight until he was shot and killed.

Sergeant Paul Smith, Mr. Speaker, never wavered, he never questioned his decisions, and he never gave up. He fought the hard fight, and by doing so he saved the lives of all of his men and the more than 100 American soldiers in the surrounding area. For his efforts, Sergeant Smith has been nominated for the Congressional Medal of Honor, the military's highest honor. As my colleagues know, the Medal of Honor is awarded in the name of Congress by the President of the United States. Only some 3,400 men and women who have distinguished themselves, as the famous words state, ''at the risk of his life, above and beyond the call of duty,'' have received the Medal of Honor since its inception in 1861. The last action in which the Medal of Honor was awarded was in 1993 posthumously, to two soldiers who died fighting in Somalia. Sergeant Paul Smith's courage under pressure and his undying honor to protect the men under his guard make him the perfect candidate for the Medal of Honor.

While Sergeant Paul Smith epitomizes the phrase ''American hero'' and will not be forgotten because of his fearlessness and conviction, he will always be remembered as a devoted husband, a loving father, and a deserving son and brother. Not only did he leave his men in the battlefield that day, but he also left behind his wife, Birgit, and their children, Jessica and David; his mother and stepfather, Donald and Janice Rvirre, and two sisters and a brother. I hope they understand the importance of what Paul did that day and know that America thanks him and his family for the incredible sacrifice he made.

Mr. Speaker, for these many reasons, I believe that naming the Holiday, Florida, post office, which is just miles from where the Smith family now resides, after Paul is just one small way we as Americans can show our appreciation for the most precious sacrifice Paul made for us and generations to come.

Ronald Reagan once said, ''Freedom is never more than one generation

away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.''

Mr. Speaker, may Paul Ray Smith's memory be eternal, and may God bless the Smith family, and may God bless America.

Mrs. MILLER of Michigan. Mr. Speaker, I would certainly urge all Members to support H.R. 4380, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURGESS). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4380.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 5 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 710

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. 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. 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: Beginning with the colon on page 3, line 25, through ''out'' on page 4, line 6; section 717; and section 751. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, 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, and shall not be subject to amendment. All points of order against that amendment are waived. 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 purposes 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 purposes of debate only.

Mr. Speaker, H. Res. 710 provides for the consideration of H.R. 4766, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act of 2005, under an open rule, as is customary with annual appropriations measures. I am pleased that the normal open amendment process outlined in H. Res. 710 will allow any member to offer an amendment to the bill as long as it complies with the standing rules of the House.

The rule 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. 710 waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

H. Res. 710 also provides that the amendment printed in the Committee on Rules report accompanying the resolution may be offered only by a member of the subcommittee designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. H. Res. 710 waives all points of order against the amendment printed in the report.

The resolution gives the chair the ability to provide priority in recognition to those members who have preprinted amendments in the CONGRESSIONAL RECORD. This procedure will help the House in considering amendments in a more orderly manner. Finally, H. Res. 710 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by commending the work product of the chairman of the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, the gentleman from Texas (Mr. BONILLA). He has done a good job in crafting this funding bill, especially as we face budgetary limitations, and the bill deserves the support of the House today.

With regard to the underlying legislation, I do want to briefly note that this appropriations bill provides for more than $83 billion in funding. Included in this bill is $43 million in higher funding levels for food safety and counterterrorism activities. Also included is an increase of $20 million for BSE, or mad cow disease, detection and prevention activities.

We are also fulfilling the commitments to our food and nutrition programs with an increase in the Special Supplemental Nutrition Program for Women, Infants and Children, the WIC program. This measure also provides an increase in funding for Agricultural Research Service, including full funding to complete construction of the National Centers For Animal Health.

Mr. Speaker, this rule provides for an open amendment process for consideration of the agriculture appropriations bill. I urge my colleagues to support this fair rule.

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

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

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

Mr. MCGOVERN. Mr. Speaker, this rule will allow for the consideration of H.R. 4766, the fiscal year 2005 agriculture appropriations bill. This important bill provides funding for the U.S. Department of Agriculture, the Food and Drug Administration, select programs at the Department of Health and Human Services, and other agriculture and nutrition-related programs at various Federal agencies.

Like the other fiscal year 2005 appropriations bills, this bill is grossly underfunded. The allocation for these important programs continues to be reduced each year. Even though this bill is 1 percent more than the amount requested by President Bush, it is still below last year's funding level; and, unfortunately, it is the farmers, children, pregnant mothers, and seniors who rely on these programs who are hurt by these low allocations.

The gentleman from Texas (Chairman Bonilla), the gentlewoman from Ohio (Ms. KAPTUR), and the members of the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies have made the best out of a bad situation. The gentleman from Texas (Mr. BONILLA) did the best he could by stretching the limited funds he was allocated to fund many of the programs that are important to the American people.

While I am disappointed that the allocation is low, and I will urges the conferees, once appointed, to do what they can to increase the funding for these important programs, I want to commend the gentleman from Texas (Mr. BONILLA); the ranking member, the gentlewoman from Ohio (Ms. KAPTUR); and the members of this subcommittee for doing the best they could with this bill.

Specifically, I want to commend the gentleman from Texas (Mr. BONILLA) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), and the entire committee for providing $75 million for the George McGovern-Robert Dole Food For Education and Child Nutrition Program. This important and successful program provides nutritious meals to hungry children around the world in a school setting. The McGovern-Dole Program received only $50 million last year, and I am very pleased that President Bush requested an increase for fiscal year 2005.

This program began as the Global Food For Education Initiative, a pilot program to use surplus American commodities to feed hungry children around the world. The pilot program received $300 million and provided school breakfasts, school lunches, and other supplemental food to 7 million children in 38 countries.

The McGovern-Dole program, authorized in the farm bill, made this program permanent and subject to appropriations. While I support providing $300 million for this program, which would restore funding for this program to the original level of the pilot program, I am pleased that this bill increases funding for the McGovern-Dole program over last year's level.

Mr. Speaker, I am not alone in supporting $300 million for this program. In December, 102 members of this body sent a bipartisan letter to President Bush requesting that $300 million be allocated for the McGovern-Dole program in fiscal year 2005.

Mr. Speaker, that letter is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, December 11, 2003.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to provide $300 million in your Fiscal Year 2005 Budget Proposal for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. We believe it is urgent to restore funding for this program at levels similar to those of the original pilot program.

We strongly believe this funding is critical for sustaining and expanding the McGovern-Dole Program in order to combat terrorism and to help build and consolidate democracy in the Middle East, southern Asia, the Near East, and in other regions critical to U.S. national security. As you are aware, the McGovern-Dole Program provides donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition programs in low-income countries. We note that recommendations made by the General Accounting Office (GAO) in February 2002 on how to strengthen and improve the administration and implementation of school feeding programs were fully integrated into the law establishing the McGovern-Dole Program, enhancements that we believe contribute to its success.

Both the initial pilot program and the current McGovern-Dole Program have a proven track record at reducing the incidence of hunger among school-age children and improving literacy and primary education, especially among girls, in areas devastated by war, hunger, poverty, HIV/AIDS, and the mistreatment or marginalization of women and girls. School meals, teacher training, and related support have helped boost school enrollment and academic performance. McGovern-Dole nutrition and school feeding programs also improve the health and learning capacity of children both before they enter school and during the years of primary and elementary school.

In February 2003, the U.S. Department of Agriculture evaluated the McGovern-Dole pilot program and found significant positive results. Specifically—''The results to date show measurable improvements in school enrollment, including increased access by girls. In projects involving more than 4,000 participating schools, the WFP reports an overall enrollment increase exceeding 10 percent, with an 11.7 percent increase in enrollment by girls. The PVO's report an overall enrollment increase of 5.75 percent in GFE-participating schools. In some projects, increases in enrollment were as high as 32 percent compared with enrollment rates over the previous three years.'' (USDA, the Global Food for Education Pilot Program: A Review of Project Implementation and Impact, page 2 February 2003)

We firmly believe that these programs reduce the risk of terrorism by helping to eliminate the hopelessness and despair that breed terrorism. American products and commodities are directly associated with hunger alleviation and educational opportunities, encouraging support and good will for the United States in these communities and countries.

We strongly urge that you restore the capacity of this critically important program by providing $300 million for Fiscal Year 2005.

Sincerely,

James P. McGovern, Frank Wolf, Jo Ann Emerson, Marcy Kaptur, Doug Bereuter, Tom Lantos, Earl Pomeroy, Amo Houghton, Barbara Lee, Sam Graves, Edolphus Towns, Don Manzullo, Vic Snyder, Jim Leach, Tammy Baldwin, Christopher Smith (NJ), Marty Meehan, Doc Hastings (WA), Dennis Moore, George Nethercutt, John Olver, Jerry Moran (KS), Bennie G. Thompson (MS), Todd Tiahrt, Adam Schiff, David Price, Maurice Hinchey, James Oberstar, Betty McCollum, William Delahunt, Bob Filner.

Jan Schakowsky, Sheila Jackson Lee, Leonard Boswell, Gary Ackerman, George Miller, Dale Kildee, Julia Carson (IN), Albert Wynn, Carolyn Maloney, Bobby Rush, Diana Christensen, Raul M. Grijalva, Bob Etheridge, Pete Stark, Jim McDermott, Jim Matheson, Jerry Costello, Mike Capuano, Joseph Crowley, Susan Davis (CA), Rosa DeLauro, Martin Frost, Rick Larsen (WA), Sander Levin, Ed Markey, John Tierney, Lynn Woolsey, Donald Payne, Hilda Solis, Mike McNulty, Elijah Cummings, Mike Doyle, Joseph Hoeffel.

Lucille Roybal-Allard, Bernie Sanders, Sam Farr, Neil Abercrombie, Jim Marshall, Charles Gonzalez, Ruben Hinojosa, Eleanor Holmes Norton, Earl Blumenauer, Robert Wexler, Rob Andrews, Madeleine Z. Bordallo, Jose Serrano, Maxine Waters, Lane Evans, Barney Frank, Ron Kind, Sanford Bishop, Jr., Sherrod Brown (OH), Henry Waxman, Steve Rothman, Nancy Pelosi, Dennis Kucinich, Tom Allen, Jim Moran (VA), Rick Boucher, Brad Sherman, Carolyn Kilpatrick, Lois Capps, Karen McCarthy, Patrick Kennedy (RI), Jane Harman, Alcee Hastings (FL), William Jefferson, Chris Van Hollen, Chaka Fattah, Stephen Lynch, Charles Rangel.

Mr. Speaker, I urge the gentleman from Texas (Mr. BONILLA) and others to work with the other body to further increase these funds as this bill moves into and through the conference committee.

This program is important, I believe, not only to helping feed hungry children around the world. I also believe it is important in combating terrorism because it gets to some of the root causes where terrorist groups go to recruit people to be involved in some of the terrible events that we have seen unfold over the last several years.

Mr. Speaker, I am also pleased that the fiscal year 2005 agriculture appropriations bill includes language blocking the FDA from spending money to enforce its ban on prescription drug reimportation.

Mr. Speaker, it is clear that a bipartisan majority of our colleagues supports the reimportation of prescription drugs. It is even clearer that the American people support reimportation. They are being gouged by the high cost of prescription drugs, and they deserve access to these lower-cost prescription drugs. The current Medicare drug card and prescription drug plan are hardly a panacea for the high cost of prescription drugs.

It is vital that we provide access, especially for our seniors, to these low-cost prescription drugs. Until we can repeal this misguided law and pass a genuine and real prescription drug benefit that will provide genuine and real relief for seniors who rely on these import medicines, reimportation in many

respects is our only option; but it is also our best option.

Mr. Speaker, this bill is underfunded. There is no doubt about that. It is underfunded because of misguided tax cuts for rich people and wasteful spending adopted by this administration and I would say by those who are running this House of Representatives. It is underfunded because in 3 short years they turned record surpluses into record deficits. Now the programs that require Federal funds and especially the people who rely on these programs are paying the price for these misguided policies.

The low allocation for this bill means that WIC, our most important nutrition and health program for pregnant mothers and newborn children, will not be fully funded. It means homeland security activities at USDA's Food Safety and Inspection Service are underfunded. And it means rural water and waste programs and the rural single family housing direct loan program are funded below even last year's levels.

The policies enacted over the past few years, the tax cuts for rich people and the wasteful spending, are taking their toll on these programs. However, Mr. Speaker, having noted these concerns and reservations, I believe that the gentleman from Texas (Mr. BONILLA) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), have done the best they could with such an inadequate allocation. I commend them for this bill. I look forward to voting for it.

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. Mr. Speaker, I rise in support of this rule and the underlying bill. This is a good rule, and it is a good bill. The committee has worked to put together a bipartisan bill, and I believe that goal has been accomplished.

The bill provides critical funding for basic agricultural programs, but it goes farther than that. It also supports rural and economic development, human nutrition, agricultural exports, land conservation and renewable energy, as well as food, drug, and medical safety. This bill will deliver benefits to every one of your constituents every day, no matter what kind of district you represent.

I would say to all Members that they can support this bill and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility. Support the rule; support the bill.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the committee.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me time and for all the attention that he, in particular, pays to this important bill on agriculture and the Food and Drug Administration. I also wanted to thank the representative of the Committee on Rules, the gentleman from Georgia (Mr. LINDER), today for this consideration under an open rule. We, therefore, support the rule. And to my good friend, the gentleman from Iowa (Mr. LATHAM), from the committee for as hard as he has worked along with all of us on both sides of the aisle in trying to bring this measure before the full House.

This bill obviously has been put together under some of the most trying budget circumstances that we have ever seen. When last year's bill came before us, I said we were trying to stuff a size 10 foot into a shoe that was actually size 7. This in our country that needed more than we could provide in that bill. This year we have a size 6 shoe, and we have a size 11 foot. And so we have many more needs than we can accommodate in this bill.

We literally had requests from Members from across our country, hundreds and hundreds and hundreds of requests that we could simply not address. They are not addressed in this bill at all.

The discretionary portion of this bill totals $16.772 billion, which is a reduction of $67 million over this year, and compared to fiscal year 2003, a reduction of over $1.1 billion. That is nearly a 6 percent reduction compared to 2 years ago.

□ 1745

That means that all the Members who came to us for water and sewer projects, rural water and sewer projects, we just simply could not meet the requests.

The Women, Infant and Children's food program, though, we have raised it from last year, is probably $150 million short in view of the rising need around our country, the unevenness, of the economy and lackluster job creation. We just simply do not have adequate money in these bills to meet all needs.

At the same time, our country is now spending over $100 billion in Iraq and Afghanistan. Imagine if we were able to take and divide that up and give every State in our Union an additional $2 billion, $2 billion that they could share with our localities that are short on funds. We seem to be able to find money for some things around the world. But then we do not find money for very other worthy needs across this Nation.

For example, in our Commodity Supplemental Food Program, we want to take surplus food commodities and give them to our food banks and to people who need them. We are about $15 million short in that account, despite all the need across this country and the greater and greater numbers of people coming into our soup kitchens and our feeding kitchens all over this Nation.

Meanwhile, in this budget, we have been forced to put money into accounts to take care of what we call invasive species, that is, all these little critters that are coming into our country for which there is no known biological control. The cost of this now totals hundreds of millions of dollars compared to 10 years ago. Whether it is the Asian Longhorned Beetle eating all those trees in Chicago and New York City or whether it is the Emerald Ash Borer in States like Michigan and Ohio, those invasive species are just eating their way through all the forest lands, with those cost burdens now being put on the taxpayer. We basically take this money from a very inadequate allocation and divert it in order to try to prevent additional damage, and really these costs should not be the responsibility of the localities and of the Federal Government but those commercial interests that caused the damage in the first place.

I just want to say that agricultural America, and rural small towns, are trying as hard as they can. They have always demonstrated a real vision toward the future. We hope that as this bill moves towards the Senate we will be able to fix some of the inadequacies that currently exist in this bill.

I want to thank the gentleman from Texas (Chairman BONILLA), the chairman of our subcommittee, for his willingness to work across the aisle and to do the best we could, again with a size eleven foot bill when, in fact, we only have a shoe about size six. We just cannot meet all the needs that are being asked of us. But we have done the best we can.

I rise in support of the rule and ask the Members to vote for the rule and ultimately for the bill.

I will also say that when the bill comes to the floor for full consideration tomorrow we will be offering amendments in the area of biofuels, trying to help to generate new industry across this country, a renewable fuels industry in ethanol and biodiesel and some of the new alcohol based fuels we have not even invented yet.

We will have an amendment on Iraq and will bring to the attention of the country the misuse of the Commodity Credit Corporation back during the 1980s and 1990s which has led us to have to bail out banks in the Middle East as a result of what was done back then and potentially what could happen again by what is being proposed in this bill now.

We will have an amendment dealing with outsourcing of call centers by the Food Stamp Program, trying to bring those call centers back to the United States, to our own people who need work.

Finally, we may have amendments dealing with the reimportation of prescription drugs, and we want to keep the base amendment that we were able to insert at the subcommittee level, which is to allow the reimportation of drugs from nations like Canada so that our people can buy them at affordable prices. We want to be able to keep that in the bill.

We will have an amendment on the Farmers Market Promotion Program, trying to bring it to a level where it can serve a majority of our people.

So, again, I ask for the support of the membership on the rule, and I thank the gentleman for yielding me this time.

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

Let me just close by again saying I want to commend the work of the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ranking Member KAPTUR) for doing the best they could with the low allocation. It is not their fault they had a low allocation. The fault lies with the President and the White House and the leadership of this Congress.

I think that during this debate I think we will hear a number of Members question their sense of priorities when, in fact, the need, especially in this area of agriculture, is so great, and yet we do not have the resources to be able to address all those challenges.

They have done a good job with not a lot of resources. They deserve to be commended.

We have no problem with this rule, and I would urge adoption of the rule, and I also will vote for this bill and hope that in conference that Members will be able to get the allocation up to a more reasonable level.

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

Mr. LINDER. Mr. Speaker, I urge my colleagues support both the rule and the underlying bill. 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. KINGSTON. 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. 4755 and that I may include tabular material on the same.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 707 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. 4755.

□ 1753

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. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

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

I rise today to present the Legislative branch appropriation bill for fiscal year 2005 to the House for consideration, and I want to start by thanking not just the gentleman from Virginia (Mr. MORAN), my ranking member, but I wanted to say thanks to all the subcommittee staff who have worked hard to make this bill possible: Liz Dawson, who is our Chief Clerk; Chuck Turner, our Staff Assistant; Kathy Rohan; Celia Alvarado; Tom Forhan; Tim Aiken; Bill Johnson; Heather McNatt; and Jennifer Hing.

I wanted to say to the gentleman from Virginia (Mr. MORAN), the ranking member, that I have enjoyed working with him and working with all the subcommittee members. We have put together I think a good bill. We have had a number of amendments, some committee debate on it, and I think the product is a better bill because of that.

It is a bipartisan bill and somewhat noncontroversial. I am not aware of any angst that Members have; although I know everybody would improve it here or there, given the opportunity.

This bill actually funds the House of Representatives and all the various support agencies, including the Capitol Hill Police, the Architect of the Capitol, the Library of Congress, the Government Printing Office and the General Accounting Office.

The bill is $2.7 billion, which does not include the Senate items; and traditionally we do not fill in the blanks for the Senate. They do not fill in the blanks for us.

The bill came in below the budget request and is basically flat, meaning that the size of it is about the same as what it was last year. It does, however, provide for the current staffing levels. It includes cost of living increases and other increases here and there for inflationary reasons. There are no deductions in force, and yet we have kept new initiatives off it and tried to defer funding on certain projects.

Overall, the bill started out with a request level of $3.1 billion, and we were able to work that down to the $2.7 billion,

My colleagues may also recall that the fiscal year 2004 bill was brought to the floor with a decrease from the 2003 levels. So the Subcommittee on Legislative of the Committee on Appropriations has done its best to practice fiscal restraint and try to keep the President's goal in mind of a 1 percent increase for nondefense and homeland security discretionary spending, and we are actually below that.

There are a number of important things in this bill, but what I might do is I see some Members are here to speak on it. At this point, I see the gentleman from Virginia (Mr. MORAN), the ranking member, is here; and I will give him an opportunity to speak.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Georgia (Mr. KINGSTON) has, in fact, been fair. We have worked out an appropriations bill that we can both live with. So this should not take an inordinate amount of time.

Mr. Chairman, as my colleagues know, there is some disagreement over the rule, and the gentleman from California (Mr. SHERMAN) I know will be addressing a consideration of the rule, but that was not a matter that was left open to the gentleman from Georgia (Mr. KINGSTON) or myself. It was an amendment that might have been added.

The gentleman from New Jersey (Mr. HOLT) has an amendment that he would at least like to talk about, and I think it has considerable merit, but there are a lot of things that had considerable merit that are not included within this bill.

We had a very tight, tough 302(b) allocation; and it was felt that the Congress itself has to lead by example. Our original requests were not realistic. They would have increased spending in this appropriations bill by more than 14 percent above last year's spending level; and some of the major parts of this campus, the Capitol Police, the Architect of the Capitol, et cetera, had increases that were over 30 percent this year over last year. So they were not granted.

What we have before us is basically a flat bill. It is actually a .1 percent cut below last year's level. It is probably unprecedented. Maybe somebody is going to find an appropriation bill that was actually cut below the prior year, but I am skeptical that there is such a thing. I think all of us would have liked more money for a number of components of this bill, but it is responsible, and, as far as I am concerned, it is a fair bill. It covers in full, mandatory cost increases without resorting to any layoffs or RIFs.

In terms of percentages, the Office of the Attending Physician, who does a great job, Dr. Eisold and his colleagues are terrific and often called for in crisis situations, they receive a 13.7 percent increase, well justified, but the Open World Leadership Program, which I also think is well-justified, fared the worst with a 50 percent cut.

□ 1800

Hopefully, we will be able to restore some of that money in conference.

Now, somewhere in between those two ends of the spectrum, all the other legislative branch agencies, the Congressional Budget Office, the Office of Compliance, Government Printing Office, our own Members' Representational Allowance, they will receive considerably less than was requested, but certainly enough to carry out their primary responsibilities and missions.

The Capitol Police will be given approximately a 6 percent increase and additional flexibility to use unobligated funds from last year to cover most of their new equipment needs.

I am disappointed that this bill, though, does impose such a stiff cut to the Open World Leadership program, because it promotes democracy by bringing foreign leaders from Russia and other countries that were satellites of the Soviet Union to study our democratic institutions, something that is very much needed. And when we consider the relative costs if we do not get democracy embedded in those countries, it is substantially greater, obviously.

I am also troubled the public printer will lack the funds to modernize the functions of the Government Printing Office. But I am pleased that, despite the overall freeze, the chairman agreed, and I think we had the consensus of our subcommittee, that we should finally establish a staff fitness center. So I trust that the staff is going to be very pleased with that, and it is something that a number of us have been wanting to see go forward.

The Congress, of course, is the institution that is at the heart of this great Republic's democracy. A $2.75 billion budget is less than .15 percent of the proposed total Federal budget. It is a small price to pay for a legislative body that represents the world's greatest democracy.

So while the bill is fair, we do fall far short of what we may need to do in the future to provide for this institution's needs, the people who work here, and the people who visit here. If we attempt to continue such a tight budget in future years, and I am afraid that the same justification is going to apply, with large looming deficits for the next decade, then this institution will truly suffer.

The flat funding we have in this budget will not be sustainable. It will trigger reductions in force, it will compromise security, it will render our now current computer information systems obsolete and ineffective, and it will undermine improvements in productivity and efficiency that will subsequently drive up future maintenance costs. Popular initiatives, like digitizing the Library of Congress' collections and sharing its wealth of literary material with the public, simply will not happen.

We cannot balance the budget by freezing the legislative branch's budget. In fact, we cannot even balance the budget by freezing all of discretionary spending. So we do have some fundamental differences about our Nation's priorities, but those fall outside the scope of this committee. I am not going to dwell on them.

This year's appropriation bills mark the beginning of what in the past has been an abstract budget debate, but we are now getting into the real consequences of a budget resolution that I think is insufficient, and we are going to have to address those 302(b) allocations in the future.

Again, specifically, the legislative branch appropriation bill is a fair bill. I think it is reasonable and sustainable, at least for this year.

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

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

I wanted to say, Mr. Chairman, that we have a lot of good things in this bill. We had some good subcommittee- and committee-level debates and a number of amendments. One such amendment actually encourages Members of Congress to lease or use hybrid fuel-efficiency cars. This amendment was debated and offered by the gentleman from Tennessee (Mr. WAMP) and successfully put on it. He is here, and he is going to address that.

Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the chairman for yielding me this time, and I thank both the ranking member and the chairman for the work they do. Having served on this subcommittee for 6 years, I know the important work that they do.

Mr. Chairman, the American people probably do not pay a whole lot of attention to this bill, because a lot of it is inside the Beltway, but I know the American people are keenly aware of the rising cost of gasoline and the need for our country to be independent of energy sources and not so dependent on oil. And I do not want to encourage any extra government spending whatsoever.

A number of Members either take a mileage reimbursement for official travel, which is totally permissible under the rules, or they lease a vehicle at government expense. And in either case, this resolution encourages Members to use hybrid electric or alternatively fueled vehicles. Why? Because the American people expect us to lead. And a lot of them are asking what are we going to do about our dependence on foreign oil; what can we do to lower our cost of fuel.

In the past, the options have not been too good. But this fall, in this country, there are at least eight hybrid electric vehicles in the marketplace for American consumers, including domestic vehicles, from pickup trucks to SUVs, where you can double your gas mileage. The new Ford Escape, and I have one on order, will get 38 miles per gallon. It is a small SUV. Throw your kids in the back, or if you are taking staff around the district, drive one of those. Or even a foreign model, if your constituents like that or will allow that. Some will not. But you have all the options, and we want to encourage this.

The resolution simply says it is the sense of the House of Representatives that Members of the House who use vehicles in traveling for official or representational purposes, including Members who lease vehicles for which the lease payments are made using funds provided under the Members' Representational Allowance, are encouraged to use hybrid electric or alternatively fueled vehicles whenever possible, as the use of these vehicles will help to move our Nation forward toward the use of a hydrogen fuel cell vehicle and reduce our dependence on oil.

We need to accelerate the transition to a hydrogen economy away from a petroleum-based economy, clean up the air, secure our liberty, and Members should lead by example. As the cochairman of the Renewable Energy and Energy Efficiency Caucus here in the House, the Republican cochairman, with my colleague, the gentleman from Colorado (Mr. UDALL), we have over 228 to 232 Members, well over a majority of this body are members, we encourage the use of these hybrid electric vehicles, and it begins with us. Lead by example.

If my colleagues are taking the mileage or if you lease a vehicle, we encourage you to use these alternative-fuel vehicles, double your gas mileage, and move us towards a secure energy future. I commend the chairman for including this important language.

Mr. MORAN of Virginia. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman from Virginia for yielding me this time, Mr. Chairman.

I rise to deal with one aspect of this bill, and that is that it does not impose, as I would like it to, a $25,000 limit on the amount of postage spent by any one committee in any one year. That would be $50,000 a Congress or $25,000 as an annual limit.

After all, in the 107th Congress, encompassing 2002 and 2001, the average amount spent by the highest-spending committee was $6,807. In fact, in looking at the entire history of this House, I cannot find an example where any committee prior to the 108th Congress ever needed to spend more than $10,000 on postage.

A $25,000 limit seems like it provides plenty of room, particularly for a country that faces the kinds of fiscal problems that we face. And yet, why would I even think it necessary in a House where no committee had until the 108th Congress spent even $10,000 on postage, why would I think it necessary to come to this floor to seek a $25,000 annual limit? The reason is that

one committee, and this could be the opening of Pandora's box, decided in the 108th Congress to engage in a program of mass mailings in selected Members' districts.

That committee, in the 107th Congress, spent an average of $2,483, that is less than $2,500 on postage. But in the 108th Congress, they came before the Committee on House Administration and asked for $250,000 for postage for 1 year, and in fact asked for $.5 million on postage for the 2 years making up the 108th Congress.

So think of this. This is a 4,445 percent increase over what that same committee had requested for the prior Congress. But if that does not bother the fiscal conservatives in this room, reflect that it was a 9,968 percent increase over what that committee actually spent in the prior Congress.

Now, in fact, the Committee on House Administration did not provide for this one authorizing committee to have $.5 million for postage, but they did provide $50,000 for 2003 and another $50,000 for 2004. And this committee in fact spent $49,587 on postage just in one invoice in December 2003. And, in fact, in order to have something to mail for $49,000 in postage, they spent $40,000 printing the material that was mailed, just to send out material into a very few Members' districts.

Now, the affected Members did not, to my knowledge, have any objection to the contents. But mark my words, this is the beginning. If we pass this legislative approps bill with no limits, then this one authorizing committee may come and ask for $.5 million on postage for the 109th Congress. They may ask for $2 million or $3 million in postage. Other committees may get in on the deal, and then we may have a circumstance where the Chair of each committee has a multi-million dollar postage slush fund to do mailings in the different Members' districts.

Now, how is this different for the Member communications that we are all aware of? Because we all mail into our own districts newsletters, et cetera. Well, first, each Member gets a limited MRA. In contrast, the amount that could be provided under this leg approps bill for a single committee to do mass mailings is unlimited.

Secondly, and I think this is the most important difference, every mailing says published and mailed and printed at government expense, so that the recipients of the mailing can hold the author accountable. If I am sending out useless mailings to my constituents, they can circle that line and remember it when the ballot box is in play.

In contrast, if a Chair mails into my district or mails into another Member's district, and the recipients of that mailing think that it is useless, that it is highly political, that it is propaganda, that it is on a subject they are not interested in, what recourse do they have?

I guess they could pick up and move to the district of the Chair who sent out the mailing. But assuming they are unwilling to move from one part of the country to the other, they have no recourse. So once we have Chairs sending out mailings, these mailings have no check on them. There is no accountability, and there is no way for the recipients to register their belief that the mailing is useless.

In addition, MRA funds are distributed equally to Members regardless of their political party. But if we see $.5 million appropriated by this bill allocated to a particular chairman to do mass mailings into Members' districts, that will be entirely money for one party and zero for Members of the other party.

Now, I want to stress my proposal here is bipartisan. In fact, it is designed to affect Democratic chairmen. That is to say, it affects the 2005 fiscal year, when I hope and expect Democratic Chairs will be the ones that will be able to do these mass mailings. But I do not care whether it is Democrats or Republicans. We should not have mass mailings going out by Chairs. That is why I would like to enter into the RECORD a letter from the National Taxpayers Union and another from Citizens Against Government Waste.

□ 1815

Each of them says that we ought to limit to $25,000 a year as a first step the amount spent on postage by any committee. This marks the first time that any legislative proposal of mine has been formally endorsed by the National Taxpayers Union and by Citizens Against Government Waste.

I know that people will want to come to this floor and reflexively vote against any motion to recommit, at least members of the majority, but your vote determines whether you endorse opening Pandora's box to unlimited mailings.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, July 12, 2004.

Hon. BRAD SHERMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHERMAN: On behalf of the 350,000-member National Taxpayers Union (NTU), I am responding to your request for NTU's views on a proposal to limit each Committee's expenditure on postage to the sum of no more than $25,000 per year.

Even as overall postage and printing expenditures have declined from the $100 million-plus levels once seen in Congress 15 years ago, franking remains a source of fiscal and political interest to NTU. The already-generous limits governing the use of postage by House Members' personal offices were lifted in 1999, while new computer technologies have allowed lawmakers to maximize the impact of their mailings in ways that were not feasible as recently as ten years ago. Today, it is still possible for an incumbent House Member to spend as much on franking in a year as a challenger spends on his or her entire campaign. Rules regarding the content and proximity of mailings to elections only modestly offset this tremendous political advantage.

During our 15-year campaign on behalf of franking reform, NTU has focused on Member offices because they are the primary source of unsolicited mass mailings and associated expenditures. We were thus surprised to learn of a single Committee's FY 2005 postage request for $250,000 in the Legislative Branch Appropriations Bill.

NTU is greatly concerned over the prospect of any Committee in Congress receiving postage fundings in these amounts, as it would mark a significant expansion of the franking privilege that had traditionally been utilized in large part by Member offices. Such concern is irrespective of the immediate policy issue at hand or the parties involved. If the House sets a budget precedent now, taxpayers will very shortly face the unwelcome prospect of tens of millions in additional franking expenditures in future Congresses. Equally, important Americans would be forced to contend with a new set of issues affecting the balance of the political process.

Years of efforts from groups like NTU and reformers within Congress have yielded an improved, yet imperfect, franking disclosure process. Despite instances of poor recordkeeping, inadequate disclosure, and overly-permissive rules, today constituents at least have limited access to basic franking information—giving them a chance to hold House Members politically accountable for the unsolicited mass mailings they send into their districts at taxpayer expense. Allowing such a practice at the Committee level, where ties between Members and constituents are less direct, would undermine even this limited progress.

It is especially galling that Congress would even consider an additional taxpayer-financed expansion of the franking privilege under the current fiscal and political circumstances. Amidst FY 2005 budget deficit estimates approaching $400 billion, and a campaign finance law that further hamstrings political challengers, allowing such a huge postage funding request for any Committee will further reinforce Congress's reputation as an institution incapable of self-restraint.

Given the historical patterns of Committee expenditures, a $25,000 annual limit on postage for each Committee is more than adequate for any legitimate communication needs. Seemingly minor budget requests such as the one before Congress now can have major consequences for taxpayers in the not-too-distant future. For this reason alone, the House of Representatives can and should restrict Committee postage expenditures—and a $25,000 annual limit is a reasonable first step.

Please feel free to contact me should you have an additional questions regarding our position.

Sincerely,

PETE SEPP,
Vice President for Communications.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
July 12, 2004.

Representative BRAD SHERMAN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE SHERMAN: The more than one million members and supporters of the Council for Citizens Against Government Waste would like to express their appreciation for your cost-saving effort to limit each Committee to spending $25,000 a year on postage.

Sincerely,

THOMAS SCHATZ,
President.

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

I want to respond to my friend from California a little bit.

Number one, this, as we all know, is an appropriation bill; and the proper place to deal with a franking issue, of course, would be on an authorizing bill. I hope that our friend is taking his concerns to the proper committee, which would be the Committee on House Administration.

But I also wanted to say, in the spirit of good government, what I would like to see is Members of Congress and the institution going out into America, into the States a little bit more. As I understand it, talking to some committee chairmen, they actually use this franking privilege in their field hearings.

I sit on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I used to be on the Committee on Agriculture. What is more important than our food policy out there? If we had the Committee on Agriculture going out and talking about the dairy program or the peanut program or whatever, sending out letters to people to say, come to this congressional hearing that is going to be in your neighborhood, come raise Cain with your Congressman, I think that would be a good thing.

Certainly the Committee on Ways and Means, the taxing committee, my folks down in the little briar patch that I represent would love to go out and, frankly, raise hell with everybody that writes our tax policy.

Then there is the Committee on Energy and Commerce. They control telecommunications. We passed several years ago the slamming bill. That is something that I know has affected a lot of people. If there was an opportunity for the common, everyday citizen to go to a field hearing and raise Cain about how slamming was done on their phone service, I think that would be a healthy thing.

I am not sure that a $25,000 limit would be good enough to have people come, but I think what we need is more sunshine and more public input. That is why I am hesitant to accept the $25,000 limit just on face value because I know that these notices are important. But I also know, Mr. Chairman, that the committees who use these have them signed off by the minority and the majority party and so there is a system of fairness.

Again, in terms of fiscal restraint, I want to congratulate the gentleman from California for getting an endorsement from the National Taxpayers Union, but I also want to say that this bill, we are very happy to say, is flat funding, if not a little less than last year. So we are with him at least on that angle.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. LAHOOD), who has come up through the ranks as a former staffer and worked very hard and continues to work hard on staff quality of life. One of the issues that we are facing, we lose lots of staff here on Capitol Hill. The gentleman from Illinois has worked tirelessly to protect the quality of life for somebody who works here.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time and for his leadership on the Subcommittee on Legislative. I certainly rise in support.

I would ask Members, after reviewing the amendments, to vote against the amendments. I think the gentleman from Virginia (Mr. MORAN) and the gentleman from Georgia (Mr. KINGSTON) have worked very hard on this bill to make sure it is the right mix of staffing for the House of Representatives, the right mix of staffing for our law enforcement personnel, the right mix for the Library of Congress and for all those who serve the Members of Congress.

I know Members like to take the opportunity from time to time when they have a complaint maybe against another Member or against another committee or somebody else to come to the floor and use this bill to try and carry out some kind of a complaint or a gripe that they have. This is not the bill to do it. I would urge Members to vote against the amendments that are being proposed.

As a member of the subcommittee, I have worked very hard over the last several years on the issue of improving the quality of life for employees of the House of Representatives, particularly as it relates to their health care, particularly as it relates to the issue of whether our employees of the House of Representatives should have some kind of health fitness center similar to the kind of center that we have for Members where staff, who work here pretty much 24/7 when we are in session, can have the opportunity to go and to work out and to keep healthy. We have accomplished that goal.

I want to thank the gentleman from Georgia for his leadership in providing the funding in this bill and also the gentleman from Virginia, who obviously represents a lot of the employees, for his leadership for including the money so that we can begin, once this bill is signed by the President, to have the construction of a health fitness center for our employees for the House of Representatives.

This is an important issue. There is a lot of talk about obesity and health care and how do we all stay healthy. Working around here is very, very demanding. I can think of no other opportunity that we can provide to our hardworking employees than an opportunity to have a place to stay healthy, to be healthy and to have it right here on the premises.

I thank the gentleman from Illinois (Mr. KIRK), too, for his leadership. As a former staffer, he also worked hard around here and continues to work hard on behalf of the staff.

I just want to say a word about the people that make all of us look good, the people that are gathered here in the House Chamber, the Parliamentarians, the lawyers, the doctors, the police, the law enforcement who work here 24/7 to make sure that we are well protected, that we are well taken care of, that every word that we speak is taken down. There are so many people that work in the House complex that average, ordinary citizens, certainly taxpayers, never see, but they help make this institution what it is, the great institution that it is, in terms of our ability to do our work and pass bills and make new laws and solve problems in the country. We could not do it without the many wonderful employees that work so hard on behalf of the Members of the House of Representatives. My hat is off to them.

This bill is the bill that takes care to make sure they have the equipment, make sure they have the information and the means to do their jobs. In supporting this bill and asking Members to look carefully at the amendments and rejecting the amendments because of the good work that has gone on by the chair and the ranking member, I say to the employees of the House of Representatives, job well done, and this is our way of saying thank you. I appreciate the opportunity to serve on this committee.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), another distinguished member of the subcommittee who is also a former staffer, as the gentleman from Illinois (Mr. LAHOOD) said, and has worked on not just the issue of quality of life for staffers and the gym but also one that has to do with our security around here, the Capitol Hill police, the use of horses, among other things.

Mr. KIRK. Mr. Chairman, I thank the distinguished chairman and the ranking minority member for their strong leadership.

As a former staffer, the construction of a staff gym is one I am very proud to see move forward. Congress spends a lot of money each year on programs to promote physical fitness and to fight obesity. Finally, the Congress is doing that right here. This legislation includes a $3 million fund for the construction of a staff gym located in the Rayburn garage. Along with my colleague, the gentleman from Illinois (Mr. LAHOOD), who has advocated this for so long, we have finally begun the process of the construction of a staff health and fitness center because it is time to give our staffs the same opportunities that Members have right here.

We employ over 17,000 people in the legislative branch. Any employer of that size in Chicago would have long provided such facilities to their employees. The staff gym gives men and women who serve here in the House the opportunity to be fitter and be able to better handle the stress of their jobs, handling the long hours and under sometimes low-paying conditions working for our constituents.

I want to thank the subcommittee staff, especially Liz Dawson for her work in making this a reality.

During the subcommittee markup, another issue was addressed to halt funding for the Capitol Police mounted horse unit. I offered an amendment to deny funding because of fiscal constraints in the face of security threats. It is imperative that we invest funds in protecting the Capitol and spend them wisely. I applaud the Capitol Police for their cooperative work with law enforcement agencies to minimize the threat but do not believe that investing taxpayer dollars in 18th century technology represents fiscal responsibility.

We should not fund a program that has so many unresolved issues. A perfect example is the issue of quartering horses on the Capitol grounds. Last year, the committee was told the horses would be using Park Police stables on the far side of the mall. At very little expense, they were supposed to be housed close to the Capitol complex. However, that is not happening.

Currently, the Capitol Police horses are stabled at a Bureau of Land Management facility on Gunston Road in Lorton, Virginia, 1 hour's drive with trailers from the Capitol. The Architect of the Capitol does not have a current cost estimate for constructing a stable or handling manure on the new location, but the K–9 kennel construction cost over $1 million, and one could easily hazard a guess that horse stables would cost even more than the K–9 facility that we have built. If the program continues, Congress would have to pay for use of the BLM facilities or constructing an entirely new horse stables and waste disposal system at taxpayer expense. By blocking funding for a new mounted unit, the committee has taken the action to save taxpayers approximately $1.8 million over the next 10 years.

Mr. Chairman, I urge adoption of this legislation. I thank the ranking minority member and the chairman for their work on this legislation.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, just to quickly respond to the gentleman from Georgia who argues that these mass mailings by committees are justified.

If we do not have a limit, they will grow. What was a $500,000 request this time may be a $1 million request or a $2 million request for the 109th Congress. Never before the 108th Congress has any committee ever needed more than $10,000.

The idea of having a field hearing as a reason to mail out a districtwide mailing, or several districtwide mailings, is relatively absurd. If the field hearing is really of interest, the press will publicize that field hearing; and people will come if they are interested. A field hearing has never in the history of this House up until this Congress been used as an excuse for mass propaganda into a Member's district; and if the gentleman thinks it should be, that is a revolutionary change. It is not one I would like to see in the 109th Congress.

Mr. KINGSTON. Mr. Chairman, I want to say to my friend from California, I understand he has a motion to recommit, and we will debate it a little bit more then, but I certainly think there is a lot to say about it. Again, one of our things is that the Committee on House Administration needs to be doing the authorizing on that.

Mr. Chairman, this bill does have a lot of good things in it. It includes one thing that I did not mention, that we are asking the Architect of the Capitol to contract out the management of the Capitol power plant as a private entity. We are doing that in the spirit of how can we lead the way to continue to make the Capitol a little more efficient.

We are also asking for a review of the legislative branch agencies. Some of the heads of these agencies are appointed by the President. Some have a 10-year term. Some have a 14-year term. Some have the approval of the Senate. Some have the approval of the Senate and the House. We just think that it is time to review some of these things. They have a different retirement program.

There are a lot of proposals out there. The Capitol Hill Police Chief, for example, for whom I have a lot of respect, has suggested that we build a wall around the U.S. Capitol. The gentleman from California (Mr. FARR), among others, has made sure that we have language in our bill to say that we do not want a wall around the U.S. Capitol compound. We want people to be able to get in here.

We have taken a look at everything under our jurisdiction in a very serious way and just asked the questions, can we do it better? I will submit many of the changes that we have recommended for the record.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume. I will be the last speaker before we move to amendments, unless the gentleman from Georgia would like to offer some concluding remarks.

Again, I will summarize what I said earlier. It is a fair bill. I thank the gentleman from Georgia very much. I want to thank Liz Dawson of the majority staff. The Democratic staff person has been Tom Forhan, who has done an excellent job, and Tim Aiken, my legislative director.

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I have got a whole list here, and I ought to mention them. Chuck Turner deserves mentioning, Kathy Rohan, Clelia Alvarado, and I have already mentioned the others, and Heather McNatt. I thank them.

Again, I want to say a word about something that the gentleman from Illinois (Mr. KIRK) mentioned, this business of the mounted police on the Capitol. I wholly agree with the gentleman from Illinois (Mr. KIRK) and the chairman. I do not think this is a necessary adjunct to our Capitol Police. I think it is a strange and illogical addition, in fact, and particularly when I learned that the Capitol Police have to spend what must be a good hour driving down to the BLM property on Gunston Road. I was involved with the gentleman from Virginia (Mr. TOM DAVIS) in setting that aside for the Bureau of Land Management. I am very much familiar with it. But I never imagined it would be housing horses that had to be deployed on the Capitol grounds. So they pick up the horses. They schlep the poor horses all the way back to the Capitol for a few hours, I guess, galloping around, and then they schlep them all the way back to this BLM property down in Lorton, Virginia, down Route 1. It is congested; so it is bumper to bumper. That is almost inhumane in itself, but it is certainly inefficient and a strange use of our resources. I am glad that that was eliminated.

There are a number of things that we chose not to fund, but I think in subsequent years are probably going to have to be funded. As I said, I know a .1 percent cut in the legislative branch appropriations bill is not reasonable in the long term, although we can clearly get along with it this year.

I do hope we will restore the Open World Leadership program in conference. We do have dental and vision benefits for the people who work here in the legislative branch, and that is an appropriate thing to do, and it is largely consistent with what we do with the executive branch. The gentleman from New Jersey (Mr. HOLT) is going to have an amendment with regard to science and technology. We do need a resource to avail ourselves of when it comes to scientific and technological issues which change every day, and we really do need a good deal of expertise to assist us in that. But he is going to have an amendment to address that issue.

With that, I think we can go on to the amendments, and I suspect shortly we will have a full complement of House Members to be able to vote.

Mr. NUSSLE. Mr. Chairman, I rise today to speak on H.R. 4755, the Legislative Branch Appropriations Act for Fiscal Year 2005. This is the sixth bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 9. I am pleased to report that it is consistent with the levels established in the conference report to S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, which the House adopted as its fiscal blueprint on May 19. Conforming with a long practice—under which each chamber of Congress determines its own needs—appropriations for the other body are not included in the reported bill.

H.R. 4755 provides $2.751 billion in new budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Legislative and outlays of $2.92

billion. The bill contains no emergency-designated new budget authority, nor does it include rescissions of previously enacted appropriations.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

I commend Chairman KINGSTON's remarks in the accompanying report underscoring the fact that with record deficits, a war on terrorisms, troops on the ground in Afghanistan and Iraq, the budget request from agencies of the legislative branch cannot continue to be presented with requested increases as high as 50 percent. I welcome his efforts and the efforts of other members of the Appropriations Committee as we try to hold discretionary spending to a reasonable level.

In reading the final version of this bill I noted that the accompanying report directs the General Accounting Office to review the statutory responsibility and overlap of the jurisdiction of joint committees of Congress, the Congressional Budget Office and the Congressional Research Service. We should pause before we ask one congressional agency to examine the jurisdiction of other congressional agencies and committees of Congress. Also, it might not be appropriate for GAO to assume this role when it may duplicate the functions of some of the agencies it is being charged with evaluating.

With that reservation, I express my support for H.R. 4755.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to announce that I am going to vote for H.R. 4755, the Legislative Branch Appropriations Bill for Fiscal Year 2005, for one simple reason: It provides enough resources for the legislative branch agencies to fulfill their responsibilities to the American people during the coming fiscal year.

First, I would like to thank Subcommittee Chairman KINGSTON and especially Ranking member MORAN for all of their hard work on this legislation. Mr. MORAN and Tim Aiken of his staff, as well as Tom Forhan of Mr. OBEY's staff, worked closely with my staff and me on a number of issues in this bill and this cooperation is much appreciated.

In the aggregate, the bill holds legislative branch spending, excluding the Senate items that are not before us, at $2.4 million below the level of new budget authority provided for fiscal 2004. Despite holding at last year's spending level, the Committee on Appropriations has managed to fund the agencies' mandatory increases, including an expected 3.5 percent Federal wage adjustment, and avoid requiring agencies to lay off employees. The Committee was also able to achieve significant savings, year-on-year, because it has benefited from non-recurring items from last year, deferred new capital projects and delayed others. This is appropriate, since our Federal budget deficit has reached mammoth proportions in just 4 years' time. It is hard for me to imagine that when I first came to this House, in January 1999, the Federal budget was in surplus. Today, our Federal deficit has reached massive proportions, eclipsing those considered horrendous in 1990 when the first President Bush was in office. The legislative branch must expect to participate in efforts to reduce that deficit, and this bill strikes an appropriate balance in this regard.

While I will support the bill, I want to highlight several matters of interest to me as the ranking minority member of the Committee on House Administration, which has authorizing jurisdiction over several accounts funded in the measure, and others.

First, I join with the Appropriations Committee in commending the staff of the numerous entities who helped to make last month's state funeral for President Reagan an occasion of which the entire legislative branch could be proud. Without the tireless efforts of countless individuals in the office of the Architect of the Capitol, the Capitol Police, the Government Printing Office, the Capitol Guide Service, the Attending Physician's Office, as well as the House and Senate leadership, committees, and others, Americans could not have paid proper respects to their former President. On behalf of my constituents in Connecticut, I wish to thank all of the dedicated legislative branch employees who made that funeral possible.

I also thank the Appropriations Committee for its report language encouraging legislative agencies with respect to their employees' use of the transit-subsidy program. Wherever we can encourage Federal employees in the Washington area, and elsewhere, to use mass transit, we can not only clean the air, reduce traffic congestion, and reduce our dependence on foreign oil, I believe we can make our employees more productive. The program works here in the House and elsewhere, and I am pleased the Appropriations Committee expressed its continuing support.

At total funding of $1.1 billion, including the House office buildings, the bill provides sufficient funds for the people's House. I am delighted that the Appropriations Committee has found $3 million to establish a new in-house fitness facility for staff, made a reality through the efforts of the gentlemen from Illinois (Mr. LAHOOD) and Virginia (Mr. MORAN), both of whom are devoted to the health and welfare of all our dedicated employees. I am also pleased that the Committee eliminated the prohibition on exploring options for developing a supplemental vision and dental benefit for Members and employees. Many House staff have expressed interest in the availability of such benefits, for which they would pay.

I appreciate the work of the gentleman from North Carolina (Mr. PRICE), who recently discovered that the chief administrative officer was improperly making prepayments for certain Web-related services, Federal law generally prohibits pre-payments for Federal services, and the CAO has moved swiftly to address the problem in his Finance Office.

Finally, I hope the sense-of-the-House language included by the Committee at the behest of the gentleman from Tennessee (Mr. WAMP) and the gentlewoman from Ohio (Ms. KAPTUR), encouraging the use of hybrid and alternative-fueled vehicles wherever possible, will indeed spur the use of these cutting-edge technologies so important to our Nation's future.

This bill provides adequate funds for the Capitol Police for the coming year, and eliminates funding for its new mounted unit. Mounted patrols may make sense for the U.S. Park Police, which must operate in the many thousands of forested acres of Rock Creek Park in northwest Washington. But in my judgment, horses, though perhaps harkening back to the "Charge of the Light Brigade," make little sense in the comparatively small, confined, clean and manicured urban park that is the Capitol grounds, given the animals' unavoidable by-products. I also agree with the Committee, which included language prohibiting the study or construction of a fence around the Capitol grounds at this time. The people's House must not, even symbolically, erect a barrier between itself and the people we represent.

I am glad this bill authorizes the Office of Compliance to institute a student-loan repayment program. Similar programs, including those established recently in the House and Senate, are designed to help agencies attract and retain qualified employees, and the Compliance Office's needs for talented staff are no different.

The Library of Congress will receive adequate funding overall under the bill, enabling it to continue fulfilling its important missions. I appreciate the Committee's decision to provide level funding of $14.8 million for the National Audio-Visual Conservation Center in Culpeper, VA. I hope the relevant committees will take whatever action may be required in order to reauthorize the National Film Preservation Board and the National Film Preservation Foundation, so this important work can continue unabated. The pending bill does not include the $500,000 provided for these activities last year, because the authorizations have expired. There is ample time to reauthorize it before this bill becomes law.

I am pleased that the Committee also provided adequate funding for the coming year for the Government Printing Office, which has faced financial trouble. Our House Administration Committee convened an oversight hearing on April 28. We heard from the new Public Printer, Bruce James, who has exciting ideas for how GPO, which has made great strides in the last decade, can continue moving forward in the electronic age. Labor witnesses expressed concerns about Mr. James's plans, and about spending at the agency, which must run like a business and generally earn its keep. I hope the differing views expressed by Mr. James and labor at our hearing, and thereafter, reflect a misunderstanding of each other's goals for the agency in these challenging times.

Finally, the Appropriations Committee report includes several far-reaching assignments for the General Accounting Office, directing that agency to examine every legislative branch agency in search of savings and efficiencies, including by "outsourcing" of agency functions where appropriate. While I am willing to consider every reasonable way to save the public money in these times of massive Federal budget deficits caused largely by the policies of the present Administration, "outsourcing" is hardly reasonable if the term means transferring the performing of inherently governmental functions overseas. I trust the Committee does not mean to suggest, for example, that government printing should be performed overseas.

I thank the Appropriations Committee for its work, and look forward to working with the Committee on these and other matters in the months remaining in this session.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those printed in House Report 108–590. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, 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.

It is now in order to consider amendment No. 1 printed in House Report 108–590.

AMENDMENT NO. 1 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HOLT:

Page 20, line 7, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 33, line 21, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 38, line 4, after the dollar amount insert ''(increased by $30,000,000)''.

The CHAIRMAN. Pursuant to House Resolution 707, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

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

My amendment would add $30 million to the salaries and expenses account of the General Accounting Office for the development of Scientific and Technology Assessment. This is something that is vital to us here in Congress. It would meet a bipartisan need of Congress to receive more objective expert and timely advice on the scientific and technological aspects of the issues before us. My amendment would avoid creating any new government agency or bureaucracy, but it would provide Congress with reputable and partial timely advice and analysis of emerging scientific and technological issues.

This is something that was, until 10 years ago, offered by an in-house agency. That is no longer available to us, but the GAO has begun on a pilot basis assuming some of this need and providing us with scientific and technological assessment. Not to have that today is hampering us in doing our work. So this certainly should be added to the appropriation.

It would enable Congress to understand the scientific and technological aspects of current and future legislative choices, be they in homeland security or national defense or medicine or telecommunications, agriculture, transportation, computer science. This is not just science for science's sake. This is to look at those scientific and technological aspects that are present in virtually everything we do here in Congress.

When the Office of Technology Assessment was operating until a decade ago, they produced studies in such areas as colorectal cancer screening, teachers in technology, Super Fund actions, wage record information system, defense of medicine and medical malpractice, grain dust explosion, policy with regard to antibiotic-resistant bacteria. The GAO in the last couple of years, picking up on this need that is currently unmet, has begun with some studies in the areas, for example, of biometrics, protecting against cyberattack. They have under way studies looking at smuggling of weapons of mass destruction and containing forest fires.

I do not think there is anyone in this body who could argue that we do not need to be well informed in such areas. Whether it is aviation safety or AIDS education or Alzheimer's disease or testing in American schools, we need technological assessment. This legislation, this amendment to this appropriations bill, would provide that through the organ of the General Accounting Office.

Because there has been resistance to reviving OTA, the Office of Technology Assessment, as it was, a number of us have been exploring other approaches, recognizing that every year that goes by without this capacity for in-house technological assessment represents lost opportunities, opportunities to save lives, to protect our towns and cities, and to commercialize new discoveries. This amendment will provide that.

Mr. Chairman, I yield 1 minute to the gentleman from Washington State (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chairman, when I came to Congress a number of years ago, I served on the OTA with the gentleman from New York (Mr. HOUGHTON) and the bipartisan group that made the decisions. There were four Democrats, four Republicans from the Senate and the House. It was not a partisan committee. It was a committee set up to give us good advice.

A decision was made in 1994 to disband that, and we have since that point been really operating more on ideology I think sometimes than on real scientific bases. We need that. We appropriate billions of dollars on issues like treatment of AIDS and what are appropriate kinds of energy questions, and we have no knowledge except for the prejudices of one or another Member about what it is. It is very helpful to have a nonpartisan group to whom we can hand that problem to and say look, at this issue, tell us where we can make the best decisions.

And I commend the gentleman from New Jersey (Mr. HOLT) for doing this. I think that we need it, and it is time that we get back on a scientific footing in this Congress.

Virtually every issue facing America today has roots in science and technology.

From battling terrorism, to alternative fuels, from fighting HIV/AIDS, to stem cell research, not a day goes by that we don't rely on science and technology.

Yet, virtually every day, critical decisions involving science and technology are being made using a hodge-podge of data and opinion from well-intended groups. They often lack the resources and scientific expertise to provide the in-depth analysis we need.

There's nothing wrong with opinion, but it is not a substitute for empirical data and analysis.

We've got too much at stake as a nation to let things continue this way.

Congress needs credible data. The nation needs confidence that we are making decisions based on evidence and not conjecture.

Today the General Accounting Office provides independent, bi-partisan reports to Congress.

It's time science and technology gets the same level of attention.

The GAO is a great working model, so let's use it as the home for a Center for Science and Technical Assessment.

We can't hope we get it right when we make a decision.

There's far too much at stake to do anything but recognize we have a problem and a solution is at hand.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

I want to certainly thank the gentleman from New Jersey for bringing this up, as he has spoken to me many times about it. However, I am unable to support it at this time, but I wanted to compliment him. I understand in his district there is a popular bumper sticker that says: ''My congressman is a rocket scientist,'' and I think probably the gentleman from New Jersey (Mr. HOLT) and maybe the gentleman from Georgia (Mr. BURNS), who is our one member of the Fulbright Scholarship Alumni Association, have some of the greatest intellectual capacity of this body.

However, some background in terms of the Office of Technology Assessment. In 1995 on a bipartisan level, we eliminated it, and the belief at that time was that there were other committees that we could turn to to get technology studies and technology assessment. Some of these, for example, are the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the National Research Council. All of them have hundreds of people who are technically educated. And then in addition to that, there are 3,273 people at the General Accounting Office and 729 at the Congressional Research Service. We have not suffered because of the loss of technology assessment. It is perhaps true that we could rearrange some of the food on the plate and make sure that it does not get shuffled to the back burner; but if my colleagues think about it, Mr. Chairman, we actually have thousands of people out there

doing studies, and we just need to make sure that this does not fall through the cracks.

As a result of eliminating the Office of Technology Assessment, we have saved $274 million, which is serious money in tight budget times, and that is money that we can put into many other worthy causes; and, of course, that is what the debate is all about.

In terms of the specifics of the Holt amendment, it reduces the Architect's office $15 million and the printing office another $15 million; and the problem with that is in terms of the Architect, we are actually almost 13 percent below their budget request. If we did cut them an additional $15 million, it would be a 19 percent reduction, which would result in the RIF, or the reduction in force, of about 67 people, and this comes from the Architect's office; and it would slow down a number of the projects that they are working on. And goodness knows, one of the projects that we want to get finished as a committee is the Capitol Visitors Center. We want to get that done as quickly as possible. A reduction of 67 people could hurt making those deadlines.

In terms of the printing office, we have reduced this account by about 2 percent below last year's level. If we accept the Holt amendment, it would result in an additional cut of 17 percent. And these are things that have to be done anyhow, CONGRESSIONAL RECORDS, bills, resolutions, amendments, hearing volumes and reports and so forth; and that is what the printing office does with that.

So with those words, Mr. Chairman, I urge Members to reject the Holt amendment.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of the Holt amendment to create the Center for Scientific and Technical Assessment.

In this day and age it is imperative that Members of Congress understand technology and the rapidly changing world of innovative advances. But what we really need is fair and balanced information to make those decisions.

This new initiative is a bipartisan office that will quickly respond to Congress and our inquiries into new technology. This office will provide Congress with the basic on how the technology works, how new technology integrates with current policy, how the new technology will affect business.

This office is vitally important because if Congress makes the wrong decision or advances the wrong technology we could set our country back a few years. We could hurt business and let our international competitors take over a technology sector. We could slow innovation and hurt what is still one of our greatest economic engines which is the research and development of new technology.

I ask my colleagues to support the Center for Scientific and Technical Assessment so that we are all educated when we make decisions on technology and technology policy.

I ask my colleagues to support the Holt amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. 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 Jersey (Mr. HOLT) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 108–590.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The CHAIRMAN. Pursuant to House Resolution 707, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

□ 1845

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

Mr. Chairman, I rise today, first of all, to congratulate the gentleman from Georgia (Chairman KINGSTON) and the ranking member, the gentleman from Virginia (Mr. MORAN), for crafting a bill that actually spends less money than it did last year. My amendment is not in any way intended to slight the chairman or ranking member. They are good friends and work hard at this, and they have done in many respects an excellent job. I know it is a difficult task to draft, and I want to express my appreciation for their hard work.

However, I am going to offer again, as I have on many of the other appropriations bills, an amendment to cut the bill by 1 percent. I know in committee how it works. In committee, it is difficult to get these bills out, and you have to get them out. So you make compromises, and you give a little here and you give a little there, and they usually come out, in my opinion, at least at a higher figure than is desirable if we are serious about trying to balance the budget.

So we do the best we can in committee and bring it to the floor, and I am asking for us to consider cutting one penny on every dollar so we can move towards that elusive idea of a balanced budget. If we would do just this 1 percent on each of the appropriations bills, it would have a tremendous impact on moving towards that balanced budget.

Mr. Chairman, I encourage an aye vote.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

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

Mr. Chairman, I want to say to my friend from Colorado that, as he knows, I always appreciate his ''let's go at it one more time and try to find some more money to reduce,'' and I have in the past supported a number of the Hefley amendments. This one, however, I find myself on the opposite side of and have to oppose.

The reason I have to oppose this, Mr. Chairman, is that we on the House control the House side. The Senate controls the Senate side. If we were to accept the Hefley amendment, this would tie one of our hands behind our back in terms of a level playing field with the Senate. This would result in a $10 million cut to the House.

One of the problems that we have as House Members is we often lose our staff to the Senate because they see bigger responsibility, bigger title, but most importantly, bigger salary, and we have to keep our salary levels up in order to maintain good people on the House side. That alone makes me say I think we have to hold off on this.

There are other reductions that would come from this bill, I think approximately $27 million total, so another $17 million would come out of the Architect and the Library of Congress and so forth. But we have already cut those from their requests, in many cases from their last year's funding level, and I am not sure we could get another $17 million out of there. If we could go back and find it, though, I would certainly support the Hefley amendment, but at this point we are not able to do so.

I want to point out one example. We are trying to privatize the power plant, which we think it would be a good thing in terms of streamlining the Office of the Architect. Things like that we are doing in the spirit of fiscal restraint, and we are going to continue on that pathway. But, unfortunately, at this time we have to reject his amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I do rise in opposition to the amendment as well, although I share the very deep respect and warm regard for the author of the amendment.

I concede that 1 percent is not a whole lot of money in the scheme of

things, but the fact is that your own chairman has very skillfully already cut the spending in this bill.

As was said, this bill is already $395 million below what was requested, so I think we want to acknowledge and almost reward the committees when they do cut below last year's level. Imagine, it is below last year's appropriation level, and the fact is that it is as low as we can go, because if it goes any more, even a 1 percent cut will trigger reductions in our workforce.

We are also told it would compromise our plans to upgrade security, and it would slow down or cancel investments to improve the effectiveness and efficiency of the legislative branch's operations.

It is based on two assumptions, which I think we are going to find are not entirely the case. One is that the large budget deficits in growth in Federal spending is the exclusive result of discretionary spending increases. That is not the case. And, two, that there is enough waste, fraud and abuse that a 1 percent cut could actually improve government efficiency. I think we are going to find that is not the case as well.

The fact is that discretionary spending is the one portion of the Federal budget that has grown the least and is subject to the greatest level of scrutiny and control by the Congress through our appropriations bills.

I have to say, we ought to be boasting about the fact that we have the most honest and professional public employee workforce in the world. I am proud of the people who toil long hours to serve our needs and ensure that this body operates efficiently and effectively. Any waste, fraud and abuse that exists is far more likely to be the result of conflicting, outdated or inconsistent Federal policies.

I cannot understand why we are spending taxpayer money on many other things that I would like us to look at, such as national roads and national forests. We encourage timber harvests and then cover the costs of the building of roads that do not necessarily have to be built and that cost the taxpayer a great deal of money. We have enormous agricultural support subsidies to any number of industries. In fact, there will be a number of programs in the next appropriations bill that we will consider, the agriculture bill, that we ought to look at, entitlement programs. But I do not think a 1 percent across-the-board cut to the workforce in the legislative branch is warranted at this time. I urge Members to reject the amendment.

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

Mr. Chairman, I cannot think of any two gentleman that I hate being on the opposite side of more than these two gentlemen, because they are so conscientious.

Let me say that I think there are ways that we can get at this 1 percent without doing all the damage that has been suggested. For instance, I have not used frank mailing in years. Maybe we do not need as big a frank mailing budget. I have never had my full complement of staff that they allow us to have. Maybe we do not need as many staff as they say we can have.

There are things like that that I think we could do to bring this budget down. I give several hundred thousand dollars each year back into the pot that I simply do not spend, because that is a budget that I can control. So if I mean what I say about balancing the budget, I feel I ought to try to control it. That has amounted to many millions of dollars over the time I have been here. So there are ways.

Mr. Chairman, I encourage an aye vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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 Colorado (Mr. HEFLEY) 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: Amendment No. 1 offered by the gentleman from New Jersey (Mr. HOLT); and Amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 115, noes 252, not voting 66, as follows:

[Roll No. 359]

AYES—115

Ackerman
Allen
Baca
Baldwin
Becerra
Bereuter
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brown (OH)
Capps
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Cooper
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Dingell
Doggett
Doyle
Edwards
Emanuel
Etheridge
Evans
Filner
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Harman
Hastings (FL)
Hill
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kelly
Kind
Kleczka
Kucinich
Lampson
Larsen (WA)
Leach
Lewis (GA)
Lofgren
Lynch
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Mollohan
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stearns
Strickland
Stupak
Tauscher
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Watson
Watt
Weiner
Woolsey
Wu

NOES—252

Abercrombie
Aderholt
Akin
Alexander
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—66

Andrews
Bachus
Baker
Bass
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Feeney
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
Keller
Lee
Lipinski
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Moore
Owens
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Skelton
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1916

Mrs. MYRICK, Ms. ROS-LEHTINEN and Mr. SMITH of Michigan changed their vote from ''aye'' to ''no.''

Mr. BOSWELL, Mr. MOLLOHAN and Ms. LINDA T. SÁNCHEZ of California changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered 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 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 87, noes 278, not voting 68, as follows:

[Roll No. 360]

AYES—87

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Buyer
Cannon
Chabot
Chocola
Coble
Cooper
Cox
Crane
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Diaz-Balart, M.
Doggett
Duncan
Edwards
Everett
Flake
Forbes
Franks (AZ)
Gibbons
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Hall
Hayes
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hulshof
Jenkins
Jones (NC)
Kennedy (MN)
King (IA)
Lampson
Lewis (KY)
LoBiondo
Marshall
McCotter
McInnis
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Souder
Stearns
Stenholm
Tancredo
Tanner
Taylor (MS)
Wamp

NOES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baldwin
Ballenger
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Burns
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLay
Diaz-Balart, L.
Dingell
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Greenwood
Grijalva
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—68

Andrews
Bachus
Baker
Bass
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Feeney
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
Keller
King (NY)
Lee
Lipinski
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Moore
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1925

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BASS. Mr. Chairman, owing to weather-caused flight delays, I was regrettably absent on Monday, July 12, 2004, and consequently missed recorded votes numbered 359 and 360. Had I been present, I would have voted "no" and "aye" respectively on these votes.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LINDER, 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. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 707, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SHERMAN. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SHERMAN moves to recommit the bill, H.R. 4755, to the Committee on Appropriations with instructions to report the bill promptly with an amendment prohibiting the use of funds for postage expenses of any single committee in an aggregate amount exceeding $25,000.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. SHERMAN. Mr. Speaker, under this motion, the bill would be amended so that we would have a $25,000 limit on the amount that any single committee would spend on postage during fiscal 2005.

Before I discuss why such a limit is necessary, I will enter two letters into the RECORD.

NATIONAL TAXPAYERS UNION,
July 12, 2004.

Hon. BRAD SHERMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHERMAN: On behalf of the 350,000-member National Taxpayers Union (NTU), I am responding to your request for NTU's views on a proposal to limit each Committee's expenditure on postage to the sum of no more than $25,000 per year.

Even as overall postage and printing expenditures have declined from the $100 million-plus levels once seen in Congresses 15 years ago, franking remains a source of fiscal and political interest to NTU. The already-generous limits governing the use of postage by House Members' personal offices were lifted in 1999, while new computer technologies have allowed lawmakers to maximize the impact of their mailings in ways that were not feasible as recently as ten years ago. Today, it is still possible for an incumbent House Member to spend as much on franking in a year as a challenger spends on his or her entire campaign. Rules regarding the content and proximity of mailings to elections only modestly offset this tremendous political advantage.

During our 15-year campaign on behalf of franking reform, NTU has focused on Member offices because they are the primary source of unsolicited mass mailings and associated expenditures. We were thus surprised to learn of a single Committee's FY 2005 postage request for $250,000 in the Legislative Branch Appropriations Bill.

NTU is greatly concerned over the prospect of any Committee in Congress receiving postage funding in these amounts, as it would mark a significant expansion of the franking privilege that had traditionally been utilized in large part by Member offices. Such concern is irrespective of the immediate policy issue at hand or the parties involved. If the House sets a budget precedent now, taxpayers will very shortly face the unwelcome prospect of tens of millions in addition franking expenditures in future Congresses. Equally important, Americans would be forced to contend with a new set of issues affecting the balance of the political process.

Years of efforts from groups like NTU and reformers within Congress have yielded an improved, yet imperfect, franking disclosure process. Despite instances of poor recordkeeping, inadequate disclosure, and overly-permissive rules, today constituents at least have limited access to basic franking information—giving them a chance to hold House Members politically accountable for the unsolicited mass mailings they send into their districts at taxpayer expense. Allowing such a practice at the Committee level, where ties between Members and constituents are less direct, would undermine even this limited progress.

It is especially galling that Congress would even consider an additional taxpayer-financed expansion of the franking privilege under the current fiscal and political circumstances. Amidst FY 2005 budget deficit estimates approaching $400 billion, and a campaign finance law that further hamstrings political challengers, allowing such a huge postage funding request for any Committee will further reinforce Congress's reputation as an institution incapable of self-restraint.

Given the historic patterns of Committee expenditures, a $25,000 annual limit on postage for each Committee is more than adequate for any legitimate communication needs. Seemingly minor budget requests such as the one before Congress now can have major consequences for taxpayers in the not-too-distant future. For this reason alone, the House of Representatives can and should restrict Committee postage expenditures—and a $25,000 annual limit is a reasonable first step.

Please feel free to contact me should you have any additional questions regarding our position.

Sincerely,

PETE SEPP,
Vice President for Communications.

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
July 12, 2004.

Representative Brad Sherman,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE SHERMAN: The more than one million members and supporters of the Council for Citizens Against Government Waste would like to express their appreciation for your cost-saving effort to limit each Committee to spending $25,000 a year on postage.

Sincerely,

THOMAS SCHATZ,
President.

I will quote them in part. The first is from the National Taxpayers Union, and it states in part, ''The House of Representatives can and should restrict committee postage expenditures, and a $25,000 limit is a reasonable first step.''

The second states, on behalf of the 1 million members of Citizens Against Government Waste, that they would like to express their appreciation to me for my cost-saving efforts to limit each committee to spending $25,000 and no more per year on postage.

This is the first time that any of my legislative proposals have been endorsed by both the National Taxpayers Union and Citizens Against Government Waste.

Mr. Speaker, I hope that does not count against my time, but it is so nice to be applauded by my colleagues on that side of the aisle.

Mr. Speaker, in the history of this House, as far as I can determine, no committee up until the 108th Congress ever found it necessary to even spend $10,000 on postage.

In the 107th Congress, the committee that spent the most on postage spent an average of $7,000 a year during the 2 years of the 107th Congress.

In the 108th Congress, a new philosophy was born. That philosophy caused one authorizing committee to seek $500,000 just for postage just for the 108th Congress. That was $250,000 a year. That request represented a 4,445 percent increase over what that committee had requested for the 107th Congress. The Committee on House Administration allowed that committee only $50,000 a year, only $100,000 for postage.

□ 1930

But we are not talking about prior fiscal years. If we do not change this bill, committees will be asking for half a million dollars a year again, and in a few years it will be commonplace for individual committee Chairs to have half a million, a million, several million dollars of postage. And an equal amount for printing in political slush fund that they can use to mail into Members' districts, hit pieces or praise pieces. It is just around the corner. And we will hear from the gentleman or gentlewoman who rises against this motion that maybe it is a good thing and maybe this House should determine that it is a good thing that each committee Chair controls millions of dollars and sends out mail, perhaps justified by field hearing programs, without a field hearing, but either way with attacks or praise for individual Members mailing into their districts.

Now, this one committee on just one day in December spent $49,587 on postage and another $40,732 printing up the material that was to be mailed.

Now, when I say this bill is about the future and people on this side of the aisle need to hear this, this motion affects the 2005 fiscal year. It restricts Chairs; and when I talk about 2005, I mean Democratic Chairs, or perhaps Republican. Either way it is important that the Chairs of either party not be tempted to spend hundreds of thousands of dollars punishing or rewarding individual members of their committee. This is especially important because the House rules are not clear, and it is possible that you can send out committee mailings right until election day.

Now, how is this different than Member mailings? Mr. Speaker, when a Member mails to his or her own district, the recipients of that mail can punish the Member if they think that sending that mail is a waste of government resources. When a Chair mails into some district that is not his or her own, there are not ways to hold that Chair accountable.

This is the one chance we have in this House to vote to draw the line. We can think of some perfect world where

we have an authorizing bill where we can vote. We will not have this chance. Do not fool yourselves. You can open Pandora's box by defeating this. You can open Pandora's box to a day when committee Chairs have hundreds and thousands and millions of dollars to spend on postage attacking individual Members, or you can vote for this motion and draw the line now.

The SPEAKER pro tempore (Mr. SHIMKUS). Does the gentleman from Georgia (Mr. KINGSTON) oppose the motion?

Mr. KINGSTON. Yes, I do.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes in opposition to the motion.

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I could take the entire 2½ minutes allotted to me to try to correct all of the facts that the gentleman from California (Mr. SHERMAN) just put out over the last week or so here. Unfortunately, 2½ minutes is not enough time to do that, so I would like to get to the substance of what his amendment is trying to do.

Earlier in the debate, the gentleman from California (Mr. SHERMAN) said that this was a new day in politics for committees to begin to frank. And committees have franked before, but I hope it is a new day. I hope it is a new era that we are entering into because when I took over as chairman of the Committee on Resources, one of the things that I did commit to was getting Members of Congress outside the Beltway, out across the country to listen to people that are affected by the laws that we pass in this House.

As a result of that, we have held 41 field hearings on the Committee on Resources. And members of my committee, Democrats and Republicans alike, have gone all over this country from Maryland to California, from Florida to Washington to listen to the people that were impacted by the issues that are under our committee. And, yes, we have franked.

We have gone into areas and said we are holding the field hearing in this region and we have told people that we are coming and we are going to be there. Now, the gentleman from California (Mr. SHERMAN) said earlier in the debate that if it was an interesting enough hearing that the press should be able to cover that and we should not have to frank. And I found that quite interesting coming from him, seeing that last year he sent out 12 notices telling people he was having town hall meetings in his district. So if they were interesting enough, you would not have had to do that.

Well, quite frankly, sometimes it is in the best interest of good government to tell people that you are having a field hearing and you are going out there.

One of the things that the gentleman from California (Mr. SHERMAN) has intimated over and over and over in this debate over the last week was that this was partisan. We sent out pieces in the Democrat districts, in the Republican districts. Everything we sent out had all of the names of the members of the Committee on Resources on it. It was done in a bipartisan fashion.

One of the things that we have tried to do on this committee is to work in a bipartisan fashion. And with the gentleman from West Virginia (Mr. RAHALL) and myself, we have accomplished that over the last 2 years. And to have you come in and try to do this, I think, is absolutely ridiculous. This is something we should be doing. Vote against the motion to recommit.

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, let me make it clear, first of all, because we have heard the half a million dollar figure bandied about a couple times now. The gentleman from California (Mr. POMBO) never asked me for half a million dollars.

Now, I can produce today about nine to 10 different sheets that we have had over the last 4 years in House administration of people asking for all types of money, minority and majority. So the half a million dollar figure is absolutely erroneous. And to actually stand here today and think that House Administration would be able to produce a half a million per committee in the future is also ridiculous. And I also think the gentleman does not want to start to talk about the history of spending in House Administration in this House, especially in the last 9 years when we, in fact, have pared down hundreds and hundreds of staff and cut one-third of the size of this House, in fact.

So I do not think you want to get into today the spending history. But let me make it clear. The gentleman from California (Mr. POMBO) followed the rules to the T. This was bipartisan. This was mailed out for Democrats. This was mailed out for Republicans.

Another statement today that is incorrect, I am sure the gentleman did it in error, is about the fact of limits, Members in this House are unlimited in how much they would spend. Your 70-some mailers in the last 2 years, you are unlimited, and that is your choice; and I do not today disparage you for mailing those. That is a Member's choice.

As far as the committee affects the entire United States, they have every right, every right to communicate in today's society. These were bipartisan. This was bipartisanly approved by House Administration. The gentleman from California (Mr. POMBO) followed this to the T. But I can assure you, House Administration has been responsible with the last ranking member to the current ranking member, and I am sure it is going to be responsible in the future. There is absolutely no way there is going to be millions of dollars of accounts. That is a type of fear spreading that simply will not occur. But I will close.

I respect the gentleman's tenacity. And also, it was a pleasure to be here in the pinnacle of your year when you got the National Taxpayers Union because I am sure it is the last time I will see it.

Mr. KINGSTON. Mr. Speaker, I urge a ''no'' vote on this, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes as ordered on the question of passage and the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—ayes 163, noes 205, not voting 65, as follows:

[Roll No. 361]

AYES—163

Ackerman
Alexander
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Cardin
Chandler
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hastings (FL)
Hefley
Herseth
Hill
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns

Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—205

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

NOT VOTING—65

Andrews
Bachus
Baker
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Harman
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
King (NY)
Lee
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1959

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 43, not voting 63, as follows:

[Roll No. 362]

YEAS—327

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Ford
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—43

Bartlett (MD)
Berry
Coble
Costello
Davis, Jo Ann
Doggett
Duncan
Flake
Forbes
Franks (AZ)
Goode
Graves
Green (TX)
Green (WI)
Hayworth
Hefley
Hensarling
Hulshof
Jones (NC)
Kennedy (MN)
Kildee
Kind
LoBiondo
Lofgren
Matheson
McCollum
Miller (FL)
Moore
Neugebauer
Obey
Otter
Paul
Petri
Royce
Sensenbrenner
Sherman
Slaughter
Smith (MI)
Souder
Stearns
Stupak
Taylor (MS)
Wu

NOT VOTING—63

Andrews
Bachus
Baker
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
King (NY)
Lee
Lewis (CA)
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2005

Mr. JONES of North Carolina changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to inclement weather in Indiana, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 359, 360, 361 and 362. Had I been here I would have voted "no" for rollcall vote 359, "aye" for rollcall vote 360, "no" for rollcall vote 361, and "aye" for rollcall vote 362.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, unfortunately, I missed four votes in the House of Representatives on July 12, 2004. Had I been in attendance I would have made the following votes:

Vote on the Holt amendment to H.R. 4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have vote "aye."

Vote on the Hefley amendment to H.R. 4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have voted "no."

Vote on the Motion to Recommit—4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have vote "aye."

Vote on passage of H.R. 4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have vote "aye."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on July 9, 2004, I was unable to be present for the following votes. Had I been present, I would have voted as follows:

On rollcall 348, to table the appeal of the ruling of the Chair, I would have voted nay;

On rollcall 349, on the motion to adjourn, I would have voted nay;

On rollcall 350, on ordering the previous question, I would have voted nay;

On rollcall 351, on agreeing to House Resolution 711, I would have voted yea;

On rollcall 352, on tabling the motion to reconsider, I would have voted nay;

On rollcall 353, on the motion to adjourn, I would have voted nay;

On rollcall 354, on the motion to recommit with instructions, I would have voted nay;

On rollcall 355, on agreeing to the Gordon amendment, I would have voted yea;

On rollcall 356, on agreeing to the Jackson-Lee amendment, I would have voted yea;

On rollcall 357, on agreeing to the Larson amendment, I would have voted yea;

On rollcall 358, on the motion to recommit with instructions, I would have voted yea.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material 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, and that I may include tabular and other extraneous material.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 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. 4766.

The Chair designates the gentleman from New Hampshire (Mr. BASS) as Chairman of the Committee of the Whole, and requests the gentleman from Nebraska (Mr. TERRY) assume the chair temporarily.

□ 2006

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. 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, with Mr. TERRY (Chairman pro tempore) in the chair.

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 Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

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

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

Mr. Chairman, I am very proud to present the agriculture appropriation bill to the full House tonight. It is a bill that we are proud of. It is a product of a bipartisan effort that we have had on our subcommittee and our full committee. The subcommittee that produces this bill has a history of working in a bipartisan way and always trying to include the input of every member of the subcommittee on an annual basis.

This is a subcommittee that had to entertain over 2,100 individual requests for items to be included in this bill, and we did the best we could. This year, we had an unusual constraint, and that is a tighter budget, a more fiscally responsible budget that has forced us to appropriately present a bill that is $67 million less than it was last year. And I might point out that the bill we did last year was below the previous year as well.

So fiscal conservatives should be proud of this product as well, and those who support agriculture issues in this country should be proud. Agriculture research, Food and Drug Administration, there are so many parts to this bill that affect so many people in this country. This bill, of course, also funds the Food Stamp program, the Women, Infants and Children program, we fund Food Safety, and the list goes on and on.

We have a very good subcommittee, and I mention them on a regular basis, but I would like to take the opportunity tonight to mention some of the people behind the scenes that do the grunt work day in and day out, oftentimes when Members of Congress are back in their congressional districts meeting with constituents and spending time with family. They are the ones back here going through every line item and looking for every opportunity to make this bill a good bill, which is what we are presenting here this evening.

Martha Foley, of the minority staff, is someone we work with in good faith, and she does a great job for us every day; Maureen Holohan, Leslie Barrack, and Joanne Perdue of the majority staff. We also had two detailees helping us this year, Tom O'Brien and Mike Gregoire. And then, of course, I would like to single out the clerk, Martin Delgado, who is clerking for the first time for this subcommittee and doing an outstanding job.

Mr. Chairman, the Subcommittee began work on this bill with the submission of the President's Budget on February 2nd. We had ten public hearings beginning on February 25th, and we completed our hearings on March 25th. The transcripts of these hearings, the Administration's official statements, the detailed budget requests, several thousand questions for the record, and the statements of Members and the public are contained in eight hearing volumes that are all printed.

The Subcommittee and Full Committee marked up the bill on June 14th and June 23rd, respectively. I can confirm to you that the interest in this bill is completely bipartisan. However, I would point out that my own support for a member's needs independent on that member's support of the Committee in general, and of this bill in particular.

Mr. Chairman, you may hear a lot of talk today about funding items that are not in this bill, or accounts that may be a little short, but I can assure you and the members of this body that given the allocation we had, that this is a fair, and fiscally-responsible bill.

This bill has increases over fiscal year 2004 in some cases, or over the budget request in

others, for programs that have always enjoyed strong bipartisan support. Those increases include:

Agricultural Research Service, $69 million above the request;

Animal and Plant Health Inspection Service, $92 million above last year, but $20 million below the request;

Food Safety and Inspection Service, $45 million above last year;

Farm Service Agency, $25 million above last year;

Natural Resources Conservation Service, $34 million below last year, but $84 million above the request;

Rural Community Advancement Program, $86 million below last year, but $125 million above the request;

For the Women, Infants, and Children program the bill is $295 million above last year, and $120 million above the request;

Food and Drug Administration, $84 million over last year, and $32 million below the request.

Mr. Chairman and Members of the Committee, we refer to this bill as the agriculture bill, but it goes farther than assisting basic agriculture. It also supports rural and economic development, human nutrition, agricultural exports, land conservation, as well as food, drug, and medical safety. This bill will deliver benefits to every one of your constituents every day, no matter what kind of district you represent.

I would say to all Members that they can support this bill and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank the gentleman from Florida (Chairman YOUNG), and the gentleman from Wisconsin (Mr. OBEY), who serve as the distinguished chairman and ranking member of the Committee on Appropriations. I would also like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the gentleman from Virginia (Mr. GOODE); the gentleman from Illinois (Mr. LAHOOD); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); and the gentleman from Florida (Mr. BOYD).

I also want to thank the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman, I am submitting for the RECORD at this point tabular material relating to the bill.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs Reques
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	5,062	5,185	5,185	+123	---
Executive Operations:					
Chief Economist	8,656	14,949	10,810	+2,154	-4,139
National Appeals Division	13,589	14,826	14,526	+937	-300
Office of Budget and Program Analysis	7,694	8,146	8,246	+552	+100
Homeland Security staff	496	1,491	508	+12	-983
Office of the Chief Information Officer	15,402	22,093	15,608	+206	-6,485
Common computing environment	118,585	136,736	120,957	+2,372	-15,779
Office of the Chief Financial Officer	5,650	8,063	5,811	+161	-2,252
Working capital fund	---	12,850	12,850	+12,850	---
Total, Executive Operations	170,072	219,154	189,316	+19,244	-29,838
Office of the Assistant Secretary for Civil Rights	803	819	803	---	-16
Office of Civil Rights	18,123	22,283	19,452	+1,329	-2,831
Office of the Assistant Secretary for Administration	669	808	669	---	-139
Agriculture buildings and facilities and rental payments	(155,546)	(203,938)	(165,883)	(+10,337)	(-38,055
Payments to GSA	123,179	128,319	128,319	+5,140	---
Building operations and maintenance	32,367	41,642	35,564	+3,197	-6,078
Repairs, renovations, and construction	---	33,977	2,000	+2,000	-31,977
Hazardous materials management	15,519	15,730	15,730	+211	---
Departmental administration	22,119	26,361	22,939	+820	-3,422
Office of the Assistant Secretary for Congressional Relations	3,774	4,263	3,852	+78	-411
Office of Communications	9,174	10,288	9,378	+204	-910
Office of the Inspector General	76,825	78,392	78,392	+1,567	---
Office of the General Counsel	34,495	38,589	35,486	+991	-3,103
Office of the Under Secretary for Research, Education, and Economics	592	805	592	---	-213
Economic Research Service	70,981	80,032	76,575	+5,594	-3,457
National Agricultural Statistics Service	128,161	137,594	128,661	+500	-8,933
Census of Agriculture	(25,279)	(22,520)	(22,520)	(-2,759)	---
Agricultural Research Service:					
Salaries and expenses	1,082,468	987,597	1,057,029	-25,439	+69,432
Buildings and facilities	63,434	178,000	202,000	+138,566	+24,000
Total, Agricultural Research Service	1,145,902	1,165,597	1,259,029	+113,127	+93,432
Cooperative State Research, Education, and Extension Service:					
Research and education activities	617,780	501,540	628,607	+10,827	+127,067
Native American Institutions Endowment Fund	(9,000)	(12,000)	(12,000)	(+3,000)	---
Extension activities	439,125	421,174	440,349	+1,224	+19,175
Integrated activities	50,195	76,865	66,255	+16,060	-10,610
Outreach for socially disadvantaged farmers	5,935	5,935	5,935	---	---
Total, Cooperative State Research, Education, and Extension Service	1,113,035	1,005,514	1,141,146	+28,111	+135,632
Office of the Under Secretary for Marketing and Regulatory Programs	721	804	721	---	-83
Animal and Plant Health Inspection Service:					
Salaries and expenses	716,329	828,361	808,823	+92,494	-19,538
Buildings and facilities	4,967	4,996	4,996	+29	---
Total, Animal and Plant Health Inspection Service	721,296	833,357	813,819	+92,523	-19,538

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	74,985	85,998	75,892	+907	-10,106
Standardization user fees	(5,000)	(5,000)	(5,000)	---	---
(Limitation on administrative expenses, from fees collected)	(62,577)	(64,459)	(64,459)	(+1,882)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	15,392	15,800	15,800	+408	---
Payments to states and possessions	3,318	1,347	1,347	-1,971	---
Total, Agricultural Marketing Service	93,695	103,145	93,039	-656	-10,106
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	35,678	44,150	37,540	+1,862	-6,610
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	595	803	595	---	-208
Food Safety and Inspection Service	779,882	838,660	824,746	+44,864	-13,914
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,602,719	4,836,271	4,923,548	+320,829	+87,277
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	631	933	631	---	-302
Farm Service Agency:					
Salaries and expenses	982,934	1,007,877	1,007,597	+24,663	-280
(Transfer from export loans)	(841)	(1,033)	(1,033)	(+192)	---
(Transfer from P.L. 480)	(1,053)	(3,119)	(1,269)	(+216)	(-1,850)
(Transfer from ACIF)	(281,350)	(305,011)	(289,445)	(+8,095)	(-15,566)
Subtotal, transfers from program accounts	(283,244)	(309,163)	(291,747)	(+8,503)	(-17,416)
Total, Salaries and expenses	(1,266,178)	(1,317,040)	(1,299,344)	(+33,166)	(-17,696)
State mediation grants	3,951	4,000	4,000	+49	---
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	986,985	1,011,977	1,011,697	+24,712	-280
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(128,396)	(200,000)	(200,000)	(+71,604)	---
Guaranteed	(944,395)	(1,400,000)	(1,400,000)	(+455,605)	---
Subtotal	(1,072,791)	(1,600,000)	(1,600,000)	(+527,209)	---
Farm operating loans:					
Direct	(613,860)	(650,000)	(650,000)	(+36,140)	---
Unsubsidized guaranteed	(1,192,920)	(1,200,000)	(1,200,000)	(+7,080)	---
Subsidized guaranteed	(264,678)	(266,253)	(266,253)	(+1,575)	---
Subtotal	(2,071,458)	(2,116,253)	(2,116,253)	(+44,795)	---
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	---	---
Natural disasters emergency insured loans	---	(25,000)	---	---	(-25,000)
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---	(+40,000)
Total, Loan authorizations	(3,246,249)	(3,803,253)	(3,818,253)	(+572,004)	(+15,000)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Farm ownership loans:					
Direct	28,350	10,700	10,700	-17,650	---
Guaranteed	5,100	7,420	7,420	+2,320	---
Subtotal	33,450	18,120	18,120	-15,330	---
Farm operating loans:					
Direct	88,519	65,585	65,585	-22,934	---
Unsubsidized guaranteed	39,724	38,760	38,760	-964	---
Subsidized guaranteed	33,799	35,438	35,438	+1,639	---
Subtotal	162,042	139,783	139,783	-22,259	---
Indian tribe land acquisition	---	105	105	+105	---
Natural disasters emergency insured loans	---	3,235	---	---	-3,235
Total, Loan subsidies	195,492	161,243	158,008	-37,484	-3,235
ACIF expenses:					
Salaries and expense (transfer to FSA)	281,350	305,011	289,445	+8,095	-15,566
Administrative expenses	7,901	8,000	8,000	+99	---
Total, ACIF expenses	289,251	313,011	297,445	+8,194	-15,566
Total, Agricultural Credit Insurance Fund	484,743	474,254	455,453	-29,290	-18,801
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(+572,004)	(+15,000)
Total, Farm Service Agency	1,471,728	1,486,231	1,467,150	-4,578	-19,081
Risk Management Agency	71,001	91,582	72,044	+1,043	-19,538
Total, Farm Assistance Programs	1,543,360	1,578,746	1,539,825	-3,535	-38,921
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	3,765,000	4,095,128	4,095,128	+330,128	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	22,937,000	16,452,377	16,452,377	-6,484,623	---
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---	---
Total, Corporations	26,702,000	20,547,505	20,547,505	-6,154,495	---
Total, title I, Agricultural Programs	32,848,079	26,962,522	27,010,878	-5,837,201	+48,356
(By transfer)	(283,244)	(309,163)	(291,747)	(+8,503)	(-17,416)
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(+572,004)	(+15,000)
(Limitation on administrative expenses)	(110,040)	(111,922)	(111,922)	(+1,882)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	741	936	731	-10	-205
Natural Resources Conservation Service:					
Conservation operations	847,971	710,412	813,673	-34,298	+103,261
Watershed surveys and planning	10,500	5,083	11,083	+583	+6,000
Watershed and flood prevention operations	86,487	40,173	86,487	---	+46,314
Watershed rehabilitation program	29,629	10,091	30,091	+462	+20,000
Resource conservation and development	51,641	50,760	51,641	---	+881
Farm bill technical assistance	---	92,024	---	---	-92,024
Total, Natural Resources Conservation Service	1,026,228	908,543	992,975	-33,253	+84,432
Total, title II, Conservation Programs	1,026,969	909,479	993,706	-33,263	+84,227
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	632	929	632	---	-297
Rural Development:					
Rural community advancement program	752,956	541,979	667,408	-85,548	+125,429
Tree assistance (sec. 747)	---	---	---	---	---
(Transfer out)	(-28,000)	---	---	(+28,000)	---
Total, Rural community advancement program	752,956	541,979	667,408	-85,548	+125,429
RD expenses:					
Salaries and expenses	141,032	149,749	143,625	+2,593	-6,124
(Transfer from RHIF)	(440,687)	(465,886)	(448,889)	(+8,202)	(-16,997)
(Transfer from RDLFP)	(4,247)	(6,656)	(4,321)	(+74)	(-2,335)
(Transfer from RETLP)	(37,630)	(39,933)	(38,323)	(+693)	(-1,610)
(Transfer from RTB)	(3,152)	(3,328)	(3,152)	---	(-176)
Subtotal, Transfers from program accounts	(485,716)	(515,803)	(494,685)	(+8,969)	(-21,118)
Total, RD expenses	(626,748)	(665,552)	(638,310)	(+11,562)	(-27,242)
Total, Rural Development	893,988	691,728	811,033	-82,955	+119,305
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family direct (sec. 502)	(1,351,397)	(1,100,000)	(1,100,000)	(-251,397)	---
Unsubsidized guaranteed	(2,709,094)	(2,725,185)	(3,309,297)	(+600,203)	(+584,112)
Subtotal, Single family	(4,060,491)	(3,825,185)	(4,409,297)	(+348,806)	(+584,112)
Housing repair (sec. 504)	(34,797)	(35,000)	(35,000)	(+203)	---
Rental housing (sec. 515)	(115,857)	(60,000)	(116,063)	(+206)	(+56,063)
Site loans (sec. 524)	(5,045)	(5,045)	(5,045)	---	---
Multi-family housing guarantees (sec. 538)	(99,410)	(100,000)	(100,000)	(+590)	---
Multi-family housing credit sales	(1,491)	(1,501)	(1,501)	(+10)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(2,421)	(5,000)	(10,000)	(+7,579)	(+5,000)
Total, Loan authorizations	(4,329,512)	(4,041,731)	(4,686,906)	(+357,394)	(+645,175)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Single family direct (sec. 502)	125,274	127,380	127,380	+2,106	---
Unsubsidized guaranteed	39,668	33,608	33,608	-6,060	---
Subtotal, Single family	164,942	160,988	160,988	-3,954	---
Housing repair (sec. 504)	9,555	10,171	10,171	+616	---
Rental housing (sec. 515)	49,830	28,254	54,654	+4,824	+26,400
Site loans (sec. 524)	---	---	---	---	---
Multi-family housing guarantees (sec. 538)	5,915	3,490	3,490	-2,425	---
Multi-family housing credit sales	659	727	727	+68	---
Single family housing credit sales	---	---	---	---	---
Self-help housing land develop. (sec. 523)	75	---	---	-75	---
Total, Loan subsidies	230,976	203,630	230,030	-946	+26,400
RHIF administrative expenses (transfer to RD)	440,687	465,886	448,889	+8,202	-16,997
Rental assistance program:					
(Sec. 521)	574,689	586,100	586,100	+11,411	---
(Sec. 502(c)(5)(D))	5,865	5,900	5,900	+35	---
Total, Rental assistance program	580,554	592,000	592,000	+11,446	---
Total, Rural Housing Insurance Fund	1,252,217	1,261,516	1,270,919	+18,702	+9,403
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(+357,394)	(+645,175)
Mutual and self-help housing grants	33,799	34,000	34,000	+201	---
Rural housing assistance grants	45,949	42,500	42,500	-3,449	---
Farm labor program account	36,093	36,765	36,765	+672	---
Subtotal, grants and payments	115,841	113,265	113,265	-2,576	---
Total, Rural Housing Service	1,368,058	1,374,781	1,384,184	+16,126	+9,403
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(+357,394)	(+645,175)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(39,764)	(34,213)	(34,213)	(-5,551)	---
Loan subsidy	17,206	15,868	15,868	-1,338	---
Administrative expenses (transfer to RD)	4,247	6,656	4,321	+74	-2,335
Total, Rural Development Loan Fund	21,453	22,524	20,189	-1,264	-2,335
Rural Economic Development Loans Program Account:					
(Loan authorization)	(14,914)	(25,003)	(25,003)	(+10,089)	---
Direct subsidy	2,776	4,698	4,698	+1,922	---
Rural cooperative development grants	23,858	21,000	23,500	-358	+2,500
Rural empowerment zones and enterprise communities grants	12,592	---	11,419	-1,173	+11,419
Renewable energy program	22,864	10,770	15,000	-7,864	+4,230
Total, Rural Business-Cooperative Service	83,543	58,992	74,806	-8,737	+15,814
(Loan authorization)	(54,678)	(59,216)	(59,216)	(+4,538)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(240,000)	(120,000)	(120,000)	(-120,000)	---
Direct, Municipal rate	(1,000,000)	(100,000)	(100,000)	(-900,000)	---
Direct, FFB	(1,900,000)	(1,620,000)	(2,000,000)	(+100,000)	(+380,000)
Direct, Treasury rate	(750,000)	(700,000)	(1,000,000)	(+250,000)	(+300,000)
Guaranteed electric	(99,410)	(100,000)	(100,000)	(+590)	---
Guaranteed underwriting	(1,000,000)	---	(1,000,000)	---	(+1,000,000)
Subtotal, Electric	(4,989,410)	(2,640,000)	(4,320,000)	(-669,410)	(+1,680,000)
Telecommunications:					
Direct, 5%	(145,000)	(145,000)	(145,000)	---	---
Direct, Treasury rate	(248,525)	(250,000)	(250,000)	(+1,475)	---
Direct, FFB	(120,000)	(100,000)	(125,000)	(+5,000)	(+25,000)
Subtotal, Telecommunications	(513,525)	(495,000)	(520,000)	(+6,475)	(+25,000)
Total, Loan authorizations	(5,502,935)	(3,135,000)	(4,840,000)	(-662,935)	(+1,705,000)
Loan subsidies:					
Electric:					
Direct, 5%	---	3,648	3,648	+3,648	---
Direct, Municipal rate	---	1,350	1,350	+1,350	---
Guaranteed electric	60	60	60	---	---
Subtotal, Electric	60	5,058	5,058	+4,998	---
Telecommunications:					
Direct, 5%	---	---	---	---	---
Direct, Treasury rate	124	100	100	-24	---
Subtotal, Telecommunications	124	100	100	-24	---
Total, Loan subsidies	184	5,158	5,158	+4,974	---
RETLP administrative expenses (transfer to RD)	37,630	39,933	38,323	+693	-1,610
Total, Rural Electrification and Telecommunications Loans Program Account	37,814	45,091	43,481	+5,667	-1,610
(Loan authorization)	(5,502,935)	(3,135,000)	(4,840,000)	(-662,935)	(+1,705,000
Rural Telephone Bank Program Account:					
(Loan authorization)	(173,503)	---	(175,000)	(+1,497)	(+175,000
Direct loan subsidy	---	---	---	---	---
RTB administrative expenses (transfer to RD)	3,152	3,328	3,152	---	-176
Total, Rural Telephone Bank Program Account	3,152	3,328	3,152	---	-176
High energy costs grants (by transfer)	(27,835)	---	---	(-27,835)	---
Distance learning, telemedicine, and broadband program:					
Loan authorizations:					
Distance learning and telemedicine	(300,000)	---	(50,000)	(-250,000)	(+50,000
Broadband telecommunications	(598,101)	(331,081)	(464,038)	(-134,063)	(+132,957
Total, Loan authorizations	(898,101)	(331,081)	(514,038)	(-384,063)	(+182,957

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Distance learning and telemedicine:					
Direct	---	---	710	+710	+710
Grants	38,770	25,000	25,000	-13,770	---
Broadband telecommunications:					
Direct	13,039	9,884	9,884	-3,155	---
Grants	8,947	---	9,000	+53	+9,000
Total, Loan subsidies and grants	60,756	34,884	44,594	-16,162	+9,710
Total, Rural Utilities Service	101,722	83,303	91,227	-10,495	+7,924
(Loan authorization)	(6,574,539)	(3,466,081)	(5,529,038)	(-1,045,501)	(+2,062,957)
Total, title III, Rural Economic and Community Development Programs	2,447,943	2,209,733	2,361,882	-86,061	+152,149
(By transfer)	(513,551)	(515,803)	(494,685)	(-18,866)	(-21,118)
(Loan authorization)	(10,958,729)	(7,567,028)	(10,275,160)	(-683,569)	(+2,708,132)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	595	799	595	---	-204
Food and Nutrition Service:					
Child nutrition programs	6,717,780	6,060,860	6,227,595	-490,185	+166,735
Transfer from section 32	4,699,661	5,319,697	5,152,962	+453,301	-166,735
Discretionary spending	---	---	---	---	---
Total, Child nutrition programs	11,417,441	11,380,557	11,380,557	-36,884	---
Special supplemental nutrition program for women, infants, and children (WIC)	4,611,861	4,787,250	4,907,250	+295,389	+120,000
Food stamp program:					
Expenses	26,403,176	30,501,798	29,047,276	+2,644,100	-1,454,522
Reserve	3,000,000	3,000,000	3,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,402,805	---	1,448,522	+45,717	+1,448,522
The emergency food assistance program	140,000	140,000	140,000	---	---
Total, Food stamp program	30,945,981	33,641,798	33,635,798	+2,689,817	-6,000
Commodity assistance program	149,115	169,416	178,797	+29,682	+9,381
Nutrition programs administration	137,488	152,227	133,742	-3,746	-18,485
Total, Food and Nutrition Service	47,261,886	50,131,248	50,236,144	+2,974,258	+104,896
Total, title IV, Domestic Food Programs	47,262,481	50,132,047	50,236,739	+2,974,258	+104,692

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	131,368	143,077	137,722	+6,354	-5,355
(Transfer from export loans)	(3,286)	(3,440)	(3,440)	(+154)	---
(Transfer from P.L. 480)	(1,069)	(1,102)	(1,102)	(+33)	---
Total, Salaries and expenses program level	(135,723)	(147,619)	(142,264)	(+6,541)	(-5,355)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(130,892)	(100,000)	(100,000)	(-30,892)	---
Loan subsidies	103,274	86,420	86,420	-16,854	---
Ocean freight differential grants	27,835	22,723	22,723	-5,112	---
Title II - Commodities for disposition abroad:					
Program level	(1,184,967)	(1,185,000)	(1,180,002)	(-4,965)	(-4,998)
Appropriation	1,184,967	1,185,000	1,180,002	-4,965	-4,998
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	1,069	1,102	1,102	+33	---
Farm Service Agency (transfer to FSA)	1,053	3,119	1,269	+216	-1,850
Subtotal	2,122	4,221	2,371	+249	-1,850
Total, Public Law 480:					
Program level	(1,184,967)	(1,185,000)	(1,180,002)	(-4,965)	(-4,998)
Appropriation	1,318,198	1,298,364	1,291,516	-26,682	-6,848
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,286	3,440	3,440	+154	---
Farm Service Agency (transfer to FSA)	841	1,033	1,033	+192	---
Total, CCC Export Loans Program Account	4,127	4,473	4,473	+346	---
McGovern-Dole international food for education and child nutrition program grants	49,705	75,000	75,000	+25,295	---
Total, title V, Foreign Assistance and Related Programs	1,503,398	1,520,914	1,508,711	+5,313	-12,203
(By transfer)	(4,355)	(4,542)	(4,542)	(+187)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs Request
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,378,779	1,494,517	1,462,517	+83,738	-32,000
Prescription drug user fee act	(249,825)	(284,394)	(284,394)	(+34,569)	---
Medical device user fee act	(31,654)	(33,938)	(33,938)	(+2,284)	---
Animal drug user fee act	(5,000)	(8,000)	(8,000)	(+3,000)	---
Subtotal	(1,665,258)	(1,820,849)	(1,788,849)	(+123,591)	(-32,000)
Mammography clinics user fee (outlay savings)	(16,576)	(16,919)	(16,919)	(+343)	---
Export and color certification	(6,649)	(6,838)	(6,838)	(+189)	---
Payments to GSA	(119,594)	(123,015)	(129,815)	(+10,221)	(+6,800)
Buildings and facilities	6,959	---	---	-6,959	---
Total, Food and Drug Administration	1,385,738	1,494,517	1,462,517	+76,779	-32,000
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	89,901	95,327	93,327	+3,426	-2,000
Farm Credit Administration (limitation on administrative expenses)	(40,900)	---	(42,900)	(+2,000)	(+42,900
Total, title VI, Related Agencies and Food and Drug Administration	1,475,639	1,589,844	1,555,844	+80,205	-34,000
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships	2,982	---	2,500	-482	+2,500
National Sheep Industry Improvement Center revolving fund	496	---	500	+4	+500
Tree assistance (sec. 747)	14,912	---	---	-14,912	---
Northern Great Plains Regional Authority	1,491	---	---	-1,491	---
Denali Commission	994	---	---	-994	---
Food stamp program freeze	1,988	---	---	-1,988	---
Total, title VII, General provisions	22,863	---	3,000	-19,863	+3,000
OTHER APPROPRIATIONS					
Consolidated Appropriations Act, 2004 (P.L.108-199) Conservation Programs					
Natural Resources Conservation Service (Sec. 102(d)):					
Emergency watershed protection program (emergency)	149,115	---	---	-149,115	---
Tree assistance program (emergency) (Sec. 102(e))	12,426	---	---	-12,426	---
Emergency conservation prog. (emergency) (Sec. 102(f))	12,426	---	---	-12,426	---
Commodity Credit Corporation Fund:					
Livestock indemnity prog. (emergency) (Sec.102(g))	497	---	---	-497	---
Total, Other appropriations	174,464	---	---	-174,464	---
Grand total:					
New budget (obligational) authority	86,761,836	83,324,539	83,670,760	-3,091,076	+346,221
Appropriations	(86,587,372)	(83,324,539)	(83,670,760)	(-2,916,612)	(+346,221
Emergency Appropriations	174,464	---	---	-174,464	---
(By transfer)	(801,150)	(829,508)	(790,974)	(-10,176)	(-38,534
(Loan authorization)	(14,335,870)	(11,470,281)	(14,193,413)	(-142,457)	(+2,723,132
(Limitation on administrative expenses)	(150,940)	(111,922)	(154,822)	(+3,882)	(+42,900

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

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume, and I wish to thank the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), for a very good working relationship this year and the type of hearings that help us all build a better Nation.

This fiscal 2005 agriculture appropriation bill has been put together under some of the most trying budget circumstances that we have ever seen. And even though this is an appropriation bill, and I guess people refer to it as one of those green-eyeshade bills, it is important for the American people to know that what this bill is really all about is that no child in our country should go hungry; that American agriculture begins to regain some global market edge internationally; and that we keep winning more markets rather than losing markets, and taking actions that can help that.

This bill affects every American consumer in whether or not the meat that we eat is safe. It involves new research into the new plants, many of them undergirding new medicines of the future. Really, the best agriculture and food and drug research in the world. This bill touches every single person in our country and so many people around the world.

So I want to thank the gentleman from Texas (Chairman BONILLA) for all his efforts, as well as the majority staff, under the direction of our new majority clerk, Martin Delgado, who is joined by Maureen Holohan, Leslie Barrack, Joanne Perdue, and our detailees Tom O'Brien and Mike Gregoire. I also want to thank our minority clerk, who is with us here tonight, Martha Foley, for her efforts not only on behalf of our membership but of our entire country, for her very, very hard and largely unrecognized work.

Last year, I described this bill as a size 7 shoe for a size 10 foot. Well, it is a new year now. We have 293 million Americans in our country, more than last year. But, unfortunately, the bill this year has an even smaller shoe size but a bigger foot. Our needs are increasing as a country, but our resources are increasing. So we now have a size 6 shoe for a size 11 foot. And if you think the bunions are starting to pinch now, new stories regarding the early steps in preparing for next year's bill suggests matters will only be getting worse. Much more difficult.

The bill before us today provides a total of slightly more than $83 billion, that is no small change, with nearly $66 billion, or 80 percent, four-fifths of the bill, that we are mandated to spend. That means that programs, such as our Food Stamp program, we must spend those dollars to meet growing needs in the country. And in this year's bill that totals about $33 billion.

If you think the economy is improving, you will not find evidence of that claim in this bill. In fact, this bill contains $16.772 billion in what we call discretionary spending. That is the part of the bill where we can really try to direct resources to very important needs in the country, but this year we have a $67 million reduction over the prior year. And, in fact, it is a 6 percent reduction compared to 2 years ago for the fiscal 2003 budget. In fact, it is $1.100 billion below that.

So this bill is not going up by any measure. And with more mandatory spending necessary to meet unmet economic needs, that cuts into the discretionary spending that we have so many draws upon all over this country.

The people who live in agricultural America and our small towns have the same needs and concerns as their friends in big cities. They need jobs, and more often than not are experiencing plant shutdowns. There are huge job washouts in many small towns in this country. And, in fact, there are no new employers that are readily seen on the horizon. We have offshoring of so much of our work and higher unemployment in many, many corners of rural America. People there need health care, but often have fewer hospitals, or much longer distances to travel to secure care. And the accounts in this bill dealing with telemedicine for rural America are severely underfunded.

People in rural America want economic development, but they find the services available to them are so oversubscribed or heavily weighted towards loan, that they often cannot get the assistance they need. People in rural America want community services, but they find that their smaller population base and smaller economic base make it even harder to finance the water and sewer systems, clean water systems, the power utility systems, and the telecommunication systems that so many other Americans, frankly, take for granted.

So the fiscal 2005 agriculture appropriation bill is a classic exercise in the futility of a budget process that has effectively obligated the bulk of Federal funds before we have really had a fair opportunity to address all the needs of our Nation here at home. Decisions made in recent years by some in this Congress on taxes and on foreign policy are sapping our ability to meet real domestic obligations.

To date, our country has spent over $100 billion in Iraq and Afghanistan, and that number grows every day. Imagine if we could take that money and divide it, $2 billion for each of our 50 States to share with their local towns and cities, what an incredible difference that would make.

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But that is not the choice that we will make tonight.

I know that while the gentleman from Texas worked to provide funding within our restrictive allocation, there are a number of shortcomings that we need to recognize. Because of these budget limitations, the bill before us will cut the community facilities program by $36 million, so all the Members that asked us for more help for their particular communities, we could not do that.

In the rural water and sewer grant program, we are $86 million underfunded. That is just to meet where we were last year, because the needs are so much greater.

It looks as though we are going to be at least $150 million short in the women, infants and children's food program, WIC, and nearly $15 million short in the commodity supplemental food program under this bill, despite appreciated increases. I want to thank the gentleman from Texas for his efforts there.

At the same time, we are also in this bill forced to debate tomorrow cutting renewable energy programs. We are also not funding needed market development tools. And we have a Department of Agriculture that may be preparing to extend additional credits to Iraq, but meanwhile forgiving $4 billion in accumulated principal and interest owed by the Rafidain Bank of Iraq. We want to make sure that whatever is done relative to Iraq upholds existing law and does not permit the type of fraud that occurred during the 1980s and 1990s and the misuse of the Commodity Credit Corporation programs in arming Saddam Hussein and strengthening his power. That was done during the Reagan-Bush administrations and the Bush-Quayle administrations, over the strong objections of this Congress.

They say that we cannot expand the senior farmers market program to all States so that needy seniors can purchase locally grown fruit and vegetables from farmers who earn from the market, not transfer payments. Yet we know that over half the States in the Union still do not even have beginning funds to bring that important program on-line to really help farmers who are diversified close to our cities.

In international trade, there continues a downward trend as the U.S. moves for the first time in its history toward becoming a net food importer. Meanwhile, the Department of Agriculture cannot give us effective solutions for controlling and assessing liability for invasive species that are a huge and rising cost to the American taxpayer due to misapplied free trade policies, mismanaged, misapplied, misguided.

In this bill, there are hundreds of millions of dollars of tax money that has to be diverted to take care of the Asian longhorn beetle in New York, Chicago and many other places and the emerald ash borer in places like Michigan and Ohio. Those bills should not come to rest at the foot of the American taxpayer. They should be paid for by the commercial interests that bring those critters into this country, and they should not be getting off Scott free for the damage that they are causing. Nonetheless, we have to fund those

remediation programs in this bill. Those costs have been rising exponentially during this decade of the 1990s and into this new millennium.

Officials that are charged with ensuring the safety of our food supply cannot answer basic questions about how many cattle have been tested to ensure public health and safety or tell us when procedures for dealing with this national need will at long last be satisfied. It is amazing that the Department of Agriculture cannot do that. What a shame.

Meanwhile, export markets remain closed even to producers who are willing to pay themselves for the testing so that our export customers can reopen their markets. America's family farmers and ranchers have always had a vision for America's future. They daily demonstrate a willingness to work harder and smarter than their competitors. They possess a keen appreciation for the fact that their accomplishments provide a safe and bountiful food supply which allows most Americans to expend their energies in other industries and business endeavors. We need to support the efforts of these productive Americans by providing them with the tools for continued success, fair prices, fair trade policies, fair access to new technologies, and fair and consistent standards imposed on imported products that do not place economic burdens on domestic producers.

Mr. Chairman, in closing my more formal remarks this evening, let me just say that it has been a great pleasure to work on both sides of the aisle to complete the bill that we will bring to the floor tomorrow for amendment. We look forward to working with our colleagues on completing it tomorrow.

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

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

Earlier, Mr. Chairman, I recognized the fine work that the subcommittee staff has done. I would now like to single out a young man in my office, Walt Smith, a fine young man from Hillsboro, Texas, that is known to all agriculture interests and groups around the country, who worked side by side with the subcommittee staff to put this bill together. We wanted to acknowledge the good work that he does as well.

Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. LATHAM), the distinguished vice chairman of the subcommittee.

Mr. LATHAM. Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee in a colloquy.

Mr. Chairman, as the gentleman from Texas knows, I have been and remain concerned about the funding level for the renewable energy program. The bill before us today funds this program at $15 million; and even though this funding level is a $4.2 million increase above the budget request, it is $8 million below the fiscal year 2004 funding level.

As we have discussed, this program is important to Iowa and the whole country, particularly in the wind and biomass areas, because it makes grants available to rural, small businesses, agricultural producers and others who purchase renewable energy systems or make energy improvements. This program has the potential to improve rural living standards and economic opportunities and to create jobs. In short, there is a significant value-added component for rural areas that comes with this program.

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

Mr. LATHAM. I yield to the gentleman from Texas.

Mr. BONILLA. The gentleman from Iowa has been a champion of the renewable energy program, and I think all of his constituents back home clearly understand that. I agree with the gentleman from Iowa, and I have appreciated his input on this subject as we have been putting this bill together. As we have discussed, this year has been a difficult one in terms of funding decisions we have had to make.

Mr. LATHAM. I know that the chairman has worked very hard to fashion a balanced bill and that he has done everything possible to accommodate the concerns of all Members. I had intended to offer an amendment to increase the renewable energy funding level by $8 million. However, with the chairman's assurances that we will work in conference to raise the funding level of this program, I will not offer that amendment.

Mr. BONILLA. If the gentleman will yield further, the gentleman has my assurances that I will work with him and do everything I can to increase the renewable energy program funding level in conference. Again, I congratulate the gentleman for his stout work on this issue day in and day out.

Mr. LATHAM. I thank the gentleman very much. I look forward to working with him on this.

Mr. Chairman, I want to encourage Members to support this bill as it is a well-balanced measure. The chairman has done an outstanding job of trying to ensure that sufficient resources are available for the broad range of programs that are funded under this bill.

Like many of the Members, I have my thoughts as to some programs that I wish could be a bit more generously funded, but given the need to produce a balanced product under the agricultural allocation, I am pleased with this bill.

I want to comment on a few other areas of interest that I believe are important beyond the renewable energy program that the chairman and I just discussed. For example, we must continue to focus on agricultural research which I think is an area that holds great promise for the future of agriculture economies and the consuming public that those economies feed.

I also think that we should remain diligent about the development of an animal identification program that is reliable and easy to work with for all parties needing to access it. In this regard, it is important that we have adequate resources for animal health monitoring and surveillance, and this bill contains such resources.

Also, I want to mention my support for land conservation which this bill funds. In this regard, I know many Members have constituencies with interests in the conservation security program. The program is of considerable interest in Iowa, not only among those in the agriculture production arena but also those who are generally concerned about the environment in general. I share that concern and want to see the conservation security program as a concept developed in an optimal way. On the other hand, it would be unwise to begin full-scale implementation of the CSP and spend billions of dollars before that program is fine-tuned.

In numerous conversations that I and my staff have had about the CSP in Iowa and elsewhere, the prevailing view is that the CSP program needs work. Both corn and soybean association representatives as well as others with whom I have talked support CSP, but at this point they believe that the program is not ready to go forward at full speed.

I also want to personally thank the chairman and the staff that did such a tremendous job on this bill.

One extraordinarily important item in the bill is the full funding for the National Animal Disease Center at Ames, Iowa. It is a large number in the bill. It is one that the staff and the chairman have really worked hard to secure those funds for us. I certainly thank the President for including funding for the Animal Disease Center in his budget request. This is an extraordinarily important facility similar to the CDC for livestock and animals and very, very important for the security of our Nation, when we talk about anthrax, when we talk about mad cow disease, all of those things. It is very, very important that we have this facility on-line and that it is completed on a timely, expedited basis.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR), a very respected and extraordinarily hard-working member of our subcommittee.

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me this time and for being a member of this great committee.

I want to compliment the chairman on the good work done in bringing this bill to the floor, but I also want to point out I think something that all of us on the committee, the committee that spends the money on agriculture in America and the U.S. Department of Agriculture, what we realize is a problem, and that is that we have in this great country of ours, we still have nutritional problems and people going to bed at night hungry.

One of the big difficulties in the way the budget process is set up in this country is that 80 to 85 percent of the money we spend goes to mandatory food programs. That leaves only about 16 percent or so that is discretionary. Why we need to have more input into how the Federal Government spends its money on food and nutrition is because half of the budget of the USDA is dedicated towards nutrition. So it is not a small program. It is more than half of the entire budget of the U.S. Department of Agriculture. That is important. That is good. That is a good priority. But we still have areas where the demand is increasing.

Frankly, food and nutrition is so essential to life and we talk on the committee about problems we are having with obesity, what we ought to be doing with our nutritional programs, particularly in schools as we feed kids. The United States government has some specialized programs in the school lunch program and the school breakfast program, and we assist schools. Those are for kids who come from a low-income family, but essentially the school lunch program that all the kids eat is a public policy because it is run by the schools, and in that program alone you will notice that when I look through what America buys to feed kids, it is not exactly the same as what we have invested money in doing research on, in telling people what is healthy for Americans. That is, our nutritional voice does not meet our spending practices.

I am a big advocate for trying to get more fresh fruits and vegetables in schools. Schools have used the school lunch program and school breakfast program to provide for vending machines in schools, for finding other ways to raise money and have not really paid attention to the fact that the health of the children and the students is really dependent on how well they are fed and how good that health is. The committee has addressed a lot of these issues, but we are also faced with the same problems that other committees are and that is our discretionary funding is limited.

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And what we have seen with that is the food stamps, as the economy goes up and down, and as the Members know, it has been sort of in a recession in the last few years, that means more people have been unemployed. Yes, we see people getting back on the employment rolls, and that is a good thing; but we still have had since 2001 a 45 percent increase in demand for the food stamp program.

We have taken a lot of steps in that area to try to streamline it and better manage the program through automatic debit cards, to swipe cards rather than having to go through the line and go through this ticket process of whether the stamps one is using are eligible to buy the product that they picked off the shelf, and the debit card allows it to show that right away on the computer and does not sort of put the recipient and the cashier in an awkward situation.

The WIC program, the Women, Infants and Children, we have a program in America to feed women who are expecting in prenatal conditions and in postnatal conditions, giving them nutritious food to feed the infant. It is a very successful program. It is one that America can be very proud of. But we see that may need an increase, meaning that people just do not have the resources to buy that kind of food, or it is not readily available in their neighborhood.

I have spoken of a school lunch and school breakfast program. We have a Temporary Emergency Food Assistance Program called TEFAP. The money that has been flatlined for a number of years, we may need in the future to increase that.

We have the Commodity Supplemental Food Program. That is mainly the things we have seen, Meals on Wheels and other entities taken to senior citizens where the commodity foods are put into a local senior citizen nutritional program. The money has been frozen in that despite the fact that we have an aging population in America; and as that aging population increases, and it is going to increase tremendously because I was just told the demographics of California, the census data shows that by the year 2015, one out of every five persons over the age of 65 will live in the State of California, that is going to be a huge burden on the State. It could also be a great asset because these people have come with a lot of experiences; but on the other hand, as we know, the aging population is staying alive longer, and we are going to need more services, and those are usually expensive services. So these types of programs may be hurt in the future if they are flatlined.

So the point of my raising this is that I am really excited to be a member of this committee. I think it is a tremendous committee that works in a very strong, bipartisan fashion. The chairman has been excellent. The staff has been excellent. The other members of the committee, we all get along very well and try to work out our differences. And what I am trying to point out in my comment today is that despite the good workings inside Congress and despite the fact that we are the wealthiest country on the Earth and the most agriculturally abundant and productive, I mean just in abundancy alone, one of the three counties I represent produces 85 crops.

When I talked to Members here in Congress and to the U.S. Department of Agriculture, I found that there was no other State in the United States that produced 85 crops alone. California, being the largest ag State, has the greatest variety in it, and what I would like to see our country do is move more into buying the fruits and vegetables and the things that we describe in our nutrition. Frankly, the things we see in all these fad diets that are going on right now, those are all about healthy foods and healthy fruits and vegetables, and if we use the government resources to purchase those more and get those into the school lunch program, into the WIC program, into the feeding programs, into the senior meals programs, and, frankly, into our institutional feeding. We feed the military. We feed hospitals. We feed big institutions like the Federal Prison System. If we could get our sister States and counties and cities to be able to work on their institutional feeding, we could do a much better job of getting the kind of food that is necessary to the people who need it, and we could have a better distribution of how agriculture functions in America.

So I want to compliment the committee on the direction it is headed. I think we have a few problems on the horizon. I think if we put our minds to it, we can address those.

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

Ms. KAPTUR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH), a new Congresswoman, who will provide to this Congress a much-needed, strong voice for agriculture and rural area.

Ms. HERSETH. Mr. Chairman, I want to thank the gentlewoman from Ohio for yielding me this time.

I rise this evening in support of this legislation. It provides essential funding for programs important to farmers, ranchers, and consumers across South Dakota. I am pleased that it contains increases in funding for the Food Safety and Inspection Service by $45 million and for the Food and Drug Administration by $72 million. I commend the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR), ranking member, as well as other members of the subcommittee and their staff for working together to forge the difficult compromises that are evident in this bill.

I do, however, want to voice a couple of concerns I have about funding levels for some of the programs addressed in this appropriations measure. I have heard from several of my constituents, concerns about funding levels for two very important programs in South Dakota. One of the programs I hear about consistently from the agricultural producers in my State is the Environmental Quality Incentives Program or EQIP. EQIP offers financial and technical assistance for eligible farmers and ranchers to enable them to implement environmentally beneficial land management practices.

I am pleased that EQIP was reauthorized in the 2002 farm bill and given increasing authorization levels over the next several years. Unfortunately, I feel this appropriations bill significantly underfunds this important program. It falls $190 million below what the 2002 farm bill had authorized. I understand and appreciate the need for

fiscal restraint, but I disagree with some of the priorities reflected in this bill, particularly the funding level for the EQIP program.

The ramifications of this funding level are made quite clear when we consider the backlog of projects that exist under this important program. By some estimates, the backlog for EQIP funding nationwide is in excess of $1 billion, with the backlog in South Dakota alone in the tens of millions of dollars. These are commendable projects that do a great deal to improve water quality and wildlife habitat across the country.

I appreciate the stringent budgetary constraints under which we are currently operating, but this is not the program that should be the target of such substantial cuts.

Another important program is the Wildlife Habitat Incentive Program, or WHIP. WHIP is a voluntary program for people who want to develop and improve wildlife habitat on private land. USDA provides both technical assistance and up to 75 percent cost-share assistance to establish and improve fish and wildlife habitat.

WHIP has proven to be a highly-effective and widely-accepted program across the country. By targeting wildlife habitat projects, WHIP provides assistance to conservation-minded landowners who are unable to meet the specific eligibility requirements of other USDA conservation programs.

Unfortunately, this bill would fund WHIP at $25 million below its authorized levels for fiscal year 2005. While $25 million may not seem like a large sum of money relative to other amounts considered by this body, keep in mind that this bill funds the entire program at $60 million. The difference between $85 million and $60 million is almost 30 percent. This is a significant shortfall, and one I think should be reevaluated in conference.

Again, I voice my overall support for this legislation and will vote in favor of final passage, but I am concerned with some of the funding choices that were made. I urge my colleagues that will serve as conferees to seek additional funding for both the EQIP and WHIP programs.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I thank the chairman for yielding me this time.

I rise to engage in a colloquy with the gentleman from Texas (Mr. BONILLA), chairman of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee.

For the past 3 years, the committee and Congress have supported funding for the Tri-States Joint Peanut Research project between Auburn University, the University of Florida, and the University of Georgia. In the past this project has focused on a sod-based rotation with peanuts, cotton, and other row crops.

This year the project was renamed the Tri-States Initiative to incorporate fruits, nut crops, and vegetables in the rotation. This created some confusion and was unfortunately viewed as a new start and subsequently received no funding. As the gentleman is aware, producers in southern States face the problem of compacted soils, which can be greatly improved with the use of proper crop rotation. This research would allow southeastern producers to make informed decisions on how to diversify their operations while increasing farm profitability and improving soil characteristics.

The Tri-States Initiative is a reasonable extension of a previously funded project. Since the project was viewed as a new start, I ask the chairman to be supportive of restoring the fiscal year 2004 funding for the project in conference.

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

Mr. EVERETT. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman is correct. The naming of this program did cause confusion, but it is clear that this is a continuation of the program that the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee has funded for the past 3 years. The Tri-State Initiative conducts important commodity research in Alabama, Florida, and Georgia; and I would be happy to work with the gentleman to restore funding for this program in conference.

Mr. EVERETT. Mr. Chairman, reclaiming my time, I thank the chairman for his response, and I appreciate his willingness to work with me in conference to restore this important program.

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

As we close this evening, I just want to say that the gentlewoman from South Dakota (Ms. HERSETH) and I intend to offer a biofuels amendment tomorrow to the bill with great hope that we can help push America into a new energy age, a new renewable energy age, starting right in rural America; and I wanted to acknowledge that while she is still on the floor with us tonight.

I did also want to, for the record, thank deeply Roger Szemraj of our own staff for the tremendous work that he does and for the time he takes away from his own family to be with us even tonight on this floor as we move this important bill for fiscal year 2005 agriculture appropriations.

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

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

The CHAIRMAN pro tempore (Mr. TERRY). All time for general debate has expired.

Mr. BONILLA. 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. HENSARLING) having assumed the chair, Mr. TERRY, Chairman pro tempore 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. 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, had come to no resolution thereon.

□ 2045

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HENSARLING). 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

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

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

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE GARRETT LEE SMITH MEMORIAL ACT

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

Mr. OSBORNE. Mr. Speaker, I rise today to discuss a subject that is very difficult for many of us to address, and that is the subject of suicide.

Last Friday, along with the gentleman from Tennessee (Mr. GORDON), the gentleman from Oregon (Mr. WALDEN), the gentleman from Illinois (Mr. DAVIS) and the gentleman from Michigan (Mr. STUPAK), I introduced H.R. 4799, the Garrett Lee Smith Memorial Act. This legislation offers a comprehensive strategy toward addressing suicide, suicide prevention and mental health in high schools and on college campuses.

So why is it important to address this critical issue? I would like people to consider these facts.

Number one, more children and young adults die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

Number two, over 4,000 children and young adults take their own lives

every year, making suicide the third overall cause of death between the ages of 10 and 24.

From 1952 to 1995, the rate of suicide in children and young adults has tripled.

The American College Health Association found that 61 percent of college students reported feeling hopeless, 45 percent said they feel so depressed they could barely function, and 9 percent felt they were suicidal.

According to the Chronicle of Higher Education, depression among college freshmen has nearly doubled to 16.3 percent. I find these statistics very troubling and somewhat alarming.

According to the 2001 National Household Survey on Drug Abuse, 20 percent of full-time undergraduate college students use elicit drugs, and 18.4 percent of adults ages 18 to 24 are dependent on or are abusing illicit drugs or alcohol, and all of this drug abuse and alcohol abuse oftentimes leads to suicide as well.

The Garrett Lee Smith Memorial Act works to address in a proactive way this national problem.

The legislation consists of two parts:

Part one provides grant funding to States for development of a youth suicide prevention and intervention strategy through educational systems, juvenile justice systems, local governments and private nonprofit entities that are engaged in activities focused on mental health. The bill also provides for screening programs for youth that can identify mental health and behavioral conditions that place youth at risk for suicide. The bill also establishes a Federal Suicide Prevention Technical Assistance Center.

Part 2 of this bill provides grant funding to colleges and universities to establish or enhance their mental health outreach and treatment centers and enhance their focus on youth suicide prevention and intervention.

The bill authorizes a total of $15 million for fiscal year 2005, gradually increasing funding over the next 2 years.

Mr. Speaker, I would like to just take a minute and discuss the genesis of this particular legislation. This bill is named in honor of the son of Senator GORDON SMITH of Oregon. Garrett Lee was his son and took his life last year after several years of struggle with bipolar disorder. Senator SMITH and his wife, Sharon, are determined to turn their private tragedy into something positive. I admire the Smith family's courage in speaking publicly about their son, and I hope that their efforts will raise awareness and save other young people from the same fate. I invite other Members of the House to support this important legislation.

There was a time when suicide was not mentioned. However, only when we openly discuss the problem, confront the statistics, and work towards solutions such as those proposed by the Garrett Lee Smith Memorial Act can we start to prevent these tragedies from happening.

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

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

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

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

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

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

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

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

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

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

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

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

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the 5-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the Conference Report on the Concurrent Resolution on the Budget for Fiscal Year 2005 (S. Con. Res. 95), which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 649. This status report is current through July 9, 2004.

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

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by S. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2005 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2006 of accounts identified for advance appropriations under section 401 of S. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF JULY 9, 2004

(On-budget amounts, in millions of dollars)

	Fiscal year 2005	Fiscal years 2005–2009
Appropriate Level:		
Budget Authority	2,012,726	(1)
Outlays	2,010,964	(1)
Revenues	1,454,637	8,638,287
Current Level:		
Budget Authority	1,165,717	(1)
Outlays	1,489,191	(1)
Revenues	1,482,789	8,687,742
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−847,009	(1)
Outlays	−521,773	(1)
Revenues	28,152	49,455

[1] Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $847,009,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by S. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of $521,773,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by S. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2005 in excess of

$28,152,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by S. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $49,455,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 95.

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

(Fiscal years, in millions of dollars)

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	68	56	236	230
Current Level	66	57	234	226
Difference	−2	1	−2	−4
Energy and Commerce:				
Allocation	576	483	4,350	3,381
Current Level	0	0	0	0
Difference	−576	−483	−4,350	−3,381
Financial Services:				
Allocation	1	1	17	17
Current Level	−1	−1	−5	−5
Difference	−2	−2	−22	−22
Government Reform:				
Allocation	1	1	19	19
Current Level	1	1	19	19
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	15	15	35	35
Current Level	0	0	0	0
Difference	−15	−15	−35	−35
Resources:				
Allocation	2	2	10	10
Current Level	0	0	0	0
Difference	−2	−2	−10	−10
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	1,737	4	22,070	12
Current Level	0	0	0	0
Difference	−1,737	−4	−22,070	−12
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	1,368	804	3,470	3,244
Current Level	122	138	133	174
Difference	−1,246	−666	−3,337	−3,070
Reconciliation	0	0	4,600	4,600
Current Level	0	0	0	0
Difference	0	0	−4,600	−4,600

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations as of June 15, 2004 (H. Rpt. 108–543)		Current level reflecting action completed as of July 9, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	16,772	18,113	14	5,351	−16,758	−12,762
Commerce, Justice, State	39,815	40,463	0	11,825	−39,815	−28,638
National Defense	390,931	415,987	17	149,234	−390,914	−266,753
District of Columbia	560	554	0	60	−560	−494
Energy & Water Development	27,988	27,972	0	9,558	−27,988	−18,414
Foreign Operations	19,386	26,735	0	19,813	−19,386	−6,922
Homeland Security	32,000	29,873	2,528	12,126	−29,472	−17,747
Interior	19,999	20,208	36	6,364	−19,963	−13,844
Labor, HHS & Education	142,526	141,117	19,151	96,225	−123,375	−44,892
Legislative Branch	3,575	3,696	0	708	−3,575	−2,988
Military Construction	10,003	10,015	0	7,557	−10,003	−2,458
Transportation-Treasury	25,434	69,283	37	38,224	−25,397	−31,059
VA-HUD-Independent Agencies	92,930	101,732	2,198	48,957	−90,732	−52,775
Total (Section 302(a) Allocation)	821,919	905,748	23,981	406,002	−797,938	−499,746

Statement of FY2006 Advance Appropriations Under Section 401 of S. Con. Res. 95—Reflecting Action Completed as of July 9, 2004

(In millions of dollars)

	Budget Authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee:	
Elk Hills	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation and Treasury Subcommittee:	
Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals	0
Total	0
Current Level over (+) / under (−) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2004.

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

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through July 9, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for wildland fire suppression and for technical reasons. These revisions are authorized by sections 312 and 313 of S. Con. Res. 95.

Since the beginning of the second session of the 108th Congress, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2005:

The TANF and Related Programs Continuation Act of 2004 (Public Law 108–262);

The Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264);

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108–265);

The GAO Human Capital Reform Act of 2004 (Public Law 108–272);

An act to renew import restrictions on Burma (Public Law 108–272).

In addition, the Congress has cleared the following legislation for the President's signature: The AGOA Acceleration Act of 2004 (H.R. 4103).

This is my first report for fiscal year 2005.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 9, 2004

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,482,831
Permanents and other spending legislation	1,179,653	1,133,168	n.a.
Appropriation legislation [1]	0	391,841	n.a.
Offsetting receipts	−398,008	−398,008	n.a.
Total, enacted in previous sessions	781,645	1,127,001	1,482,831
Enacted this session:			
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	122	138	0
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108–264)	−1	−1	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	66	57	0
GAO Human Capital Reform Act of 2004 (P.L. 108–271)	1	1	0
An act to renew import restrictions on Burma (P.L. 108–272)	0	0	−11
Total, enacted this session:	188	195	−11
Passed, pending signature: AGOA Acceleration Act of 2004 (H.R. 4103)	0	0	−32
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	383,884	361,995	n.a.
Total Current Level [1]	1,165,717	1,489,191	1,482,789
Total Budget Resolution	2,012,726	2,010,964	1,454,637
Current Level Over Budget Resolution	n.a.	n.a.	28,152
Current Level Under Budget Resolution	847,009	521,773	n.a.
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,687,742
House Budget Resolution	n.a.	n.a.	8,638,287
Current Level Over Budget Resolution	n.a.	n.a.	49,455

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

Source: Congressional Budget Office.

Notes.—n.a. = not applicable; P.L. = Public Law. Numbers may not sum to total because of rounding.

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

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

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

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

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

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

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

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

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

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

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

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

DEMOCRATS CHOSE LIBERAL CANDIDATES FOR PRESIDENT AND VICE PRESIDENT

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

Mr. KINGSTON. Mr. Speaker, I wanted to rise tonight to talk a little bit about the upcoming election, which I understand is on everybody's minds these days.

It is interesting, Mr. Speaker, that we are in a position in America now

that, with 50 States, the Presidential election actually seems to boil down to 12 to 18 States that are still in contention. I guess my home State of Georgia they have decided is probably going to go to Mr. Bush, and your home State of Texas certainly is going to go for Mr. Bush. And then there is other States, like California, that will go for Mr. KERRY. And then, of course, there is North Carolina, which is wide open, despite the fact that Mr. KERRY has chosen a running mate that is from that State.

I think it is interesting as we contrast the two tickets to see what one stands for and the other one stands for. But never before has the Democrat party chosen the first and fourth most liberal Members of the Senate to represent it in the Presidential campaign. It is even more liberal than the disastrous Mondale-Ferraro ticket of 1984.

Here we have, if you think this through a minute, JOHN KERRY scored a 97 percent liberal rating in 2003. He beat out BARBARA BOXER from California. He beat out HILLARY CLINTON. HILLARY CLINTON got an 89 percent liberal rating. And TED KENNEDY. Now, if I was to ask the good folks in Texas, well, who is the most liberal Member of Congress, of the Senate, they are always going to say TED KENNEDY. Well, not so. JOHN KERRY has the 97 percent rating, and KENNEDY is sitting at a mere 88 percent, almost a moderate by JOHN KERRY's standards. And then TOM DASCHLE, a guy we like to curse quite often back home for his stances, he is at 80 percent. So here is JOHN KERRY, 97 percent; TOM DASCHLE, 80 percent.

The Florida Times Union pointed out that, ''While KERRY is from the North and EDWARDS is nominally from the South, there is absolutely no philosophical balance whatsoever.'' I think that is true.

EDWARDS has made a lot of money practicing law, and so he is heavily supported by the trial lawyers. In fact, he has received over $11 million from law firms, and that was per the KENNEDY campaign. You can find that on www.newsmax.com.

The trial lawyers are weighing in heavily on this race, and for those of us trying to make healthcare more affordable and more accessible, we know what a problem frivolous medical lawsuits are. Yet that seems to be what JOHN EDWARDS has made his money on.

It is interesting what JOHN KERRY said just a couple of months ago, in February, during the campaign. He said, ''EDWARDS says he is the only one who can win the South, yet he can't even win his own State.'' I guess things have changed.

It is interesting also, and I will often say about Mr. Bush, he takes the NASCAR crowd and the mom and dad with 2½ kids and two income families, people who are out there working.

There was an article in the New York Post, actually, I think it was in USA Today and a number of other newspapers, that showed JOHN KERRY's five houses, and they were five mansions, and it had this picture of JOHN KERRY snowboarding.

I will ask you, Mr. Speaker, how many guys do you know over 60 years old who know how to snowboard? There just are not too many of them. Yet KERRY is shown very proudly snowboarding. I guess since he bought five ski resorts to learn how. He wanted to flaunt it a little bit. But, to me, if you have a guy that age and he knows how to snowboard, he has not only too much money, but he has too much time on his hands as well.

So where did these people, men of the people, make their announcement? In a union hall? Certainly the Democrats get a lot of good support from unions. Did they make it in an African American church? They said over and over again, we want the African American vote. Did they do it in Boston or North Carolina?

No, they made the announcement at Mrs. Kerry's estate in Pennsylvania. Just for those of you who come from middle-class backgrounds, an estate is what rich people call their houses.

It is interesting that JOHN KERRY wanted to get a middle class, regular guy to be his running mate, somebody who was just like us. And I guess in his world, a guy like JOHN EDWARDS, who is worth a mere $50 million, that is middle-class. After all, when you got a net worth of a billion, what is a guy at $50 million?

So, these two small town guys got together at the estate at Pennsylvania and they broke tea and crumpets to tell the masses that they were ready to lead the world.

Well, I will say this: I would rather have my President know NASCAR from a church softball game than know Sauvignon Blanc from brie and merlot.

The House Democrats' leadership has announced that one of the Democrat campaigns for the fall will be to repeal the Medicare prescription drug plan. Now, does that make any sense whatsoever? I do not know why Mr. KERRY would want to repeal the Medicare prescription drug bill.

This is the first time in history that low-income seniors are getting up to $600 in free prescription drugs. It is the first time that seniors are getting about a 50 percent discount, once we get the program going, on their prescription drugs, and I think it is a good first step. Prescription drug coverage is very, very important to the lives of seniors these days.

If you go into almost any audience, almost any age, and you say how many of you in this room have to take or have somebody in your family who has to take five to six to seven to eight pills each and every day to survive, well, about 70 percent of the hands go up. But if you asked that same question to a similar audience back in 1965 when Medicare started, no one would raise his hand, because it was not out there then.

Now we have these miracle drugs, and these miracle drugs help us to live longer with less pain and do more things, stay active and stay out of hospitals and nursing care. And yet we get from the House Democrat leader that they want to repeal the prescription drug bill. That does not make sense.

But I guess if you are worth $1 billion like JOHN KERRY, millions of dollars like JOHN EDWARDS, it does not matter to you what the cost of it is. They are not the kinds of people who, when the gas goes from $1.60 to $1.72, they do not drive around the next block looking for the best deal so they can pump it themselves.

Several House Democrats have asked that the United Nations monitor the Presidential elections. Now, you know, you could understand that maybe at Tammany Hall, the Chicago machine, or maybe down in Texas when LBJ was running against Coke Stevenson, you might want somebody to come in to monitor the election.

But here we are Americans. We do not need the United Nations to come in and tell us anything. We want to cooperate with the United Nations where it is mutually in the best interests of everyone. But can you imagine, Mr. Speaker, Members of the United States Congress writing Kofi Annan and asking him to send election monitors to the United States of America? I would be embarrassed to go home and, despite my partisanship, try to spin that to a constituency. I think that is just such an insult to people.

We are getting a lot of complaints that we are not spending enough on intelligence, and yet if you look at what our budget has done since 9/11, it spiked. What I see as an appropriator is that a lot of people are getting their budgets I think in many cases overswelled or overgrown because they are saying it is in security.

But if you look at it, candidate KERRY not only has voted for amendments to cut intelligence, they have often authored amendments to cut intelligence, and that does not quite make sense to me for somebody turning around and saying that we are not spending enough.

□ 2100

Mr. Speaker, I wanted to go on with this fascinating Democrat Presidential ticket, although I will say, while it is fascinating, it certainly has no diversity of philosophy whatsoever. If we look at where they are on certain things, they voted pretty much down the line together. They opposed many of the Bush initiatives on fighting terrorism, and they opposed Bush initiatives for reducing taxes. They have supported pretty much across the board any kind of pro-abortion legislation. Just to give an example, they both voted against the 2001 and 2003 tax cuts. They voted against the full marriage tax penalty relief. They voted against the child tax credit. They voted against fully repealing the death tax, and they both voted against the energy bill, and they both oppose free

trade agreements. Litigation this year in America alone will be $233 billion, that is 2.23 percent of our entire GDP, yet these are the most pro-trial lawyers candidates that we have ever had run for office.

Mr. KERRY has voted at least six times against banning partial-birth abortion. While on the campaign trail, he skipped a vote on passage of the partial-birth abortion bill. I always feel strongly that when one is in office, one is paid to vote and one should be there for their votes, but he skipped a heck of a lot of them.

He was one of 14 Senators who voted against the Defense of Marriage Act in 1996, which would have banned the Federal recognition of gay marriage and same-sex partners. And in 2003, he said he might eventually support gay marriage if it became publicly acceptable. Well, I guess that is kind of couching his words.

EDWARDS said in response to President Bush's proposed constitutional amendment, I am against the President's constitutional amendment on banning gay marriage.

I am going to skip around. There are a lot of things here. But our colleague, the gentleman from Indiana (Mr. PENCE), has actually written something about the qualifications of a Vice President. The gentleman from Indiana (Mr. PENCE) has a BA in American history from Hanover College, so he is a bit of a historian. But he looked into what was the average years of experience that Vice Presidents had, and he found out that out of 46 previous Vice Presidents, only three engaged in public service for less than 10 years prior to being elected. One of them was a Secretary of Agriculture during the Great Depression, another was a Governor of Indiana, and another was a war hero who turned Congressman and was offered the mission to Spain by President Pierce. So these guys have all had a lot of experience.

The Democrat nominee JOHN EDWARDS has not served a single term in one Chamber of one branch of our Federal Government. If elected, his 6 years, or 5 at this time, I do not think we could give the guy 6 when he is not there all the time, would represent one of the fewest years of preparations to serve as President of the United States as anybody has ever had. His experience would be 20 percent of the average years of experience of previous Vice Presidents. The gentleman from Indiana (Mr. PENCE) has given us a pretty good list.

Now, what is interesting is we are not going to hear much from the media about this. The media is going to ask him such tough questions as: Is it true your dad worked in a mill? Whereas when Dan Quayle was appointed by Mr. Bush Senior, all kinds of questions: Senator, what makes you think you are qualified to become President in the event something unfortunate should happen to Mr. Bush? What is it that would make you qualified? He spent 12 years in Congress with a special emphasis on national security work, but that was not enough. What executive experience do you have? I once worked in the Governor's office in Indiana, Quayle said. And I would admit, not that much. Reporters asked about Quayle's nonservice in Vietnam. Others asked if Quayle had any connection to the Iran-Contra scandal. Others asked about a lobbyist who apparently donated to a golf trip that he had, even though there was no other connection. That is what they wanted.

Then they asked questions about his money: Senator Quayle, it has been quoted that your net worth is $20 million, is that correct? And if so, isn't this going to put off the blue color vote and the low-income vote. One reporter said to Mr. Quayle: ''Since you don't want the Republican Party to seem like the party for the rich, why pick another millionaire for a running mate?

All of these I would say, they are fair questions; but it is interesting that the press is not going to ask these questions of the Democrat candidate. We can say liberal media, but of course that would be being redundant.

One would have to say that EDWARDS in 2004 does not measure up to Quayle in 1988. Quayle had 12 years in Congress. He ran for the House in 1976 and won. He was reelected in 1978. He ran for the Senate in 1980, at that time beating Democrat Senator Birch Bayh. He was reelected in 1986, winning 61 percent of the vote which, by the way, was the largest landslide ever in the Indiana Senate race.

For his part, EDWARDS has never run for public office before winning the 1998 North Carolina race, and he only got 51 percent in that. As the 2004 race approached, EDWARDS faced very iffy prospects with reelection; and we know that our colleague, RICHARD BURR, was running for that seat with or without EDWARDS as the incumbent, and all the pollsters and experts said this guy is vulnerable. He has not been home. And as for money, the reporter who asked if Quayle's net worth was $200 million, he was way off. It turns out that Quayle's net worth at the time was less than $1 million.

Now, I know that his wife had wealth and I am not sure how the trust reads, so I am not going to say that is just $1 million versus $50 million or whatever EDWARDS is worth, but EDWARDS is a very successful trial lawyer who has led the life of Riley, and I think to say that he is just a regular middle-class guy is silly, if nothing else.

EDWARDS' youthful experience and the Vice President's age and demeanor, the two men were not that far apart in age when they were chosen for the job. EDWARDS is 51. CHENEY was 59 when George Bush chose him as his running mate. And if we go on down the list, it is interesting that the questions and the scrutiny that Dan Quayle had to live up to, we are not hearing anything from the folks in the media in terms of EDWARDS, and we hope that we will.

Jumping around a little bit and getting back to KERRY, some of his more outstanding votes of note lately was KERRY voted against the $87 billion to fund American troops in Iraq and Afghanistan, and that included programs like additional body armor. And, Mr. Speaker, we have been to Iraq and Afghanistan. We know how important that is. We heard lots of complaints by folks, making sure that everybody had all the body armor that they wanted. In fact, the gentlewoman from California (Ms. PELOSI), the Democrat leader, tried to make a big issue that we did not have enough body armor going around, and yet it is her party's nominee who voted against it.

And then in 1994, this is very disturbing, right after the first attack on the World Trade Center, this was when Mr. Clinton was President and chose to not do anything, or not do much about it, KERRY had proposed to gut the Select Committee on Intelligence budget by $6 billion, and that was right after the first attack on the World Trade Center. If we go back to 1990, Mr. KERRY wanted to cut $10 billion from the defense budget.

The other thing, and I do not have the quote right in front of me, but Mr. LIEBERMAN who ran against Mr. KERRY said that we do not need a flip-flopper. And there is all kinds of evidence of him flip-flopping.

There are some ways, though, a group called the Black Five, and I am not sure what that is, but they came up with a way to decide if you should vote for JOHN KERRY. They said, How do you know for sure, and one way to do it is you could take this test. If you believe that the AIDS virus is spread by the lack of Federal funding, you might want to vote for JOHN KERRY. If you believe that the same school system that cannot teach fourth graders how to read is somehow the best qualified to teach those same kids all about sex, you might want to vote for JOHN KERRY. If you believe that guns in the hands of law-abiding Americans are more of a threat than U.S. nuclear weapons technology in the hands of Chinese Communists, you might want to vote for JOHN KERRY. If you believe there was no art before Federal funding, JOHN KERRY is your guy.

If you believe that global temperatures are less affected by cyclical, documented changes in the Earth's climate and more affected by Americans driving SUVs; I got a laugh when I saw the SUVs. What was it that KERRY was speaking to, Mr. Speaker? Who was the crowd? It was a Detroit group. I think they were auto workers or maybe a chamber of commerce in the Detroit area, and he was saying, I am proud that we have SUVs. And actually, it is interesting, he had a fleet of cars.

I guess if you have five mansions around the world, you need a fleet of cars because, heaven knows, you would not want to rent. By the way, on that subject, his main residence, this man of the people we are talking about, his

main resident in Beacon Hill, Massachusetts, is valued at over $6.6 million. That is his main residence. I do not know if my colleagues know this story, but one time Mrs. Kerry got some parking tickets for parking over in front of a fire hydrant. Now, what would you do if you were a liberal Democrat? Under that circumstance, you would think, I would pay the fine. In fact, I would send a little more because I believe in government, and I want to help subsidize government. This is a great chance. No. Instead, they simply moved the fire hydrant.

Now, I am telling my colleagues, that is some serious money. When your wife gets a ticket for parking in front of a fire hydrant and you have the fire hydrant moved, you have some money. But that is the approach to government.

They also, though, have a 90-acre family estate near Pittsburgh. That is valued at $3.7 million. Then they have a ski vacation home in Idaho that is a $5 million job purchased in 1988, and then there is the waterfront estate in Nantucket Harbor. This beachfront property is valued at about $9.1 million, and KERRY tools around the sound in his 42-foot power boat that is worth $695,000. What a guy of the people. I mean, I can just see him driving around in the pickup truck, going down to the little cafeteria down the street and joining the coffee club and talking about how gas prices jumped from $1.75 to $1.78, and how that is going to set them back.

□ 2115

And of course here in Washington a 23-room townhouse in Georgetown valued at $4.7 million, I do not know why the guy wants to move in the White House. That is certainly a cut in lifestyle, although I think it has got a pretty cool plane and your own police force and things he would like.

Getting back to this Blackfive thing, if one is against capital punishment but supports abortion on demand, JOHN KERRY is your guy. If one believes that businesses create oppression and government creates prosperity, JOHN KERRY is your guy. If one believes that hunters do not care about nature but loony activists in Seattle do, JOHN KERRY is your guy. If one believes that self-esteem is more important than actually doing something to earn it, JOHN KERRY is your guy.

There is a number of other tests that this group has, and I might just recommend that people look at www.blackfive.net and just take the test for themselves.

We have been joined, Mr. Speaker, by the gentleman from Florida (Mr. MARIO DIAZ-BALART), and I wanted to yield the floor for him.

And is the gentleman from Georgia (Mr. GINGREY) with us? Well, I apologize for overlooking the gentleman. I thought the gentleman just wanted to hear some brilliance and was waiting for the next speaker to give it.

Let me yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for yielding.

When I was listening to the gentleman a little while ago and he was mentioning about how Mr. KERRY tries to portray himself as one of the regular folk and he was talking about how he, frankly, is one of the very privileged folk, I think that kind of explains, though, some of his votes and some of the things that he says after some of his votes.

If the gentleman will recall that he voted against President Bush's tax relief plan in 2001 and also in 2003. By the way, that tax relief plan, i.e., in other words, government taking a little bit less of the people's money, it is not a gift that the government has given, just the government taking a little bit less of people's money, that is the reason why we are finally now in this economic upturn. And, again, they might try to scream and complain, but the bottom line is everybody has had to recognize that, because of that, the economy is doing much better.

But then since it is working and since more people are getting jobs and since over a million jobs have been created in the last year because of the President's leadership, and then they said, well, but the President's tax cuts were tax cuts on the rich. And, Mr. Speaker, again, I am in awe of what I hear up here sometimes. I am new here. This is my first term, and I am sometimes in awe of what I hear up here.

The tax cuts that the President proposed and this Congress passed, Senator KERRY, now, he would know what a tax cut on the rich is, obviously, because he is very wealthy, and nothing wrong with that, but I do not know about the State of Massachusetts. It is a different world. We know that the State of Massachusetts is a different world. It is the State that gave us JOHN KERRY and TED KENNEDY.

But, in Florida, everybody dies. In Florida, eventually everybody dies, and one of the tax cuts that this President supported, proposed and Senator KERRY voted against is the death tax. Again, I do not know about Massachusetts, but in the State of Florida not only the wealthy die.

One of the tax cuts that Senator KERRY voted against, saying now that it is a tax cut on the rich, was the marriage penalty relief. Now, I do not know about other parts of the country, but in the State that I am privileged to represent here in Congress, which is Florida, not only the wealthy get married. Working people get married as well. And yet Senator KERRY voted against it, saying, oh, that is a tax cut on the rich.

He voted against the child tax credit, for example. Now, again, I do not know about the State that he represents, the State where maybe everybody has nine houses that are worth millions of dollars, but in Florida where people work awfully hard, and I am pretty sure that throughout the country they do, not only do the wealthy get married, not only do the wealthy have children, not only do the wealthy die.

A colleague of ours in Florida said that at least one would think that we could agree that there should be no taxation without respiration, at least, but, no, Senator KERRY believes that that is wrong, that we have to tax people when they get married, we have to tax people if they have children, we have to tax people if they have small businesses, and, yes, we even have to tax people after they are dead, after they are dead. And yet, Mr. Speaker, he keeps saying that those are tax cuts on the rich.

I think maybe the explanation is what the gentleman was saying a little while ago, that he lives in a different place. I do have to admit, though, because I have seen a lot of things and I have heard a lot of things that to my point of view just do not make sense, like these are tax cuts on the rich, these tax cuts that I just mentioned, but maybe it is just a different world. I have to admit, though, that I give Senator KERRY credit, and I have heard this time and time again. One has got to give him credit for something that I, this humble servant, believed was impossible. When Senator KERRY has made TED KENNEDY the conservative senator of Massachusetts and when we look at the rankings, Senator KERRY is even more liberal, even more of an extreme left-winger than Senator Ted Kennedy. I did not think that was possible. Only Senator KERRY has been able to do so.

And he has, by the way, picked a very charming, very eloquent man as his running mate, who is the fourth most liberal Member of the Senate. He could have gone and picked a number of people out there. No, he had to pick somebody that was almost as liberal as himself.

Mr. Speaker, in that sense, the ticket of McGovern and Shriver, not since McGovern has there been a more left-wing extreme point of view put forward by the Democratic ticket as the ticket that is now in front of the American people. And, again, when they voted against repealing the death tax, when they voted to increase the child tax credit, in other words, when they voted against lowering taxes on families for their children, when they voted against the full marriage penalty relief, it goes to show us that, yes, it is absolutely true, hard to believe, that that ticket now is more left-wing and more liberal than even TED KENNEDY. It is hard to believe, but, yes, that ticket is more left-wing, more radical, more liberal, or at least equally to the ticket that McGovern headed in 1972, I believe, before my time, but it is hard to see a more left-wing extremist ticket, except for the one that the Democratic party has put forward.

Mr. KINGSTON. If the gentleman would yield, I wanted to underscore

that. I have some of Mr. EDWARDS' rating groups, and the gentleman has established already that Mr. KERRY is more liberal than Mr. KENNEDY, with a 97 percent liberal rating compared to Mr. KENNEDY's 88 percent. But here was NARL, which is the National Abortion Rights League, they gave Mr. EDWARDS 100 percent for the last 4 years in a row. The National Right to Life has given him a 0. The AFL–CIO prounion vote, 100 percent for the last 3 years. The Federal Employees Union, 91 percent, then 100 percent, 100 percent.

National Taxpayers Union, Mr. EDWARDS, 22 percent, but that is up from 12 percent 3 years ago; Americans for Tax Reform, 0 percent, down from 5 percent last year; and then Citizens Against Government Waste, 13 percent in terms of being probusiness. The National Federation of Independent Businesses, small businesses, has given Mr. EDWARDS a 0 percent. Privately, if one shows up, they get a 70 percent on their rating, but he has got a 0 percent. U.S. Chamber of Commerce has given Mr. EDWARDS 15 percent.

Why are these important? These are important because these are folks who help job creation, job impact, and if we are interested in jobs, we do not want somebody with a 15 percent U.S. Chamber rating and a 0 percent National Federation of Independent Businesses.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield, when one sees that, so he clearly likes raising taxes. He even supported a 50 percent gas tax, per gallon gas tax increase. Now I do not know about the gentleman, but in the State of Florida, gas is relatively expensive right now, and if the people out there think gas is too cheap, no problem, they have got a good person to vote for in November. That is Senator KERRY, who, again, has supported a 50 percent per gallon gas tax increase.

Mr. KINGSTON. And at the same time blocked the energy bill that would have given us more affordable energy in alternative energy sources, fuel cell, hydrogen cell research and a lot of good stuff. He helped block that bill because the travelers did not like it.

Mr. MARIO DIAZ-BALART of Florida. And, again, there are certain things that just boggle the mind. For example, he voted for giving the President authorization to go after Saddam Hussein, to take out Saddam Hussein, and then when our troops are on the field and when they are giving their all, including, unfortunately, their lives to protect our freedoms, to do the job that Senator KERRY himself voted to authorize, then he votes against the $87 billion to give them the equipment that they need on the field. That is that famous quote when he says, well, ''I voted for it before I voted against it.''

I guess he must have been embarrassed at his vote, but it gets worse now. There are so many reasons why he is the most extreme liberal left-winger since McGovern. He proposed gutting the intelligence budget, the intelligence budget by $6 billion, not long after the first World Trade Center bombing.

And so, again, we see some of these votes, and we just do not understand. How is it possible? We never know where he is today. If we ask him today, he may have changed four or five times, but he clearly supported going into Iraq but then does not support giving our troops the equipment that they need.

Now, that should not surprise us, because years earlier he tried to cut the intelligence budget, to really destroy the intelligence budget, and I have got some quotes of his that are just unbelievable. In the 1997 CONGRESSIONAL RECORD, May 1 quote, he said, ''Now that the struggle,'' the Cold War, in other words, ''is over, why is it that our vast intelligence apparatus continues to grow?'' Excuse me? Why are we spending so much money on intelligence?

Well, we know what happens when we do not prepare, when we are not strong and when we do not have adequate intelligence.

Again, these are things that boggle the mind, and maybe part of the explanation is because he has seven homes. God bless him. I do not have a problem with that, but maybe that is why he thinks that cutting taxes on married people is cutting the tax on the rich. Maybe that is why he thinks when taxes are cut on people who die, estate taxes, that that is cutting taxes on the rich. Maybe that is why he believes that cutting taxes to small business is cutting taxes on the rich. It is not. It is cutting taxes on real American people, and when taxes are cut, we do not give anything. Government is not giving a gift. Government, all it is doing is taking a little bit less of the people's money. Is that wrong? No. It is the right thing to do morally, and it is also helping our economy.

Mr. KINGSTON. Let us yield to the gentleman from Georgia (Mr. GINGREY) a minute. He wanted to talk.

Mr. GINGREY. Well, I thank the gentleman, my colleague from Georgia and the gentleman from Savannah for yielding a little time and especially since I was actually not scheduled to be part of this colloquy. I know there are a number of other Members here who want to join in the discussion.

But I was just back in my office doing a little paperwork and catching up on some things and watching C–SPAN, and as the gentleman from Georgia and the gentleman from Florida began to discuss some facts about the presumptive Democratic nominee, Mr. KERRY, that it is important that the American people know I felt compelled to come down and hopefully not take more than 3 or 4 minutes, because there is something that I want my colleagues in this Chamber to know, and hopefully they will share this with their constituents, the American people.

See, there is one thing, only one that I can think of, really, that I share that I have in common with the presumptive Democratic nominee, Mr. KERRY. We both share the same religion. We are both Roman Catholics. And, Mr. Speaker, this is what I want to share with my colleagues. The presumptive Democratic nominee for President, he recently made two very interesting statements. Mr. KERRY, a constant supporter of abortion rights throughout his whole 20-year career in this United States Senate, now says he believes that life actually does begin at the moment of conception.

Let me repeat that. He believes that life actually does begin at the moment of conception.

Nevertheless, Mr. KERRY continues to insist that he is ideologically prochoice because of his firm belief in ''separation of church and State.''

Now, I assume Mr. KERRY is referencing the establishment clause of the Constitution, which declares that our government shall establish no State religion and that citizens are free to worship God in the manner of their individual choosing. Indeed, freedom of religion, not freedom from religion.

□ 2130

Madam Speaker, the unalienable rights to life, liberty, and the pursuit of happiness are proclaimed in the Declaration of Independence and guaranteed by our Constitution, so it would seem that JOHN KERRY would, by his own words, believe that life begins at conception, would, through his prochoice stance, be in direct contrast to the most important guarantee of our charter documents.

Mr. KERRY goes on to say that his Roman Catholic belief that the moment of conception is the same moment life is created, that should not be imposed on those whose faith through other religions do not share that same belief. He should not impose that other on other religions because they may not share that same belief.

Madam Speaker, I wonder, I wonder which particular religion Mr. KERRY is referencing. In my 11th district of Georgia I have attended services at many churches, synagogues, houses of worship of different denominations. All of the religions I have encountered firmly, firmly believe in the sanctity of life which God creates at the moment of conception.

Now, Mr. KERRY recently spoke from Pittsburgh just the other day about giving kids a chance at full citizenship by strengthening Early Start and Head Start. Madam Speaker, the best way to guarantee our youth a chance at full citizenship is by guaranteeing their constitutional unalienable right to life.

Madam Speaker, I would remind Mr. KERRY, the presumptive Democratic Presidential nominee that almost 40 million children since the 1973 Roe v. Wade decision have been denied an Early Start or Head Start. Indeed, they were given no start whatsoever.

So, Madam Speaker, I would hope those who wish to become the President of our Nation would have the courage to stand up for their belief in life at conception regardless of how recently they may have come to this conclusion. Many Presidential hopefuls try to have their cake and eat it too. We have been hearing a lot of that discussion here tonight, and I agree with it; but you absolutely cannot have it both ways on such an important issue as the sanctity of life. And I thank my colleagues for giving me an opportunity to come down and share that with you and with the other Members of this body on both sides of the aisle.

I am going to talk about that more and more. I think we need to make sure that we understand. How in the world could someone be for life and against life, be for the sanctity of life at conception and be pro-choice? It is incongruous. I thank the gentleman from Georgia (Mr. KINGSTON) for allowing me to share this evening with my colleagues.

Mr. KINGSTON. I thank the gentleman for joining us. We have been joined by another physician, member of the House, the gentleman from Texas (Mr. BURGESS), and wanted to point out, Madam Speaker, that the gentleman from Texas (Mr. BURGESS) was a practicing OB-GYN until his election to Congress.

Mr. BURGESS. Madam Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for yielding to me this evening.

I felt compelled to come and talk a little bit about the issues this evening. We have been hearing a lot about the relative preparedness or unpreparedness for the second highest office in this land to which they have been nominated, and that is actually not what I wanted to speak about this evening; but I would rather speak about the experience or the preparation that that individual does have, and that is in his profession as a trial lawyer.

The Wall Street Journal on Thursday of last week in its lead editorial, the last paragraph says, ''Our runaway tort system is a genuine problem that is causing economic harm, and far more importantly, it is distorting the cause of justice. American politics typically responds to such problems, but in this case, the power of the tort bar centered on Democratic Senators has blocked even the most modest fixes. If this compromise fails this year, we will know for sure that this issue deserves to be joined until the Presidential campaign.''

That is the Wall Street Journal's lead editorial from the end of last week.

As far as the issue of the medical civil justice system or the medical liabilities system in this country, we have had some legislation passed in this House twice in the past year and a half, but the action has been blocked on the other side of the Capitol. And what is the cost, Madam Speaker, what is the cost of doing nothing in this regard?

Well, between 1994 and 2001, the typical medical liability award increased by 176 percent to $1 million. That is from ''Liability of Medical Malpractice: Issues and Evidence''; Joint Economic Committee, May of 2003.

The National Journal cited in the issue just last week that $230 billion was the cost to this country of the medical civil justice system last year; and of that $230 billion, about one-fifth went to compensate patients for actual damages. About an equal amount, about a fifth, a little less than that, 19 percent, was the payment for the trial lawyers' part of that, a fifth went to the insurance companies, and one quarter of that amount went to pay the exploding costs of non-economic damages.

The American Medical Association in its Medical Liability Reform Fact Sheet last year said 60 to $108 billion per year would be saved in health care costs by placing a reasonable limit on noneconomic damages. Not eliminating them entirely, but placing a reasonable limit. ''Defensive medicine is a potentially serious social problem. If fear of liability drives health care providers to administer treatments that do not have worthwhile medical benefits, then the current liability system may generate inefficiencies much larger than the costs of compensating malpractice claimants.'' This may lead to reductions of 5 to 9 percent in medical expenditures without an increase in the quality of medical care.

The study by McClellan in 1996 in 1996 dollars estimated that $50 billion dollars a year could be saved in the Medicare system by the elimination of some practices of defensive medicine. There is a significant human impact as well. Doctors are leaving practice, and we are losing that critical human capital that we as citizens of this country and of our States have paid to educate.

There is a perinatologist in my community who left his practice about a year after entering practice because he could no longer afford the six-figure liability premium. He went to work for Perot Systems, a medical information systems consultant; but the fact is, he is not practicing perinatology. The State paid for his education. The State paid for his education in medical school and residency, and now we will never see the benefit of that payment because this individual was driven from his practice by the high cost of the liability insurance.

At Methodist Medical Center in Dallas last year, we lost a neurosurgeon because he could not afford the six-figure liability premium that he was faced with, putting the whole trauma system in the north Texas network at risk.

Madam Speaker, even more importantly than that, the cost of the human capital that is now being extracted on our youngest citizens and citizens as they contemplate what careers to pursue, individuals in undergraduate school and medical school and in high school, look at the medical profession and turn away because of the crisis in medical liability, and it is so unnecessary. Some reasonable fixes have been proposed by this House. They have been blocked on the other side of the Capitol; and, unfortunately, one of the individuals who is at the root of blocking those commonsense reform is now the nominee for the second highest office in this land.

So I would say I am not so much concerned about the experience that he lacks in the administrative side of the government. I am far more concerned about the type of experience he brings from the plaintiffs' bar. I do not believe that this issue can get a fair hearing with that individual sitting in the second highest office of the land.

Mr. KINGSTON. Madam Speaker, I thank the gentleman for joining us tonight and also for giving your perspective. I wanted to ask the doctor a few questions, if I could, before he leaves. How long did the gentleman practice medicine?

Mr. BURGESS. For 25 years.

Mr. KINGSTON. What was your specialty?

Mr. BURGESS. Obstetrics and gynecology.

Mr. KINGSTON. In that field, how big is the problem of malpractice as you the gentleman know it firsthand?

Mr. BURGESS. It is causing doctors to leave the practice of medicine. There is no question about it. I saw it myself.

The gentleman from Georgia (Mr. GINGREY) and I are perhaps the poster children for that. We left our practices and came to the relative safety of the United States Congress to avoid the pernicious medical liability climate. In south Texas along the Rio Grande Valley, it is a crisis of epic proportions. And until we passed some State reforms this past year, in September of last year, doctors were leaving the State in significant numbers. Malpractice insurers were leaving the State. We had gone from 17 insurers to four; and the policies were very, very restricted that were being written.

Since we put in some very, very basic reforms, some very, very basic curtailments of noneconomic damages, the insurers in the State of Texas have now increased to 12, insurance prices have come down significantly. The crisis has been adverted to some degree in Texas, but it remains a nationwide problem.

Mr. KINGSTON. As the gentleman talks to physicians, if someone said, name the top three problems physicians are faced with right now, would malpractice be one of them?

Mr. BURGESS. Certainly that would be at the top of the list. Reimbursement rates from HMOs is going to be second. The slow rate of payment from insurance companies and HMOs would probably rank as third.

Mr. KINGSTON. So unless we address the frivolous medical liability suits in

our country, the cost of medicine will skyrocket and the availability is going to shrink?

Mr. BURGESS. I think access is going to be severely, severely restricted. A woman who is the head of the Columbia University residency program, an OB–GYN, Columbia University has a very good residency program, perhaps second only to Parkland Hospital where I did my residency, this individual told me that currently they were accepting people into their residency program that 5 years ago they would not have even interviewed. That is, the quality of applicant has dropped off so significantly because people simply fear this issue. They see no reason to enter a life where there is going to be this much uncertainty. So it is really extracting a high toll as far as the availability of our future providers, not just what is happening right now, but what is happening for our children and our children's children.

Mr. KINGSTON. I thank the gentleman. If we have the Edwards-Kerry trial lawyer ticket, we probably will not have any serious medical liability reform, would we?

Mr. BURGESS. That is my firm belief as well.

Mr. KINGSTON. Madam Speaker, I think we had a good discussion here today. I notice my friends on the other side of the aisle are here chomping at the bit and I know are eagerly awaiting freedom of speech, equal time; and my friend from California is grabbing the mike right now for a discussion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. HARRIS). The Chair will remind all Members to refrain from improper references to individual Senators. While references to Members in their capacity as presumptive nominees for the Presidency and Vice Presidency are not prohibited, references to other Members of the Senate must be consistent with clause 1 of rule XVII.

WHO IS IN CONTROL?

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

Ms. WOOLSEY. Madam Speaker, I would like to say to my friend from Georgia, when he is talking about past Vice President Dan Quayle, what he needed to do was know how to spell potato.

Madam Speaker, last week President Bush was asked what distinguishes Vice President DICK CHENEY from Senator JOHN EDWARDS, JOHN KERRY's Vice Presidential running mate. Mr. Bush's haughty reply was, ''DICK CHENEY can be President.''

This implied criticism of Senator EDWARDS, who happens to sit on the prominent Senate Intelligence Committee. And this is quite laughable because Senator EDWARDS actually has more experience than George W. Bush did at the time he ran for office in the year 2000.

The appalling part of this comment is that not only could DICK CHENEY be President, he has performed the functions of the Presidency. Since day one, DICK CHENEY has wheeled, dealed and cajoled his way to accomplish his dangerous, self-serving, neo-conservative agenda.

DICK CHENEY has chomped at the bit to finish the job he started in 1991 as Secretary of Defense when the United States first went to war with Iraq. In the year 2003 when President Bush needed to make the case for going to war with Iraq, it was DICK CHENEY who met with the intelligence analysts at the CIA to determine whether Iraq possessed nuclear weapons.

Vice President CHENEY claims that he did not strong-arm these analysts into adopting his view that Iraq was in possession of weapons of mass destruction. Despite what I am sure were CHENEY's best and most benevolent intentions, the Vice President of the United States probably registered quite a bit of influence with a bunch of career CIA analysts who were likely to give him the evidence he wanted, whether it was true or not. And it was Vice President CHENEY, not President Bush, the Commander in Chief, who gave the unsuccessful order to shoot down the hijacked planes on September 11. At a time when America was being attacked, it was Vice President CHENEY who made the important decisions.

By now this pattern should be quite clear. Vice President CHENEY does the real work of the administration, making the key decisions in our times of greatest need.

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When George Bush says that DICK CHENEY can be President, he is right, but that says more about President Bush's own failure of leadership than it says anything about Vice President CHENEY's abilities.

Mr. Speaker, the American people deserve better. They deserve better than a man-behind-the-man presidency. Senator JOHN EDWARDS will not be the kind of Vice President who will falsify intelligence for the purposes of sending our young men and women to war. As a member of the Senate Intelligence Committee, he knows better.

We need leaders who will not abdicate the Constitution in the name of political opportunism, a Presidential team that will pursue smarter policies than those of the current administration.

I have introduced H. Con. Res. 392, the SMART security resolution, which provides a much smarter national security platform than the one we currently have. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART security means confronting the threat of terrorism not by creating more terrorism, as the Bush administration has done in Iraq, but by striking at the very heart of the real terror networks.

SMART would cut off financing for terrorist groups and would break up of their organizations around the world, engaging the international community in this process, the same international community the Bush administration so callously disregarded in its march to war.

SMART security provides a better path for America than the one we are currently on. Could DICK CHENEY be President? Sure, if you do not mind the fact that the real President is asleep at the wheel, but JOHN EDWARDS, who could step in for JOHN KERRY on a moment's notice, will not be a shadow President because JOHN KERRY will lead this country on a truly smart path.

The voters will decide in November what they want: an administration that unnecessarily sent American troops into a war that has cost the lives of thousands, or a Kerry-Edwards administration that will be smart about America's national security.

ELECTIONS, NOT FEAR, MAKE AMERICA STRONG

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

Mr. MCDERMOTT. Madam Speaker, elections, not fear, make America strong.

I just returned this afternoon from my district. All last weekend, everywhere I went in Seattle people kept asking me the same question, are they really going to take away our election? Now, I did not go to the secret briefing that they had last week. It is my practice and my policy not to go to secret briefings.

The day after the briefing, however, there was a stunning administration press conference revealing that the Department of Homeland Security thinks we should all be more afraid but that things are not bad enough to raise the terror alert level from yellow, and we should all be vigilant, but not about anything specific.

Now, that secret meeting that they had the day before had everybody's mouth zipped shut in this place. Then they go out on the street and say what they told us not to talk about; and, by the way, we need to figure out how to legally delay the election, just in case. That was the bottom line, what they were talking about. The homeland security spokesman referred to this as an effort ''to determine what steps need to be taken to secure the election.'' Please, folks, could we not at least avoid the Orwellian language?

Now we have got the people flooded with fear, and the conspiracy theorists are having a field day. It is everywhere, in all the clips today in the paper, everywhere all across the country just

what was going on in my district. I did not know where it came from, but when I got back to Washington and read what was going on nationwide, it is everywhere.

How does this contribute to our national security? How does it do anything except keep everybody off balance and crazy?

This ratcheting up the level of alarm is always followed by a pause though there is no change in the evidence or lack of evidence of a terrorists' ill-intentions and the relaxation of the tension is always followed by another call to fear.

There really are people out in the world who want to hurt us. Let us direct our attention to them. Let us work on the problem, instead of working on the nerves of the American people.

I do not want to anticipate that the Department of Homeland Security is going to fail. I want the Department to do everything possible to make us and our elections safe.

So I have some advice for the Department of Homeland Security, Madam Speaker. Stick to your knitting; try to keep the homeland secure; analyze the chatter; do not chatter yourself; do not add to the noise; do your job; do not stir up fear.

We are a vast and strong Nation. For the people in our government to be saying that if there is a terrorist event we will get rid of the election, excuse me? They do not do that in India. They do not do that in Germany. They do not do that in any country. You are acting like one event somewhere in this country is going to give the President the right to call off the election. Absolutely nonsense.

We got through the British burning the White House and the Capitol, this very building was burned to the ground in the War of 1812, without suspending an election. We got through the Civil War without suspending an election. You can go downstairs and see pictures of troops bivouacked on the campus of the Capitol, but we had an election in 1864. Some people thought it should be delayed, but it went right ahead. In a democracy you do not have to be afraid, and we will get through the election of 2004.

The Presidents who made these decisions to go ahead with the election, despite threats, were fighting ground wars right here in D.C. and in its suburbs, not 8,000 miles away. They had it right on their doorstep, but President Madison, who wrote most of the Constitution, and President Lincoln, who saved the Union, believed in this country and in its people. They believed that people would persevere and prevail, and that is what I believe.

Mr. Speaker, I call on the Members of this body and our administration to repudiate this fear mongering, the rumor generating, the chatter about delaying our elections. What kind of nonsense is that for the leadership in this country to be even talking about? It insults our intelligence. It distracts us. It harms our country. It is ill-befitting of this American democracy that we are all so proud of.

NORTH CAROLINA'S FAVORITE SON, JOHN EDWARDS, AND THE DEMOCRATIC PRESIDENTIAL TICKET

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

Mr. ETHERIDGE. Madam Speaker, this evening I rise with several of my colleagues and a number from my North Carolina delegation to talk about our favorite son, JOHN EDWARDS, as well as our ticket.

JOHN EDWARDS is from a little place in Moore County called Robbins, North Carolina. He currently resides in our State capital of Raleigh.

I normally do not respond to things some people say on the floor, and I find it a bit of interest earlier that my colleagues on the other side of the aisle knew so much about him, they wanted to quote from the Wall Street Journal. There are a few people in North Carolina who read the Wall Street Journal, but if he really wants to know about JOHN EDWARDS, I would suggest he read the Raleigh News and Observer, probably the Charlotte Observer or a lot of our weekly papers, and he would find a lot out about JOHN EDWARDS.

If he had been in Raleigh on Saturday, he would have had the opportunity to see about 20,000 people standing in the hot July sun, over 90 degrees for 4 hours, to welcome home JOHN EDWARDS and Presidential nominee JOHN KERRY and their wives Elizabeth and Teresa to Raleigh, North Carolina. It was a wonderful celebration of the first North Carolinian on the Presidential ticket in modern times.

I will have more to say about this in just a moment, but first I want to yield to my colleague, the gentleman from North Carolina (Mr. MILLER), for some comments.

Mr. MILLER of North Carolina. Madam Speaker, I am very pleased to be here tonight. I did not think I would be pleased to be here. In my office earlier, I was regretting greatly having agreed last week to come down tonight as I saw the time slip away and as I was, instead of dinner, eating the complimentary North Carolina peanuts that we pass out to our visitors, wondering when, if ever, tonight I would get dinner.

Then I heard the speeches of a few minutes ago by the gentleman from Georgia (Mr. KINGSTON) and by others on the same topic but from a different perspective, and I felt a new energy and a new enthusiasm for our task tonight, and I would like to address some of the questions that the gentleman from Georgia (Mr. KINGSTON) and the others asked about JOHN EDWARDS.

First, the gentleman from Georgia (Mr. KINGSTON) asked why it was that JOHN EDWARDS did not have to answer any of the insulting questions that were asked of Dan Quayle when the first President Bush asked him to run as Vice President in 1988, and I think that there is a simple answer to that.

The gentleman from Georgia (Mr. KINGSTON) said that Dan Quayle had been in Congress for 12 years, JOHN EDWARDS in the Congress for only six, but JOHN EDWARDS had not been asked why he was qualified to be President when that question was put very pointedly to Mr. Quayle. The gentleman from Georgia (Mr. KINGSTON) said he believed it must be because of the liberal media. I think there is a different explanation.

JOHN EDWARDS is smart. JOHN EDWARDS is smart. Everyone knows he is smart. Everyone who has spent any time around him knows that. He is plenty smart enough to be Vice President. He is plenty smart enough to be President.

Second, the gentleman from Georgia (Mr. KINGSTON) and all the others said that this is a ticket of two crazy liberals, wild-eyed crazy liberals, out of step with North Carolina or even, they suggested, with Massachusetts, and I just wish they would get their story straight.

JOHN KERRY and JOHN EDWARDS are the Huck Finns of American politics because they got to attend their own political funeral. In December of last year and early January, they appeared to be politically dead. Their campaigns were not going anywhere. The former governor of Vermont, Howard Dean, appeared to be walking away with the Democratic nomination. A respected political reporter here, Stuart Rothenberg, wrote a column that said, "It ain't over till it's over, but it's over." Howard Dean was assumed to be the nominee.

So all the right-wing commentators began talking about how the Democrats were going to nominate a crazy liberal in Howard Dean; and, to establish that contrast, they said the Democrats were rejecting sensible, thoughtful, moderate candidates like JOHN KERRY and JOHN EDWARDS. Things did not go according to their script, and now the ticket is JOHN KERRY and JOHN EDWARDS, and those same thoughtful, sensible, moderate folks that just a few months ago they were praising, they now are tarring with the same brush that they tarred Howard Dean.

Also, they need to get their story straight because just last week, in the hours immediately after JOHN KERRY had announced that he had asked JOHN EDWARDS to run on the ticket with him, the first response from the Bush-Cheney campaign was a 26-page e-mail that outlined all of these differences, all these differences between KERRY and EDWARDS, they just had nothing in common, and it just showed how flagrantly political JOHN KERRY was to have asked someone with whom he

agreed so little to run as Vice President with him.

□ 2200

Very quickly they abandoned that. Now they say they are just alike. There is absolutely no balance to this ticket; they are exactly alike. The same voting record. They are two peas in a left-wing pod. Again, their story would have a little more credibility if they would stick with it for just a little while.

In fact, both JOHN EDWARDS and JOHN KERRY are moderate in the best sense, not in some voting record and how they have reacted in the last 2 years to take-it-or-leave-it propositions, bills that have not been put to them to vote ''yes'' or ''no,'' bills that have not been compromised an iota. That is not the test of their moderation. It is their willingness to compromise, to try to find common ground, to try to find sensible solutions, to listen to everyone involved in the political debate, to listen respectfully, to respect their views and concerns, and to listen carefully because they might actually learn something. Would that not be refreshing to have in a President and Vice President?

I was also startled to hear our colleagues on the other side of the aisle say that JOHN EDWARDS and JOHN KERRY were out of touch and criticized them so sternly for being wealthy, for being rich. This is a party that treats the richest folks like rock stars. They are almost embarrassing in their fawning over rich folks. And the richer the folks are, the more fawning they are, the more unctuous they are around them. But that is not the point. The point is not the success JOHN EDWARDS has had.

Yes, JOHN EDWARDS has been very, very successful. We used to call that the American Dream. The point is where he started out and what he learned from that. JOHN EDWARDS, and I know they are tired of hearing the story of his being the son of a mill worker, but it is true and it is important. He understands what most folks' lives are like because that is the kind of life he lived. His father worked in the mill, his mother worked in the post office, as my father worked in the post office.

JOHN EDWARDS' life was like most Americans' lives. He had to depend on the public schools to get ahead, to have opportunities for him. Wallace and Bobbi Edwards, JOHN EDWARDS' parents, could not have sent JOHN EDWARDS to some expensive New England boarding school. He had to go to the public schools. And JOHN EDWARDS understands to the depth of his soul the importance of public education for middle-class Americans, the importance of public education in creating opportunities for ordinary Americans.

JOHN EDWARDS never got into any school on anything but his own merit. He never got into any college, he did not get into law school because of who his daddy was. He got in because he earned his way. He has earned his way his entire life. He has never had anything given to him, and he will understand the lives of ordinary Americans because of that.

They have talked about his role as a trial lawyer and the money that he made and how that now puts him out of touch. I can tell you what a trial lawyer does. The suggestion that he handled frivolous cases and made a fortune off that is ridiculous. He took the cases that had merit. He took the cases where people had been harmed because someone had not done what they should have done.

JOHN EDWARDS had to explain to juries how people who had suffered a terrible injury, how their lives had changed. He had to explain what their life was like before the injury, what their hopes were, what their aspirations, what they wanted their future to be like; and then he had to explain to the jury how that had changed and what their life was like after the terrible injury that they had suffered. And he had to explain the lives of many different people from many different walks of life.

I can tell you this, before you explain something to a jury, you have to understand it yourself. He was past master at understanding intellectually and at the pit of his stomach what peoples' lives were like, the lives they led and how their lives changed. And that would be a wonderful asset to have as a President or as a Vice President.

Finally, I want to address the lack of experience, the issue that they raise. That was, of course, part of the Dan Quayle debate as well. I was very startled to hear the gentleman from Georgia (Mr. KINGSTON) describe that JOHN EDWARDS had had less than 10 years of, his phrase was, public service, which I take to mean years in a political office. It was just 10 years ago that the members of the majority party campaigned for term limits. They characterized public service as career politicians. Now, 10 years later, they say that 6 years in political office is entirely too little experience, too little time in public life.

I think that the debate tonight of the gentleman from Georgia (Mr. KINGSTON) reminds us all how out of touch the majority party has become in 10 years and how if we want to have leadership in touch with the lives of ordinary Americans we need to change our leadership.

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague, the gentleman from North Carolina (Mr. MILLER) for joining us.

When we talk about this ticket, and certainly JOHN and his wife, Elizabeth, my North Carolina neighbors and all of our colleagues in North Carolina, their neighbors, and people from all walks of life are just thrilled to see this ticket, to see JOHN EDWARDS and Elizabeth really rise to national prominence, because they truly are one of us.

Mr. Speaker, I now turn and yield to my colleague, the gentleman from North Carolina (Mr. PRICE), for his comments on this ticket.

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleague for taking out this Special Order and giving us a chance to talk about a man whom we know very well and whom we know is prepared to serve this country very well.

I commend my colleague, the gentleman from North Carolina (Mr. MILLER), for listening so carefully to the preceding hour and the kinds of statements that were made on this floor. There is one that I thought was particularly striking, and I just want to check my recollection of this, if I might.

The gentleman from Georgia seemed to come over here and really challenge JOHN KERRY's faithfulness as a Catholic. That is what I heard him saying. That is extraordinary. That is extraordinary.

He also, in the process, restated the establishment clause of the Constitution. He said the first amendment prohibits the establishment of a State religion. No, the first amendment prohibits the establishment by the State of religion. And I would not pretend for a moment that it is always a simple thing to balance that establishment clause and the free exercise clause and understand how it can be applied in specific cases, but I would think one thing it means is that one in our country and under our form of government is not to take a theological interpretation, let us say of when life begins and to make that the law of the land.

There are many ways that our faith informs our politics, and that is true of JOHN KERRY and JOHN EDWARDS. It is true of the present President and Vice President, and we honor that. The wellsprings of political motivation and political values run very deep, and for most of us that involves our religious beliefs and our religious backgrounds. That is very different from saying, though, that we enact specific religious precepts as the law of the land; that we convert those into civil law when there is not widespread consensus on those precepts, as there came to be in the case, for example, of civil rights, and many other religiously grounded values. But where there is not that kind of broad consensus, over the years we have concluded it is best to leave conscience free. It is best to leave the individual and the collective expression of conscience free.

The gentleman from Georgia seemed to think that Mr. KERRY was being less than faithful because he was refusing to make that transition from a religious precept to the law of the land. And I wonder, where does that stop? Where does that stop? Where do you draw the line? Are there any limits to transforming religious precepts into civil law? Is there anyplace you draw the line, anything you would be willing to define as the establishment of religion?

No, there is great wisdom in that founding document, our Constitution. The State is not to establish religion. The State is not to interfere with the free exercise of religion. And I would suggest we would all do well to honor those precepts and to be very, very cautious in coming on this floor or going anywhere else and labeling a person unfaithful to his religious tradition because he happens to disagree with the interpretation of where these constitutional precepts apply.

I did not mean to start this way, Mr. Speaker, but the preceding hour was so extraordinary in some of the charges made and in some of the claims made that I felt I would add my contribution to what the gentleman from North Carolina (Mr. MILLER) very ably lined out.

The gentleman from the second district will remember very well when JOHN EDWARDS first came to the U.S. Senate, and in that first year we had a serious test of our ability to deliver for North Carolina and to collaborate in the interest of our State a challenge that came in the form of a hurricane and a flood named Floyd. And that was a test for all of us, but it was particularly a test for our new Senator; and that is where I got to know JOHN EDWARDS best and came to appreciate the kind of energy and dedication to duty that he exemplifies and his effectiveness. We did get a great deal of support for our State, relief for our State; and JOHN EDWARDS was a very valuable leading member of the team.

We also know him for his leadership on many domestic issues. He is probably best known as the leader in the Senate, along with Senator JOHN MCCAIN from the other side of the aisle, of the fight for a Patients' Bill of Rights. Very, very effective legislative effort. So JOHN EDWARDS is well-known as a legislator who has looked out for North Carolina and who has looked out for the people of this country.

But in the few minutes I have tonight, I want to turn to another aspect of JOHN's leadership and one that, again, our friends on the other side of the aisle seemed determined to denigrate, and that is his experience and his leadership in national security and in foreign affairs. Some have questioned that. But it is actually an important question to ask. Does a candidate for President or Vice president have credible experience and knowledge in foreign affairs, in security matters; and does he bring that to the table as he asks the American people to support him?

Let me just mention a number of aspects of JOHN EDWARDS' experience in terrorism and national security. On many occasions Senator EDWARDS has transformed key anti-terrorist proposals into law. As a member of the Senate Intelligence Committee, Senator EDWARDS has been an active leader on important issues related to national security, with particular focus on homeland security, intelligence reform, military operations in Afghanistan and Iraq, and U.S.-European relations.

For example, the Biological and Chemical Weapons Preparedness Act. This bill, introduced by Senator EDWARDS, along with Senator HAGEL, Republican of Nebraska, establishes a coordinated national plan for responding to biological and chemical weapons attacks and directs States to develop plans for dealing with such attacks. This was not just a proposal. Major provisions of this bill have been passed by the Senate in the Bioterrorism Preparedness Act.

The Airport and Seaport Terrorism Prevention Act. This legislation specified the use of new identification technologies to screen airport employees. Parts of that proposal were passed by the Senate and signed into law.

The Cyber Terrorism Preparedness Act. The Cyber Security Research and Education Act. These bills strengthen our Nation's preparedness and ability to ward off a cyberattack by terrorists. Parts of that bill were passed by the Senate and signed into law by the President.

The Name Matching For Enforcement and Security Act. Senator EDWARDS introduced legislation to improve the weak capacity of anti-terrorist watch lists and databases to match up variants of foreign names. This legislation was incorporated into the Border Security Act of 2002.

JOHN EDWARDS has been part of a working group of Senators focused on terrorism before 9/11. Before 9/11. In the summer of 2001, JOHN EDWARDS joined a working group of Senators from the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Armed Services who focused on the growing terrorist threat and considered possible responses. Many of these issues, many of these ideas, such as the mandatory sharing of intelligence between CIA and FBI and other agencies, and the training of Federal, State and local law enforcement officers to recognize and communicate critical intelligence information, these ideas were later implemented in legislation passed after September 11.

JOHN EDWARDS has met extensively with leaders around the globe, traveling in the Middle East, Asia and the gulf states, and Europe. He has wide exposure and wide experience internationally. As several of my colleagues have said, far, far more experience and exposure than our present President had when he was nominated. Present President had very, very limited international exposure, and actually seemed proud of that fact.

JOHN EDWARDS has been a member of the joint committee investigating the September 11 attacks. He has focused in on intelligence failures. He served as a member of the joint House-Senate panel investigating those attacks during the inquiry. He developed particular expertise on the shortcomings of the FBI's intelligence-gathering efforts. He developed relationships with a broad range of experts specializing in intelligence and national security policy, law enforcement, and civil liberties, as well as receiving detailed briefings from the FBI and the director of the British Security Service.

Fourthly, JOHN EDWARDS has played a leading role in post-conflict planning legislation. He played a leading role in improving America's ability to ensure that post-conflict states, like Afghanistan and Iraq, can address security challenges and humanitarian needs and political development.

□ 2215

In 2003 Senator EDWARDS introduced the bipartisan Winning the Peace Act that outlined major reforms to enhance the government's capability to conduct post-conflict reconstruction. And then, finally, JOHN EDWARDS has worked tirelessly to improve our military. As the Senator from North Carolina, he represents Fort Bragg, the world's largest army complex, as well as the headquarters of the Marine Corps Antiterrorism Task Force. He has been active in the effort to improve the quality of life for all who serve in the military and to reach out to military families.

Madam Speaker, others want to speak. I am going to stop with that. I hope, though, that it is evident; and one reason I have mentioned all these various enactments and all these various initiatives is to underscore the point that these are not just empty claims. These are documented claims. This is a record for all to see. This is a Senator who, in his term in the Senate, has been deeply involved in national security and foreign policy issues. He has developed expertise. He has developed a network of people that he works with. He has put forward creative proposals, many of which have been enacted into law. It is an area where he has invested a great deal and where he is prepared to serve.

And I thank the gentleman for giving us all a chance to testify to our knowledge of JOHN EDWARDS's good work and our support for his present effort.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for his comments. He certainly has represented the fourth district and part of the district that I had the privilege of having for a while and part of the district that the gentleman from North Carolina (Mr. MILLER) has. He certainly knows what it takes to be a good legislator, and I appreciate his comments on that.

Madam Speaker, I yield to the gentleman from North Carolina (Mr. MCINTYRE) for his comments as well. I thank him for joining us this evening.

Mr. MCINTYRE. Madam Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) as we talk about the Vice Presidential candidate, JOHN EDWARDS, our friend.

JOHN EDWARDS is a man of distinction, of dedication, and of determination. He has been distinct in all that he

has undertaken. Distinguished personally, professionally, and politically. In everything that he has tackled, he has gone at it with integrity and with the utmost sincerity and authenticity to show that his heart, his mind, and his whole being is engaged. When he puts himself into it, he does it all the way in the best and in the most distinguished way possible.

He is dedicated. He is dedicated not only to the job at hand but dedicated to the people he serves. In fact, that is the hallmark of JOHN's life. He has always cared about people, shown that interest, and gone the extra mile to care for people whether they were in his hometown where he grew up in Robbins, North Carolina, whether it was the people he served and worked with when he was practicing law, or whether it is the people now who have served in North Carolina and that he, indeed, serves and will serve in our entire Nation.

And he is determined. He is determined to provide opportunities for all so that no one is left behind but that all have an equal chance to succeed in life, and this has been evidence in his life. His extraordinary vision will help lift America to a better and brighter tomorrow. Whether we are talking about the farmers to the factory workers, from health care to homeownership, from childhood to college, from the armed services to agriculture, from the environment to energy, from fighting crime to fighting terrorism, in every one of these areas, Senator EDWARDS has distinguished himself, shown his dedication, and lived out his determination.

In particular, when we talk about farmers, being a member, as I know the gentleman from North Carolina (Mr. ETHERIDGE) is, as we serve together on the House Committee on Agriculture, we know that Senator EDWARDS's commitment to helping our farmers, too often the forgotten ones in today's society, but yet we know if we go over to the Library of Congress and walk into that great hall and look at all the disciplines of learning and science and engineering and literature, what is listed first? And they are not in alphabetical order, necessarily. What is listed first is agriculture. The great tillers of the soil and tillers of civilization, as Noah Webster once said.

And JOHN EDWARDS understands the needs of rural America. Having grown up in a small town, he understands small-town needs, small business, and the understanding of what it means to be able to try to make a living when economic circumstances are not the best. He spent time in rural America and in rural communities. He spent time on the farms and in the factories and in the rural health clinics and in the rural hospitals that I have spent time with myself and in the rural public school system such as the one we have in Robinson County, my home county, where we have spent time there together looking at students' needs and spending time with students and administrators and parents.

JOHN EDWARDS also understands, as was mentioned a moment ago by the gentleman from North Carolina (Mr. PRICE) and as the gentleman from North Carolina (Mr. ETHERIDGE) and I know, both representing Fort Bragg, that he understands our military. In fact, one of the first bills he introduced was to help with the pay raise for our military and to also offer better health care for our military. JOHN EDWARDS understands these practical needs, and he exhibits and lives the values of faith and family and freedom.

JOHN EDWARDS is a man of faith. In fact, not only has he been involved in the Senate Prayer Breakfast, which is nondenominational and bipartisan, but, in fact, he was co-chairman of the National Prayer Breakfast just a few years ago here in Washington. And we know the great importance that that has played historically in this Nation that every President since President Eisenhower, of both parties, has participated in. JOHN is a man of faith, and that is reflected in his passion for people and in the high integrity and ideals that he upholds and the way he conducts himself. He lives his faith and does not just talk about it.

JOHN EDWARDS is a man that does not have a shrill tone or speak with bombastic language or unacceptable language, but instead his message is plain. His message is positive. His message is powerful. His message is persuasive. And that is what has won the hearts and minds of so many people who have known him through the years. He will make sure that rural America, as well as urban and suburban America, will not be forgotten.

It says in the Old Testament that ''Where there is no vision, the people perish.'' It has been evident in JOHN EDWARDS's life that he has always had vision. He has seen fare beyond even what other people said he could not do, and he has helped take not only many people that he has served, our State but now our Nation, to the future. JOHN EDWARDS is that kind of leader, that kind of man that will help shape a vision for America.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman from North Carolina (Mr. MCINTYRE) for his comments. Certainly having come from rural eastern North Carolina, he understands what he is talking about and understands our friend JOHN EDWARDS.

Madam Speaker, I now yield to the gentleman from South Carolina (Mr. CLYBURN), which really happens to be the State where our Vice Presidential nominee was born. We are just grateful his parents decided to come to North Carolina so he could be reared there and get an education and make his living there. But we are happy to have the gentleman from South Carolina (Mr. CLYBURN) with us this evening to share a few comments about our friend JOHN EDWARDS on our ticket with JOHN KERRY.

Mr. CLYBURN. Madam Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for yielding to me.

Madam Speaker, it is a pleasure for me to come to the well tonight and to speak on behalf of one of our Nation's most promising leaders. I know that the gentleman from North Carolina (Mr. ETHERIDGE) has spoken about his relationship with Senator EDWARDS. We have heard from the gentleman from North Carolina (Mr. MILLER), the gentleman from North Carolina (Mr. MCINTYRE), and the gentleman from North Carolina (Mr. PRICE); and they have talked about the experiences they have had with him as well as his record here in this city in our other body.

I was asked the other day by a friend why was it that I thought that JOHN EDWARDS was so optimistic about the future of this country when all the headlines around us seem to indicate something else. I said to him JOHN EDWARDS was born in a little town not far from the town where I was born, Sumter. I was born in Sumter. He was born in Seneca. Geographically it is somewhat of a distance apart, but he was born and reared in a value system that I am very familiar with. A value system that is grounded in his faith which can best be described by the words found in the Book of Hebrews: ''Faith is the substance of things hoped for, the evidence of things not seen.'' I think that JOHN EDWARDS is optimistic about the future of this country because he has that kind of faith that comes out of a value system that tells us all that, as was said earlier, ''where there is no vision, the people perish.'' He has a vision for the future of this country, and he has expressed that vision time and time again throughout this Nation.

I heard it asked earlier what was the difference between JOHN EDWARDS and Dan Quayle. The difference is very stark. JOHN EDWARDS went before the American people. He laid out his life's history. He laid out his vision for the future. He told the people of this country where he would like to see us go, and he did so in such a way that exudes enthusiasm and optimism, and he endeared himself to the people of this Nation, and of course that is the difference. People got to know him. People got to see him. And people tell me that even when they did not vote for him because they may have thought someone else would make the better candidate, they really were moved by him. And today he is a part of what I consider to be one of the most promising teams of leaders this country has ever produced.

I want to close my comments tonight by dealing with an issue that I hear so much about: this issue of liberal versus conservative. In that little town of Sumter where I grew up, I was born and raised in the parsonage. My father was a fundamentalist minister who taught me in my early years that there are times when it is good to be conservative. He taught me that if I earn a

dollar, I ought to be able to save a nickle. He taught me that when I leave the room, I turn out the lights, I conserve energy. But on Sunday mornings after his sermon, he never asked his congregation to give conservatively. He always asked them to give liberally.

So I grew up thinking that it is good to be conservative at times, and it is good to be liberal at times. What life is all about is finding the balance that will make us all better for having lived it.

We see that balance in JOHN EDWARDS, and as we go forward with this campaign, I think the American people will see that balance in JOHN EDWARDS and JOHN KERRY and will entrust the leadership of this Nation to that team that I am sure will make us all proud and bring back the dignity and respect that this Nation has always enjoyed.

I thank the gentleman for yielding to me, and I appreciate being here.

Mr. ETHERIDGE. Madam Speaker, I thank my friend for his kind comments. And he is absolutely right. Elections are about the future, and this election certainly is about our future and the kind of balance we have. JOHN KERRY had the good sense to reach down and choose a man who really the people had already had a chance to see. And I thought the gentleman's comments were absolutely on target with that because never before have we had a candidate that our Presidential nominee reached down and chose as Vice President that they already had a chance to have a shake-down run at the level this one has.

I am also glad the gentleman from New Jersey (Mr. PALLONE) has joined us. It is great to have someone comment and join this group tonight. I yield to the gentleman.

Mr. PALLONE. Madam Speaker, I want to thank the gentleman from North Carolina for yielding to me. And I noticed I guess I am the only Northerner here tonight. Everyone else has been either from South Carolina or North Carolina.

□ 2230

But I have to say when I listened to the other side of the aisle, to the Republicans this evening, criticize our candidates for president and vice president, I could not help but come down here and say a few words, because I have watched both of these Senators who are now our presidential and vice presidential candidates on the Democratic side, and I have been very impressed with them.

I really resented, I do not like to use the word, but I resented the fact that our Republican colleagues used all these lables, liberal versus conservative, rich versus poor, because I know when I listen to Senator EDWARDS and Senator KERRY, they are not looking at things that way, whether somebody is rich, or what somebody's ideology is. They are just looking at it practically. And I have watched what they said.

I particularly want to pay notice of Senator EDWARDS tonight, because he is the newest person on the ticket and he is always looking at things from a practical point of view. The reason that he advocates change in the White House, and the reason I advocate change, and I think all of us do, is because we just do not like the practical impact of the policies of President Bush and Vice President CHENEY, particularly as it affects the little guy. Because when I listen to Senator EDWARDS, he is always talking about the little guy.

If you look at what happened over the last 4 years under President Bush and Vice President CHENEY, it is the middle-class, it is the little guy that has been hurt, whether it is gas prices or it is healthcare costs or it is education costs, or the fact that over the last 4 years we have had a loss of over 2 million jobs and the jobs that are now being created are not as good as the ones lost. This is what our Democratic candidates are all about.

The ultimate irony, I have to comment a little bit on some of the comments made about Senator EDWARDS being wealthy. He is wealthy, there is no question about that. But here is a guy who grew up in a small town, it has already been described, born in a small town in South Carolina, raised in a small town in North Carolina, from a very modest family. I have a little bit of his biography here.

His father Wallace worked in the textile mills for 36 years. His mother Bobbie ran a shop and worked at the post office. He worked alongside his father in the mill. He was the first person in his family to attend college.

This is a self-made man. This is a guy who went to a state university, North Carolina State University, graduated as undergraduate, then went for his law degree, University of North Carolina, Chapel Hill, a very good school, but also a public state university. He is self-made.

This is the very thing the Republicans keep talking about. They always use the example of Abe Lincoln, born in a log cabin and became president of the United States. Well, this is what we have here. This is not some guy who was born wealthy and was given everything. He had to work for it. That is what it is all about.

Then when I listened to some of these statements about the fact that he was a trial lawyer and how bad that was, well, you know, let us not put labels on people. I am sure there are some trial lawyers that are bad, but there are a lot of trial lawyers that are good. It depends on what you do.

The fact of the matter is that when I listened to, I think it was the gentleman from Texas (Mr. BURGESS), who is a physician from Texas, a Republican, who got up and started criticizing EDWARDS because he was a trial lawyer, am I to assume that everybody who is a physician is good and everybody who is a lawyer is bad? Is that what we have come to now, this sort of divisive element in looking at things? Well, it is just ridiculous.

If you look at EDWARDS' background, he was always fighting for the little guy. I just want to give you a couple of these cases, because I heard the gentleman from Texas, the Republican, talk about what is fair. Well, it is not fair if there are people who are injured and they do not have some way to redress their grievances.

This is an example. This is a very good example. I wanted to use one of the cases that EDWARDS tried. It is Jennifer Campbell, who suffered severe brain damage because of a doctor's mistake and the hospital's complacency.

EDWARDS represented Jennifer Campbell, who was born in April of 1979 with severe brain damage because of medical malpractice on the part of her mother's doctor and hospital. Despite the clear signs of fetal distress during labor, the doctor failed to deliver the baby by C-section and the hospital's nurses failed to help Jennifer by reporting the doctor's conduct up through the hospital's chain of command.

Now, am I to assume that in that case the doctor did the right thing and the doctor was the good guy, and the lawyer, in this case JOHN EDWARDS, who defended Jennifer Campbell who suffered from severe brain damage should not have had somebody to try her case, her malpractice case?

I am all in favor of malpractice reform. I do not see any problem. I have even voted for a cap on tort cases in some instances. But I am not going to suggest that it is not a good thing for a trial lawyer to take a case like that, where somebody has been severely injured.

Another case, I will give one more, this was a Methodist minister. Greg Howard and Jane Howard were killed in an auto wreck with a truck, left behind an orphan five-year-old son. EDWARDS represented Golda Howard, who lost her son Gregory in a car wreck with a truck.

The truck driver was driving too fast and following the car in front of him too closely, and when the car in front of him braked, he swerved across the center line into Greg Howard's 1984 Honda civic head-on. Both Gregory Howard, a 31-year-old minister and Methodist camp director, and his wife were killed. They were survived by their 5-year-old son Joshua, who was not in the car. They are not supposed to be defended in this case?

Clearly there is no question that EDWARDS is someone who has cared about the little guy, and he saw being a trial lawyer as a way to give back and effectively represent people who had been seriously injured. These are not frivolous suits. That is not what we are talking about here.

I just want to give one more example, because I know the time has basically run out. I think it was my colleague the gentleman from North Carolina

(Mr. PRICE), or maybe it was the gentleman from North Carolina (Mr. MILLER), who mentioned EDWARDS' passion on the issue of Patients' Bill of Rights.

I remember, because you have been to some of our Health Care Task Force meetings that I chaired in the last few Congresses, and one day we invited Senator EDWARDS to come over to from the Senate and talk to our Health Care Task Force about the Patients' Bill of Rights, because it was something we were trying to get passed on the floor of this House.

He came over and was one of the best presenters and speakers that we ever had. I had never even met him before. This was a few years ago. I was so impressed about his passion and caring about patients and how they had to have their rights protected.

This is something that we still need. If a case arrives where an HMO says that a person is going to be denied care because they cannot have a particular procedure or cannot go to an particular emergency room because they need care, that is what this is all about in this House, representing the little guy, the person who is damaged, the person who needs healthcare.

He was a guy who came to our Health Care Task Force and talked with passion about how we had to get this bill passed. And we still need to get this bill passed.

It is somebody like him, as vice president, joining with JOHN KERRY as the president, that we can get something like that passed, because you know that President Bush and Vice President CHENEY have been very much against the Patients' Bill of Rights. They went to the Supreme Court and got the Supreme Court to basically void the Texas Patients' Bill of Rights.

So we need leadership. We need leadership in the White House. We need leadership at the vice presidential level as well, if we are going to see patients protected. That is what this is all about.

I am just so proud to be here tonight to say how proud I am that we have this great ticket that includes a North Carolinian.

Mr. ETHERIDGE. Madam Speaker, reclaiming my time, I thank my friend from New Jersey. Let me also thank the gentleman for being here and joining us this evening on this evening of special orders to talk about our ticket and for those of us from North Carolina to have a little swelled up pride about having a North Carolinian on the ticket for the first time in actually 140 years. We have to remember that really the person that was on there 140 years ago really was from Tennessee. He just was born in North Carolina.

So we have a great deal of pride in JOHN EDWARDS and the fact that our presidential nominee JOHN KERRY had, as I said earlier, the vision and the wisdom to reach out and touch him and bring him and Elizabeth along. I think they will add a great deal to the ticket, and I thank the gentleman for his comments and leadership.

As we said earlier, this thing of elections is really about the future. It is about our hopes, it is about our dreams. It is about responsibility on the part of individuals. But it is also about people who care. The gentleman's point was on target.

We are elected, all of us, here in this House and over in the Senate, to represent the people of this country. Every person that has a grievance, within reason, ought to be able to have us to deal with it in some way. If they do not get their shot and only those who have the money and the influence to have people to get things done, then the average person gets left out, and that questions a whole lot of things.

We talked earlier about our vice presidential nominee in JOHN EDWARDS. I like to think of the values that JOHN EDWARDS learned growing up in Moore County, in North Carolina, and they are the same values that I think I picked up growing up on a farm down in Johnston county.

When you grow up in a rural area, you learn you have to depend on your neighbors. I told a group the other day, I remember, today we would not think about going to our neighbor and saying I want to borrow a cup of sugar or a cup of flour or some coffee. But that is the way it was in rural North Carolina when JOHN EDWARDS was growing up. People would go over and do it, and then return it. Today we hop in the car and go to the store and get it, because you have a few more resources.

But I think among those shared values that he picked up and he learned were the value of hard work, love of family, faith in God and in our country, and a dedication to the larger community, where neighbors look out for one another, and everyone has a decent shot at the American dream.

JOHN certainly lives his faith every day. He is not the type of person that you see wearing it on his sleeve, where he talks about it. It is a part of him. I know actually even before he was in the Senate, our children, our two older children attend the same church he does in Raleigh, and he is faithfully there with his children every Sunday now that he is in the Senate, and he was before when he was in Raleigh.

He is really in touch with the American people, because he never lost touch with where he came from. Even though he grew up in Robbins and went to North Carolina State University and on to the University of North Carolina to get a law degree, he helped earn that money along the way to get his degree.

Yes, he has been successful, because he has worked hard. There is nothing wrong with a person working hard and being successful, as long as they are honest in what they do. That is what the American dream is all about. That is what public education is about, getting an opportunity to make it. And whether the issue is working to improve our schools, or bolster economic development to create good jobs, or making healthcare, as you have talked about, a little more affordable for working families and available for those who have been injured, JOHN EDWARDS always had the family of small town America in mind, because that is where he comes from, where you grow up and the values you learn are the values you carry with you all your life.

Just like the gentleman from North Carolina (Mr. PRICE), when you grow up in a small town, you may move to the big city, but the old adage has been said, you can take the boy out of the country, but you cannot take the country out of him when you bring him to the city. JOHN EDWARDS is the same way. You have those things, those values you learned, that make all the difference in the world.

I once had the occasion to work in a cotton mill for about a year. We did not call them textile mills then, we called them cotton mills. There was a reason for that, because there was a lot of dust and lint in the air and they were hot, they were dusty and they dirty.

It was good work, and there were great people that worked there. They were great people. They were God fearing people that cared for their country and helped one another. But it is hard work, it is hot work and it is dirty work. His dad worked there for 36 years, and I can tell you it is hot in the summer because there is very little breeze.

I have heard some on the other side question why JOHN frequently mentions his father's work in the textile mill. I think it is an important point to make. I think he makes it because he wants people to understand not only does he care about his parents, but he cares what they taught him. Those are the values that he carries with him today.

JOHN KERRY recognized that when he said, ''I want JOHN EDWARDS to join me,'' and he made that call last week. He understood it. He saw it in him.

I think JOHN EDWARDS is the embodiment of the notion that in America, the son or daughter of a mill worker has just as much right to run for higher office as the son or daughter of a President or a corporate tycoon.

I predict to you he has already shown himself to be capable and able, but I think the American people will see over the next several months and learn to love him; a young man who came from Robbins, North Carolina, married his college sweetheart, and has done quite well. He has the tools to be a great vice president.

I guess one of the other things I like about JOHN EDWARDS is he and I share probably only one other thing: He and I were both first in our family to go to college.

□ 2245

Madam Speaker, you have a heavy obligation when you do that, because you have an obligation to help others. He has a strong and abiding commitment to helping working families get

access to college, because he understands education is the one thing that levels the playing field. It does not make any difference what one's ethnicity or economic situation is, or who one's parents are or where you come from; if you get an educational opportunity, you have a chance to make it. He knows firsthand that a quality college education really is the key to the American dream.

I predict to my colleagues that as Vice President, he will fight to promote education, because he does know, as I have already said, it levels the playing field for everyone and gives them that chance for success. Those are the values that have made America great, and those are the values that he brings to this ticket. Those are the values that JOHN KERRY saw in JOHN EDWARDS when he made that decision. I predict to my colleagues that they will make a great team. They will make a difference in America; and that, as has been said by all of my other colleagues this evening in one way or another, they will give America hope again, because there are those who want to provide fear. They are about optimism and hope and dreams and possibilities and opportunities, so people can feel good not only about America, but our position with our allies and friends around the world, and that every person takes responsibility for themselves as we move forward into the 21st century.

Let me now close by thanking my colleagues for joining me this evening. And since I only have a couple of minutes, I want to close with a little poem. I think it says a lot about this ticket of JOHN KERRY and JOHN EDWARDS. It is written by the person who writes more lines than anyone else. It is anonymous. It is entitled ''The Builder.'' It goes like this.

''I watched them tear a building down, a gang of men in a busy town. With a ho-heave-ho and a lusty yell, they swung a beam and a side wall fell. I asked the foreman, 'Are these men skilled, the kind you would hire if you had to build?' He smiled and said, 'No, indeed. Common labor is all I need, for I can wreck in a day or 2 what men have taken years to do.' I thought to myself as I went my way, which of those roles have I tried to play. Am I being careful to measure the world by the rule and a square, or have I been content to roam the town, content to do nothing but tear things down?''

Madam Speaker, I predict to my colleagues that JOHN KERRY and JOHN EDWARDS will be builders. What this country needs is people with a good attitude, with a vision to build, bring people together, and let America be America again.

SUDAN

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Madam Speaker, I have one issue that brings me to the floor tonight and that I hope to get to in a moment. As I listened, however, to my colleagues, it does come to mind that there would undoubtedly be a new vision for America if the ticket that they were extolling the virtues of actually becomes the leadership of the country as President and Vice President. It is true that there would be a difference in the way we look at life, the way we look at government in particular. It is certainly true that for those people who believe that the government is the primary focus of all of our activity and strength as a Nation, those people who believe that taxation can be euphemistically described as investment; those people who believe that the Constitution is really nothing more than a document that deserves to be interpreted, restructured, and changed by courts and judges; those people who believe that America's best days are behind us, those folks will indeed be happy if, in fact, the Kerry-Edwards ticket prevails.

Good men, I think, all good men are running for the office of President and Vice President of the United States. Certainly good things can be said about all. But it is undeniably true that we can also talk about the fact that incredible differences exist between the ways in which these people view their responsibilities as chief executive, as Commander in Chief; the way they look at the role of the United States in the world. One sees the United States as being subservient in many ways to international bodies, world courts, United Nations, other international organizations that I believe Senator KERRY and Senator EDWARDS think should have priority in terms of deciding how America actually goes about its business and determines its own policies.

Or President Bush, Vice President CHENEY, who recognize that although interaction with the world community is important, America must be strong enough and resilient enough to actually establish its own set of goals and purposes, and then act to achieve them, hopefully with the agreement of a large part of the world community; but even if that agreement were not to be reached, to understand that our goals may be unique to us, and that, therefore, we may have the responsibility of trying to achieve them, even by ourselves.

So there are certainly differences, undeniably true. That is the one thing with which I can totally agree with what our colleagues on the other side were talking about for the last hour, the differences that exist. But I believe that when the final tally is made, that most Americans will decide that the person who will decide who, for instance, is on the Supreme Court of the United States and will be making laws, interpreting laws for the next generation or two, because that is really how much of an effect it will eventually have if two or three members of that Supreme Court have to be, or actually end up being, changed.

And when people think about the fact that we are in a war that does threaten our very existence, even if it is not described on the front pages every day as a war between armies and one moving and advancing, but one retreating, but nevertheless an understanding that we are in a clash of civilizations; when one thinks about these things, one will come to the conclusion that it is better to have people in charge who think about the Constitution as strict constructionists do, that it is a document to be adhered to because it was divinely inspired. They will think about the fact that those folks who they want making a decision about their national security are people who are desirous of having the support of the international community, but not willing to be subservient to it; and, I think, of course, they will come to the conclusion that they will keep the President, the present President and Vice President on for the next 4 years.

But that really was not the main purpose of my coming down to the floor tonight. When I came to this Congress in 1998, I determined that there were a number of issues that I wanted to focus on. One of them dealt with a situation that was developing in a land far, far away, a land that very few people really knew much about. I had become acquainted with it mostly through discussions at my church about the persecuted Christians throughout the world.

This land is known as Sudan. It is one of the largest countries in Africa. It is the poorest country in Africa. It has suffered through an enormous amount of pain. It has sustained itself after 27 years of internal strife. Two million, at least 2 million, are dead; four million, at least, displaced in this civil war that has been ongoing, as I say, for over 25 years. Little is known about it. Certainly, in 1998, very few people thought much about Sudan or, frankly, almost any other country on the African continent. But certainly, Sudan was not on the top of anyone's list as a nation that we should be concerned about, a nation that had any relevance for us in the United States or really anywhere else in the world. Yes, it was just another one of those countries that was involved with internal strife.

Many people died, but that is just the way it is over there, and that was the thought. That was, to the extent that anybody gave it any thought, to the extent that Sudan mattered to anyone, it was just another place on the African continent where people were dying and were dying because of the internal conflicts that we thought we had nothing to say about.

Well, in fact, several Members, including myself, Senator BROWNBACK, the gentleman from New Jersey (Mr. PAYNE) talked about this issue at great length every time we had the opportunity. Anyone who would listen, we

would talk about what was happening in Sudan. We would talk about this incredible tragedy that was evolving in front of our eyes. And we would ask people to be concerned, because it was a human tragedy of enormous proportion. And we found ourselves, frankly, in this strange sort of situation where the focus of the world was always taken away to a different place, to a different set of circumstances. Yugoslavia, Bosnia, Croatia, Serbia.

Mr. Milosevic, a name that most people in this body and certainly many Americans will recognize, Mr. Milosevic was the head of a country that was, as we determined, as this body determined, conducting genocide, that it was involved with ethnic cleansing, where thousands, perhaps hundreds of thousands, of people were being killed. And we spent a great deal of time and we debated in this body at great length exactly what actions should be taken by the West, by the United States in particular, and by NATO, if the United Nations would not get involved. And the United Nations chose not to get involved, but the United States led the way with NATO to go in to Yugoslavia and to, in fact, change the situation there. And we did so at the cost of a significant amount of our treasure and, certainly, many lives were lost in the process.

But there was a general agreement that that was the right thing to do because something terrible was going on in the country at the time in Serbia. And so there was a debate on the floor and the permission was given and we went to war, essentially, with the United Nations and eventually overturned the regime, and the United Nations is now involved with trying to do some sort of rebuilding effort of the country.

□ 2300

By the way, it was not very successful. The economy is disastrous. There are now signs of ethnic controversy and conflict starting all over again. This time it is the Albanian Muslims against the Christian Serbians, but the United Nations seems helpless to try and do anything about it. And so we did that, and that was where all of our attention and resources were focused, at a time when, as I say, another part of the world was suffering far more, under any criteria you want to establish as to why anybody else should be concerned.

If you look at the Sudan, you will see a nation tormented, and you will see a level of human sacrifice, a level of human rights violations that is unprecedented since the Second World War. And yet no focus. Nobody cared.

And we talked and we talked about it, and finally I remember I got a call from Senator BROWNBACK's office, and I had only been in Congress for a couple of months. His staff person called our staff person and said, ''I understand your boss is interested in Sudan. Well, so is mine, and we are going over there in May, and does he want to come?'' And I said, ''Gee whiz, the Sudan? I have only been in Congress a couple of months, and I am really not sure. I always thought that our first trips were, like, Paris or Rome or someplace like that.'' That is what everybody always told me, that we were going to head out on these really exciting and cosmopolitan places, but in fact I said, okay, and I went with Senator BROWNBACK and with Congressman PAYNE to Sudan. And what I saw was, with my own eyes, the pictures of what many have seen of strife and horror and degradation of the human spirit, but I saw it with my own eyes, and it was a very moving experience, of course. It was one of those life-altering experiences.

I will never forget. There was a town called Yei, and it was a town that had been bombed often. And I remember there were a lot of chickens that the people would be watching, and people would talk about the fact that if the chickens started to run, because they could hear the engine of planes coming before the people, that the chickens ran, then the children ran, and then the adults ran, because they knew that was their early warning system, was the chickens who heard the actual planes coming.

And all these kids came around me and Senator BROWNBACK and others, and they gathered so close, you could hardly move. And they were shouting and they were looking up and they were pointing at the sky, and I asked the interpreter who was with us, I said, ''What are they saying?'' He said they are saying that they are going to stay as close to you as possible, because they do not think that they will be bombed. They do not think they will bomb an American Congressman. So they stand as close as they possibly can so they will not be hurt.''

I said, ''Well, you know, I hope they are right, but I don't think that anybody knows that I am here, but I hope they are right, of course.'' And I could see in their eyes the terror that they live through every single day. Most of them had lost parents, brothers and sisters. Many, many thousands and thousands were homeless, thousands were orphaned, and what they looked for was some degree of hope.

Now that was the situation in 1998, and we came back here and worked very hard, and we passed something. I introduced a bill, and it passed, and it is called the Sudan Peace Act. And it established certain criteria that had to be met by both the north and the south in terms of good-faith bargaining to come to some sort of peace agreement. And if they did not have that kind of good-faith bargaining, then there would be certain sanctions that we would apply.

Eventually, and just a few months ago, really, peace did come to that part of the Sudan that was afflicted by the civil war, and we are, of course, happy. A peace agreement was reached. The details now have to be worked out, but the fighting between the north and the south stopped.

Now I have explained that part of this, well, that the world was told that the civil war in Sudan started because you have an Arabic Muslim north and a black Christian south, and really the cultures were in conflict. Certainly true. And that the north where the government exists in Khartoum was always oppressive, acted oppressively against the south, and that is certainly true. In fact, the north sponsored raids, actual slave raids.

Sudan is one of the countries left in this world that actually has institutionalized slavery, and slave raids were encouraged by the government of the north in Khartoum. The Arab Muslims would come down, raid villages, take people away, back into both sexual slavery and just slavery for the labor that could be obtained.

But this was the conflict, Arabic Muslim, black Christian. Well, because of the enormous amount of international pressure that eventually developed after years, literally years of pressing every government we could think of, including our own, to force some sort of peace in this war-torn area of the world, peace finally occurred of a sort. But then, almost I guess because it was too good to believe, there was too much hope that in fact some degree of tranquility could overtake this troubled land, another problem, another conflict began to develop, and this is in the Darfur region, western region of Sudan, mostly in the north, where again Arabs were confronting black Africans.

This time, however, there was no difference of religion. This is the very interesting aspect of this particular conflict, because it really does go to the heart of the entire conflict that has been there for 27 years, yet really is not Muslim against Christian. It is Arab against black. It is genocide. Yes, the word is genocide.

They have talked about this for a long time, the north, about how they wanted to essentially cleanse the south, but they certainly wanted to move everyone out of the north that was in fact black African. They have now embarked upon a genocidal war in this province of Darfur. So far, around 50,000 dead, 200,000 displaced, and the numbers are growing every single day.

The government of Sudan in Khartoum is aiding and abetting the Janjaweed. The Janjaweed, they are Arabs, traders, Arab militiamen, essentially, who raid, kill and rape, and they are given the arms and the go-ahead by the government of Khartoum to pursue this.

Of course, the Khartoum government tells us and the rest of the world they have nothing to do with it, they will try their best to stop this, but the only thing that they have stopped so far is the transportation of any resources, the transportation through Sudan into

this particular area of any of the foodstuffs that USAID or other NGOs, nongovernment organizations, are trying to deliver. They have done everything possible to halt any humanitarian effort to the region. They have done everything possible to aid the activities of the Janjaweed and to encourage them in this bloodbath.

Rape has become a tactic to advance the strategy of genocide. The women are told at the time of rape that they are impregnating them with lighter-skinned children and that they should leave once the child is born of that rape, that they could leave and leave the child, because the child would be of lighter skin.

The camps that have been established in and around the interior in Darfur, camps because, of course, people have been driven out of their villages and into these camps, the camps are surrounded by the Janjaweed. They patrol it, and they wait for people to walk outside. And the women come out in the morning, and they try to get out earlier and earlier to avoid attack, but the women are raped. The men are killed the minute they get outside of this camp. So there is no sustenance, there is no food, and now the rains are starting in Sudan in this part.

□ 2310

We have camps now with, as I say, a couple of hundred thousand people and more arriving every single day. There is no sanitation. There is very little food. All of them have been walking for some times hundreds of miles to get there. They are weak. They are starving. The rains are coming. Disease will spread and hundreds of thousands will die and it is planned. This is not just an accident. It is not just what is going to happen simply because of the forces of nature. It is going to happen because the government of Khartoum, the government of Sudan in Khartoum has designed this plan, to kill or move out the black people who inhabit this part of their country.

This is amazing. This is incredible that this could be happening in the world today, and again, relatively few people care.

Now, to the government's credit, Secretary Powell has gone to this area, just returned I think last week. He said that something like, well, I do not think we should argue about what it is called, whether it is genocide or something else. We have to do something. But the reality is we have to argue about what it is called because what it is called matters. If you say it is genocide, then there is a course of action that must be taken.

There is a 1948 agreement. It was signed by many nations of the world, including the United States. It is called The Genocide Treaty, and it sets up some criteria. And it says if this criteria are met, then in fact genocide is what is happening and you have to do certain things, including eventually maybe even military intervention. And that is what scares everybody off, and it certainly scares us because, God knows, we are spread thin, it is true.

But I nonetheless believe that we must go to the United Nations, and we must ask them for a declaration of genocide, because everything that is happening in Darfur, in the Sudan meets those criteria. It is purposeful. It is designed to actually eliminate a certain specific group of people. They are black. That is their crime. They are Muslims. But they are being killed by Muslims who are Arabic. It is racism. It is the most virulent form of racism we can possibly imagine.

The world has to focus on this even though there are things that pull us away, I know.

It is interesting, there is an article in the Guardian Review, ''Human Rights on Trial'' by Nick Cohen, May 16, 2004. It says, we choose to ignore atrocities committed in the third world when it is politically expedient as in Sudan. It goes on to say that ''there is a bell curve in the international appreciation of atrocity. Safe countries receive no coverage for the obvious reason that there is no atrocities to cover in, say, Denmark or Belgium. The curve begins to climb from these dull lowlands and hits its peak in countries which are dangerous but not too dangerous to make reporting to them impossible, today's Iraq and the former Yugoslavia in the age of Milosevic.

''From here the curve slithers down again until it reaches countries at the furthest extreme from civilized life which are either too dangerous or too tyrannical for free investigation to be an option for anyone but the recklessly brave, the Congo and North Korea today or Iraq before the war. The lesson for tyrants is they risk becoming the objects of global outrage when they are not tyrannical enough.''

Is that not just great? Is that not an absolutely perfect description of what is happening in the world? There is this range or atrocity that we will cover because it is safe enough to do it, but then once it gets beyond that, no coverage, nobody pays attention to the worst of all.

''The rulers of Sudan know this well,'' Mr. Cohen goes on to say. ''Foreign journalists are not murdered there but pretty much everyone else is. An extraordinary Islamists regime filled with apocalyptic fervor of the fundamentalist revival has enslaved Christians and animist tribes in the black African south, as it prosecuted a civil war which has claimed the lives of 2 million since the early 1980s. Two million is the provisional estimate of the number killed by the Khymer Rouge in Cambodia. But while every politically sentient person has heard of Pol Pot and the killing fields, I doubt if many know of President Omar al-Bashir of Sudan and Hassan al-Turabi, a cleric who provided the ideological justification for the terror until he fell out with his murderous patron.

''If the names ring a bell, my guess is that you are active in one of the Christian or human rights campaigns which has doggedly monitored the extermination campaigns. The killings have subsided,'' the peace act is in force, ''and there is now a faint hope of peace agreement but this seemingly happy prospect has only made the randomness of global compassion more unhinged and unprincipled.

''This year is the tenth anniversary of the genocide in Rwanda. It has seen Kofi Annan apologize for ignoring warnings that a mass slaughter was about to begin. And every Western government except those that were guilty of sins of omission, except, inevitably, the French, whose despicable role in Rwanda came close to the sin of commission. As the air was filled with the drumming of chests being beaten and the cries of 'never again' being bellowed in languages except French, another African disaster was being ignored. Since the autumn of last year, Arab militias have driven 1 million people from their homes of the Darfur province of Sudan. Government forces have overseen and participated in massacres, the summary execution of civilians, and the burning of towns and villages. Those who escape now face the risk of famine.''

Atrocities must be allowed to flourish so other atrocities can be prevented. That is one of the strange sorts of anomalies of foreign policy that we are dealing with. I think this article was fascinating for its insight into how we handle issues of this nature and how difficulty it is to get the world to go act in situations like this.

Is it does seem odd, does it not, that we are willing to do so much more in other places of far less significance in terms of human rights tragedies? But we are all God's children. We are all made in his imagine and likeness, be we black, or brown or white or yellow. And for that reason we have to show compassion to those who are being persecuted. And we should act as vigorously in Sudan as we have in other parts of the world.

The Secretary of State should go to the United Nations tomorrow and demand a genocide statement be accepted and that the world, therefore, take action in Sudan. The government, every single time they have been pushed to the end, have retreated. They need to be pushed to the end again here. I hope and pray that we will do what is the right thing to do, what is expected of us as those occupying the moral high ground in the world, which we are. But in order to maintain that position, in order to keep the moral high ground, it is imperative that we pay attention to places like Sudan, even though I know our attention is being pulled in so many other places. And it is difficult because I do not know that there were any votes that anybody can count on if they champion this issue. I certainly cannot say that is true.

□ 2320

There are things that we should do here simply because they are the right

thing to do, not because there are any votes connected to it, not because there are any lobbying groups that are pressuring us, not because anybody's giving us money in order to champion a cause, but simply because it is the right thing to do. It is what we are asked to do as human beings of conscience, which is what I want to believe the United States still is, and I do believe it. It just needs to have its attention drawn to the areas of the world that command it.

So I do hope, Madam Speaker, that we will encourage our government to take every action possible, as I say, including any action that is designed to influence a decision by the United Nations that would lead to a declaration stating that genocide is actually what is happening.

Yes, the word matters. It is not the seeds of genocide. It is not a potential genocide. It is, in fact, genocide. Say it, let the chips fall where they may, and we can all rest easier because we have done what we can do, and that is all really God expects of any of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of personal matters.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Mr. ENGEL (at the request of Ms. PELOSI) for today on account of airline delays.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today and July 13 on account of attending a funeral.

Mr. QUINN (at the request of Mr. DELAY) for today and until 2:00 p.m. July 13 on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. TERRY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, July 19.

Mr. BURTON of Indiana, for 5 minutes, today and July 13, 14, and 15.

Mr. PAUL, for 5 minutes, July 15.

Mr. JONES of North Carolina, for 5 minutes, July 13.

Mr. GINGREY, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, July 14.

Mr. NUSSLE, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 218. An act 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.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 103. An act for the relief of Lindita Idrizi Heath.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 8, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 1731. To amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 13, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8986. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus NRRL 21882; Exemption from the Requirement of a Tolerance [OPP-2004-0164; FRL-7364-2] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8987. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — C8, C10, and C12 Straight-Chain Fatty Acid Monoesters of Glycerol and Propylene Glycol; Exemption from the Requirement of a Tolerance [OPP-2003-0379; FRL-7352-6] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8988. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic acid, n-propyl ester, (S); Exemption from the Requirement of a Tolerance [OPP-2004-0040; FRL-7362-3] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8989. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfuric Acid; Exemption from the Requirement of a Tolerance [OPP-2004-0190; FRL-7364-4] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8990. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8991. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas C. Waskow, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8992. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Gordon S. Holder, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8993. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald A. Lamontagne, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8994. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: State of Alaska; Anchorage Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality [Docket #: AK-04-001; FRL-7777-1] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8995. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Emission Standards for Mobile Equipment Repair and Refinishing Operations in the Northern Virginia Volatile Organic Compound Emission Control Area [VA150-5079a; FRL-7777-7] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8996. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-76618] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8997. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Portable Fuel Containers [MD135-3099a; FRL-7671-4] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations; National Primary Drinking Water Regulations for Lead and Copper [OW-2003-0066; FRL-7779-4] (RIN: 2040-AE58) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Preamble of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard — Phase 1; Correction [OAR 2003-0079, FRL-7779-2] (RIN: 2060-AJ99) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9000. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Stndards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Pulp Mills; State of Alabama [AL-112L-2004-1-FRL-7786-2] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [OAR-2003-0196; FRL-7783-7] (RIN: 2060-AK73) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9002. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Hawaii State Implementation Plan [HI 001-001a; FRL-7778-5] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9003. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Rule Corrections [OPPT-2003-0075; FRL-7332-3] (RIN: 2070-AC61) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9004. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the purchase of three fast missile craft, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9005. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the refurbishment of three CH-47C Chinook Helicopters to CH-47D configuration, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9006. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles thatare firearms controlled under category I of the United States Munitions List sold commercially under a contract with the Philippines (Transmittal No. DDTC 006-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9008. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986; to the Committee on International Relations.

9009. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report of the imposition and expansion of the foreign-policy based export controls on certain energetic materials and other chemicals, taken in consultation with the Secretary of State and under the authority of Section 6 of the Export Administration Act of 1979, as amended and extended by Executive Order 13222 of August 17, 2001, and the Notice of August 14, 2002; to the Committee on International Relations.

9010. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Solicitation for ''Taiwan Environmental Study Tours'' Project — received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9011. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9012. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9013. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9014. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9015. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9016. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category [OW-2002-0026- FRL-7783-6] (RIN: 2040-AD55) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9018. A letter from the Administrator, General Services Administration, transmitting informational copies of additional prospectuses in support of the General Services Administration's Fiscal Year 2005 Capital Investment and Leasing Program, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

9019. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Excise Tax Relating to Structured Settlement Factoring Transactions [TD 9134] (RIN: 1545-BB14) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9020. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-51] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9021. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determinations letters. (Rev. Proc. 2004-44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9022. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2004-41) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9023. A letter from the Administrator, General Services Administration, transmitting a draft bill ''To amend titles 5, 22 and 37, United States Code, to authorize the payment of certain travel expenses for Federal employees, Uniformed Service members and members of the Foreign Service involved in disasters or other catastrophic events, as well as the travel of their family representatives and agency representatives''; jointly to the Committees on Government Reform, Armed Services, and International Relations.

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:

[Omitted from the Record of July 9, 2004]

Mr. BARTON: Committee on Energy and Commerce. H.R. 3981. A bill to reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes; with an amendment (Rept. 108–594). Referred to the Committee of the Whole House on the State of the Union.

[Submitted on July 12, 2004]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3428. A bill to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building'' (Rept. 108–595). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3734. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen

Federal Building'' (Rept. 108–596). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4759. A bill to implement the United States–Australia Free Trade Agreement (Rept. 108–597). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEUTSCH:

H.R. 4812. A bill to require the National Institutes of Health to conduct and support research using human embryonic stem cells, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4813. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4814. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4815. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H.R. 4816. A bill to permit the Librarian of Congress to hire Library of Congress Police employees; to the Committee on House Administration.

By Mr. NUNES:

H.R. 4817. A bill to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; to the Committee on Resources.

By Mr. PASCRELL:

H. Con. Res. 471. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

383. The SPEAKER presented a memorial of the Legislature of the State of Florida, relative to Senate Memorial No. 2522 memorializing the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System (MUOS), to the project team led by the Raytheon Corporation in partnership with Honeywell Space Systems; to the Committee on Armed Services.

384. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 28 memorializing the E.P.A. to reconsider granting an administrative waiver of the act's oxygenated gasoline requirement for California to the extent permitted by the federal Clean Air Act; memorializing the United States Congress, if an administrative waiver is not granted, to enact legislation that would permit California to waive the oxygen content requirement for the reformulated gasoline; and memorializing the President of the United States to sign that legislation; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 676: Ms. JACKSON-LEE of Texas.

H.R. 738: Mr. MCNULTY, Mr. OLVER, Mr. CONYERS, Ms. DELAURO, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. OWENS, and Mr. RANGEL.

H.R. 792: Mr. BOOZMAN.

H.R. 962: Mr. WOLF.

H.R. 1043: Mr. RYAN of Wisconsin, Mr. HOEFFEL, and Mr. KUCINICH.

H.R. 1057: Mr. FLAKE.

H.R. 1212: Mr. BOOZMAN.

H.R. 1286: Mr. ROTHMAN.

H.R. 1345: Mr. HONDA, Mr. STENHOLM, and Mr. ALEXANDER.

H.R. 1849: Mrs. DAVIS of California and Mr. GRIJALVA.

H.R. 1873: Mr. CALVERT.

H.R. 1919: Mrs. LOWEY and Mr. LARSEN of Washington.

H.R. 2023: Mr. LOBIONDO.

H.R. 2034: Mr. CANTOR.

H.R. 2096: Mr. YOUNG of Alaska.

H.R. 2173: Mr. DEUTSCH and Mr. CASE.

H.R. 2509: Mr. WELLER.

H.R. 2624: Mr. OBERSTAR.

H.R. 2929: Mr. SAM JOHNSON of Texas.

H.R. 2954: Mr. WEINER.

H.R. 3362: Ms. MCCARTHY of Missouri.

H.R. 3424: Mr. HINOJOSA.

H.R. 3425: Mr. HINOJOSA.

H.R. 3463: Mr. MCCOTTER.

H.R. 3602: Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, and Mr. YOUNG of Alaska.

H.R. 3619: Mr. THOMPSON of California.

H.R. 3716: Mr. VISCLOSKY and Mr. BOUCHER.

H.R. 3729: Mr. SPRATT, Mrs. WILSON of New Mexico, and Mr. JENKINS.

H.R. 3779: Mr. BURNS.

H.R. 3810: Mr. RANGEL.

H.R. 3831: Mr. DOGGETT.

H.R. 3845: Mr. WEINER.

H.R. 4069: Ms. WOOLSEY, Mr. OWENS, Ms. SLAUGHTER, Mr. SERRANO, Ms. LEE, and Mr. HOEFFEL.

H.R. 4110: Mr. SIMMONS and Mr. PAYNE.

H.R. 4306: Mrs. BLACKBURN and Mr. BACHUS.

H.R. 4325: Mrs. CHRISTENSEN.

H.R. 4354: Mr. MCNULTY, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Ms. MCCARTHY of Missouri, and Mr. ISRAEL.

H.R. 4370: Ms. BALDWIN, Mrs. MALONEY, and Ms. ROS-LEHTINEN.

H.R. 4376: Ms. MCCOLLUM and Mr. INSLEE.

H.R. 4394: Mr. HOEFFEL.

H.R. 4474: Ms. LOFGREN.

H.R. 4498: Mr. ROSS.

H.R. 4578: Mrs. EMERSON, Mr. ORTIZ, Mr. SCHROCK, Mr. FORD, and Mr. OLVER.

H.R. 4579: Mrs. EMERSON, Mr. HULSHOF, and Mr. CLAY.

H.R. 4603: Mr. OWENS, Mr. PAUL, and Mr. TANCREDO.

H.R. 4610: Mr. YOUNG of Alaska.

H.R. 4633: Mr. SCOTT of Georgia, Mrs. WILSON of New Mexico, and Mr. RYAN of Ohio.

H.R. 4634: Mr. PITTS and Mr. REHBERG.

H.R. 4641: Mr. FARR.

H.R. 4682: Mr. DEUTSCH, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. BOUCHER, Mr. MATSUI, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. GRIJALVA, Mr. HOLT, Mr. SANDERS, Mr. HINCHEY, Ms. WOOLSEY, Mr. BELL, Mrs. TAUSCHER, Ms. LEE, Mr. BRADLEY of New Hampshire, Mr. LARSON of Connecticut, Mr. ABERCROMBIE, Ms. MCCARTHY of Missouri, Mr. BECERRA, Mr. BLUMENAUER, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. CUMMINGS, Mr. FORD, Mr. LAMPSON, Mr. CAPUANO, Mr. DOGGETT, Mr. BISHOP of New York, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. LEVIN, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. WEXLER, Ms. BERKLEY, Mrs. DAVIS of California, Mr. MARKEY, Mr. FROST, Mr. RUSH, Mr. SERRANO, Mr. COOPER, MR. NADLER, Ms. SLAUGHTER, Mr. CASE, Mr. SHERMAN, Mr. DAVIS of Florida, Ms. Linda T. SÁNCHEZ of California, Mr. MATHESON, Mr. FARR, and Mr. SANDLIN.

H.R. 4711: Mr. Peterson of Minnesota, Mr. RYAN of Ohio, Mrs. DAVIS of California, and Mr. GALLEGLY.

H.R. 4730: Mr. MURPHY.

H.J. Res. 94: Mr. SAM JOHNSON of Texas.

H. Con. Res. 469: Mr. MCNULTY, Mr. SANDLIN, Mr. WEINER, Mr. WAXMAN, Mr. MCGOVERN, Mr. DAVIS of Florida, and Mr. OWENS.

H. Res. 466: Mr. MCDERMOTT, MR. DELAHUNT, and Ms. WATSON.

H. Res. 556: Mr. UDALL of Colorado and Mr. GIBBONS.

H. Res. 652: Mr. SHIMKUS.

H. Res. 689: Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 690: Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. BECERRA, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. WEINER, Ms. LEE, and Mr. MEEHAN.

H. Res. 699: Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 700: Mr. HOEFFEL, Ms. LEE, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 705: Mr. MCCOTTER, Mr. HAYWORTH, and Mr. MCCRERY.

H. Res. 709: Mr. HOSTETTLER and Mr. GUTKNECHT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

OFFERED BY: MR. TERRY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to pay the salary of the Associate Director for Animal Health Policy and Operations at the Center for Veterinary Medicine of the Food and Drug Administration.

H.R. 4766

OFFERED BY: MR. CHABOT

AMENDMENT NO. 7: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

H.R. 4766

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $167,720,000.

H.R. 4766

OFFERED BY: MR. BACA

AMENDMENT NO. 9: In title I, under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount the following: ''(reduced by $3,500,000)''.

In title I, under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount the following: ''(increased by $250,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-RESEARCH AND EDUCATION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: ''(increased by $1,500,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-EXTENSION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: ''(increased by $1,000,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount the following: ''(increased by $750,000)''.

H.R. 4766

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 10: At the end of the bill (before the short title) insert the following:

SEC.____. None of the funds made available in this Act may be used to provide credits or credit guarantees for agricultural commodities provided for use in Iraq in violation of subsection (e) or (f) of section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

H.R. 4766

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

H.R. 4766

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 12: Add at the end (before the short title) the following new section:

SEC. 7____. None of the funds made available by this Act may be used to pay for the official travel of employees of the Department of Agriculture whose station of duty is at the Washington D.C. headquarters of the Department until the Secretary of Agriculture certifies to Congress that the Secretary has implemented a voluntary program under which beef slaughtering establishments may acquire and use rapid screen testing kits to test beef carcasses for the presence of bovine spongiform encephalopathy.

H.R. 4766

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 13: Page 8, line 6, after the first dollar amount insert the following: ''(reduced by $1,200,000) (increased by $1,200,000)''.

H.R. 4766

OFFERED BY: MR. WU

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', and increasing the amount made available for ''ANIMAL AND PLAN HEALTH INSPECTION SERVICE—SALARIES AND EXPENSES'', by $500,000.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

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Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord God, the Almighty and the all wise, how unreachable are Your judgments and Your ways past finding out. You are the source of all joy and the one who orders the morning. Let Your truth govern our words, dwell in our thoughts, purify our dealings, occupy and redeem our time.

Lord, bless our Senators with strength sufficient for today's challenges and illuminate their paths with Your light. May they walk in the way of integrity and sacrifice. Help them to give You their anxieties as they incline their hearts toward unity. Teach us all to cheerfully do Your will, so we may not fear the power of any adversaries. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting Republican leader is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will resume consideration of the motion to proceed to S.J. Res. 40, the Federal marriage amendment. Discussions continue as to how best to proceed to the consideration of this constitutional amendment. While those negotiations continue, Senators are encouraged to come to the floor to speak on the amendment.

Friday, a number of Members came to the floor to talk on this issue, and we expect to resume the robust debate today. There will be no rollcall votes during today's session.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

VOTING

Mr. REID. Mr. President, through the Presiding Officer to the acting leader, as we announced on Friday, we, the minority, would be willing to move to the resolution without a vote on a motion to proceed. We are willing to do that and set a time whenever the leader desires on Wednesday to vote on the resolution. Of course, that is with the understanding there would be no amendments to the resolution. We think that would be a fair way to approach this very important issue. There would be whatever time the leader wants. If he wanted to vote on Thursday, that would be fine. Whatever time is deemed necessary to the majority leader, we would be willing to abide by that. It would avoid a lot of the extraneous issues. It allows us to proceed without any procedural impediments and move right to the resolution.

We want to make sure there is no misunderstanding, that it is very simple. We are willing to move at any time convenient to the majority to a vote on the resolution itself, of course, with no amendments.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 40, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to consideration of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

The PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the chairman and ranking member or their designees.

Mr. SANTORUM. Mr. President, in response to the Senator from Nevada, I appreciate his offer. I suggest we continue to work together to see if we can come up with a plan on how to proceed. It would be optimal to have a vote, a substantive vote.

As the Senator from Nevada may not be aware, there are different opinions on how to best address this issue. There are a couple of other proposals that have been floated out there that Members on our side would like to vote on by way of amendment to the underlying legislation.

This is an important piece of legislation. It is a piece of legislation on first impression here to the Senate and, given the importance of this legislation, it begs a full debate and the opportunity for different points of view to be expressed through the amendment process. While I appreciate the chance for an up-or-down vote on the Allard text, I do know of many Members who have different ideas and would like to see those ideas be reflected by way of amendment.

At this point, we are not capable of agreeing to that but we would be anxious to work with the Senator to see if there is some construct we can put together to allow this issue to be fully debated for those who have different

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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points of view with respect to how to deal with this very important issue of protecting traditional marriage, that they have their opportunity to express their language, their preferable constitutional amendment as opposed to the one the Senator from Colorado has put forth.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I have not spoken to anyone, but it appears from the body language I pick up and what I believe I hear my friend from Pennsylvania saying, they do not like the measure now before the body and they want to change it.

That is the problem we have when we report legislation directly to the floor without the necessary hearings. As to this matter that is now before the Senate, it is my understanding we have not had hearings before the Judiciary Committee where they should have gone on. The Senate Chamber is not the place to do what committees are there to do.

If there is some mistake or some other amendment that the Senators would rather have on the majority side, I suggest they take this back to the Judiciary Committee, have a full hearing, and decide really what they do want. It goes without saying it will not wind up being very pleasant if, in fact, we ever got to the resolution itself and this amendment were open to the amendment process. Everyone knows if that happens, this amendment would be bogged down with Christmas-tree-like ornaments called amendments.

We thought when we arrived and worked with our Members—Friday morning I personally called probably a dozen telling them what our plan was, not to have a procedural bottleneck to this legislation—that we would move immediately to that. That was not really what some wanted to do. Some wanted an up-or-down vote on the motion to proceed. We were able to show them it was better for the system that we move directly to the resolution.

We also thought we have so many things to do. Just last week we had a closed evidentiary presentation on what is going on around the world and in our country with homeland security. There are things we need to do in that regard. Last week the distinguished Presiding Officer was here where my friend, the junior Senator from Pennsylvania, now stands trying to work something out so that we could move forward on the Appropriations Subcommittee on Homeland Security bill. That is something we should work on. We have all the appropriations bills to do. There is so much this body needs to do and we were trying to open up as much time in the remaining time we have left in this short legislative session before the August break, before the two national conventions, to provide more time on the Senate floor.

The leader told me last week one of the things he was considering is going to the Australian Free Trade Agreement. Some Members feel very strongly about that. I know the committee has had hearings on this issue. I have spoken to Senator HATCH on more than one occasion.

My only point is that we should not be amending this resolution on the Senate floor.

It is my feeling the best way to move to this is to move immediately to the resolution itself, do not have a motion to proceed which, if cloture is attempted on the motion to proceed, I do not think we will ever get to the resolution, and that is not fair. People in the State of Nevada feel strongly about it, as in the State of Pennsylvania, the State of Colorado, and the State of Alaska, one way or the other.

We should have the opportunity to vote up or down on this resolution, not on some procedural issue. But it appears to me that is where we are headed. We are headed as we are doing on so many other issues. Class action: I was not a supporter of the class action legislation, but for the class action legislation there was a 5-foot jumpshot to make that legislation succeed. I have to say, the majority did not miss the jumpshot; they did not even bother to take the 5-foot jumpshot. They walked away from that legislation.

I think the same thing has happened on a number of other issues. It appears to me what the majority wants is the issue, not a resolution of the issue. And now, if we are going to have to vote on the motion to invoke cloture on the motion to proceed, the majority can walk out and say: See what those Democrats did. They wouldn't even let us vote on the resolution.

I will tell everyone within the sound of my voice, we will allow a vote on the resolution. We want to go immediately to the resolution that is now before the Senate. I believe it is two sentences long, so it should not take a lot of thought as to what the resolution contains. I would say, with the great minds we have on the Republican side—and I do not say that in any way to castigate anyone; I believe we have people with great legislative experience in the majority, and this issue has been around for a long time—why in the world would they bring something before the Senate they do not want?

So I hope we can avoid procedural pitfalls and move directly at a time convenient.

I also say this: Senator KERRY and Senator EDWARDS would like to vote on the resolution. But if we cannot set a time certain, set a time uncertain, and they may or may not make it. We do want a time certain within a respectable period of time, but I hope this is not being done, so they are being prevented from voting on it. As you know, we had an important issue here a couple weeks ago where we set a time certain, we thought we had a time certain, and, as a result of our misunderstanding, Senator KERRY wasted a whole day here and was not able to vote.

So for whatever reason the majority appears not to want us to vote on the resolution itself, I hope that can be resolved. We want to get along. We want to allow as much time as possible on other issues, so there can be adequate debate on other legislation other than this matter.

What is going to happen if we proceed down this road, I would assume, is if the majority leader decides to file a cloture motion on the motion to proceed tonight, we will vote on it Wednesday, and that will be the end of this debate. That would be too bad, because I think people should vote on the resolution itself and not be able to hide under some procedural vote.

Maybe there are those on the other side who would rather not vote on the amendment itself. I think if we had a good, straight, up-or-down vote on the resolution, I would be surprised if we did not get 8 to 12 Republican Senators voting against the resolution now before this body. That may be another part of what the leadership is doing in this instance, saying simply: We are not going to allow the embarrassment to take place where this resolution gets 40 or 42 votes, when 67 are needed.

There are many who have said—and we have heard speeches on the floor—why are we doing this? Why are we voting on something that is doomed to failure? It will not pass. The constitutional amendment will not pass the Senate. In fact, as I said, if we had an up-or-down vote, maybe 42 votes would be in favor of it. That is 25 short of enough to meet the constitutional muster.

So for whatever reason, for whatever plan the majority has, we want a vote on the resolution. However, if the majority decides to bring this resolution to the floor, and it is amendable, I do not think the motion to proceed will prevail. I cannot speak for every Senator over here, but I can speak for a few of them.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I appreciate the willingness of the Democratic whip to agree to having substantive votes because I think it is important to have a substantive vote. As someone who is a cosponsor of the amendment, I will assure you, I have no desire to have anything but an up-or-down vote on the amendments that have been talked about over here on this side of the aisle.

The point I would simply want to make to the Senator from Nevada is, No. 1, this issue has had many hearings. There have been seven hearings in congressional committees, four in the Judiciary Committee, ranging from one that was on September 4 of last year, one on March 3 of this year, one on March 23 of this year, and one on May 13. The first three were in the Judiciary Committee. The Subcommittee on Science, Technology and Space had one on May 13. The Finance Committee

had one on May 5. The HELP Committee had one on April 28. And recently, the Judiciary Committee again had one on June 22. So there have been seven hearings.

This issue has been studied. As a result of the study, there are predominantly two different tracks people would like to take here. You have many who are supporting Senator ALLARD's approach. There is another approach many Members on our side would like to take. All we are suggesting is that at least those two ideas be given the opportunity to be voted on.

I do not think we are going to look for a whole long list of amendments. My guess is we would be content with one amendment to provide a little different option for Members on both sides of the aisle to look at, and maybe both sides of the aisle to be supportive of. This may be a situation where we have options available that can attract bipartisan support. Obviously, Senator ALLARD's amendment has bipartisan support; Senator MILLER is on that amendment.

It sort of bothers me a little bit when I hear the comment made—and it has been made over and over, not only here on the floor but by many pundits—about we have more important things to do. I cannot think of anything more important to America than family and marriage. I cannot think of anything more important than the basic social building block of our country, and that is what marriage is, that is what the family is. And it is in jeopardy. It is in serious, real jeopardy as a result of what the courts are doing—certainly in Massachusetts and potentially around the country—what mayors are doing, what county executives are doing, and others who are unlawfully acting. But in the case of Massachusetts, under the color of law, at least, or maybe lawfully, if you concede that, they are reinterpreting the Constitution to change the definition of marriage.

Now, to me, that is a very serious issue. I cannot think of a more important issue to come before the Senate than to say: What should the future of our culture look like? I think we need to do that in a way that is thoughtful and that is open to different ideas on how to address this issue, because one person, as well meaning as he may be—and I strongly support his amendment—he has one idea, a group of us have an idea. But there are other ideas out there that should be considered when this very important issue is debated. Why? So we can find the sweet spot, we can find what can build the greatest consensus in the Senate to do something to protect an institution which is at the core of who we are as a culture.

While I would say, yes, as we say around here, we try to keep the trains running on time and passing appropriations bills, I think the chairman of the Appropriations Committee, who happens to be the Presiding Officer at this time, will tell you we are not ready to pass all the appropriations bills at this point, that we are still waiting for the House to act and to do things to put us in position to deal with that. There are important issues at hand, but I cannot think of anything more important than this issue.

So I say to the Senator from Nevada, I would hope he would constructively engage in negotiation with us so we can have a full and fair debate, so we can have different alternatives so the Senate can work its will and hopefully try to find some language that will accommodate a supermajority of Members. I haven't heard any Member come down here and debate the substance of this issue. I suspect I will not hear any Member of the Senate come down here in the next 48 hours or longer and say that marriage should be something other than one man and one woman. There may be, but so far I have not heard that in the Senate.

Most who are opposing the constitutional amendment do so for a variety of reasons but not because they don't support the definition of traditional marriage. If that is the case, I would think we would want to work hard to try to find some way in which to protect this institution. Everybody admits, even those who are not for this constitutional amendment that has been proposed, that traditional marriage is under assault in the courts. Some would suggest this is an issue we just should not deal with. Some would suggest this is too heavyhanded a way.

Let's bring some people together. Let's bring the debate together. Let's see if we can find the language that would address this issue and stop what I believe is the death knell of our society, which is the ultimate breakdown of the traditional family and the meaning of that to future generations of children.

I know the sponsor of the amendment is here. I will yield the floor to allow him to speak. If the Senator from Nevada has a comment, I would be happy to yield.

Mr. REID. The Senator is giving up the floor?

Mr. SANTORUM. I yield the floor.

Mr. REID. Mr. President, I will be very brief because I know the Senator from Colorado has worked hard on this issue. I always thought we were going to vote on one constitutional amendment. It appears now—we haven't seen the request and I acknowledge neither has the Senator from Pennsylvania but I know the staff is working on a unanimous consent request to present to us—we will be voting on two constitutional amendments. That wasn't what I think any of us contemplated.

We will be happy to review in detail any of the proposals that the majority has. We always try to be as fair as we can. I hope we can do that sooner rather than later. We will respond as quickly as we can to the good-faith efforts of the majority, and we will respond in as good faith as we can to their offer.

I appreciate the comments of my friend from Pennsylvania. He and I disagree on a number of issues, not as many as some would think. I understand how seriously he feels about this issue. His heartfelt concern is something that is shared by many people in this body, both Democrats and Republicans. It is an important issue. Therefore, I think we should move to the resolution before the Senate and have an up-or-down vote on it as quickly as possible.

Let me say to the Senator from Colorado, who has spent so much time on this issue, I recognize his deep concern. I apologize to him because he has been here since we started.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I wish to briefly respond. First, I thank the majority leader and the minority leader for working on this issue. I think we can get it worked out as to how we should proceed on the floor. This is an important issue this country faces in how we are going to deal with marriage. It has not been an issue hastily brought to the floor of the Senate. There have been hearings for at least almost 10 months now on this very issue.

We have had four hearings in the Judiciary Committee and the other three scattered throughout other committees, talking about the impact on children and what has happened from a socioeconomic change in countries—for example, Scandinavian countries that have recognized same-sex marriage for some time, how that has deteriorated and the fact there are so many children today born out of wedlock in those countries, whereas before that societal change happened where we define marriage, babies born out of wedlock was not such a high number. In fact, in the Scandinavian countries now, we have a greater incidence of babies born out of wedlock than are born in wedlock.

We have countries, such as the Netherlands, just more recently accepting the idea of same-sex marriage which have been recognized prior to that as countries that valued the traditional institution of marriage and actually had a very low divorce rate and very low rate as far as children born out of wedlock. But when we look at the Netherlands now, we see, with the demeaning of the value of marriage, that there are more and more children being born out of wedlock. That is a disturbing trend to many of us.

When you go to put together language that goes in the Constitution, it is with a lot of consideration and you have to spend a lot of time visiting with a lot of constitutional scholars. I have done that. This has been debated among our Federal colleagues. There are people who have different views, as with any constitutional amendment that has ever been brought to the Senate or before the Congress. There are always different views on that. I can't recall a constitutional amendment

that ever came before the Congress when there was not some debate on it.

When you are asking to bring it to the floor, you have to expect there are going to be some differences of views. The preponderance has been that those provisions we have in this particular amendment that I have put together and introduced is the right balance because we define marriage as a union between a man and a woman. I don't think there is any doubt about that language. It is very straightforward.

We have a second sentence in the amendment that says there is a limited role for the courts. In other words, the courts shall not go ahead and define marriage other than what we have defined here. But we recognize there is a definite role for the States. We allow States to move ahead, through the democrat process, and to deal with issues such as civil unions and domestic partnerships and the benefits that may accrue with those types of classifications through the legal system.

This has been carefully thought out. We have individuals over here who have sort of the Federalist philosophy. I have sort of a Federalist philosophy. I don't want to see the Government messing around in State affairs, so we have kept that at a very minimum. All we do is define marriage at the Federal level. Then we say it is up to the States now to decide how they want to deal with civil unions and domestic partnerships. We needed to do that in order to limit the power of the courts.

This is a constitutional amendment. It deserves a lot of thought and debate. I am very pleased to have a number of cosponsors. The hearings have gone very well. I do wish that in our hearings we had had more participation from the Democrats. In fact, I can recall a number of hearings where nobody showed up from the other side. There were two hearings held where there was a lot of participation from the other side, but at the other five hearings there wasn't any participation at all. So this is an opportunity for people to participate.

Anytime you talk about some kind of rule that you are going to put forward in the Senate where you limit debate, limit people's ability to participate, it is always going to be somewhat controversial. I don't think the assistant minority leader should be particularly alarmed at the fact we are having some discussions about how we should move forward. The last time I looked, I think there were some four bills that have been blocked from becoming major bills—such as the energy bill, for example—from coming to the floor of the Senate because of a filibuster. We have a number, I think about four bills or so that have passed the Senate and are not allowed to go anywhere because the other side has not appointed conferees. We have had the obstruction going on with the judges.

That is well known. I don't need to go over that, what has been debated. We spent a couple of all-nighters in the Senate talking about the obstruction of the judges and how it is important that we fill those positions.

My hope is we can move forward and come up with a reasonable rule, where everybody feels comfortable. That is what we are trying to do on this side. The two meetings that had such good participation were both in the Judiciary Committee. At the first one we had, I and a number of other individuals had an opportunity to testify in front of the committee. Another was with Governor Romney from Massachusetts who came forth to testify. He pointed out to the committee the complications they have had in their State as a result of this debate, how it needs to be clarified, and that he came down in support of defining marriage as being between a man and a woman.

There were a lot of implications that I think came out of his testimony and needed to be debated and brought out. I hope we will be able to have an opportunity—in fact, if nobody does it, I plan on putting his testimony in the RECORD. I thought it was very good testimony.

So here we are, and we have before us now, after the initiation of the debate last Friday, this amendment that talks about marriage. Again, I want to make clear that everybody understands the language. It says:

> Marriage in the United States shall consist only of the union of a man and a woman.

The second sentence is:

> 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.

That language came about after a lot of deliberation, which included staff and members of the Judiciary Committee. Even though it wasn't voted formally out of the committee, there has been a considerable amount of debate and a lot of scholarly thought about it, and constitutional experts have been approached as far as what would be the best language.

I think we need to move forward with the debate. I am looking forward to hearing from the other side on this important issue. So far, we have had red herring arguments and them wanting to talk about something else other than this amendment and the issues it brings up. I hope we can now settle down and get a good debate from the other side about why they don't think marriage ought to be defined as a union between a man and woman, or why they don't think this is a good amendment. So far we have heard argument on procedure and that doesn't get to the meat of the debate.

I urge my colleagues on the other side to step forward. Let's hear their views and have this debate on this most important amendment.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I was not here on Friday, so I did not get a chance to hear a lot of the debate going on. I commend my colleagues. I read some of their statements. I thank them for the high level of debate that has taken place so far.

Whether it was Senator SMITH's comments, or Senator CORNYN's comments, or Senator ALLARD's, and others, they are trying to bring to the debate two fundamental points, which are that every person in America, every person in this world, has worth and dignity and we should respect them, irrespective of the choices they make in their lives. That is an important concept that I hope we do not stray from in this debate; that this is not a debate about questioning the value or worth of an individual or the dignity of an individual or the rights of an individual. What this is about is the fundamental importance to our society of preserving, protecting, and promoting marriage as a union between one man and one woman.

So I hope we can engage in a debate where we can keep both things in mind, because sometimes it is thought that if you are for traditional marriage, somehow you are against somebody. That is not how I see it. I think traditional marriage is good for everyone. It results in a healthier society, more stable children.

I am going to refer throughout the course of my remarks over the next couple of days to a paper that was presented at Emory University on May 14, 2003, which I think is one of the best studies I have seen in looking at this issue of marriage. One of the reasons I think it is so good is, No. 1, it responds to all of the allegations or charges made against those who support traditional marriage. It is authored by two people, one of whom is gay. So you are hearing arguments from someone who you would think normally would agree that traditional marriage should be redefined; in fact, he argues in this paper, quite effectively and forcefully, that traditional marriage is important to be maintained—not because he thinks it discriminates against him, but because it is important for our culture and society.

I want to read a few things from the summary of that report just to give people a sense of why this is such an important issue to be debated. In this country, we tend to take marriage for granted, thinking that somehow or another it will just happen, that people will get together and marry and will have children, whether we have an institution called marriage or whether that institution of marriage is redefined to include a whole host of other different relationships that really won't affect the basic traditional marriage. In other words, some might say, how will my relationship affect me? How will that affect your marriage?

Well, let me address that because I think this summary does a pretty good job in doing this. The name of the article is ''Marriage Ala Mode; Answering

Advocates of Gay Marriage,'' by Professor Katherine Young and Paul Nathanson.

The summary begins:

There's nothing wrong with homosexuality. One of us, in fact, is gay. We oppose gay marriage, not gay relationships.

They go on to say:

Most people assume that heterosexuality is a given of nature and thus not vulnerable to cultural change, that nothing will ever discourage straight people from getting together and starting families. But we argue—and this is important—that heterosexual bonding must indeed be deliberately fostered by a distinctive and supportive culture.

Because heterosexual bonding is directly related to both reproduction and survival, and because it involves much more than copulation, all human societies have actively fostered it. . . .This is done through culture: rules, customs, laws, symbols, rituals, incentives, rewards, and other public mechanisms. So deeply embedded are these, however, that few people are consciously aware of them.

Much of what is accomplished in animals by nature (''biology,'' ''genetics,'' or ''instinct'') must be accomplished in humans by culture (all other aspects of human existence, including marriage). If culture were removed, the result wouldn't be a functioning organism whether human or nonhuman. Apart from any other handicap would be the inability to reproduce successfully. Why? Because mating (sexual intercourse), which really is largely governed by a biological drive, isn't synonymous with the complex behaviors required by family life within a larger human society.

What are they saying? Will heterosexuals continue to copulate, have sexual relations? Sure. Will they build families. Nobody is suggesting that if we get rid of the definition of traditional marriage, there is going to be a explosion of nontraditional marriage. That is not what they are saying or what I am saying. I suggest that in those countries that have, in fact, adopted whether it is same-sex marriages or civil unions, they have not seen a traumatic growth in the number of same-sex unions or same-sex marriages. In fact, there have been very few of them in the countries that have adopted those laws.

But what has happened? There is a gradual and systematic decline in heterosexual marriages, not heterosexual unions. People will continue to hook up. In fact, that is what occurs more and more in cultures, even in this country, where marriage is not held up as something that is important. We see it around us. There are cultures and subcultures in America where marriage is seen to be an older, passe convention.

What happens is there is actually more sexual activity, certainly among multiple partners and, what? Breakdown of the family, children being born out of wedlock, and communities and cultures in decay. That is what I see on the horizon for America.

It is not the reaffirmation of marriage by including more people in it but the degradation of marriage because it becomes simply a social convention without meaning. One may say: What is the big deal? What is the problem if that happens? The problem, if we look at communities in America where marriage has broken down, we see communities that are not functioning very well. We see children who are the most at risk in our society because moms and dads are not around the home to provide for them. So we have community breakdown, we have family breakdown, and we have government intervention trying to repair this situation.

There have been huge government expenditures over the last 40, 50 years trying to repair what is broken as a result of the family not being there to raise these children.

I was a student at Penn State many years ago. I always like to get back to my college campus. A few years ago, I went to speak to a group of students, the editorial board of the Daily Collegian. The Daily Collegian is the college paper. I am not sure that in the 14 years I have been in public life they have ever said anything positive about me. Nevertheless, I went to meet with them.

We had a very animated discussion, as one tends to have on college campuses with young people with vibrant ideas and a zeal for ideology. We were disagreeing on everything, not surprising. I do not know how it came up—I have been digging my memory banks and I cannot remember exactly how it came up—but I asked the question, What do you see as the biggest problem facing America? One young man in the back raised his hand and said: The breakdown of the traditional family. The breakdown of the family.

I thought immediately when he said that, first, he must not have been engaged in the discussion for the previous half hour, and I thought he would be laughed at and ridiculed by others around the table. What I found was unanimous agreement. One after another of these young folks, who would not be considered traditionalists or conservatives, went on about how the breakdown of the family is sort of at the root of the instability or insecurity they are feeling in their lives and that the culture is experiencing at this time. They talked about divorce. They talked about how marriage was not what it used to be.

In fact, there was a survey done where they asked kids in the 1970s whether divorce should be harder to get, and about 50 percent of the kids said, yes, divorce should be harder to get.

They asked a similar group of kids 25 years later, in the late 1990s, whether divorce should be harder to get, and 75 percent of the kids now say divorce should be harder to get. Why? Because they realize the impact of the breakdown of marriage and family.

One of the criticisms we hear from those who oppose this constitutional amendment is: Marriage is already in very bad shape. Divorce rates are high. Marriage does not work already in America. This is no big deal. You cannot really hurt marriage.

I make the opposite point. I think it is obvious. They are right, marriage is already in tough shape. Many commentaries have said heterosexuals have messed up marriage as bad as they can in this country and in other countries around the world.

I make the claim that further deluding and debilitating marriage is not the answer because we know of the dire consequences that a breakdown in marriage results in with respect to children.

I make the opposite argument: Yes, I would argue divorce laws should be tougher. I agreed with Louisiana when they put in covenant marriages. I believe the no-fault divorce laws in the 1970s changed the essence of marriage, which is about a man and a woman entering into a selfless relationship, a union on which they would further give of themselves in the creation of new human life and nurturing that life. It was a selfless act, giving of oneself, giving up things to each other. That is how successful marriages work, and that is how successful marriages nurture successful children.

With no-fault divorce and with the culture that came along with it, we have marriage being about adults, not about children. It is no longer about forming a union for the raising of children in the next generation. It is about: Am I happy in my marriage? Am I being fulfilled? It is less selfless and a little bit more selfish.

So if we look at this next generation of marriage, what is that? Is it about the selfless or is it about the selfish definition? Is it about children? Certainly a change in the definition of traditional marriage to include people of the same sex is not about children, it is about adults. That further takes us away from the central principal purpose of marriage, which is the bonding of a man and a woman for the purpose of creating a union by which children for the next generation are born. So we continue to get further away from the ideal, and when we do that, children suffer and cultures die.

I repeat, I do not know why people come here and insist that somehow this is not important; that somehow this discussion does not rise to the level of a constitutional amendment. That is another real funny one. I am sure that was discussed on Friday. The Presiding Officer gave an absolutely brilliant opening statement on Friday, and I commend him for his wonderful statement. I know he knows what the last constitutional amendment was.

I have heard two complaints about constitutional amendments: This issue is not important enough to rise to a constitutional amendment. That is No. 1. This is not important enough. No. 2, this limits rights, and no other constitutional amendments have limited rights.

The last constitutional amendment, the 27th amendment to the Constitution, limited pay raises for Members of

Congress. So let's throw out the limiting rights. My rights have been limited as a result of the 27th amendment. As a Member of Congress, we cannot pass a pay raise and accept it midterm. Constitutional amendments have been used to limit rights.

No. 2, this does not rise to a level of importance. I do not think in the grand scheme of things whether Members of the House and Senate can receive a pay raise during their term is one of the great pressing issues that face our culture and our country. So the idea that the Constitution is not used for issues that are not of great weight and do not limit rights is ridiculous.

The second point is, I do not believe this limits rights. What this does is promote a public good. It does not limit rights. It simply promotes a public good, and it is the union of a man and a woman for the purpose of forming that union and providing for the next generation.

I suggest this constitutional amendment is necessary and is important enough to be debated today. Again, I hope we can come up with some agreement that will allow the different points of view as to how we solve this problem, and maybe some other points of view from the other side of the aisle as to how we solve this problem.

To get to the bottom line of this debate, the bottom line is children need mothers and fathers, and society should be all about that. Society should be all about creating the best possible chance for children to have a mother and a father. Unless the State endorses that, unless our laws enforce that, then I think it is fairly obvious that our culture will not, and that left to our own devices, as these authors say, we will simply not have these unions.

In fact, if we look at other countries, Stanley Kurtz has done some research in countries around the world where this has occurred. In his article, ''Decline in Marriage in Scandinavia and the Netherlands,'' he talks about the reduction in the rate of marriage among heterosexuals. He talks about the increase in the number of children born out of wedlock as a result of the institution of a different definition of marriage. So we see in other countries that when marriage is changed, it is devalued. It does not become special. It does not become unique. It is not reinforced by society as something as the ideal. As a result, people do not engage it.

For example, the countries of Denmark, Sweden, and Norway have either marriage or civil unions for same-sex couples. Sixty percent of first-born children in those countries are now born out of wedlock. Now, that is equivalent to some of the poorest neighborhoods in our society. Remember, I talked earlier about how the breakdown of marriage has affected the poorest communities in our society and our culture, and in many of those cultures marriage is not accepted, and as a result the Government has to come in and bail out those communities because there are no unions, there are no families, there is no support network for these children? In middle-class and upper middle-class, socialistic, equality-driven Scandinavia, where there are no ghettos of poverty that we see in America, 60 percent of first-born children in these countries are born out of wedlock. Why? Because marriage is not important. It has no meaning. So people simply do not get married.

There is a long laundry list which I will get into in more detail. I am trying to make a general overview of some of the arguments, but I will be getting into more detail throughout the next couple of days.

Marriage is about children. Marriage is about the glue that holds the basic foundational societal unit together, and that is the family. When we change the composition of that glue, we weaken the bonds of marriage and then we weaken the American family.

Why a constitutional amendment? I think the Senator from Colorado said it, and I know others have, too, that if we really believed we could solve this problem short of a constitutional amendment, let me assure everyone I would not be on the floor of the Senate today arguing this issue. This is hard. It is hard to come to the Senate floor and argue for any constitutional amendment. It is doubly hard to actually pass one because 67 votes are needed in the Senate, plus three-quarters of the States. If we could come up with a legislative solution that would solve the problem that I see of runaway courts, I would be very anxious to find it. We tried back in 1996 with the Defense of Marriage Act, but just about every legal scholar who has come around has said the Defense of Marriage Act will not stand, from the left to the right, and I will get into that in further discussion.

I see the Senator from California is in the Chamber, so I am not going to spend much more time, but the idea that we could pass a statute to constrain the courts from reinterpreting the Constitution I believe is folly. We cannot. The only way for us to have the American people define what marriage is, instead of State courts defining what marriage is, is through the constitutional amendment process.

Some will get up and say, let us leave it to the States, let the States fight this, like Massachusetts is doing, let the States fight this battle. What we are seeing in Massachusetts is the States cannot fight this battle. Ultimately, if one looks at the Lawrence v. Texas decision and the full faith and credit clause, there is no question in my mind that the States will be powerless to defend themselves against these runaway judges.

In essence, the Constitution will be amended. It will either be amended by a group of State judges who will grab from the language of the Constitution a right for anybody to be married to anybody else or the American people through the process that was established in our Constitution, which is a very difficult process.

As a citizen, it is rather upsetting to look at the Constitution as a document and say, well, to create new rights under the Constitution we have to have two-thirds of the Senate, two-thirds of the House and three-quarters of the State legislatures, or four judges in Massachusetts. I looked through the Constitution many times and I never saw that four-judges-in-Massachusetts clause, but that is what goes on. We either do it that way or go through this complex process that is very hard. Why? Because constitutional rights are big deals. It is an important thing. We should not create new rights in our Constitution without a very deliberative, thoughtful process, and the American public should be engaged in that process. That is what we are about today. We are about engaging the American people in the thoughtful process of determining what marriage should be in America.

I would argue that those who oppose this process are saying one thing: Let the courts do the work that I do not have the courage to stand up and fight for myself. Let's be clear about that. Let the courts do the work that I do not have the courage to articulate for myself. Oh, we will all get up and say we are for traditional marriage and we like traditional marriage. If my colleagues are for traditional marriage, there is one way to make sure it is maintained. They can say, I do not like this idea or I do not like that idea, but there is one way to make sure, if they are really for traditional marriage, if they really believe this is an important building block of our society, if they really believe marriage is about the union of one man and one woman for the purpose of the future of our culture, there is one guaranteed sure-fire way to make sure that is maintained, and that is through a constitutional amendment.

Now, my colleagues can argue until the cows come home that they do not like this way of doing that, and that is fine, and that there are other alternatives to pursue, but if they really care about preserving one man and one woman in a union called marriage, there is one sure-fire way to do it, and that is to vote for a constitutional amendment that does it. Any other excuse is simply that—an excuse to let someone else do their dirty work.

I do not hear any of my colleagues who say this is not the way to amend the Constitution writing letters to the litigants in Massachusetts and 11 other States who are suing to change the marriage laws in those States to allow for a redefinition of marriage. Where is the outrage? Where are they writing saying, oh, we do not think that is the way it should be changed, either. We do not hear them criticizing those who want to change traditional marriage and saying do not do this, do not file

these lawsuits, do not seek to have these marriages recognized. We hear nothing. We just hear, we will just let someone else handle this.

All it takes for this change in marriage in America is for well-meaning, good people to moderately, deliberately, simply do nothing—just sit back, claim their virtue, claim their belief in one man and one woman in marriage, and allow someone else to change it, and then come and say, well, it is too late, or we cannot take marriage away; these people are already married. How can we take that right away?

If my colleagues believe in their heart, for the betterment of America, that marriage must be maintained for the good of the American family as a union between a man and a woman, there is only one choice, and that is to vote yes. Anything short of that is a hollow act, is a smokescreen, to the American people and to their constituents. My colleagues cannot claim to be for something and then vote against it and let someone else do the exact opposite of what they say they want, and that is what the courts will do. So I plead with my colleagues, who I believe have every good intention, to search their souls and to think about the consequences for America.

Because other speakers have arrived, I will yield the floor in a minute. I know people come with good intentions and I know people do not want to be seen as intolerant, and they do not want to be seen as hateful or mean spirited or being against anybody.

It is not easy, standing up against this popular culture in which we live. But think about the future of America. Think about the future of America without the institution of marriage because that is what we are debating. It is not a matter of redefining marriage. It is simply that marriage will be a social convention which will have no meaning and therefore we will be without it.

Think about the future of children in America, where we say they do not deserve a mother and a father and that we are not going to give them the legal force to encourage it and hold it up as the right thing to do.

Look in the faces of those children and say: You just were not important enough for us to stand against what is very unpopular in the culture of today. I daresay, this debate, this vote, this issue will be read in history books in America—I hope in America—years from now as that turning point. I hope my colleagues are on the right side of history.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I wish to make an argument directly contrary to the arguments just presented by the distinguished Senator from Pennsylvania. I do not consider myself an expert on marriage. I have been married for a long time. I have one daughter, three stepdaughters, and five grandchildren. I celebrate marriage. I understand the difficulties in working to keep it together. But I believe this is a waste of time.

The votes are not present to submit this amendment to the States. The timing is just a few months before an election, and family law has always been relegated to the States. This essentially would be the first departure from that.

My argument today is based on my understanding of the law. My understanding of what is happening in the States indicates to me that the States are well able to handle the issue of marriage on their own. The tenth amendment of the U.S. Constitution clearly states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Marriage is not once mentioned in the Constitution. Most authorities believe it to be a power reserved to the States.

As early as 1890, that is 114 years ago, in In Re Burrus, the United States Supreme Court, in a child custody dispute, stated:

> The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States.

Later, in a 1979 Supreme Court decision, Hisquierdo v. Hisquierdo, the Court stated in dicta:

> Insofar as marriage is within temporal control, the States lay on the guiding hand.

Furthermore, the courts have long held that no State can be forced to recognize a marriage that offends a deeply held public policy of that State. States, as a result, have frequently and constitutionally refused to recognize marriages from other States that differ from their public policy. Polygamous marriages, for example, even if sanctioned by another State, have consistently been rejected. Marriages between immediate family members have also been rejected by States, even if those marriages are accepted in other parts of the country. In no case that I know of has the full faith and credit clause of the U.S. Constitution been used to require a State to recognize a type of marriage that would violate its own strong public policy. So States have been on their own with respect to family law, including marriage.

Even as we consider the Federal Marriage Amendment, we see that the States are taking their right and powers as they relate to family law and marriage very seriously. Thirty-three States have passed their own Defense of Marriage Acts, banning same-sex marriages, and five have passed ballot initiatives banning same-sex marriages.

My own State, California, passed a Defense of Marriage Act in the year 2000. Proposition 22 was ratified by an overwhelming majority of Californians, 61 percent. The California Family Code now states that:

> Only marriage between a man and a woman is valid or recognized in California.

That is the law of my State. That policy statement trumps all local and other law.

Earlier this year, the mayor of my city, Gavin Newsom, of San Francisco, decided this law was unconstitutional and ordered the county clerk to issue marriage licenses to same-sex couples. These actions did not go unnoticed, and the California State Supreme Court subsequently enjoined the county clerk from issuing any further marriage licenses, and the county complied. Oral arguments were heard on the cases on May 25, and the State Supreme Court will issue its decision within 90 days.

However, I want to make clear, crystal clear, that the Court is not deciding on the constitutionality of Proposition 22, which said that marriage shall be between a man and a woman. Rather, the Court issued orders to show cause in Lewis v. Alfaro and Lockyer v. City and County of San Francisco, limited to the following issue: Were the officials of the city and county of San Francisco exceeding or acting outside the scope of their authority in refusing to enforce the provisions of Family Code sections 300, 301, 308.5, and 355 in the absence of a judicial determination that those statutory provisions are unconstitutional? In other words, acting in defiance of the statewide referendum?

The orders to show cause are specifically limited to this legal question, and they do not include the substantive constitutional challenge to the California marriage statutes themselves. The marriage statute, therefore, is not in jeopardy of being overturned.

When we look around, we see that California is not the only State where people are speaking out about same-sex marriage. In fact, a lively debate is taking place throughout the country.

On July 6, the Washington Times ran an article entitled, ''Marriage Gets a Boost in Michigan.'' The article notes that the supporters of traditional marriage in Michigan recently turned in approximately 475,000 signatures to put a State constitutional amendment before the voters this November. An organizer of the effort was quoted to say:

> The people responded. . . . They're tired of politicians and activist judges making changes without having a voice. This gives them a voice.

The article goes on to say:

> Michigan's achievement marks a four-for-four victory for those who want marriage amendments on the November ballot.

Montana, Oregon and Arkansas will place similar measures on their ballots this November. Mr. President, your own State will have one on the ballot. North Dakota and Ohio are collecting signatures necessary for ballot measures.

As you can see, the States have taken up the just powers accorded to

them by the Constitution of the United States and are responding to this issue, and that is as it should be.

The Family Research Council reported in a press release on July 9:

[A]n unprecedented nine States already have State constitutional amendments on the ballot this fall and that number is expected to increase to at least 14 States. Thirty-eight States have previously gone on record stating marriage is between one man and one woman. The people are making their voices heard in their States but unfortunately that is not enough.

Yet in the words of the Family Research Council, these actions by States are ''unprecedented'' and show that a process is, indeed, taking place throughout the country and that the people are active participants. Through that process, the people do have a voice and they are being heard. I believe interference from Washington in this political process is premature, unnecessary, and not in the context of the Constitution of the United States.

In light of this, it appears that proponents of the Federal Marriage Amendment disregard the debate occurring in the States and point only to Massachusetts and the fact that marriage licenses are being issued legally to same-sex couples there. They argue that the same-sex marriages in Massachusetts, the first State to allow such marriages, are what is driving the need to enshrine in the Constitution language that marriage is between a man and a woman. I disagree.

Even in Massachusetts, the State legislature has begun work on a State constitutional amendment to bar same-sex marriages but allow civil unions. This amendment is certainly not guaranteed to pass, but it is clear that the people of Massachusetts are dealing themselves with the issue as was intended and, again, it would seem without the need of assistance from Washington.

Because several dozen States have already passed a prohibition on same-sex marriage, it seems clear that in those States an argument could be made that strong public policy would lead to a refusal to recognize out-of-State same-sex marriages.

So it is not a problem demanding an immediate solution. There is a process taking place in the States throughout the country as was envisioned by the Constitution. For us to act now is not only premature but it isn't going to work because the votes are not here.

So why are we doing this? Why are we doing this when we have only passed one appropriations bill? Why are we doing this when last week we just had a briefing on the impact of terrorism on this Nation and we haven't passed a Homeland Security bill? Why are we doing this when the Constitution has reserved family law to the States and when States by the dozens have already taken up the issue and passed, either by legislature or by vote of the people, marriage amendments? Why are we doing this?

The only answer I can come up with is because this is political. It is to drive a division into the voters of America, into the people of America, one more wedge issue at a very difficult time to be used politically in elections. Everybody in this body knows they are nowhere close to 67 votes. If there were a motion to proceed, there might not even be enough votes for a motion to proceed.

Why are we doing this? Why are we stirring up the Nation? I probably have 53,000 pieces of mail on this subject alone. People do not understand that the Constitution relegates family law to the States, and has relegated the issue of adoption, marriages, and everything having to do with family law to the States.

My daughter happens to be the supervising judge of the family court in San Francisco. You can talk to any judge and see just that. The States have responded. It is not as if the States have ignored those issues. More than 36 States—more than three dozen States—have passed legislation, and 8 are moving shortly.

For the life of me, I don't understand what honest motive there is in putting this in front of this body to philosophically debate marriage on a constitutional amendment that is not going to happen, and which is enormously divisive in all of our communities.

I hope my colleagues will exercise prudence and tread carefully with our Constitution. I don't think we want to put out an amendment—I don't think we can, but let us say with some change and there were 67 votes, as the Senator from Pennsylvania correctly said, it then has to go to a vote of three-quarters of the State legislatures. When three-quarters of the States have already taken action, why would they ratify this? I think it is a useless exercise.

I have been on the Judiciary Committee long enough now to be able to take an issue and see if it is properly before us. I don't believe a constitutional amendment reserving the right of marriage to a man and a woman is properly before us because I believe that is an area clearly relegated to the States, and the States are exercising that right.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been watching this debate and there hasn't been much from the other side, but I commend the distinguished Senator from California for at least coming to the floor and expressing her viewpoints on this. As you know, she is a very important member of the Senate Judiciary Committee, and I enjoy working with her. I also understand her arguments that the States ought to decide these issues. But more preferably interpreted, if she likes the status quo that means the State courts must decide these issues and not the people of the States or the State legislatures. Frankly, I agree that the States should be able to decide these types of issues. The powers should not be taken away from them and given to the courts.

In fact, 40 States have decided this issue in the Defense of Marriage Act, called DOMA. You would think that would be enough. I believe the other 10 States will adopt the Defense of Marriage Act over time which provides a marriage should be between a man and a woman.

If my colleagues believe that the States ought to decide these matters, then they have to acknowledge that the 40 States which have should trump the 4-to-3 decision by an activist Massachusetts Supreme Court.

The debate over marriage boils down to two fundamental questions: Should our goal be to keep marriage limited to a man and a woman? And, if so, is amending the U.S. Constitution necessary to accomplish that goal?

The answer to both questions is yes.

The first question, whether we should keep marriage between a man and a woman, can be examined in several ways. First, we can look at different kinds of polls. In the last few months, polls by reputable news organizations such as CBS News, FOX News/Opinion Dynamics, Newsweek, Time/CNN show that by at least 2 to 1 Americans would not redefine marriage. Not only is this polling overwhelming, but it exists in the face of a barrage by the liberal media urging a different answer to this question. These polls tell something about the opinions of individual Americans, again, that flies in the face of having four justices in Massachusetts decide under the full faith and credit clause to impose this upon everybody in America rather than have the people in America or the people within the individual States decide these matters. These polls tell something about the opinions of individual Americans.

Another kind of poll examines what the elected representatives of the American people do on their behalf. Two years ago, the Supreme Court repeated its long-held guidance that ''the clearest and most reliable objective evidence of contemporary values is the legislation enacted by the country's legislatures.'' That evidence confirms the same conclusion: The American people oppose redefining traditional marriage.

In 1996, Congress overwhelmingly passed the Defense of Marriage Act. As I mentioned, 40 States have adopted it and President Clinton, a Democratic President, signed it into law. As its name implies, this legislation was intended to defend what marriage has always been, a union between a man and a woman.

Since 1996, the citizens and legislatures in nearly every State in the Union have taken one or more steps to further protect traditional marriage. Again this year, citizens in several more States have collected hundreds of thousands of signatures to put before voters State constitutional protection for traditional marriage.

Speaking of signatures, last Friday, some of my colleagues received nearly 1.5 million petitions from Americans to protect traditional marriage and more are on the way.

This issue is not going to go away. Whether traditional marriage should remain what it always has been, the goal most Americans support, requires amending the U.S. Constitution. If the answer is yes, no one should be able to get away with professing support for traditional marriage but refusing to do what is necessary to make it real. Some have indeed tried to have it both ways, saying they want to keep marriage between a man and a woman but refusing to take any real steps to do so.

Last Friday, for example, I pointed out how Senator KERRY, the distinguished Senator from Massachusetts, has publicly said marriage should be between a man and a woman, yet voted against the Defense of Marriage Act which would allow that to occur. I pointed out he said there is no reason to vote for the Defense of Marriage Act because the States have enacted contrary to it. His own State, since then, has.

Does that mean he would vote for a new Defense of Marriage Act or does it mean that he would vote for the only thing that can possibly change the situation, and that is a constitutional amendment? He has indicated he will not.

Members cannot have it both ways. Members cannot vote against DOMA, argue it is unconstitutional, and now say that a constitutional amendment is not necessary because DOMA won't protect us. This is exactly what the junior Senator from Massachusetts is doing.

Look at this chart, ''But isn't DOMA unconstitutional?''

Senator KERRY said in the Advocate, September 3, 1996:

> DOMA does violence to the spirit and letter of the Constitution.

In other words, it is unconstitutional, he said in 1996.

The distinguished senior Senator from Massachusetts, Senator KENNEDY, in his remarks on the floor of the Senate September 10, 1996, said:

> Scholarly opinion is clear: [DOMA] is plainly constitutional.

Professor Laurence Tribe of Harvard Law School, a heralded liberal professor, for whom I personally have high regard and consider a friend, in a letter submitted to the record of Senate proceedings on June 6, 1996, said:

> My conclusion is unequivocal: Congress possesses no power under any provision of the Constitution to legislate—

As it does in DOMA—

> any such categorical exemption for the Full Faith and Credit Clause of Article IV.

And the ACLU, in February of 1997, said:

> DOMA is bad constitutional law . . . An unmistakable violation of the Constitution.

These are leading liberals who do not think DOMA or the Defense of Marriage Act was constitutional, yet today argue against the only way to resolve this matter. Oddly enough, most all of them are saying the States ought to decide these matters.

I agree. If we pass a constitutional amendment, it will be up to the States whether or not that constitutional amendment will be ratified, and three-quarters of the States will have to ratify it in order for it to be ratified. I might add, that means the people themselves will have to be very much involved in it throughout the country, unlike having four judges in Massachusetts decide this issue for all of America. Once they decided that Massachusetts law, then under article IV of the Constitution, the full faith and credit clause, every State in the Union must recognize those Massachusetts marriages, which would upset the domestic relation laws of 49 other States.

Let's face it, one of the reasons so many of my friends across the aisle will argue strenuously this week that the time is not ripe for consideration of this issue on the Senate floor, or that the Senate has much more important things to do, is because they wish to avoid getting crosswise with the tens of millions of Americans who support traditional marriage. It is more than tens of millions, it is hundreds of millions of Americans who support traditional marriage. Yet, also, they do not want to offend their many supporters who wish to allow these novel, non-traditional, same-gender marriages.

I cannot blame them for feeling that way, but sometimes you have to make decisions in this body that make sense and that are right, that are moral decisions. There is nothing more important than marriage and traditional family marriage at that. Sustaining traditional marriage is absolutely critical to our country. I don't care how important economics or any other issue is, this is one of the most important issues in the minds of most Americans, and it should be because our moral climate depends on what we do here.

For my friends on the other side, their politically expedient solution is this: As quietly as possible, vote against the marriage amendment today and leave it up to the court to reinterpret the Constitution tomorrow. That sounds pretty good. Why don't we just leave it up to the courts? We have had a lot of 5-to-4 decisions in the Supreme Court. This was a 4-to-3 decision in a State supreme court that will bind all of America. That is what they want. They want the courts to do that which they could never get through the elected representatives of the people as evidenced by both the distinguished Senator from Massachusetts, who is running for President and his Vice Presidential nominee who is from North Carolina, who is also running. They both believe traditional marriage ought to be maintained, but they do not believe we should do anything about it if it is not. I hope we can change their minds.

The real question is whether protecting traditional marriage requires amending the Constitution. As Senator SMITH, the distinguished Senator from Oregon, said in the Senate last Friday, it would be better if the answer were no. Polls suggest that many Americans would prefer their elected representatives be able to legislate in this area. That, indeed, is the way it was traditionally done.

In polling, as in life, however, the devil is in the details. A CBS News/New York Times poll in March asked whether laws should be determined by the ''Federal Government or by each State government.'' This sounds as if the choice is between the Federal or State legislatures. That, however, is not the choice and never has been. The choice today is between the judiciary and the legislature. But the polls never asked about that. In other words, polls are polls are polls, depending on how the question is raised.

The fact is, the judiciary is deciding for all of America, and an obscure supreme court in Massachusetts, at that is deciding this issue for all of America. So the States really do not have a chance to decide this issue on their own because if the supreme court of the State of Massachusetts, if that ruling is continuously upheld, and it appears it will be, even by the Supreme Court under the Lawrence case, then every State in the Union is going to be bound by those marriages.

Another poll taken at the same time—this one by ABC News and the Washington Post—asked whether Americans would support amending the U.S. Constitution ''or should each state make its own laws''—another false choice. Activist judges are rapidly making it impossible for States to make their own laws regarding marriage, making a constitutional amendment the only option, if we want to preserve traditional marriage.

The polls never ask about that. These highly misleading polls make one wonder whether the liberal media outlets conducting them have some kind of agenda here. No. I know that is being skeptical, but I think almost anybody with brains would conclude they do have an objective here.

Does protecting traditional marriage require amending the U.S. Constitution? The best prescription depends on an accurate diagnosis. Simply put, when an issue such as this one that traditionally was decided by State legislatures is redefined by judges in constitutional terms, the only effective option is amending the Constitution.

The judiciary has been flexing its cultural muscles for decades, imposing its own values upon the American people, supposedly in the name of the Constitution. There can be no doubt that traditional marriage is in the path of what Supreme Court Justice Antonin Scalia, in 1992, called the judiciary's ''social engineering bulldozer.''

That same year, the Supreme Court invented a constitutional right to define ''one's own concept of existence, of

meaning, of the universe, and of the mystery of human life.''

Four years later, the Court said resistance to making public policies more favorable to homosexuals ''seems inexplicable by anything but animus.''

Last year, the Court combined these ideas to take away from State legislatures the ability to prohibit certain kinds of sexual practices. The Lawrence v. Texas case in 2003: these are some quotes directly out of that case. Justice Antonin Scalia, who dissented in that case, said:

> Today's opinion dismantles the structure of constitutional law that has permitted a distinction to be made between heterosexual and homosexual unions, insofar as formal recognition in marriage is concerned . . .
>
> If moral disapprobation of homosexual conduct is ''no legitimate state interest'' for purposes of proscribing that conduct. . . .what justification could there possibly be for denying the benefits of marriage to homosexual couples exercising ''[t]he liberty protected by the Constitution?''

I might add, also in the Lawrence case, Justice Kennedy argued that:

> The present case . . . does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter.

Justice Scalia understood, however, that

> This case ''does not involve'' the issue of homosexual marriage, only if one entertains the belief that principle and logic have nothing to do with the decisions of this Court.

Justice Scalia said the Lawrence decision:

> ''leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples.''

If that is so, and he is right—and he certainly has been proven right so far—then the argument of the distinguished Senator from California really does not hold any water because the States are going to be overruled, 40 of them at least, and I believe all 50 in the end. If we do not do something about it, they are going to be overruled in their desire to keep traditional marriage alive.

Now, Evan Wolfson, the director of Freedom to Marry, said this:

> But when [Scalia's] right, he's right. We stand today on the threshold of winning the freedom to marry.

Finally, the Supreme Judicial Court of Massachusetts applied all of this by inventing a constitutional right to same-sex marriage. That was not a legislature. That was not the people speaking. In fact, it was not even a unanimous court speaking. It was a 4-to-3 decision by four of the most liberal State justices in the country versus three very liberal justices in the country. It was a hard-fought decision. It was hardly the will of the people being met.

It is almost ludicrous to come here and say the will of the people should be met here. If that is true, then we ought to give them that chance with a constitutional amendment which will be submitted to the will of the people out there. Everybody in America who can vote will have a right to vote for or against this constitutional amendment. We ought to at least give them that chance.

Well, as I say, the Supreme Judicial Court of Massachusetts applied all this by inventing a constitutional right to same-sex marriage. Step by step, by recasting these cultural questions in constitutional terms, the courts took them away from the American people and their elected representatives.

Now, that flies in the face of what we have heard from those on the other side of this issue: Let the States take care of this. Give me a break. Four liberal justices versus three liberal justices have said this is going to be applied to all of America, because it applies as law in Massachusetts, and under the full faith and credit clause that law must be recognized in every State in the Union.

Well, these were not a bunch of random, coincidental legal events. These falling dominoes were part of the very same strategy that today is targeting State and Federal laws protecting traditional marriage.

Last Friday, I outlined the five current fronts in the legal war to redefine marriage. There may be more on the way. Politically driven lawyers are nothing if not creative. This is why nearly all legal analysts and scholars, either grudgingly or enthusiastically, conclude that the ability of legislatures to make real decisions in this area may already be a thing of the past. In other words, the people's right—the people's right—to make real decisions in this area may be a thing of the past. Why not just let these four liberal justices against three liberal justices make this decision for everybody?

This is why a constitutional amendment to preserve traditional marriage is the only effective solution, and why this is not premature. It might have been premature if the Supreme Court's ''cultural bulldozer'' were still idling. It might have been premature if the Supreme Court had not embraced the insulting and false conclusion that traditional views on certain cultural questions are nothing but irrational animus. It might have been premature if the Supreme Court had not created a constitutional right to sexual autonomy. It might have been premature were there not already dozens of lawsuits challenging laws protecting both State and Federal laws protecting traditional marriage.

But these things have already happened, and more aggressive legal assaults are coming. The judiciary's ''cultural bulldozer'' is in gear, on the move, and has already done too much damage. If anything, we are behind the curve, not ahead of it.

Some call this election year politics. Well, I suppose any measure considered by a political institution can be called politics. Yes, this is an election year. This is merely a cliche substituting for an argument. Those who use it perhaps have no real argument, and so they use this cliche to imply that we would not be trying to defend traditional marriage if this were 2003 or 2005. Simply saying that demonstrates how absurd that argument is.

Supporters of traditional marriage, that is to say, the large majority of the American people—that is the people out there in the States who they are calling upon to make these decisions but are having it taken away from them by a four-liberal-justice to three-liberal-justice decision in Massachusetts—have not dictated the timetable here. The minority who want to redefine marriage have done that. They brought the lawsuits that took these issues from the American people.

Since the Supreme Judicial Court of Massachusetts had used the State constitution to redefine marriage, amending the State constitution is the only way to protect it. Yet the court gave the legislatures just 6 months to do what it knew in Massachusetts takes 3 years to do under their constitutional form of government. This issue is already out of the people's hands.

As Senator SMITH said on this floor last week, words have meaning. Activists, with the help of judges, are seeking to change the meaning of the word ''marriage'' to further their political agenda. The proponents of the marriage amendment are saying: Stop. We want to retain the word ''marriage'' to its real meaning of a male and female union, and it is inescapable that amending the U.S. Constitution is the only way to accomplish that goal.

Think about it. I don't have any desire to discriminate against anybody, let alone homosexuals in our society or gay people. I know the distinguished Senator from Oregon feels exactly the way I do about it. I have been the author of the three AIDS bills along with Senator KENNEDY. We fought those through here on this floor against what were overwhelming odds at the time and passed them overwhelmingly because of the arguments we made. It is no secret that along with Senators SMITH, FEINSTEIN, KENNEDY, and others, I am the author of a hate crimes statute that I believe would do justice in our society while still preserving capital punishment. But it is a long way from where we have been.

There is no question that I do not believe in discriminating against gays. But like my friends on this side who have always argued, particularly my friend from Oregon, I draw the line, as do he and others, when it comes to traditional marriage. I believe it is the basic fabric of our country. Traditional marriage means children. It means raising children born to that marriage. I believe gay people ought to be able to do whatever they believe they should in the privacy of their own homes, but I don't think they should have the right to redefine traditional marriage.

We have had traditional marriage in this world for over 5,000 years. This is not some itty-bitty, inconsequential, off-the-subject debate. This is one of the most important debates in history.

Because if we don't stand up for traditional marriage at a time when a lot of things seem to be falling apart, we are going to reap the whirlwind.

This is an age where any child can bring up pornography on the Internet. At one time if you clicked on Harry Potter, you would get pornography geared to those children. We all know that. Click on almost any children's book or subject or title or person mentioned in a children's book and you get pornography for children. I don't need to go through all the other ills of our society to let everybody know that we are living in a world where there is a lot of filth, a lot of degradation. We have to stand up against it. We have to protect the traditions that do make sense in our society, and traditional marriage is at the top of the list.

We might differ on some other matters, but it is difficult for me to see how anybody could differ on traditional marriage, even though I know my gay friends do. Does that justify the laws in some, if not all, States that prohibit a gay partner from being able to go into an intensive care unit and care for his or her gay partner? That doesn't justify that. I think that is terrible, that our laws do not take care of that. Does it mean a gay person can't benefit from the laws of estates and trusts? I believe under current laws they can, but if they can't, we ought to correct those laws. Does it mean they can't buy insurance for their gay partner? We ought to make it possible that they can. You could go through various things where there are inequities, but we don't solve those inequities by changing a 5,000-plus-year definition of traditional marriage. We should solve those problems, and I am willing to work on these problems with my liberal counterparts on the other side and conservatives as well, I am willing to work and try to resolve the problems. But I simply draw the line when it comes to traditional marriage.

Gay people have a right to be free, to not be discriminated against. They have a right to live in their relationships within the privacy of their own homes, just like others who have different approaches toward life. But that doesn't give them or anybody else the right to define traditional marriage.

I come from a culture where at one time polygamy was a religious belief and was practiced by a small percentage of people in my faith. My great-grandfather was one of the great colonists, one of the great pioneers of the West. Jeremiah Hatch had 3 wives and 30 children. Those were the days when they lived this principle because they believed it to be a spiritual principle. They believed it was important to bring as many children into the world as they could, among other things. They believed it was a spiritual principle of the faith. But when Reynolds v. Simms came down, the Supreme Court case not allowing plural marriage, basically my faith did away with plural marriage. I have to say no one would argue that it should ever come back. Just to make the point, I would never argue that it should come back. I have been offended by some people indicating that there might be some argument for it.

What is important here is that all we are asking in this amendment is, sentence one:

> Marriage in the United States shall consist only of the union of a man and a woman.

That is 5,000 years of practice throughout the world.

And the second sentence says:

> 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.

That does not say you cannot have civil unions because if a State determines that is what they should do, then the State can determine that. If you want to leave it up to the States, this is the way to do it. Not only would 38 States have to ratify this amendment—and I believe all 50 would—but they would also have the right, if they so choose, to resolve these problems I have been mentioning here that are problems for gay people that ought to be resolved.

The important thing is that if we are going to leave it up to the people, this is the way to do it. It is the only way to do it. Otherwise we are leaving it up to four liberal justices in Massachusetts versus three liberal justices in Massachusetts who didn't agree with them and who basically opted for traditional marriage or at least who seemed to opt for traditional marriage.

There is a vast movement beginning in America in every State legislature to amend their constitutions to prohibit or should I say to reaffirm the respective State's belief in traditional marriage. Assuming that most States will do this—and I believe most will—would those State constitutions be upheld under the Lawrence case or under any future cases? There is a real question whether that may be the case.

The best way to allow the people to decide this is to have a constitutional amendment so that they really have a say in what goes on. I can live with whatever the people decide to do. But doing it this way, by allowing a 4-to-3 vote in Massachusetts to bind every State in the Union to Massachusetts marriages through the full faith and credit clause, seems to me to be something that flies in the face of 5,000 years of traditional marriage and family life.

I notice the distinguished Senator from Kentucky here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I thank the chairman for yielding. I rise to discuss probably the most important issue this body or I have ever debated on the floor of the Senate since I have been a member, 6 years.

Our Nation faces a potential disaster. I hope my colleagues in the Senate realize we have a responsibility to affirm the ideal of marriage and protect one of the most basic building blocks of our society: the family.

The first thing we have to understand is that Government did not create marriage or the union between man and woman. It is something much more fundamental than legislation or laws. Marriage is older than the Constitution of the United States. It is older than America. Marriage exists in every known human society, bringing men and women together to create and to provide for the next generation of society, and it is not the right of any government anywhere to undermine or destroy it. It is a shame that some of my colleagues in the Senate do not recognize the pressing need before us to safeguard a cultural institution that has served human beings so well for thousands of generations. We must act before it is too late.

In America today, we are facing a depressing situation, where unelected officials are attempting, because of their own arrogance, to redefine marriage. I do not know the reason why these judges believe they are so wise and how they cannot see the dangerous consequences of their actions. But they now threaten our way of life. It is up to us to act to ensure that the American people have the opportunity to decide what is right for the society in which they live.

Marriage matters to our society. Mothers and fathers both matter to children. Only a man and a woman have the ability to create children. It is the law of nature. No matter how much some might not like it or want to change it or push for technology to replace it, this law is irrefutable. It is upon this law that so much of our society and our cultural institutions are based—families, communities, work, schools.

When the families suffer, when they are undermined, we all suffer. We know that weak families lead to more poverty, welfare dependence, child abuse, substance abuse, illness, educational failure, and even criminal behavior. Failing to protect marriage will send the message to the next generation that we do not care about them and that we have thrown away a cultural institution that has served human beings throughout recorded history.

Traditional marriage has been central to the understanding of family in Western culture from the very beginning, and the central reason for marriage has been for the rearing of children. Children have the best chance to succeed when they are reared in stable, traditional families. A loving family provides the foundation children need to succeed, and strong families with a man and a woman bonded together for life always have been and always will be the key to such families.

Eight years ago, Congress tried to protect marriage by passing the Defense of Marriage Act, which defined marriage as the legal union between

one man and one woman as husband and wife. As a member at that time of the U.S. House of Representatives, I was proud to support that legislation. But since then, activist judges and some local officials have aggressively tried to circumvent the law and the will of the people in redefining marriage. These extremists have devised a clever strategy to override public opinion and force a redefinition of marriage on the Nation through the court system. Because they knew they could not make their case through elected legislatures, they decided to work through unaccountable officials in hand-picked areas of this country.

The liberals' effort started in Vermont when the State supreme court ordered the State legislature to legalize same-sex marriages or create same-sex civil unions. Then they moved to Massachusetts, where the supreme court forced the State to give full marriage licenses to same-sex couples. This happened even though the citizens of Massachusetts opposed the effort and no law had been passed to authorize it. Nevertheless, in Massachusetts, same-sex marriages became a reality.

The activists will not stop trying to impose their extreme views on all of the rest of us, and they have now plotted a State-by-State strategy to increase the number of judicial decisions redefining marriage without—I say without—the voice of the people being heard.

Under our Constitution, States are required to give full faith and credit to the laws of other States. While the Federal Defense of Marriage Act was once thought to be enough protection for States that did not want to allow same-sex marriages, it now is very clear that the liberals who have no respect for the law are pushing a strategy to completely undermine the Defense of Marriage Act. Now the only recourse left to those of us who want to follow the law and to defend our cultural institutions is to amend the U.S. Constitution.

I wish this were not the case. But States are profoundly threatened by these activist court decisions, and we have been backed into a corner. In the meantime, couples from all over the country have traveled to those States with same-sex marriages to receive their licenses and plan to return to their home States.

At least 42 States have statutes that define marriage as a union of a man and a woman, but because of the acts of a few extremists, all of these laws are threatened. In fact, at least 10 States currently face court challenges to their marriage laws, and 9 States, including my own, Kentucky, expect to have a constitutional amendment on the ballot this fall in efforts to protect traditional marriage. So we are facing a situation where our Constitution and our laws are going to be amended one way or the other—by the people's representatives or by unelected judges.

Those of us who defend traditional marriage were not looking for this struggle, but it has been forced upon us, and I feel we must do what we can to prevail. We believe there is little else left more important to our Nation and to our future. When a small handful of unelected activists take it upon themselves to rewrite laws and to try to overturn cultural institutions we have always relied upon, then we must use every tool at our disposal to defend what we believe is right.

I do not take amending the Constitution of the United States lightly. None of us in this body does. However, the only way to prevent this social misjudgment from being made by the courts is to allow the people to speak on the issue through a constitutional amendment process. It is the most democratic, grassroots, political mechanism available left to let the people speak. The people are the ones who live under the law. They should be able to decide if they want to make such a fundamental and drastic change.

I hear from constituents of the Commonwealth of Kentucky every day asking me, begging me, to support the Federal marriage amendment so they can be heard. In fact, I hear more about this than probably any other issue since I was elected to office. It is that important to that many people. And because it is such a critical issue—traditional marriage—any attempt to change something so fundamental should be ultimately left to all of the people and not a select few to decide.

We must act, and we must act now. I urge my colleagues to let the voice of the people be heard and act to save marriage. Please support this constitutional amendment to define what marriage is. It is the most important action we can take in this Senate.

I urge support, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, today I rise in support of S. J. Res. 40, the Federal marriage amendment to the U.S. Constitution. I do so with conviction that this course is the right one, but with considerable frustration that we have come to this point as a nation. This constitutional amendment, in my view, should not be necessary.

The core definition of Western civilization's most stable and important social institution, traditional marriage, should not be jeopardized by litigation and court decisions. Activist trial lawyers should not be filing lawsuits asking courts to change the basic rules of marriage for all society. Judges should not be denouncing traditional marriages as a stain on the Constitution that must be washed away. But that is where we are: Confronting a coordinated, well-funded, and persistent campaign in the courts to undermine marriage.

After careful study, I have come to the conclusion that the only way to protect traditional marriage from these undemocratic forces is to pursue a constitutional amendment that protects traditional marriage. Only through such a constitutional amendment process will the American people genuinely have the opportunity to speak out and guarantee that traditional marriage is protected.

I wish to spend a few moments explaining why I think this issue is so important.

In short, traditional marriage—marriage as the union between a man and a woman—exists, first and foremost, as the best environment for the protection and nurturing of children. Traditional families are where we hope the children will be born and raised, and where we expect them to receive their values. And we hope these things for a good reason.

As one social scientist who testified before the Finance Committee earlier this year said, children on average experience the highest levels of overall well-being in the context of healthy marital relationships.

This testimony is consistent with an overwhelming body of social science testimony received by the Finance, Health, Judiciary, and Commerce Committees earlier this year. If we want our Nation's children to do well, we need to do what we can to ensure they grow up with mothers and fathers. So we need to protect the place where mothers and fathers properly unite—marriage.

I believe traditional marriage is an institution worth saving, and I believe we send a very important message to our children when we stand up for the institution of marriage. We tell them that marriage matters; that traditional family life is a thing to be honored, valued, and protected. We tell them marriage is the best environment for raising children, and we tell them every child deserves a mother and a father. We point them to the ideal and that the radical redefinition of marriage through the court threatens this ideal.

We cannot strip marriage of its core—that it be the union of a man and woman—and expect the institution to survive, as we have come to know it.

It is because I feel so strongly about preserving and even encouraging a healthy marriage culture that I have been so disturbed by the legal developments our Nation has witnessed over the past 10 years. We are on the Senate floor discussing an amendment to the Constitution because activist lawyers persist in filing lawsuits to force States to redefine marriage to include same-sex couples. These activists are

dodging the will of the American people who overwhelmingly oppose a redefinition of marriage and instead have been asking judges to rewrite the marriage laws.

More than a year ago, I asked the staff of the Republican Policy Committee, which I am privileged to chair, to analyze the court campaign of these activists and to speculate on their prospects for success. We concluded at that time the Massachusetts high court would likely find traditional marriage unconstitutional, and that a number of lawsuits attacking marriage would begin to expand dramatically.

While some quarreled with those predictions, unfortunately they have proven to be 100 percent correct. I wish to summarize briefly these legal developments that brought us to the point we are.

There is in this country a collection of activist lawyers who genuinely and sincerely believe marriage should be redesigned so couples of the same sex could marry. Groups such as the ACLU, Lambda Legal, and Gay and Lesbian Advocates and Defenders, GLAD, and others have frankly explained their strategy. Their goal is to use the courts to force the entire Nation to adopt same-sex marriage. They understand they cannot do it through the democratic process convincing people of the wisdom of their position, but must rather succeed in convincing judges to overturn our long-time understanding of the meaning of marriage.

They saw their first great victory in Vermont in 1999. In response to a suit by the ACLU and other activist groups, the Vermont State Supreme Court ordered the legislature to recognize same-sex marriage or to create some form of civil union that was exactly like marriage.

Vermont citizens at the time opposed both same-sex marriages and civil unions, but the court mandate was clear: Legislators must create same-sex marriage or some form of same-sex civil union or the court would do it for them. The legislators chose civil unions in the face of the court's dictate, but it can hardly be said that they acted in accordance with the democratic process. No, this was ruled by lawsuit, not by legislation.

These activist lawyers who had succeeded in Vermont quickly turned to new States, this time aiming for a complete transformation of the marriage laws. It is true that homosexual couples had gained all the rights and benefits available under Vermont law as married couples. The same-sex marriage activists did not just want rights and benefits, they wanted to redefine marriage itself to change the cultural norms that have characterized this institution of man and woman for ages.

These groups acted carefully. They put most of their efforts into a new lawsuit in Massachusetts. The people of Massachusetts opposed same-sex marriage, and their legislators would never change the law to allow it. But the activists were not interested in a democratic solution. They knew they could not convince many millions of citizens to undermine traditional marriage, so they decided to focus on just four people, the majority of the supreme court of the State. They did what too many Americans do nowadays, they filed a lawsuit. The result was a resounding defeat for traditional marriage and the people of Massachusetts who continue to oppose same-sex marriage in their State.

In November 2003, a 4-to-3 majority of the Massachusetts Supreme Judicial Court ruled in Goodridge v. Massachusetts Department of Health that the State constitution required the State to recognize same-sex marriages.

Of course, the State constitution said no such thing. It contained the same basic equal protection and due process clauses that exist in most State constitutions and in our U.S. Constitution. These clauses had never been understood to require the rewriting of marriage itself, but that is what the four judges determined.

As breathtaking as this decision was, even more stunning was the disdain that these four judges showed for traditional marriage and its supporters. The court wrote that there was ''no rational reason'' to preserve traditional marriage laws; that support for traditional marriage was rooted in little more than ''persistent prejudices'' and that the several-thousand-year-old institution of marriage was little more than ''an evolving paradigm'' that could be redrafted and rewritten by the courts whenever they desired.

One judge even scoffed at what he called the ''mantra of tradition.'' In a followup opinion reaffirming and expanding the earlier decision a few months later, the same four justices even said that the marriage laws of Massachusetts were ''a stain on the Constitution,'' and that the stain must be eradicated by the court.

Incredibly, the court even suggested that it would be better to abolish civil marriage altogether than preserve it in its traditional form.

On May 17 of this year, the Goodridge decision took effect, and the State began issuing same-sex marriage licenses in Massachusetts. Many same-sex couples from other States traveled to Massachusetts and then returned back to their own States.

While the Massachusetts Legislature has given preliminary approval to a State constitutional amendment to return marriage to its traditional meaning, it will be more than 2 years before the citizens can even vote on that amendment. In the meantime, for hundreds of people who have traveled to Massachusetts from all over the country, same-sex marriage is a reality.

So what happens next? Is it realistic to believe that same-sex marriage can be isolated to Massachusetts? Will the activist lawyers who brought that suit continue to press their claims on behalf of these ''couples'' who return to their States of residence? The answer is clear. The activist groups already are seeking to bypass the legislative process and impose their agenda through courts in other States.

There are now more than 35 lawsuits pending in 11 States across our Nation in which States' marriage laws have been challenged as unconstitutional, States such as California, Florida, Indiana, Maryland, Nebraska, New Jersey, New Mexico, New York, Oregon, Washington, and West Virginia. Many of these lawsuits are brought by the same lawyers who filed suits in Vermont and Massachusetts, activists from the ACLU, LAMBDA Legal, and GLAD in particular. In fact, the lawsuit in Maryland was filed only last week by the same legal team at the ACLU that is managing lawsuits in New Jersey and elsewhere. Many more lawsuits surely will follow.

As I said, the activist court strategy is no secret. The ACLU, LAMBDA Legal, a group calling itself Freedom to Marry, are very open about their hopes of imposing same-sex marriage through the courts.

Let us look at some of the lawsuits we can expect. First, these activists will file more suits challenging State marriage laws the same way they did in Massachusetts and are doing in 11 other States today.

Second, there will be lawsuits seeking to strike down the Defense of Marriage Act so that same-sex couples can get access to Federal benefits such as tax filing status, Social Security benefits from same-sex partners, and many of the other benefits or rights that the Federal Government grants to married spouses.

Already, for example, there is a lawsuit pending in Florida that directly claims that DOMA is unconstitutional.

Third, these activists will file lawsuits trying to force other States to recognize same-sex marriages in Massachusetts and any other place where they can convince judges to change the marriage laws against the people's will. Such a lawsuit currently is pending in Washington State, where a same-sex couple received a marriage license in Oregon and now insists that Washington must recognize that marriage, despite clear State law to the contrary.

Finally, there will be many other lawsuits that cannot be anticipated that will happen as same-sex married couples move from State to State, as many Americans nowadays do. These couples will try to get divorced when marriages fail. They will try to execute and enforce wills when one of them dies. They will have all kinds of run-of-the-mill business disputes as happens in other situations, and courts will struggle to figure out how to treat their legal relationships when these disputes arise.

Those struggles will take on a constitutional dimension. For example, two women who received a marriage license in Canada later decided to declare bankruptcy in Washington State.

They filed their petition jointly as though they were married. Because all bankruptcies are filed in Federal court pursuant to Federal law, the Defense of Marriage Act is implicated. The bankruptcy trustee has objected to their joint petition, citing DOMA's provision that for the purposes of all Federal law, marriage is the union of a man and a woman.

The bankruptcy petitioners now argue that DOMA itself is unconstitutional and that the bankruptcy court must recognize the Canadian same-sex marriage. Thus, a simple bankruptcy petition has taken on constitutional dimensions. Cases such as this will proliferate, some filed by activists and some filed by citizens just trying to live their lives, as appears to be the case in the bankruptcy petition in Washington State.

The result will be tremendous confusion in the courts throughout the Nation, as some States recognize same-sex marriage for some purposes while other States recognize them only for other purposes.

As these lawsuits progress, it will be the courts, not the people, that make the decisions on whether same-sex marriage will spread throughout the entire Nation.

In the not too distant future, the legal activists who are managing this attack on traditional marriage laws will decide that they are ready for the big case, a case before the U.S. Supreme Court. After wreaking havoc on traditional marriage throughout the Nation, these activists will tell the Supreme Court that the confusion in the States demands a national solution. They will argue, not unpersuasively, that we are one Nation, that we cannot long function with such fundamentally inconsistent understandings of marriage.

When that day comes, when the U.S. Supreme Court is presented with the opportunity to rule traditional marriage laws unconstitutional, it is very possible that the Court will side not with the oft-surveyed views of the American people but rather will find a constitutional reason to say the people have been wrong all this time.

Legal and cultural confusion cannot long endure on this question. When a case reaches the Supreme Court, it most likely will craft a national solution. What the same-sex marriage activists expect and hope for is exactly the result that concerns me. Once the Court has spoken, while there surely will be great public outcry if contrary to public opinion, our history shows it is very difficult to change a Supreme Court decision by constitutional amendment.

The only way the American people will ever have a voice in this matter is if Congress sends to the States for ratification a constitutional amendment defining and protecting traditional marriage. Federal DOMA, which has already been challenged, could easily be struck down by the courts. Marriage laws in the States likely will be struck down just as happened in Massachusetts. No Federal law, no Federal regulation, no State law, no State constitutional amendment, can prevent this from happening. The only solution is an amendment to the Constitution and the only question is when to start the process. The more time that elapses with conflicting State law and same-sex couples seeking to have their marriages recognized in different States, the more our society will be conflicted and the more lawyers and judges will be making the decisions.

The constitutional process is the most democratic, the most grassroots, the most respectful process available for the establishment of national policy. A constitutional amendment requires the support of two-thirds of both Houses of Congress. Then it requires the support of the legislatures of three-fourths of the States of the Union. Then, and only then, can the amendment become effective.

This is, as it should be, a very high hurdle. But it is a high hurdle that guarantees that the American people have a full and complete opportunity to speak to the issue, that they can express their views to their Senators, to their Congressmen, and to their State legislators. It takes time, but in the end, as opposed to court decisions, if a constitutional amendment passes, we know that the American people want it.

Look at the proposed constitutional amendment that is before us and examine what it will do. It is on the chart directly behind me. The first sentence reads:

> Marriage in the United States shall consist only of the union of a man and a woman.

The sentence is straightforward. It provides a common definition of marriage throughout the United States, one man and one woman. It guarantees that the central definition of marriage is preserved throughout our country. It protects the American people who overwhelmingly believe traditional marriage should survive against those who would undermine it. We are one nation. While we have a wide variation in many thousands of laws among different jurisdictions, for the central, core issues in the way we organize our society, we have common views and common laws.

That is why, as a nation, we denied one State admission into the Union until it outlawed polygamy. We recognized that marriage was only between one man and one woman, and we would not even let that State enter the Union if it did not agree with that basic, core value.

This first sentence just reaffirms what has long been our national policy and ensures that no court can say otherwise.

Now, turning to the second sentence, it reads.

> 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.

This sentence simply ensures that only the people or their elected representatives, not judges, can decide whether to allow marriage or its legal incidents can be conferred on people. This would prevent what happened in Vermont. The State supreme court hijacked the democratic process and coerced the legislature to create same-sex civil unions. The people didn't want it but the court decreed it. The second sentence of this amendment would prevent that kind of result.

The reason to add the second sentence, thus, would be to ensure no court would be able to construe the State or Federal constitution to require the creation of same-sex marriage or any institution or arrangement containing the incidents or benefits that derive from marriage itself. In other words, courts will not be able to create a right to civil unions based on the equal protection or due process clauses of the Constitution. They will not be able to twist the constitutional language, in other words, to serve these narrow policy goals.

However, the marriage amendment in no way bars or bans these kinds of special civil union or domestic partnership arrangements, as long as they are enacted through the legislative process. The marriage amendment preserves our current State organized regime by protecting the rights of citizens to act in their State legislatures to provide whatever benefits to same-sex couples that they should choose. Those benefits could be narrow, granting special inheritance rights, for example, or they could be broad, a full civil union law, for example.

In another example the legislatures of California and New Jersey have recently created arrangements they call domestic partnerships, that grant many of the benefits of marriage to same-sex couples.

Let me say again, the legislatures of those States passed those laws. Benefits were granted through the democratic process. Nothing in the marriage amendment prevents the citizens of a State from acting through their regular legislative process to grant benefits to same-sex couples in that State. So if a State wanted to create marriage-like ''civil unions,'' it could still do so. A legislature's only constraint is it could not create same-sex marriage.

Before I close, I would like to say a few words to address a concern about the amendment that I have heard expressed by some of my Senate colleagues. Some claim the question of same-sex marriage can be handled effectively on a State-by-State basis. Some, including people I respect very much, have told me if Massachusetts wants to have same-sex marriage, it should be able to do so and that Arizonans should not care. They argue that because our States tend to manage most family law matters, there is no reason to place this issue in the U.S.

Constitution. They think of the issue as a thing of the distant future, something that we need not bother with. ''Let Massachusetts worry it,'' in effect.

I respect those who make this argument, but I strongly disagree with the notion that Congress can punt on the protection of marriage. The problem, it seems to me, with this line of thinking is that it assumes—in perfectly good faith, I am sure—a world that simply does not exist. The citizens of each State are not being permitted to decide this question. We should all sympathize with the citizens of Massachusetts who have been forced to see marriage in their State redefined and undermined, without the vote of the legislature or the citizens of that State.

Massachusetts is only the beginning. We see from the 35-plus lawsuits in 11 different States that the activists will continue to campaign in the courts. The lawyers who are championing this cause are not going to permit a State-by-State democratic solution. States rights implies not the courts but the people making the decisions.

The most prominent leader of the same-sex marriage movement, Evan Wolfson, who helped file the lawsuits in Vermont and Massachusetts and elsewhere, has candidly made the point. He scoffs at those who think the Nation can tolerate fundamentally different conceptions of marriage on a State-by-State basis. He understands that it is all or nothing. As he says on his Web site:

> America is one country, not 50 separate kingdoms. If you're married you're married.

In other words, people move around so much in this Nation that we cannot long endure a scenario in which some marriages disappear at the State line. The legal, social, and cultural complications are simply too great. The question of whether traditional marriage is to survive must ultimately be decided for the entire Nation.

In conclusion, the question is, Who decides? Will it be judges, scattered across the land and ultimately over in the Supreme Court? Or will it be the American people, through the constitutional amendment process? This is not some idle question of political theory. The process determines the result. If courts make the decision, they will redefine marriage for every State. If the people can decide, I have confidence they will stand up for marriage.

So, in conclusion, I call on my colleagues not to stand in the way of the people's right to speak. Let the American people make the ultimate decision as to whether we will jettison thousands of years of history and reinvent marriage or whether we will stand by the institution that we all rely upon so much for the future of our children.

I will say it again. This question cannot and will not ever be decided on a State-by-State basis. Either we will preserve traditional marriage in this Nation or we will see it redefined everywhere. The vote we will have in this Chamber is the first step, and I hope my colleagues will join me in making the right one.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Will the Senator from Arizona yield for a question?

Mr. KYL. I am happy to yield.

Mr. SANTORUM. The last point my colleague made is one that is very important. A lot of people in the Senate, and even some across the country, have suggested that the Defense of Marriage Act will stand.

There is a lot of legal opinion. The Senator from Utah spoke about how the Defense of Marriage Act probably will not stand. But your point is, even if the Defense of Marriage Act stands, the Defense of Marriage Act only protects States from other States forcing their laws on us.

Your point is even if that State can resist that, you lose anyway. Can you explain that? I think that is a very important point. The Defense of Marriage Act really doesn't save marriage.

Mr. KYL. Mr. President, I think the Senator from Pennsylvania is exactly correct. I would like to argue that the Defense of Marriage Act is constitutional, but I share the same concerns that have been expressed by others, that the Court will find it unconstitutional. But in either result, this challenge will continue in the State courts. We have the precedent of Massachusetts, and a very clear strategy that the lawyers on the other side have outlined. They have not tried to hide their intentions. They have been very forthright about their intentions of getting State courts to declare State laws and the State constitutions to require same-sex marriage, just as they did in the State of Massachusetts. These 35 lawsuits in 11 different States—at least some of them—will argue this precise point. It is quite possible that on the same basis that the Massachusetts Supreme Court decided that its due process and equal protection language required the recognition of same-sex marriages, that identical language or almost identical language in all of the State constitutions—identical also, by the way, to the Federal Constitution—would require that other States like Massachusetts recognize same-sex marriage. So it won't matter that DOMA says that one State doesn't have to recognize the marriages of another if State by State the courts decide that in those respective States the law requires or the Constitution requires otherwise.

Mr. SANTORUM. The potential exists if DOMA is maintained and protected that you could have—let us just say some of the more liberal State courts that we have out there, whether it is Massachusetts, New Jersey, California, New York, big States—most of these are actually fairly large States that we are talking about—if marriage were defined in those States and let us say not in Pennsylvania, Arizona, Utah, or Alabama, what would be the result? How would America function? What would marriage be in America? What would be the environment in which we would be living? It is a very interesting question we are now faced with just in Massachusetts, but we have sort of seen one isolated little case that is still in question. But as an accepted matter that there are now in many States potentially couples who are married who are not traditional couples, what would be the impact on our society?

Mr. KYL. Mr. President, there is one area I agree with the proponents of same-sex marriage on, and that is, the country is going to go one way or the other. You cannot survive a situation in which some States recognize certain benefits, other States recognize other benefits, other States don't recognize any, others recognize same-sex marriages, others, civil unions, and so forth. He makes the point that it has to ultimately be all or nothing. I don't see how on that point he is wrong because people in this country move around.

I cited the case of the bankruptcy petition filed by the Canadian couple, but it could have just as easily been a married couple in Oregon and moving to Washington. The fact is disputes will arise all over the country in courts of States that didn't necessarily confront the question but will have to confront some element of it. When two people present themselves as having been lawfully married in another State and they have some dispute between them, the court of my State, for example, isn't going to be able to avoid the issue and will have to decide one way or other.

We are going to end up, I fear, in the situation in which a definition of marriage has many different meanings all across the country. Something as fundamental as that—as I said, the one thing I agree with the proponents of same-sex marriage on—cannot stand. You have to either define it one way or the other for our society to function—just to function. It becomes a question of, A, what that definition should be—and that is why I have a disagreement with those folks—and, B, who makes the decision.

My primary point is that the people of the country should be making the decision, not just a few lawyers and judges. The best way for people to have a voice in this is by the constitutional process in which they are directly and indirectly involved through the Senate, through the House, and through their own State legislatures.

Mr. SANTORUM. I thank the Senator.

Mr. SESSIONS. Mr. President, will the Senator from Arizona yield?

Mr. KYL. I would be happy to yield. I actually give up the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona. He is one of the Senate's finest legal scholars. He has argued a number of cases

before the Supreme Court, I believe three or more. He won all of those cases. There is not one lawyer in a thousand in America who has argued a case before the Supreme Court, much less three.

I would like to just ask one simple fundamental question, if the Senator could explain it to our colleagues and to the people of this country. If the Supreme Court found, as they indicated that they may in the case of Lawrence v. Texas, that marriage under the Due Process or Equal Protection clauses of the Constitution has to include same-sex marriages rather than just the traditional marriage form, will that not wipe out all of the constitutional amendments that are being passed in the States of America and all the statutes in America and the Defense of Marriage Act that we passed in this Congress?

Mr. KYL. Mr. President, the Senator from Alabama is also an extraordinarily fine lawyer in his own right. Of course, the answer is yes. Once the Supreme Court has spoken, and there is language in this Lawrence case that suggests to many that the Court would be inclined to rule in that fashion, then the Court has just enunciated the supreme law of the land and no State constitutional provision or Federal law in any way could attempt to override that. That would be the law of the land.

Mr. SESSIONS. If California passed it with 90 percent of the vote, or 60 percent, as I believe they did pass a statute by ballot initiative, no matter what the people voted, it would be trumped and wiped out by the ruling.

Mr. KYL. Mr. President, the Senator from Alabama is correct. The Federal Constitution trumps State constitutions. Even if the people of a State amend their own State constitution, were the Supreme Court to declare that same-sex marriages are required by the equal protection or the due process clause of the U.S. Constitution, that would be the supreme law of the land, overriding any other Federal law, State law, or State constitution.

Mr. SESSIONS. I thank the Senator from Arizona.

Mr. President, I would like to share a few thoughts this afternoon. I thank him for his insight into the complexity and the confusion that will result if we don't have a national standard as we have always had on marriage.

I thank the Senator from Pennsylvania for his courage and compassion and understanding of the importance of family.

I thank the President for his eloquent remarks last Friday on this important matter.

I thank the chairman of the Judiciary Committee, Senator HATCH, for his brilliance and for the comprehensive statements he made today and Friday concerning the need for and the custom and the legality of a constitutional amendment on this question.

People say, Why do we need to do it now?

I was in a hearing and one of the individuals said, Well, the State of Massachusetts may pass a constitutional amendment, and that would sort of, he indicated, solve the problem. I asked him, if it is all right for the people of Massachusetts or Michigan or Alabama or Utah to pass a constitutional amendment that defines marriage, what is wrong with the people of the United States and the Federal system passing a constitutional amendment to deal with marriage?

All of the people who seem to be questioning and suggesting we should not go forward with this kind of amendment are doing so on the basis that State constitutions are being amended. But as we heard from Senator KYL, a State constitution will not solve the matter if the Supreme Court acts as they have indicated they will. I believe it is perfectly appropriate for the people of the United States to consider whether they would want to amend our Constitution.

Some say that marriage is just not important, that this is not a matter we ought to spend any time on, and why now. They say, you are just bringing this up because there is an election ongoing. Let me say that it was just last year that the Supreme Court ruled in Lawrence. It was less than a year ago when Massachusetts ruled in their case that made so much of an impact, and the result of the Massachusetts case was just brought into effect May 17 of this year.

What started this debate was not people who believe in family as we have always known it. They didn't start this debate. They didn't start the discussion, the debate and legal activism, that attempts to change a fundamental American institution. It was the courts that did so activist lawyers and activist judges.

It would indeed be unthinkable to most people that we would ever need to discuss a constitutional amendment to defend marriage. Unfortunately, the integrity of the legal system is being eroded as political agendas are being implemented more and more through rulings of the courts. That, let me say, fundamentally goes to the heart of the American democracy.

Democracy in this country rests power with the people. But lifetime-appointed judges usurp this power—and it does not even take all nine on the Supreme Court, or all seven on the Massachusetts Supreme Court. In fact, it was four out of the seven judges on the Massachusetts Supreme Judicial Court, unaccountable to the public, who issued an opinion and cannot be held to account.

If we vote on issues the American people do not affirm, do not approve of and object to, we can be removed from office. That is the way the system works.

We must not allow this power to go to the courts. In fact, that is precisely the issue that has driven the debate ever since President Bush has been in office, even going back to President Reagan: What do you want out of judges on the courts of America? Do we want judges who impose agendas to do what they think is right under the circumstances? Or do you want judges who follow the law—Judges who care about the law and are respectful of it and indeed respectful of the people of the United States of America who, through their elected representatives, they believe should be setting social policy in this country.

That is the challenge we are facing. That is the second important part of this debate. The first is marriage is an institution of tremendous importance and the rulings we have seen in courts today will undoubtedly erode the validity, impact, and power of that institution that has helped raise healthy generations of Americans year after year. That is one aspect.

The other aspect is the power of unelected judges. That power is frightening. We have seen a number of opinions from the Supreme Court of the United States that cause concern. We saw the Supreme Court avoid ruling recently on the Pledge of Allegiance case that challenged the ''under God'' language in the Pledge. They could have ruled on that and nailed that issue down. I suspect it suggests the Court is undecided about that. Certainly a number of their opinions have given a basis for the Ninth Circuit Court of Appeals to strike down the Pledge of Allegiance.

The Supreme Court of the United States, in my view, is seriously drifting from its principles. We have had members of that court, more than one, start talking about European law as they analyze legal matters. They have forgotten the American Constitution is a contract between the American people and their Government. It empowers our Government to carry on certain powers and not to do others and retain to the democratic process other actions.

This amendment will have a twofold impact. No. 1, it will protect the integrity of marriage, a critical institution to our culture; No. 2, it will indicate to our courts that the American people are not incapable of defending their liberties when they are under attack by courts. They seem to think this issue will be stirred up for a number of months and then it will settle down and people will go away; that is the way it is going to be, do not worry about it. There will be editorials and church people will carry a sign and someone will sign a petition, but we have lifetime appointments and we are like philosopher kings. We can see the long term and what is good for America. We have decided this is the right thing for America to do. We will take the heat for a few months or a year or two and it will go away, we will be affirmed, and we will affirm our view and stand by it and that will be the end of that. These small-minded citizens will go away.

I am afraid there is an arrogance in some of these opinions that goes that far. It disturbs me.

One of the dissenting justices in the State of Massachusetts, I suppose the most liberal State in the country, certainly the most liberal judiciary, stated that the Goodridge v. Massachusetts decision ''exceeds the bounds of judicial restraint,'' and he went on to note this decision ''replaces the intent of the legislature with that of the court.''

In other words, that is precisely what they did. The judges on the court, four of the seven, got it in their minds how marriage ought to be defined in America and they went back and took the equal protection clause of the state constitution, very similar to the U.S. Constitution, and the Massachusetts Supreme Judicial Court interpreted that clause to effect a policy change that the founders and the drafters of that constitution certainly never thought possible many years before when that equal protection clause was passed.

I suggest, without doubt, it replaced the intent of a legislature, a body in Massachusetts that is accountable to the public, with the intent of the court. That is what activism is. That is what Senator HATCH so eloquently talked about for many years in the committee he chairs. When judges impose their personal or political views, liberal or conservative, through the redefinition of the meaning of language in the Constitution, they are activist judges. We need to deal with that.

I will take a moment to go over something that has been discussed before, the Lawrence v. Texas case in 2003. Some say the Supreme Court is not going to say we have to recognize same-sex marriages along with traditional marriage. Read that opinion. Senator HATCH pointed it out.

This is the language of the Court:

> In Planned Parenthood in Southeastern Pa. v. Casey, the court reaffirmed the substantive force of the liberty protected by the Due Process Clause.

That is broad language, trust me. I don't know what that means, but it is not good.

I repeat: ''reaffirmed the substantive force of the liberty protected by the Due Process Clause.''

And continuing:

> The Casey decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education . . .

And they went on to state:

> Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

So, persons ''in homosexual relationship may seek'' the same protections for these purposes, the purposes above, which includes marriage.

Justice Kennedy, who wrote the opinion for the majority in Lawrence, made clear that the holding of the case did not involve formal recognition of same-sex marriage because the holding of the case had to do with sodomy laws in Texas. It didn't have anything to do with marriage. It does not involve whether the Government must give formal recognition to any relationship that ''homosexual persons seek to enter.'' He suggests it was not about marriage.

The Court did not issue a decision about marriage—that is correct. Justice Scalia is also correct in responding, saying ''this case 'does not involve' the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this court.''

In other words, the logic of the case is so compelling and powerful that if properly applied to the next case that comes before the Court, it will hold that homosexual marriage must be recognized in the same way.

That is why we are here. No one, in my view—not one Member of this body—would be able to say that marriage, as we have traditionally known it in America, is not in jeopardy as a result of this opinion. Everybody knows the Supreme Court of the United States is on the verge or may be on the verge of ruling like the Massachusetts Supreme Judicial Court did.

So marriage in America under the U.S. Supreme Court is in jeopardy. Marriage as we know it is in jeopardy by the Supreme Court. So what is wrong with this body simply allowing the American people, through their elected representatives, to pass a constitutional amendment on something as important as marriage? It is not unimportant. I reject the idea that this institution which is so valuable to our culture is not important and not worth debate in this body. They are the same ones who say: Oh, look, States are passing constitutional amendments. We don't need to pass one. But if States can pass a constitutional amendment, what is wrong with the Federal Government passing one?

And talk about confusion, as Senator KYL said, let's say the Supreme Court rules consistent with Massachusetts. How long will it take for a constitutional amendment to be passed? In the meantime, what will happen to the marriages and all the arrangements that will be accruing around the country legally? Are they all going to be upset?

So if we are concerned about the power of the courts—I know Senator HATCH is because they are reaching beyond the traditional role of a court through activist decisions—and if we are concerned about marriage, why don't we move on this amendment? Why don't we send it forward to the people of the United States so they can consider it? Somebody said: Well, I don't like every word that is in this constitutional amendment. Maybe I could support it, but I would like it to be a little different. Well, if we move this amendment forward on the floor so it can be considered by this body, then people can offer amendments to change it. We will debate and talk about how to better word the amendment if it needs to be changed. I feel comfortable with the way it is, but I am willing to debate and talk about any changes.

I believe this body can make a difference. I believe we need to speak on this issue for several reasons. One is because we need to send a message to the courts that we control the culture of this country, we control how intimate relationships like marriage ought to be defined; that is, we the people, and not unelected, lifetime-appointed judges.

I have another chart to show; a lot of liberal lawyers in the country also agree with what I have been saying. Laurence Tribe, from Harvard Law School, last fall, right after the decision in Lawrence or about the time this decision was rendered, said:

> You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.

So again, isn't that affirmation of what I have said, that the Supreme Court is on the verge or may yet step forward with a Massachusetts-type ruling?

There is another quote I think is interesting. In Justice Scalia's dissent, he said the Lawrence decision:

> leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples.

''Pretty shaky grounds.''

Evan Wolfson, director of the Freedom to Marry group that favors the Massachusetts ruling, said:

> But when [Scalia's] right, he's right. We stand today on the threshold of winning the freedom to marry.

He is talking about the U.S. Supreme Court.

I believe this Senate needs to consider the matter of marriage in America. We need to think seriously about it. We need to consider whether the social science evidence I have discussed and others have discussed earlier indicate these rulings will further undermine marriage in America, thereby endangering our culture, as it inevitably will. And we need to consider the reach of Federal judges which continues to expand beyond their legitimate role.

This amendment provides an opportunity for the people to speak on both those questions. I think it is important for us. I urge my colleagues to think clearly about it. This is not harmful or negative or targeted to anybody. It is an amendment that will focus on affirming traditional marriage, family, and children, which is what a State has a right to be interested in: the institution that nurtures, raises, and educates the next generation who will lead our country. Those are important issues. I hope we will move forward with the debate, we will allow this issue to come before the Senate, we will debate it and debate the language of the amendment—and if we improve it, so be it—and then pass it and send it out to the people of America.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent that I be permitted to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to speak for a few minutes about the social impact of the marginalization of the American family and traditional marriage over the past years. First, I want to address specifically some of the questions that have been raised both here in this Chamber and in the media and by others who have asked two main questions that seem to be coming back time and time again. One is, why can't we leave this to the States? Secondly, there are those who ask, why now? Why do we need a Federal constitutional amendment now before the U.S. Supreme Court strikes down traditional marriage laws? And then I would like to address more of the social consequences of what we are seeing.

First, the idea of leaving this decision to the States, while an appealing concept in theory, as a practical matter is impossible. Indeed, as I and others on this floor have said so on many occasions in talking about this issue, it has been decisions out of the U.S. Supreme Court interpreting the Federal Constitution and creating a broad right of personal autonomy that have, even addressing the marriage context and relationships between people of the same sex as well as traditional couples and the institution of marriage, it is that broad rationale that has now been bootstrapped by the Massachusetts Supreme Court in the Goodrich case to create this right, this right that did not exist in 1780 when John Adams wrote the Massachusetts Constitution, but all of a sudden was discovered some 224 years later by the Massachusetts Supreme Court.

Of course, the Massachusetts Supreme Court was not the one who dreamed up this right. We have to give credit where credit is due. And that is to the decision of the U.S. Supreme Court in Griswold v. Connecticut, in the Roemer case out of Colorado, and then in the Lawrence v. Texas case last summer.

It would be nice if we could say, for those of us who do believe in the primary authority of the States in all matters except insofar as the Constitution mandates that it is a Federal Government responsibility, I would at first blush find it appealing to be able to leave such matters and others to the States. But we know as a practical matter that that is impossible; first, because of the likelihood that the current challenges to State marriage laws under the Federal Constitution may succeed under the framework, under the roadmap that has been laid out by the U.S. Supreme Court in Lawrence v. Texas. And those challenges currently exist in Utah, Florida, and Nebraska. So no matter what State laws exist, obviously the Federal Constitution, as interpreted by the U.S. Supreme Court, has supremacy. That is what the supremacy clause is all about.

So while it may be appealing to say that we would like to leave this matter up to the States, the very real and present risk is that a Federal court, interpreting the Federal Constitution, will strike down all State marriage laws that stand in the way of same-sex marriages under the rationale used by the U.S. Supreme Court in Lawrence, as embraced by the Massachusetts Supreme Court in interpreting their State constitution in the Goodridge case.

But there is also another practical consideration, and that is on May 17, when the Massachusetts Supreme Court called traditional marriage a ''stain that must be eradicated,'' terming it ''invidious discrimination'' and without rational basis, when they embraced this revolutionary and radical notion, redefining the traditional institution of marriage after these many years, they didn't just affect the rights of people within the confines of the State of Massachusetts.

What happened, of course, is that couples came to Massachusetts from other States and took advantage of the laws of Massachusetts—at least insofar as interpreted by the Massachusetts Supreme Court—and said they wanted to be married and then move back to the States where they live. Indeed, we know that happened. Same-sex couples have come to Massachusetts and married and returned to their States in 46 different States.

So to suggest that what happens in Massachusetts stays in Massachusetts is wrong, as a practical matter. But the problem is, of course, that now we know there are a handful—I think at last count perhaps 9 or 10—of challenges to State laws restricting marriage or protecting traditional marriage by those who were married in Massachusetts—same-sex couples—who then moved back to their home State and filed a lawsuit in their State courts seeking to force their State to recognize the validity of that same-sex marriage.

As I and others have talked about on numerous occasions, the fact is, this is part of a national litigation strategy by those who would seek to overturn traditional marriage between a man and a woman. And we are not playing offense on this issue; we are playing defense in trying to defend traditional marriage against this national litigation strategy.

So those are just two reasons it is putting your head in the sand to say that this is a matter that is just limited to one State. As a practical matter, we saw on television in San Francisco where one mayor and local officials, in violation of California law, invited people to come there and get married. Now, of course, that issue is balled up in litigation pending before the California Supreme Court. So this is not a local issue confined to the States, nor is it a matter that can be handled, practically or legally or otherwise, by individual States, no matter how hard they might try.

The other question that has been raised is, Why now? The U.S. Supreme Court has not ruled traditional marriage to be unconstitutional and required same-sex marriages a national constitutional matter—not yet. Although it is clear in the hearings that we had in the Senate Judiciary Committee that using the tools that the U.S. Supreme Court provided in these cases that I have already discussed, clearly there is a path mapped out, and the logical conclusion of the rationale used in those decisions is to strike down traditional marriage as we know it.

But the question is, Why now? Some said, well, this may happen—I was talking to one of my colleagues on the other side of the aisle at about noon. He said: Well, this may happen in 3, 4, or 5 years, but it is not an imminent threat right now. So why in the world would we seek to amend the Constitution at this time?

Well, I point, by way of practical example, to what is happening in Massachusetts today. The decision to embrace this radical redefinition of marriage on May 17 was not put to a vote of the people of Massachusetts; it was an edict from the supreme court of that State. But once we saw that the elected representatives of the people of Massachusetts decided to meet and discuss this issue, well, we have seen that they have chosen to reject the decision of the Massachusetts Supreme Court and to protect traditional marriage. The problem is, in Massachusetts, their law requires two successive sessions of the Massachusetts Legislature to meet and agree on the constitutional amendment before it can be passed by the people, effectively meaning that there is no constitutional amendment in that State possible until 2006.

In the meantime, what are the people to do? Well, the people of that State and their elected representatives are watching this progression of same-sex marriages because the Supreme Court of Massachusetts demanded it and ordered it. Even though it is going to ultimately be overruled by the people, in the meantime you are going to have a couple of years in which couples—same-sex couples—are going to seek to be married and be officially married

under the laws of Massachusetts, only to have it then prohibited in 2006 going forward.

Well, I would think that people who ask why now would see that as an example of why it is important to do it here and now—before the Federal courts in this country adopt the reasoning of that Massachusetts case.

We know the U.S. Constitution has been amended 27 times. We know it is reserved for special cases, and the burden on someone who would seek to amend the Constitution is very high—a two-thirds vote of the Congress and three-quarters of the States having to vote to ratify. And that is appropriately so. But it is, as we have discussed, the only way that we the people can have a vote and can have a voice on this important issue, especially once the Federal courts, under the guise of interpreting the Federal Constitution, were to hold otherwise.

We know just from the history of those 27 amendments that, on average, they have taken about 8 years. I could be wrong on that figure, and I will doublecheck that, but it has taken roughly 8 years to ratify an amendment to the Constitution, on average. So we know if, in fact, a Federal court today were to hold that traditional marriage violated the Constitution, then the American people were to decide, through their elected representatives, to pass a constitutional amendment, we may find ourselves in effectively the same box that the people of Massachusetts find themselves in now, where in that case you have effectively a 2-year period in which same-sex couples are getting married under the auspices of the decision of the Massachusetts Supreme Court, and to effectively not be able to undo this example of a very aggressive judicial activism. So the same situation would apply under the Federal Constitution because of the amount of time it usually takes to get a Federal constitutional amendment to pass.

So those are two questions that I wanted to address specifically. But I must also say, Mr. President, that I have been profoundly disappointed at the silence that has been basically the only response we have heard from our colleagues on the other side of the aisle. I truly believe that they would prefer that this issue would just go away and that it not draw too much attention because they know if the American people get energized on this issue, they will agree with those of us who believe that traditional marriage and families are worthy of protection by virtue of this constitutional amendment.

They are hoping that nobody pays very much attention, that it will sort of slide by, and that they will not feel the negative repercussions of their objection to this important amendment and the protection of traditional family and traditional marriage through this process.

I wish rather than just not saying very much at all or anything, they would come to the floor and actually debate the issue. If they think they have a strong case, if they think that reason and justice and logic are on their side, I say let's talk about it.

This is sometimes called the world's greatest deliberative body, but it is hard to have very much deliberation, it is hard to have very much debate if the opponents to this amendment simply boycott the debate and hope the issue passes without many people paying much attention, and they are able, as I said, to avoid the wrath of the people for failing to take what steps we find it within our means and ability to take to protect traditional marriage.

Last March, I chaired a hearing in the Senate Judiciary Subcommittee on the Constitution regarding the decision I mentioned a moment ago, the U.S. Supreme Court's decision in Lawrence v. Texas. The Goodridge decision had not actually been handed down last September when we first had that hearing. But in the interim, between that time and this, of course, in March and then May, we had the Goodridge decision handed down which has resulted in an explosion of litigation across America.

During those hearings, both in September and then later on—we actually had a total of three hearings in the Subcommittee on the Constitution—we had some thought-provoking testimony. But at the hearing in March, I was personally moved by the sentiments of Pastor Daniel de Leon of the Templo Calvario Church in California and the testimony of Rev. Richard Richardson of the African Methodist Episcopal Church in Boston whom we were honored to have in attendance.

Both testified they would rather be at home working with the members of their congregations rather than having to come to Washington to testify why it is important to defend traditional marriage. But it is because of the work they do, because they see the results in the decline of marriage and traditional families in their communities every day, that they believe traditional marriage is so important and worth defending.

Some say we are not likely to win this vote that, as I understand, could happen on Wednesday. Regardless of the outcome of this amendment at this time, I believe it is important we have a national discussion on the importance of marriage and a discussion that is based on facts.

We have heard a lot of people talk about the benefit of marriage for adults. We have heard some discussion about hospital visiting rights and inheritance rights, even though many of these issues could be solved simply by a matter of contract between the parties involved. We have learned that people who want to can actually enter into arrangements that will achieve the results they want short of marriage by signing a few simple documents.

We have even heard some discussion about government benefits, even though with these benefits come burdens, and the actual financial ramifications of these benefits are a matter for debate.

Yet I have heard little conversation about what I believe to be the most important issue that is related to what we are discussing, and that is the benefits of marriage for children. It is easy for some people to step back and say this issue does not affect them, but the facts, the social science research that we see from other countries demonstrates otherwise.

This research shows us that this issue affects everyone but particularly children. None of us can, if we are going to claim to be in good faith about this debate, ignore these facts and these examples, nor should we, I believe, be neutral or merely stand on the sidelines.

Scandinavia, as we have heard before, has treated same-sex households as marriage for more than a decade. This practice was instituted in Denmark in 1989, in Norway in 1993, and in Sweden in 1994. The direct reaction to these decisions was relatively small. Few people, it seems, were actually interested in the new arrangements, in the new rights they achieved to marry a person of the same sex, and to this day the number of participating households is rather low.

But the greatest effect was not upon those who sought this new institution but on the society at large. Sad to say, there has been an enormous rise of family dissolution and out-of-wedlock childbirth. Today, about 15 years after Denmark created this new institution, a majority of children in Scandinavia are born out of wedlock, including more than 50 percent in Norway and 55 percent of the children in Sweden, and in Denmark, a full 60 percent of first-born children have unmarried parents.

In Scandinavia, as a whole, traditional marriage is now an institution entirely separated from the idea of child rearing or childbearing, and it is an incidental union, no longer an important one, much less a unique one.

Scandinavia is not alone. In the Netherlands, during the mid-1990s, the rate of out-of-wedlock childbirth began to shoot up by an astonishingly high rate of 2 percentage points a year, a rate matched by no other country in Europe.

By 2003, the out-of-wedlock birthrate had nearly doubled to 31 percent of all Dutch births. It is no coincidence that these were the years when the social debate over legalizing same-sex marriage was the loudest in the Netherlands.

During Holland's drive for same-sex marriage, advocates in Parliament and elsewhere openly scorned the idea that marriage ought to be defined by its childbearing and child rearing character. Of course, there is always a risk that if you spend a decade telling people that marriage is not about family and it is not about children they might

just start believing you. But that is apparently what happened in the Netherlands. The Dutch people simply stopped getting married, even when they had children. When it is no big deal, marriage becomes just another choice on a menu of relationship options, and the children pay the price.

Respected British demographer Kathleen Kiernan drew on the Scandinavian case to form a four-stage model by which to gauge a country's movement toward Swedish levels of out-of-wedlock births.

She said in stage 1 the vast majority of the population produces children without marriage, such as in Italy. In the second stage, cohabitation is tolerated as a testing period before marriage, and it is generally a childless phase, such as we currently have in America. In stage 3, cohabitation becomes increasingly acceptable, and parenting is no longer automatically associated with marriage. While Norway was once at this stage, recent demographic and legal changes have pushed it into stage 4, along with Sweden and Denmark.

In the fourth stage, marriage and cohabitation become practically indistinguishable, with many children, even most children, born and raised outside of traditional marriage.

According to Kiernan, once a country has reached a stage, return to an earlier phase is very unlikely.

As you can see, Mr. President, the dissolution of marriage is passed on to children, to the next generation, and the devaluation of marriage as an important institution continues.

In America, the results could be even more significant than in Scandinavia or the Netherlands because, after all, we already have a significant problem of out-of-wedlock childbirth in our own country. When the example of traditional marriage is removed, when cohabitation and marriage are equally respected and when childbearing is no longer something that ought to ideally come in the context of traditional marriage, I fear the problem of single-parent households will only worsen.

We have a wealth of social science research from hundreds of sources over the course of decades which consistently reflects both the positive ramifications for children of a stable, traditional marriage and the negative effects of family breakup, including divorce and out-of-wedlock childbirth. Marriage provides the basis for the family, which remains the strongest and most important social unit.

As we have heard, countless statistics and research attest to the fact that when marriage becomes less important because it is expanded beyond its traditional definition to include other arrangements, that untoward consequences such as greater out-of-wedlock childbirths occur. People simply regard marriage as less significant and certainly, by definition, no longer unique.

Let me be clear. There are literally thousands, tens of thousands, probably hundreds of thousands, of single parents in this country who do a heroic job of raising their children in single-parent households. Nothing I have suggested is meant at all to disparage the great work they do. It is only to point out what social science and common experience would tell us is true, and that is, if possible, the optimal condition to raise any child, in terms of the family in which they are raised, is a family that is intact and where they have a loving father and a loving mother.

We recognize there are circumstances where that is not possible for a variety of circumstances for every child, but that should not deter us from seeking the optimal situation for every child if it is, in fact, possible.

Here in America we made the decision we ought to particularly encourage and support those who marry and have children. This, of course, is not a partisan issue. That is one reason why I am so disappointed by the silence with which we are met on the other side of the aisle, talking about this important issue. In fact, it was one of the most distinguished Democratic Members of this body, Senator Daniel Patrick Moynihan, who argued more than a decade ago that we must stop ''the breakup of family inevitably'' as best we can. He said:

> The principle social objective of American National Government at every level . . . should be to see that children are born into intact families and that they remain so.

We don't raise our neighbors' children as our own, but we do help all the children in every community every time we affirm and reinforce the importance of traditional marriage, through our speech, by our actions, in our culture, and by our laws. It is a position reinforced through our laws and our practices, and I believe it is right. Government should not be neutral, nor should it pretend to be neutral when it comes to children and families.

Most Americans take for granted that traditional definitions of family and marriage as we know them will always exist but that, as we have seen, is a mistake. We see in Scandinavia and the Netherlands why that assumption would be a mistake. Now we see that same development occurring in one of our States and being spread through litigation throughout the country.

The American people are not persuaded that this radical redefinition of marriage is needed or that it is a good thing. When given the opportunity to express themselves, they have always supported traditional marriage clearly and forthrightly.

I, for one, believe that a national discussion of this issue is a good thing. Those of us on the side of traditional marriage must not flinch and we should not back down and we should not allow people to paint our motivations as hateful or hurtful because, indeed, they are not.

We recognize two simple propositions simultaneously in this country. One is the essential dignity and worth of every human being. But, second and at the same time, we recognize that we see enormous benefits to our children, to society, and to all of us by preserving the traditional institution of marriage. We are merely seeking to defend the fundamental bedrock of our society, the wellspring of families and the welfare of children. That is what we are for. We, who have the responsibility of serving in elective office, have the duty to act to protect marriage as a social good, not to ignore this issue until it is too late.

Some believe traditional marriage itself is about discrimination, that all traditional marriage laws are unconstitutional and therefore must be abolished by the courts. They align themselves with four justices in Massachusetts who contend the traditional institution of marriage is ''rooted in persistent prejudices'' and ''invidious discrimination'' and not in the best interests of children.

These activists, out of the mainstream as they are, accuse others of writing discrimination into the Constitution. Yet they are the ones who are willing to write the American people out of our constitutional democracy.

Now that the threat to traditional marriage is a Federal threat, a Federal constitutional amendment is the only way to preserve traditional marriage laws nationwide before it is too late. We need stable marriages and stable families. The institution of marriage is just too important to leave to lawyers and lawsuits and to chance.

Unless and until the American people are persuaded otherwise, we have a duty as their representatives to defend the laws they have passed, indeed the laws that we have passed, such as the Defense of Marriage Act in 1996, and not let extremists in the courts or outside them reshape society according to their own whim. We can be confident in the fact that a constitutional amendment is the most representative process we have in American law.

There is no possible response to this judicial activism, to this rewriting of the Constitution by judicial fiat, but an amendment. Give the States a voice. Give the people a voice. They deserve no less on such an important issue.

I suggest the burden of proof is on those who seek to experiment with traditional marriage, an institution that has sustained society for countless generations. The experimenters must present their case to us, that the radical new social unit they propose is good for the community, is good for families, and most of all good for children. Thus far, the laboratory where this experiment has already been run, in Scandinavia and the Netherlands, has given us nothing but disastrous results.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority's time

has expired. The Senator from Mississippi.

Mr. LOTT. I ask unanimous consent that I be allowed to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Texas for his leadership on this issue and for his comments. To have a former State attorney general of the State of Texas and a former member of the Texas Supreme Court speak on this subject as an enlightened judge and as an authority, in my opinion, on the Constitution, is a very important part of this process. So I look forward to hearing more of his thoughts on this subject as he has talked about the case law, the legal precedents, and what is at stake with this amendment.

I know others have done it, but let me take a moment to read the amendment we are proposing to the Constitution, because there has been a lot of discussion about what we should do. I have seen a number of different amendments or language being proposed, many of them a couple of paragraphs, quite long or complicated. This one is very simple, direct, right to the point and I think does what needs to be done. Some people would say it does not go far enough, but I think this is the careful way the Constitution should be amended.

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.

It is quite simple and direct. Will it lead to some court consideration in the future? Surely. But what has caused this problem is the aggressive actions of the activist courts to take decisions in Massachusetts and in other places that have left us no alternative. So I rise today in strong support of S.J. Res. 40, the Federal marriage amendment. It would amend the Constitution to provide specific protection for the institution of traditional marriage. I am an original cosponsor of this measure because I believe marriage should only consist of a union between a man and a woman.

Traditional marriage has existed as a fundamental building block of our society for thousands of years, and we have learned that it provides the best and most stable environment for nurturing the children who become America's and the world's next generations. Now we see the courts have been moving in this area on what I consider a radical quest to sweep away the traditional definition of marriage, one man and one woman, by allowing same-sex couples to marry.

This undemocratic activism by the courts can only be stopped, the future stability of our society protected, and this whole area clarified, by the safeguard of a constitutional amendment. Some Senators have argued that while they support traditional marriage, they do not believe a constitutional amendment is necessary or proper at this time. They maintain the Defense of Marriage Act, passed in 1996, is sufficient to protect traditional marriage by allowing individual States to bar the recognition of same-sex marriages that may be allowed in other States. Unfortunately, I am convinced they are incorrect.

When the Supreme Court of Massachusetts directed the Massachusetts legislature to authorize same-sex marriages, the inadequacy of the Defense of Marriage Act, DOMA, as it is commonly referred to, was exposed. Approximately three-fourths of the States have laws protecting traditional marriage, indicating the democratically enshrined views of the residents of those respective States. But activist courts in many of those States could unfortunately overturn these laws by forcing that State to authorize same-sex marriage or to recognize same-sex marriages performed in other States. Additionally, now that the State of Massachusetts has endorsed same-sex marriages, the legal system in every other State will be impacted when couples of the same sex are married in Massachusetts but go to other States to seek divorces or probate wills, even if that particular State chooses not to recognize such marriage. This development could obviously create, and is beginning to create, legal chaos in the country.

Furthermore, sadly, it is only a matter of time before the Defense of Marriage Act is overturned by unelected Federal judges who ''find'' rights in the U.S. Constitution which simply are not there, such as the U.S. Supreme Court did in the Lawrence v. Texas case. Therefore, a constitutional amendment protecting marriage is the only way to adequately guarantee the sanctity of this fundamental institution.

Those who oppose the amendment say the U.S. Constitution should only be amended on rare occasions and for crucial reasons, if at all. I agree, and I think this is a rare situation and a critical one. I have been disappointed occasionally over the years that we have not been able to succeed in amending the Constitution. A few years ago we lost in the Senate by one vote to have a constitutional amendment requiring a balanced budget. A few years after that, we actually had balanced budgets and a number of Senators said, see, we do not need it. Well, here we are again.

By the way, there would have been an exception for national emergencies or national security requirements that we are now dealing with.

When we look at the Constitution, wonderful document that it is, the original Constitution turned out not to be perfect. We had the articles of the Constitution and we went through Article V, Article VI, Article VII, and stopped, and then we had the 10 amendments that are referred to as the Bill of Rights. So there were 10 amendments that were soon added, and in the last century alone we added 12 amendments. Most people would say some of those amendments are not exactly earth-shattering amendments. The 27th, being the last one, is one that took almost the entirety of this country's history to get through the process to actually be ratified, but it had to do with the compensation of the services of Senators and Representatives. I will bet if we asked the American people to list the 10 things they think the Constitution should perhaps be amended for, that would not be one of the top 10.

It is a sacred document. It is one we should defend and protect. We take an oath to it. We do not take an oath to the people. We take an oath to protect and defend the Constitution, and I think we should do that.

There are occasions when we should consider the process. They should be in areas that are critical and they should be rare. We have not had a serious debate on a constitutional amendment now for about 6 or 8 years. A constitutional amendment dealing with marriage being between one man and one woman seems to me to be an issue that is important enough for us to have a debate on amending the Constitution.

There are those who say it should not be amended lightly. I certainly agree with that. But our Founding Fathers made sure it would not be done often and that it would not be done lightly. The process for ratification of an amendment is a very difficult and lengthy one. Under the Constitution, within Article V itself, it says it requires a two-thirds vote of both Houses of Congress to approve a constitutional amendment and three-fourths of the State legislatures must ratify the amendment for it to become a part of the Constitution.

There is one other very difficult procedure in the Constitution in which a convention process can be conducted to get an amendment approved. I know how difficult that is, too, because some years ago I actually joined in a bipartisan effort to try to go through the State legislatures to take advantage of this part of the Constitution to have a convention that would lead to a balanced budget requirement in the Constitution. My own State legislature took that action, as well as several other States, but it soon fizzled out and I do not believe that process has been used in the history of our country. So this is not an issue we should take lightly. It is rare, it is exceptional, and it is one that will take a lot of thought and debate before we get through the process.

Some people say, well, what about federalism? What about the rights of the States? That is what we are talking about.

If we do not deal with this issue that may arise from the full faith and credit clause, some States such as, say, Alabama or Oklahoma are going to have a

real problem in dealing with what the courts have directed in the State of Massachusetts.

Full faith and credit says we have to respect each other's laws. But I do think we need clarity in this very critical area. I think the Constitution deserves to be amended when it deals with something so traditional and which is such a vital part of our country and our future.

Marriage is our most basic social institution, and its traditional definition as the union of a man and a woman is intended to be the best environment for rearing children. There is a reason that we have a ''traditional'' definition of marriage: God's design and the resulting evidence of science and common sense clearly demonstrates that the union of a man and a woman is the best, most secure and nurturing atmosphere in which to bring up children.

This does not mean that single parents, foster parents, and others cannot do heroic jobs of raising children—because many children are being raised by these heroes. However, marriage is meant to affirm the ideal model in which to bring up the next generation. Mothers and fathers both matter, and both make critical contributions in the lives of children. A man and a woman united in marriage can uniquely provide the many different attributes that children need as they are reared to become our next generation, and both make important contributions.

I am going to yield the floor at this point, since I am about to lose my voice talking about this subject, but I think this is an issue whose time has come. I commend the leader and Senator SANTORUM for making sure this issue is debated in the Senate.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator SANTORUM be recognized for so much time as he may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent to be able to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I thank the Chair.

Mr. President, I congratulate both the Senator from Mississippi and the Senator from Texas for their excellent comments and for adding to this debate.

I think one of the main facts we tend to overlook in this institution is the importance of the debate—the importance of engaging in a subject matter and having a colleague focus on an issue and having the American public focus on an issue.

I think in a very short period of time the issue of marriage actually has come to the fore in America—to actually start to think about what marriage is. What is the purpose of marriage? What is it all about, and how does it fit into American culture?

I told the story when the Massachusetts decision was first handed down about being questioned by college students. As the Presiding Officer knows, we are constantly bombarded by high school and college students who come down and visit with us. It is a wonderful thing when you get a chance to stay in touch with what the young mind is thinking and the popular culture they are influenced by.

Once Goodridge was handed down, I would get the question, How do you feel about changing the definition of marriage? I would enter into a discussion. I came up with the idea of asking those young people, before I answered that question, What is the purpose of marriage? Absolutely without fail, for about a 2-month period of time, as I would do that almost on a daily basis when we were in session because the issue was a hot issue at the time, I would get three or four hands going up. The answer would be to affirm the love between two people. That was the answer.

I would ask several other folks, generally speaking, some sort of variation on that theme. There would usually be some young man—usually a young man, occasionally a young lady, in the back, always in the back—who would put his hand up and sheeplishly say something like procreation and rearing of children.

I have to tell you that for a several-month period of time, when that young man or young lady would raise their hand and would say that, the majority of the kids in the group would laugh, which somewhat startled me. Then, of course, I would say I agree with that man in the back or that young lady in the back about the principal purpose of marriage. Yet to many of our young people that was not something which was considered. The only thing that was considered was about them in a sense. Consider yourself. Why do you want to be married? Well, to make me happy, to join me with someone I love. That is what marriage is about. It is about me.

I would suspect, if you went back and talked to your grandmother or great-grandmother, and you asked what the purpose of marriage is, they would probably give you a very different answer. Thankfully, I am getting a different answer now when I ask that question. More and more people are saying what that sheepish young boy or young girl would say in the back, and there are fewer and fewer laughs when they say it is about children.

I can only give as a reason for that the fact that we have had this debate as to what marriage means and the importance of it to our society. It is like the oxygen we breathe. We breathe it and we know it is there. It is essential to life, but we sort of take for granted that it is just going to be there. That is our bodily function because it is just going to be there. The body politic, the body, the social body, that culture that is in America sort of takes marriage for granted. When we see places where marriage maybe has been taken too much for granted or simply been pushed aside as something that isn't necessary, we see how culture and society suffer greatly.

One of the things I wanted to do in the little time I have here—and I think the Senator from Kansas is here, and I know he wants to speak—is talk about what the purpose of marriage is. Why is this issue so central? We tend to talk about what the need for this amendment is and get sort of wrapped up in the procedure.

I think one of the great blessings of the Senate is an opportunity to debate, educate, and to think through things.

I earlier quoted a study by professors Young and Nathan. I will go through a little bit more of this article. But they lay out in a paragraph of the study the purpose, if you will, the reason for marriage, and why society must encourage it.

As I mentioned in my earlier comments, if society doesn't encourage marriage and fidelity between a man and a woman, the natural inclination is certainly—as I think we have seen in many subcultures in America—not to be faithful, not to be responsible fathers, not to be involved with a woman for a long-term commitment. This is something which, if not nurtured by culture, could cause us to evolve very quickly into a rather self-absorbed, self-centered culture, with men being the principal stirrer of that lethal cocktail in America.

But to quote professors Young and Nathan:

> The culture of marriage must encourage at least five things. A, the bonding between men and women that ensures their cooperation for the common good; B, the birth and rearing of children, at least to the extent necessary for preserving and fostering society in a culturally approved way; C, bonding between men and children so that men are likely to become active participants in family life; D, some healthy form of masculine identity which is based on the need for at least one distinctive, necessary and publicly valued contribution to society and is especially important today because the other two cross-cultural definitions of manhood, provider and protector, are no longer distinctive now that women have entered the public realm; and E, the transformation of adolescence into sexually responsible adults so young men and women are ready for marriage and the beginning of a new cycle.

So why do we support marriage? Why do we hold up marriage as a special institution to which we give prestige and esteem, that we support with cultural and social norms, to which we give

legal preferences, legal protection? Why do we do this as a culture? Why has every culture in the history of man provided the same kind of nurturing and support for husbands, for men and women to become husbands and wives and fathers and mothers?

We do this for the reasons that are laid out here—at least for these reasons laid out here. Some of them are really interesting, if you dig into them as to how, without this kind of nurturing, we can see very clearly how our society would be harmed.

I haven't heard anybody get up and argue that marriage between a man and a woman is bad. I haven't heard anybody get up and suggest that we should change the definition of ''traditional.'' In fact, I haven't heard anybody here, nor do I expect to hear anyone here, advocate for the States to change the definition of traditional marriage.

One wonders if there is unanimity of opinion as to what marriage is. And I suspect, although I would be happy to hear people come forward and disagree with these elements that I have just laid forth—but if there is agreement as to what marriage is and the purpose and the benefits of society for marriage, why are we so reticent in doing what we know for sure will protect that institution?

Again, Members can make the arguments up and down that there are other ways we can protect marriage: The States can do it, the State courts can do it, the legislatures can do it, the DOMA statute, or the House, which is looking at some sort of limitation of jurisdiction. We can look at a whole variety of different things and say this could work, this might work, this may happen, but ultimately we know for sure one thing will work. A constitutional amendment defining marriage will, without question, work.

We have to ask ourselves, if marriage is this institution so critical to the future of our society, it is so foundational for our children and for men and women to build these bonds for the common good—and after the Senator from Kansas speaks, I will go through chart after chart of the benefits children gain from being in a married family—if we accept that social good, then why is there not overwhelming support for something most people even 10 years ago would have said: This is common sense. Of course marriage is between men and women. We do not have to put that into the Constitution. Everyone agrees with that.

Yes, everyone agrees, but Members will stand up in the Senate and say: We all agree with that, but it does not belong in the Constitution. Marriage is not important enough. Families are not important enough to be protected by our Constitution, to be protected from rogue judges who say things like marriage is a stain on our laws that must be eradicated.

I believe ultimately we will protect marriage. Let's start now. Let's come together and make some commonsense decisions about protecting the institution that is so valuable to this country, that we know is a public good. We can do that starting this week.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on the proposed marriage amendment for up to 30 minutes.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on this proposed amendment, constitutional amendment to protect marriage. I am an original cosponsor. I support the Allard amendment. He has done an absolutely fabulous job of bringing this forward. I will articulate those reasons for my colleagues and for others.

This is a critical battle. We are at a critical stage in the culture of the United States. What happens on this particular issue will have a profound impact on the future of the United States of America. It is that which we are actually debating today.

I have no doubt it is imperative we act now by means of a constitutional amendment to protect marriage. As some of my distinguished colleagues have already pointed out, this action has been made necessary not by election year politics but by the reckless actions of a judiciary bent on radical social experimentation.

Let there be no mistake, the stakes in this battle of the future of our culture are enormous. This attempt by the judiciary to radically redefine marriage is both a grave threat to our central social institution and a serious affront to the democratic rule in our Nation.

On our reaction to this threat hinges the future of marriage and our future as a self-governing people. Both are at stake. Most Americans believe homosexuals have a right to live as they choose. They do not believe a small group of activists or a tiny judicial elite have a right to redefine marriage and impose a radical social experiment on our entire society.

Let us be clear, this is not a battle over civil rights; it is a battle over whether marriage will be emptied of its meaning in contradiction to the will of the people and their duly elected representatives. We are a democracy, not a people ruled by a judicial dictator. In order to reach a predetermined outcome with regard to marriage, judges such as the five judges responsible for the Goodridge decision in Massachusetts are disregarding thousands of years of custom and experience, the laws of every society, and the beliefs of every major religious tradition. Unless action is taken by Congress to protect marriage by means of a constitutional amendment, the marriage laws of 50 States will be at the mercy of Federal judges, and marriage itself will be redefined out of all recognition.

The Defense of Marriage Act passed by Congress in 1996 is not enough. Without a constitutional amendment, Federal judges will likely rule DOMA, the Defense of Marriage Act, unconstitutional under the doctrine of full faith and credit, and marriages recognized in one State will be required to be recognized in all.

As several of my distinguished colleagues have noted, challenges to DOMA are already making their way through the courts. This radical attempt to redefine marriage also highlights the need to rein in an increasingly reckless judiciary. When activist judges show no regard for legal intent or precedent, using their positions to achieve policy goals, they must be resolutely opposed. In fundamentally altering the definition of marriage and changing duly approved marriage laws, these judges show contempt for the democratic process itself.

The choice is clear: Either we amend the Constitution and protect the rights of the people to self-determination in this process or the Constitution will be amended, in effect, by the edict of judges.

The time has come to act. If we continue to let activist judges determine the fate of marriage, the battle may be lost and we could lose the institution of marriage. Marriage can be lost.

It is important to take a step back from the heat of this controversy in order to understand why defending the institution of marriage is so important to the Nation's future. America's political system is framed around a particular understanding of human freedom, an understanding of freedom not as mere license but as something that must be guided and governed by a fundamental internal moral code. In keeping with human nature, the direction is toward both the individual good and the common good.

Our great experiment and freedom as a nation has not been without its difficult moments of trial when we have struggled with our very identity as a people as we attempted to resolve the tensions inherent in the responsible exercise of freedom. The attempts to grapple with the evils of slavery in the 19th century and civil rights struggles of the 20th century are primary examples.

In the long view of history, it seems likely we will look back at the social changes identified with the decline of marriage and the family, which began to make cultural inroads in the 1960s, and conclude that this vast cultural experiment has been a very harmful one, particularly harmful on children. That experiment, of course, continues today, but there are indications America is beginning to reevaluate that experiment, to assess where it is heading, and whether, as a people, we need to correct course.

A vitally important part of this assessment is to study the social science data regarding what happens when sexuality and children are taken outside

of the context of marriage and what happens when marriage declines as an institution as a result of a culture in which divorced or out-of-wedlock births, cohabitation, and single parenthood have become a social norm.

One of the central questions before our society right now is whether this course is desirable and, if not, what can be done to avert it. Particularly important is what the social science evidence has to tell about how children have been affected by the weakening of the institution of marriage over the last 40 years. It is incumbent upon those who deal with public policy issues to investigate this trend and its consequences on society.

A very wise man who served in this body for a number of years, the late Democratic Senator from New York, Daniel Patrick Moynihan, was a great cultural commentator. He once wrote this:

> [T]he central conservative truth is that it is culture, not politics, that determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself.

I think we see both truths in action in this debate.

Senator Moynihan also wrote:

> [T]he principal objective of American government at every level should be to see that children are born into intact families and that they remain so.

The ''principal objective,'' according to the late-Senator Moynihan.

I have no doubt about what the outcome of this debate over an amendment to protect marriage would be if more of us in the public policy arena adhered to this principle, because seeing to it ''that children are born into intact families and that they remain so'' is, in a nutshell, what this whole debate is all about. And the only way to achieve that laudable aim is to protect the traditional meaning of marriage as the union between one man and one woman and prevent rogue judges from defining marriage out of existence.

The costs to our society, should Federal judges force the States to recognize the legal equivalence of same-sex unions, would be significant—even disastrous—when measured in terms of the effects on our central social institution, the family.

Marriage is at the center of the family, and the family is the basis of society itself. The Government's interest in the marriage bond, and the reason it treats heterosexual unions in a manner unlike all other relationships, is closely related to the welfare of children. Government registers and endorses marriage between a man and a woman in order to ensure a stable environment for the raising and nurturing of children. Social science on this matter is conclusive: Children need both a mom and a dad.

Study after study shows children do best in a home with a married, biological mother and father, and the Government has a special responsibility to safeguard the needs of children. The social costs of not doing so are tremendous. Child Trends, a mainstream child welfare organization, has noted:

> [R]esearch clearly demonstrates that family structure matters for children, and the family structure that helps the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabitating relationships face higher risks of poor outcomes. . . . There is thus value for children in promoting strong, stable marriages between biological parents.

Giving public sanction to homosexual ''marriage'' would violate this Government responsibility to safeguard the needs of children by placing individual adult desires above the best interests of children. There is no reliable social science data demonstrating that children raised by same-sex couples do as well as children raised by married, heterosexual parents. Redefining marriage is certain to harm children and the broader social good if that redefinition weakens Government's legitimate goal of encouraging men and women who intend on having children to get married.

If the experience of the last 40 years tells us anything, it is that the consequences of weakening the institution of marriage are tragic for society at large. While it has become fashionable to champion a wide variety of ''alternative family forms,'' it is abundantly clear that children are much less likely to thrive in the absence of their biological father. Children who grow up without their fathers are two to three times more likely to fail in school, and two to three times more likely to suffer from an emotional or behavioral problem. They can achieve, but it is a much more difficult route.

I have a series of charts to share with my colleagues to make this point.

Developmental problems are less common in two-parent families. To show where this goes, they are five times more likely to be poor. Nearly 80 percent of all children suffering long-term poverty come from broken or never-married families—80 percent of all children suffering long-term poverty.

I want to show this chart to my colleagues. Eighty percent of children suffering long-term poverty come from broken or never-married families.

The crisis of child poverty in this country is, in large degree, a crisis of marriage. The percentage of children in intact families living in poverty is very small compared to those in families where the father is not present.

I want to show another chart to my colleagues: Percentage of children in poverty in 2000. You can see across the chart, for children in never-married families, 67 percent of the children are in poverty. If you go down on the chart to those children in families where the parents are in their first marriage, where the parents stay in that union, less than 12 percent of the children are in poverty.

Marriage has the effect of lifting families and children out of poverty. After the birth of a child out of wedlock, only 17 percent of poverty-level income mothers and children remain poor if the mother marries the child's father. More than half of those mothers and children remain poor if the mother remains single.

That is shown on this chart. If the mother remains single, over half remain below the poverty level. If she gets married, less than 17 percent remain below the poverty level.

Divorce, on the other hand, impoverishes families and children. It has been estimated that the average income of families with children declines by 42 percent after divorce.

This is the impact of divorce on the income of families with children. As this chart shows, you can see, after divorce, the income level of that average family declines 42 percent. Divorce is a key contributor and creator of child poverty.

Children who grow up fatherless are also at a much increased risk of serious child abuse. A child whose mother cohabits with a man who is not the child's father is 33 times more likely to suffer abuse than a child living with both biological parents in an intact marriage—33 times more likely to suffer child abuse.

You can see the child abuse levels in families: with married biological parents, comparative rates of abuse, 1 percent; biological mother cohabiting, 33 percent. Indeed, one of the most dangerous environments for a child today is in a home with a mother cohabiting with someone to whom she is not married. It is an incredibly dangerous situation overall—not for everybody and not in all circumstances, but the numbers just go up dramatically.

Married mothers are also half as likely to be victims of domestic violence than mothers who have never been married. As teenagers, fatherless children are more likely to commit crime, engage in early and promiscuous sexual activity, and to commit suicide.

It is clear that both children and society as a whole pay an enormous price in fatherless homes.

The American people realize this. A Gallup poll from several years ago showed almost 80 percent of the public agrees with the proposition that ''the most significant family or social problem facing America is the physical absence of the father from the home.''

It is a problem that requires urgent attention in our country. Nearly 25 million children today reside in a home where the father is absent. Half of these children have never stepped foot in their father's home. Less than half of all teenagers currently live with their married biological mothers and fathers.

That is what this chart shows us. Less than half of all teenagers live with their married biological mothers and fathers.

This year, approximately 1 million children will endure the divorce of

their parents and an additional 1.2 million will be born out of wedlock. Altogether, the proportion of children entering broken homes has more than quadrupled since 1950.

You can see this chart goes from 1950 up until about the year 2000. This shows children born out of wedlock, children born in previous years whose parents are divorced, and you can see that trend line and what that has done in America since 1950.

This is a crisis for both our children and our country, the fact that so many children are growing up without fathers. It has been exacerbated by the decline of the institution of marriage. According to the Census Bureau, the number of cohabiting couples has increased from a half million to almost 5 million in the last 30 years. The number of households with neither marriage nor children present has gone from 7 million in 1960 to just under 41 million in 2000.

All this is not to say that good children cannot be raised in other family settings. They can. Many healthy children are raised in difficult circumstances. Many single parents struggle heroically and successfully to raise good children. Still, social science is clear, the best place for a child is with a mom and a dad. Both are needed.

Traditional marriage is a social good because it dramatically reduces the social costs associated with dysfunctional behavior. Supporting and strengthening marriage significantly diminishes public expenditure on welfare, raises government revenues, and produces a more engaged, responsible citizenry.

There is a real question about the future of societies that do not uphold traditional marriage. Once a society loses sight of the central importance of marriage in raising children, the institution can go into a tailspin. If marriage begins to be viewed as the way two adults make known their love for each other, there is no reason to marry before children are born rather than after. And if it is immaterial whether a couple should be married before the birth of a child, then why should they marry at all?

In Europe, many parents have stopped marrying altogether because they no longer view marriage as having anything to do with parenthood or children. The legalization of same-sex marriage has been instrumental in working this change in perspective, leading most to think of marriage as simply the expression of mutual affection between two consenting adults. As a result, couples are marrying later and later after children are born, or simply foregoing marriage altogether. Rates of parental cohabitation have skyrocketed, and family dissolution has become endemic.

The experience of other nations demonstrates that the imposition of same-sex ''marriage'' and civil unions leads to a weakening of marriage. As scholar Stanley Kurtz has shown, in Scandinavia, the system of marriage-like same-sex registered partnerships established in the late 1980s has contributed significantly to the ongoing decline of marriage in that region. In The Netherlands, same-sex marriage has increased the cultural separation of marriage from parenthood, resulting in a soaring out-of-wedlock birthrate. Kurtz warns that same-sex ''marriage'' could widen the separation between marriage and parenthood here in the United States, and perhaps undo the progress we have made in arresting the once seemingly inexorable trend towards higher rates of illegitimacy among some communities in the United States.

And Stanley Kurtz is not alone in pointing to the negative effects these developments have had on marriage in The Netherlands.

I think it is important to go into this point at some length, because we have a case study of what can happen to the institution of marriage when it is redefined to include same-sex relationships. We have a case study. We know what happens when you redefine it. It has happened in The Netherlands.

In a letter released just last Thursday addressed to ''parliaments around the world debating the issue of same-sex marriage,'' a group of Dutch scholars raised concerns about gay marriage's negative effects on the institution of marriage in The Netherlands. In a letter published in the July 8 edition of a Dutch paper, five Dutch academics suggested that ''there are good reasons to believe the decline in Dutch marriage may be connected to the successful public campaign for the opening of marriage to same-sex couples in The Netherlands.''

The letter's signatories came from several academic disciplines, including the social sciences, philosophy, and law. The scholars caution against attributing all of the recent decline of Dutch marriage to the adoption of same-sex marriage, but they did say, ''There are undoubtedly other factors which have contributed to the decline of the institution of marriage in our country. Further scientific research is needed to establish the relative importance of all these factors.'' However, they conclude, ''At the same time, we wish to note that enough evidence of marital decline already exists to raise serious concerns about the wisdom of the efforts to deconstruct marriage in its traditional form.''

In recent years, they note, there is statistical evidence of Dutch marital decline, including ''a spectacular rise in the number of illegitimate births.'' By creating a social and legal separation between the ideas of marriage and parenting, these scholars warn, same-sex marriage may make young people in The Netherlands feel less obligated to marry before having children.

The publication of the letter of warning in this Dutch paper was accompanied by a front page news story and an interview with two of the signatories. In the interview, Dutch law professor M. van Mourik said that ''the reputation of marriage as an institution [in Holland] is in serious decline.'' According to Mourik, the Dutch need to have a national debate on how to restore traditional marriage. The decision to legalize gay marriage, said Mourik, should certainly never have happened. ''In my view that has been an important contributing factor to the decline in the reputation of marriage.''

One of the letters' other signatories, Dr. Joost van Loon, is a Dutch citizen who heads a research unit on culture and communication at Britain's Nottingham Trent University. Van Loon has done comparative studies of family life and sexual attitudes in The Netherlands and Britain, and is also acquainted with research on American marriage. Van Loon believes that gay marriage has contributed to a decline in the reputation of Dutch marriage. He says, it's ''difficult to imagine'' that the Dutch campaign for gay marriage did not have ''serious social consequences,'' said Van Loon, citing ''an intensive media campaign based on the claim that marriage and parenthood are unrelated.''

Mr. President, I ask unanimous consent that this letter and background documentation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUTCH SCHOLARS ON SSM

[New statement. Here it is in Dutch. What follows is an unofficial English translation]

At a time when parliaments around the world are debating the issue of same-sex marriage, as Dutch scholars we would like to draw attention to the state of marriage in The Netherlands. The undersigned represent various academic disciplines in which marriage is an object of study. Through this letter, we would like to express our concerns over recent trends in marriage and family life in our country.

Until the late 1980's, marriage was a flourishing institution in The Netherlands. The number of marriages was high, the number of divorces was relatively low compared to other Western countries, the number of illegitimate births also low. It seems, however, that legal and social experiments in the 1990's have had an adverse effect on the reputation of man's most important institution.

Over the past fifteen years, the number of marriages has declined substantially, both in absolute and in relative terms. In 1990, 95,000 marriages were solemnized (6.4 marriages per 1,000 inhabitants); by 2003, this number had dropped to 82,000 (5.1 marriages per 1,000 inhabitants). This same period also witnessed a spectacular rise in the number of illegitimate births—in 1989 one in ten children were born out of wedlock (11 percent), by 2003 that number had risen to almost one in three (31 percent). The number of never-married people grew by more than 850,000, from 6.46 million in 1990 to 7.32 million in 2003. It seems the Dutch increasingly regard marriage as no longer relevant to their own lives or that of their offspring. We fear that this will have serious consequences, especially for the children. There is a broad base of social and legal research which shows that marriage is the best structure for the successful raising of children. A child that

grows up out of wedlock has a greater chance of experiencing problems in its psychological development, health, school performance, even the quality of future relationships.

The question is, of course, what are the root causes of this decay of marriage in our country. In light of the intense debate elsewhere about the pros and cons of legalising gay marriage it must be observed that there is as yet no definitive scientific evidence to suggest the long campaign for the legalisation of same-sex marriage contributed to these harmful trends. However, there are good reasons to believe the decline in Dutch marriage may be connected to the successful public campaign for the opening of marriage to same-sex couples in The Netherlands. After all, supporters of same-sex marriage argued forcefully in favour of the (legal and social) separation of marriage from parenting. In parliament, advocates and opponents alike agreed that same-sex marriage would pave the way to greater acceptance of alternative forms of cohabitation.

In our judgment, it is difficult to imagine that a lengthy, highly visible, and ultimately successful campaign to persuade Dutch citizens that marriage is not connected to parenthood and that marriage and cohabitation are equally valid 'lifestyle choices' has not had serious social consequences. There are undoubtedly other factors which have contributed to the decline of the institution of marriage in our country. Further scientific research is needed to establish the relative importance of all these factors. At the same time, we wish to note that enough evidence of martial decline already exists to raise serious concerns about the wisdom of the efforts to deconstruct marriage in its traditional form.

Of more immediate importance than the debate about causality is the question what we in our country can do in order to reverse this harmful development. We call upon politicians, academics and opinion leaders to academics and opinion leaders to acknowledge the fact that marriage in The Netherlands is now an endangered institution and that the many children born out of wedlock are likely to suffer the consequences of that development. A national debate about how we might strengthen marriage is now clearly in order.

Signed,

Prof. M. van Mourik, professor in contract law, Nijmegen University.

Prof. A. Nuytinck, professor in family law, Erasmus University Rotterdam.

Prof. R. Kuiper, professor in philosophy, Erasmus University Rotterdam J. Van Loon PhD, Lecturer in Social Theory, Nottingham Trent University H. Wels PhD, Lecturer in Social and Political Science, Free University Amsterdam.

STATEMENT OF NICHOLAS ZILL, PH.D., VICE PRESIDENT AND DIRECTOR, CHILD AND FAMILY STUDY AREA, WESTAT, INC., ROCKVILLE, MD

TWO-PARENT FAMILY GOOD FOR CHILDREN

''On average, the presence of two married parents is associated with more favorable outcomes for children both through, and independent of, added income. Children who live in a household with only one parent are substantially more likely to have family incomes below the poverty line, and to have more difficulty in their lives than are children who live in a household with two married parents.'' (quoting annual report published by the Federal Interagency Forum on Child and Family Statistics, 2003)

''[T]he research evidence clearly shows that indicators of children's achievement and social behavior are more favorable in two parent biological families than in two-parent step, adoptive, or foster families.''

FACTS ON TODAY'S CHILDREN

Nearly 25% of U.S. children under the age of 18 are living with only their mothers, typically as a result of marital separation or divorce or birth outside of marriage. (U.S. Census Bureau)

5% of U.S. children are living with only their fathers. (U.S. Census Bureau)

4% of U.S. children are living with neither parent. (U.S. Census Bureau)

10% to 15% of U.S. children are living in a stepfamily situation, with their mother and a stepfather or their father and a stepmother. (U.S. Census Bureau)

69% of U.S. children are living with two married parents, but only 55% of U.S. children are living with two married biological parents. (U.S. Census Bureau)

About 1 in 3 children born in the U.S. today is born to unmarried parents—''many of whom will never get married to each other.''

STATEMENT OF PATRICK F. FAGAN, WILLIAM H.G. FITZGERALD FELLOW IN FAMILY AND CULTURE ISSUES, HERITAGE FOUNDATION

IMPACT OF FAMILY BREAKDOWN

60% of U.S. children born in 2000 entered a broken family: 33% born out of wedlock and 27% suffering the divorce of their parents. In contrast, only 12% of U.S. children born in 1950 entered a broken family: 4% born out of wedlock and 8% suffering the divorce of their parents. (CDC/NCHS Series Report)

''The children of parents who reject each other suffer: in deep emotional pain, ill health, depression, anxiety, even shortened life span; more drop out of school, less go to college, they earn less income, they develop more addictions to drugs and alcohol, and they engage in increased violence or suffer it within their homes.''

U.S. children from intact families that worship God frequently have an average GPA of 2.94, while children from fragmented families that worship little or not at all have an average GPA of 2.48. Children from intact families that worship little or not at all have an average GPA of 2.75. Children from fragmented families that worship frequently have an average GPA of 2.72. (National Longitudinal Survey of Adolescent Health).

Mr. BROWNBACK. We have studied this question thoroughly. I and a number of my distinguished colleagues have held extensive hearings on the importance of protecting and strengthening the institution of marriage. Traditional marriage is a boon to society in a variety of ways, and government has a vital interest in encouraging and providing the conditions to maintain as many traditional marriages as possible. Marriage has economic benefits not only for the spouses but for the economy at large. Even in advanced industrial societies such as ours, economists tell us that the uncounted but real value of home activities such as child care, senior care, home carpentry, and food preparation is still almost as large as the ''official'' economy. Not least of the reasons heterosexual marriage is a positive social good is the fact that, in the married state, adults of both sexes are vastly healthier, happier, safer, wealthier and longer lived.

It is ironic, then, that the very governments that stand to benefit in so many ways from intact, traditional unions have, in recent years, seemed determined to follow policies that have the effect of weakening marriage.

If the movement for civil unions and same-sex marriage succeeds, we may well be dealing a fatal blow to an already-vulnerable institution. It is possible to lose the institution of marriage in America. And that is precisely the hidden agenda of many in this cultural battle: To do away with the traditional definition of the family entirely. An influential organization of lawyers and judges, the American Law Institute, has already recommended sweeping changes in family law that would equalize marriage and cohabitation, extending rights and benefits now reserved for married couples to cohabiting domestic partners, both heterosexual and homosexual.

Once the process of ''defining marriage down'' begins, it is but a short step to the dissolution of marriage as a vital institution altogether.

It is incumbent on this Senate to protect the institution of marriage from this vast social experiment to redefine it out of existence. I urge my colleagues to vote for this constitutional amendment and to do so now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

DEATH OF AMERICAN SOLDIERS IN IRAQ

Mr. REID. Mr. President, over 11,212 constitutional amendments have been offered in Congress since the Bill of Rights was ratified. As I said here this morning, I certainly understand the depth of feeling of the Senators who have spoken on this issue. I watched the Presiding Officer speak this morning. I watched the Senator from Texas, the Senator from Kansas. I have tried to follow the debate very closely. I know the intensity of their feelings on this matter.

I would like to change direction a little bit and get back to some of other topics that are also important. One of the issues I wanted to talk about is what is going on in Iraq. Over the weekend, I don't know how many soldiers were killed in Iraq. It was more than 10, probably 12.

In today's paper, the Washington Post, on page A11, there is a very short story: ''Insurgents Kill Three U.S. Troops in Northern Iraq.'' But if you read more closely, this very short story talks about the death of not three but seven American soldiers.

This has become so routine, the death of our military in Iraq, that we bury it someplace in the back of the newspapers.

This is a large newspaper, the Washington Post. I would not be surprised if most papers in the country don't even have a story on it—seven soldiers killed. Between the publication of this yesterday morning and today, seven soldiers were killed, all with families.

Today, in America, there are people who are still crying and will cry for weeks and will never forget the deaths of their loved ones—sons, husbands, neighbors.

Mr. President, in addition to the depth of the feeling we have on this constitutional amendment now before the body, let's understand that we have a war going on in Iraq, and our men and women are being killed on a daily basis in significant numbers. I hope we will understand that when we have seven soldiers killed in Iraq, it should be more than a headline on page A–11 of the newspaper.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I know the majority leader is expected on the floor of the Senate shortly to file cloture on the resolution currently pending. I must say I am baffled by the decisions and actions taken by the majority on occasions such as this. I am baffled because when I left on Friday, I had made a proposal to the majority leader that we were prepared for an up-or-down vote on this resolution, with 2 days of debate, and we would move on, preferably, hopefully, to homeland security. I left with the understanding that would be the order.

I find now, for reasons that are still unclear to me, it is the majority that is unwilling to accept that unanimous consent request. We have no objections on our side, none. We could go to that resolution under unanimous consent, with no amendments, with an up-or-down vote. I have told several of our colleagues that would be the order, having had the conversation I did with Senator FRIST. So it is an amazing position to be in to come back today and realize that it is the majority that cannot produce the unanimous consent request that would allow us the vote we expected we would have on Friday. Of course, this is on top of the unanimous consent vote we were expecting to have last week with regard to amendments and an ultimate final passage on class action. So we will have wasted a couple of weeks once again. I don't know how many weeks we have wasted this year. I am going to go back and try to find out how many weeks have been totally devoid of any legislative accomplishments.

In spite of the fact that we have agreed, I hear all these charges of obstructionism. The obstructionism oftentimes is on the other side. They cannot get their act together. That is clearly the case here. No one should be misled. No one should misunderstand why we are having to deal with a cloture motion on the motion to proceed, because our Republican friends don't have one version, they have now several versions they would like to bring to the Senate floor to have voted on because they cannot agree on one version. That is the truth.

It is all the more ironic and troubling because this is legislation that ought to go through the committee, if any should go through. We are treating this as a sense-of-the-Senate resolution. We are amending the U.S. Constitution, and we are bringing language to the floor of the Senate that hasn't had the benefit of consideration in committee, hasn't had the hearings, hasn't had the vote. We are treating it as just another old amendment.

This is an amendment that will be added to a document that is precious, that we treasure, that we ought to have respect for. Frankly, to be in a situation like we are in now, to be forced into a debate under these circumstances, is just wrong.

I intend to make a unanimous consent request. I will wait until the majority leader comes to the Senate floor to do so, but I will then ask unanimous consent that we have an arrangement like I thought we were scheduled to agree to last Friday; that is, we take up this resolution, we have a good debate, we have a vote, and then we move on. Under these circumstances, we could be at this for weeks, if not months, given all of the other pressing issues we must face. We have yet to deal with appropriations bills. We have just been briefed about the serious threat our country is facing—arguably as great a threat as any we have seen since 9/11—and we have yet to pass a homeland security bill. We have yet to pass the railroad security bill. We have yet to pass legislation to deal with our porous borders, our ports, our railroad tunnels. We have yet to find ways in which to help first responders. But somehow we can add amendment after amendment on gay marriage.

Mr. President, this is a matter that Lynne Cheney had right this weekend. The wife of the Vice President said this ought to be left to the States. The wife of the Vice President was right. We ought to listen to her advice and let the States continue to make these decisions, and we ought to get on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I know the majority leader is coming to the Senate floor, and I know the Democratic leader has kindly waited until he has arrived to make his unanimous consent request.

In the couple of minutes that remain until he gets here, I would like to offer my own response, not on behalf of anybody else other than this one Senator from Texas. I, frankly, don't think it is a waste of time to talk about the institution of the American family, traditional marriage, which is my strong belief. I don't think the American people feel it is a waste of time. We have a lot of important issues to discuss. I certainly think this deserves to be at the top of the list, although there are certainly many important issues.

Mr. REID. Will my friend yield for a question?

Mr. CORNYN. As soon as I get through, I will be glad to.

One of the concerns I personally have about the unanimous consent request that will be proffered is it would not allow for any amendments to be made. I just point out to the distinguished Democratic leader my own concern that, as he pointed out, this has not actually been voted out by the Judiciary Committee, but it has been through a number of committee hearings, three of which I have chaired, and I believe there have been at least two others chaired on this important issue by the Judiciary Committee and others.

I am concerned with the offer that we have an up-or-down vote on this matter on Wednesday, without the opportunity for anyone to offer amendments. That is a concern I have shared with the majority leader and others. Indeed, it was just last week on the class action bill, where the majority leader offered that piece of legislation but filled the amendment tree so there was no opportunity for our friends on the other side to offer an amendment, they objected mightily because no amendments were allowed. So I remind my colleagues that if it is a concern that you cannot offer amendments on a piece of ordinary legislation, it is doubly a matter of concern—at least it is to me, and I speak for myself—where there would be no opportunity to offer amendments on this legislation.

Finally, it is my understanding that a cloture motion is being circulated. So we are not talking about weeks and months of debate on this issue; I think we are talking about a matter of days. I believe we ought to have a full and fair debate and let everybody have a chance to be heard.

So far, we have not heard very much from our colleagues on the other side of the aisle on this issue. There have been some who, like the Democratic leader, have said we ought to leave it to the States. I and others have tried to articulate why that is not possible. I wish it was possible.

Mr. REID. Will my friend yield now for a question?

Mr. CORNYN. I will be glad to yield for a question.

Mr. REID. Mr. President, there is no one who disagrees this matter should not be debated, but the Senator from Texas has indicated there should be a full and complete debate. We have agreed to debate it for however long he wants. Our suggestion is 2 days. Does the Senator think the debate should be more than 2 days? If not, for how many days does he think it should be?

Mr. CORNYN. I think 2 days of good, strong debate would not be a bad idea, but I would not want to, at least up front, totally preclude the possibility of offering any amendments, and that may, indeed, necessitate longer debate, depending on what happens during the course of the give-and-take on the floor.

Mr. REID. Again, through the Chair to my distinguished colleague from Texas, he also understands one of the ways we get bogged down on issues—on some occasions, not always—is by unlimited amendments. The Senator from Texas will recall in the matter dealing with class action, there was no desire on our behalf, that is, the minority, to

have unlimited amendments. We indicated we would have a limited number of amendments.

On this constitutional amendment, the Senator understands if the majority offers an amendment, we have people on our side who are champing at the bit to offer amendments. Does the Senator understand that?

Mr. CORNYN. I was not aware, Mr. President, that our colleagues on the other side of the aisle had any interest in offering any amendments or really debating this subject very much, for that matter, given their absence on the floor today. I was not aware of any amendments that might be offered by our colleagues on the other side of the aisle. I think that is not a bad idea myself.

Mr. REID. Mr. President, again I say through the Chair to my distinguished colleague, he also understands, under the rules in the Senate, it would be very easy to delay this process for at least a couple weeks. As the Senator knows, we have all kinds of legislation to do, some of which was laid out by the distinguished Democratic leader.

We believe—I am speaking for myself—it would be in the interest of the Senate if we could dispose of this amendment that was brought to the Senate floor at an early date and, the time we would want to debate it, of course, would be up to the majority leader. We are willing to debate it for whatever time the Senator believes appropriate. Two days is certainly appropriate.

I would also say to my distinguished colleague, we had people speak on the amendment today on this side. I spoke this morning before the Senator from Texas arrived. I know Senator FEINSTEIN has spoken, and there are others who certainly will speak at some time. The fact there has been more Republicans than Democrats speaking on the amendment today does not take away from the serious view we have of this most important legislation.

Mr. CORNYN. Mr. President, I appreciate the questions and the opportunity the Democratic whip has given to respond, but that has not changed my view that it is not a good idea for this body, on something as serious as a constitutional amendment, to have one on the Senate floor, but then enter into a unanimous consent agreement that no amendments be considered. I agree time is precious, especially with the short time that remains for legislative action, but I do think on something as fundamental as the American family and preservation of traditional marriage that a little bit of time—certainly a couple of days, maybe even a week I would be willing to do if it was necessary to actually get some action to address this important issue. I would personally want to take longer. Here I defer to the discussions between the distinguished Democratic leader and the majority leader.

I yield the floor.

Mr. DASCHLE. Mr. President, I will respond. As I understand it, Senator FRIST is not planning to come to the floor in the immediate time period, but I will just say, as the distinguished Senator from Texas knows, a constitutional debate is a different kind of debate on the Senate floor. This is not any other bill. The debate, of course, last week had to do with whether we could use the so-called class action bill as a vehicle to raise other issues that are of great importance to us in statutory form. This is a constitutional amendment, amending the Constitution of the United States, therefore leaving open other amendments relating to the Constitution.

Somebody could offer an amendment eliminating the first amendment, modifying the first amendment, and all it takes is 51 votes. Somebody could offer an amendment—as I understand it, Senator HOLLINGS is thinking very seriously about offering an amendment limiting campaign spending. That is actually one amendment that I have supported in the past. That takes 51 votes.

Anyone who thinks that whatever amendments would be offered would be simply relevant to marriage I think would be faced with a rude awakening that this could open up the whole Constitution to a series of amendments, and maybe a good discussion about some of these other issues may be warranted. Again, it is a question of time.

It is a question of thoughtful consideration about whether we want to amend the Constitution in ways outside of marriage for which there have not been hearings. I am told there was one hearing on this particular text, but most of the hearings that have been held have been held on the general issue of amending the Constitution and defining marriage.

There is no argument, in my view, among many of us, most of us, about whether a marriage ought to be between a man and a woman. It ought to. The real question is whether or not we ought to amend the U.S. Constitution, and then if we open it up to amendment, whether we ought to amendment it in other ways as well, including campaign finance reform, maybe victims' rights, maybe limitations on the first amendment. Others have suggested an amendment on flag burning. There are a lot of amendments out there. In fact, I am told in the 108th Congress, just last week I was informed that 67 constitutional amendments have been proposed in this Congress, in the 108th Congress. I am quite sure, of course, that not all of them were offered in the Senate.

I can just imagine the array of ideas presented by our colleagues regarding amending the U.S. Constitution. As I say, it takes 51 votes. Ultimately, of course, it takes 67 votes to pass whatever package has been approved. But that is what we get ourselves into. We need to think very carefully. We all say we would support and defend the Constitution each time we are sworn in as a U.S. Senator—support and defend the Constitution. Some of us see this as supporting and defending the Constitution in its most important way. So we do not take lightly these challenges, these situations.

I will say again, I think it is regrettable we have not been able to reach a unanimous consent agreement on how to proceed. We are actually going to vote on a motion to proceed without knowing what proceeding means because we do not have any way of knowing how many different ideas for amending the Constitution will be offered.

As the Senator from Nevada noted, we could be on this for a long time.

I will wait to proffer this request, and if I am not here, I know the distinguished assistant Democratic leader will offer this consent request, but we will be prepared to offer it at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. FRIST. Mr. President, over the course of Friday, through the weekend and through today, we have been discussing the process for consideration of the marriage amendment. We have had a good discussion, good debate in the Senate both Friday and today in talking about the substance of the underlying amendment.

There has been frustration expressed on the other side of the aisle that we had not agreed to their unanimous consent agreement. This started discussions within the last week of a proposal that had been made to have debate and then a vote on the one amendment. I appreciate both sides of the aisle talking, trying to bring this to appropriate closure.

As majority leader, as I told the assistant Democratic leader at the end of last week, I thought it was very important to consult the rest of my colleagues beginning Friday afternoon. We had the discussion Friday and into today. After consultation with my colleagues, I found there is great interest in offering one amendment which is literally a one-sentence amendment. The Democratic leader has made statements in the Senate and made mention that the overall process could take a long period of time. I disagree. I don't think this needs to be a long, arduous process.

From this side of the aisle, we have offered an agreement that allows for two votes, one on the Allard amendment and then a one-sentence amendment. We are giving the other side of the aisle both of those amendments. This does not have to be a difficult process. It does not have to be as difficult as portrayed by the other side.

We can be done with the whole process by 1 o'clock on Wednesday. That would be the plan. I don't think this is an inordinate amount of time to spend on such an important issue to the American people.

I find a lot of the comments that have been made interesting because we have had our share of difficulties in moving as expeditiously on any piece of legislation recently, and now we have a proposed agreement by the other side of the aisle for a very quick vote. There seems to be, from their standpoint, this disbelief that we might have an amendment.

There are many important issues to be considered by the Senate. I wish we did not have as much delay so we could schedule them in a timely way. This particular matter on marriage is a very important matter. We can handle this constitutional amendment in a very responsible, judicious, and civil way. That is certainly my intent.

We have offered a unanimous consent agreement to do this. I am awaiting an answer from the other side of the aisle.

Mr. REID. Mr. President, the problem with what has transpired over the weekend is Senator DASCHLE and I spent Friday until somewhat late in the afternoon calling Democrat Senators to see if they would be willing to go forward on gay marriage without offering any amendments. There really was a kickback from a number of the Senators saying they had amendments to offer. We were able to contact Senators and convince them it was the best thing for the Senate to go directly to a vote on the amendment. This was reported in the Senate.

We simply are unable to agree to the suggestion of the Senator from Tennessee, the distinguished majority leader, because if you offer an amendment, we offer an amendment, it would just go on forever.

Mr. President, I ask unanimous consent the motion to proceed to S.J. Resolution 40 be agreed to, that no amendments or motions be in order to the joint resolution, and that the Senate vote on passage of the joint resolution at 12 noon on Wednesday, July 14.

Mr. FRIST. Mr. President, reserving the right to object, as I mentioned in my comments a few moments ago, from our side of the aisle there is a wish to offer one other amendment. Again, it is an amendment we presented to the other side of the aisle.

I, as majority leader, do not want to cut off that discussion, that debate, because this obviously is a very important consideration dealing with marriage.

That being the case, I would ask the assistant Democratic leader to modify his unanimous consent request with the following:

I ask unanimous consent that the motion to proceed be agreed to; provided further that the only amendments in order to the resolution be a first-degree amendment offered by Senator ALLARD and a first-degree amendment to be offered by Senator SMITH; provided further that no other amendments or motions be in order to the joint resolution, and that all debate time on the resolution and amendments be equally divided between the chairman and ranking member or their designees; provided further that at 12 noon, on Wednesday, July 14, the Senate proceed to a vote on the Allard amendment, to be followed by a vote on the Smith amendment, to be followed by third reading and a vote on passage of S.J. Res. 40, again, as amended, if amended, with no other intervening action or debate.

The PRESIDING OFFICER. Does the Senator so amend his request?

Mr. REID. Reserving the right to object, Mr. President, here is the quandary in which we find ourselves. If amendments are offered to a constitutional amendment on the floor, it only takes a simple majority of the Senate to amend the resolution that is on the floor.

So let's assume that someone offers an amendment dealing with flag burning, even though it takes 67 votes to pass a constitutional amendment dealing with flag burning, by a simple majority that could be attached to S.J. Res. 40. Or let's assume that in addition to that, someone offers an amendment on victims' rights. Again, it would take 67 votes to pass a constitutional amendment. But in this instance, it would take 51.

So we would have this gay marriage amendment strapped with not only the gay marriage amendment—in whatever fashion we find that with the amendments suggested by the distinguished majority leader—but it would also have a flag burning amendment attached to it. It would have a victims' rights amendment attached to it. And Senator HOLLINGS, as we all know, wants to offer an amendment dealing with campaign finance reform. So it just will not work.

I know how hard the distinguished majority leader is trying to work something out, but I think he is going down the wrong road. What we should do is get rid of this amendment. And I do not say that in any derogatory fashion. I say ''get rid of'' so we can go to other matters; we can go to something that we need to work on Wednesday afternoon.

In a colloquy I had with the distinguished Senator from Texas, Mr. CORNYN, former attorney general of the great State of Texas, he said: We need sufficient time to discuss this amendment. I said: Two days? That is what we have agreed to. If you want 3 days, we will do that.

So we are trying to be reasonable. I know how strongly people feel about this issue, but we cannot accept a modification. Therefore, Mr. President, I object.

The PRESIDING OFFICER. The Senator does not modify his request.

Does the majority leader object?

Mr. FRIST. Reserving the right to object, and I plan to object, Mr. President, but just to clarify, our unanimous consent request is just two amendments and not opening it up to other amendments like a flag burning amendment, victims' rights, or other amendments.

Mr. REID. Mr. President, I understand that.

Mr. FRIST. So our intent is to very much keep it very controlled in the consideration of amendments. With that being the case, having heard the objection to the modification, I object to the request.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk to the pending motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 620, S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

Bill Frist, Orrin Hatch, Jim Talent, Wayne Allard, Mike Crapo, Mitch McConnell, Jeff Sessions, Larry E. Craig, John Cornyn, Craig Thomas, Jim Inhofe, Richard Shelby, Conrad Burns, Sam Brownback, George Allen, R. F. Bennett, Elizabeth Dole.

Mr. REID. Mr. President, if I could be heard very briefly. I know the time is late.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we on this side are disappointed with the objection that the distinguished majority leader made to our request. But I would like to add that upon the disposition of this matter, the marriage amendment, we are prepared to proceed to the consideration of the Homeland Security appropriations bill, not under the restrictions that were suggested by the distinguished Senator from Alaska, but we are willing to work with the majority on coming up with some way to proceed to that most important legislation. We would hope the majority would consider going to that, if not next, soon thereafter.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments of the assistant Democratic leader. Since last week, we have been in discussion, and we are working closely with Senator STEVENS, the distinguished chairman, and others in terms of an appropriate arrangement to proceed to homeland security.

Mr. President, I ask unanimous consent that the live quorum as required under rule XXII be waived; provided further that notwithstanding the provisions of rule XXII this vote occur at 12 noon on Wednesday, July 14.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through June 25, 2004—the last day that the Senate was in session before the recent recess. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $8.6 billion in budget authority and by $28 million in outlays in 2004. Current level for revenues is $3.1 billion above the budget resolution in 2004.

Since my last report dated April 20, 2004, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, or revenues for 2004: the Surface Transportation Extension Act of 2004, Part II—P.L. 108–224; the TANF and Related Programs Continuation Act of 2004—P.L. 108–262; the Surface Transportation Extension Act of 2004, Part III—P.L. 108–263; the Child Nutrition and WIC Reauthorization Act of 2004—P.L. 108–265; and, an act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003—P.L. 108–272. In addition, the Congress has cleared for the President's signature H.R. 4103, the African Growth and Opportunity Acceleration Act of 2004.

I ask unanimous consent that the budget scorekeeping report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through June 25, 2004 (the last day that the Senate was in session before the recent recess). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter, dated April 19, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays or revenues for 2004:

The Surface Transportation Extension Act of 2004, Part II (Public Law 108–224);

The TANF and Related Programs Continuation Act of 2004 (Public Law 108–262);

The Surface Transportation Extension Act of 2004, Part III (Public Law 108–263);

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108–265); and

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 108–272).

In addition the Congress has cleared for the President's signature H.R. 4103, the AGOA Acceleration Act of 2004.

The effects of these actions are detailed in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF JUNE 25, 2004

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under (–) resolution
On-Budget			
Budget Authority	1,873.5	1,882.1	8.6
Outlays	1,897.0	1,897.0	*
Revenues	1,331.0	1,334.1	3.1
Off-Budget			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	*

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.—* = less than $50 million.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF JUNE 25, 2004

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation [1]	1,117,131	1,077,938	n.a.
Appropriation legislation	1,148,942	1,179,843	n.a.
Offsetting receipts	–365,798	–365,798	n.a.
Total, enacted in previous sessions:	1,900,275	1,891,983	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	59	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (P.L. 108–220)	13	7	0
Surface Transportation Extension Act of 2004, Part II (P.L. 108–224)	482	0	0
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	80	35	0
Surface Transportation Extension Act of 2004, Part III (P.L. 108–263)	422	0	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	7	6	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 208–272)			–2
Total, enacted this session	3,130	797	3,361
Passed pending signature: AGOA Acceleration Act of 2004 (H.R. 4103)	0	0	–2
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	–21,334	4,221	n.a.
Total Current Level [1 2]	1,882,071	1,897,001	1,334,115
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	8,612	28	3,115
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $82,460 million in budget authority and $36,644 million in outlays from previously enacted bills.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

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

TRIBUTE TO RONALD R. MAZIK

Mr. HARKIN. Mr. President, today I want to take a few minutes to remember Ronald R. Mazik and pay tribute to the many contributions he has made to his community, to his profession, and to this country.

Ron played many roles and achieved much in his lifetime. As an athlete, engineer and businessman, he excelled in a wide array of endeavors. Of his many achievements, one is particularly deserving of mention: as a pioneer in the field of telehealth.

Ron conceptualized and initiated innovations in the use of video and advanced communication systems, which are revolutionizing the way health services are provided to people with exceptional needs. His seminal work in interactive video promises to improve both the accessibility and quality of supports to those with developmental, mental and physical challenges, and brings us closer to our dream of insuring that all citizens lead a full and healthy life. The intellect and energy that Ron applied toward that goal must be regarded as an olympic performance.

Of Ron's contributions to the field of telehealth and to society, those close to him knew that he most valued his role as a father to his sons, Ron and Ken. With his many accomplishments, he unfailingly looked to his sons as his greatest source of pride and of joy.

It is an honor to recognize Ronald R. Mazik for his contributions to all of our lives.

RETIREMENT OF JAMES E. McMULLEN

Mr. SPECTER. Mr. President, today I rise to honor James E. McMullen, Deputy Assistant Secretary, Budget and Strategic Planning of the Department of Labor on the occasion of his retirement. In his capacity as Deputy Assistant Secretary, Mr. McMullen was responsible for the Department's management and implementation of the Government Performance and Results Act, GPRA, and provided senior departmental staff with recommendations, guidance, and assistance in making decisions and selecting appropriate alternatives to meet short- and long-range budget goals. Mr. McMullen was also responsible for the development of policies, systems, and procedures for the Department's budget of $60 billion, and was charged with planning, directing, and coordinating the formulation and presentation of the Department's budget submissions to the Office of Management and Budget and to Congress.

Mr. McMullen has served as Associate Deputy Secretary of Labor. In that position he assisted the Deputy Secretary in the Development of positions on major policy issues and provided policy guidance and program direction to Assistant Secretaries.

Mr. McMullen previously served as the Deputy Assistant Secretary for Administration and Management. In that position, he was responsible for the day-to-day management of the Department's budget, human resources, information technology, administrative services, grant and contract policy, civil rights, and safety and health.

Mr. McMullen served as the Department of Labor's Budget Director for several years. He joined the Department's Office of Budget in August 1980 and held several positions of increasing responsibility. Mr. McMullen came to the Department of Labor as a Presidential management intern. During his internship, he worked for the House Appropriations Committee and the Office of Management and Budget, as well as several locations within the Department.

In April 2004 he received the Philip Arnow Award, which is the highest honor given to a career employee in the Department of Labor. In 1999 he received the Meritorious Executive Rank Award, and he has received special recognition from the William A. Jump Memorial Foundation for his outstanding achievements in public service.

I have been either chairman or ranking member of the Labor-HHS-Education Appropriations Subcommittee since January 1989, working in partnership with Senator TOM HARKIN. For all these years, Jim McMullen has been a fixture at our budget hearings, and has provided outstanding assistance to our committee. His will be hard shoes to fill, and he will be missed. We wish him well in his future endeavors, and thank him for his dedication to duty, hard work, and professionalism that set such a high standard for others to follow in public service.

AMERICAN LEGION PENNSYLVANIA DEPARTMENT COMMANDER ROBERT D. ''BOB'' SHALALA

Mr. SPECTER. Mr. President, today I recognize an American patriot whose commitment and dedication to the cause of our veterans has been long established. From 1960 to 1964, Bob Shalala served on active duty in the United States Navy aboard the U.S.S. *Galveston*, the U.S.S. *Wright* and the U.S.S. *Fred T. Berry*. Before his active duty ended, he served as the aide to the Commanding Officer of a naval air squadron and was also selected to join the Navy's Blue Jacket Choir, which entertained audiences around the country. Returning to Pennsylvania, he started his illustrious 40-year career as a Philadelphia police officer and twice was selected as Police Officer of the Year.

His remarkable career in the American Legion of Pennsylvania began with the Legion's Philadelphia Police Post. In the next 37 years, Bob gave new meaning to the word ''leadership'' as he served in every position from the Post level to District Commander to Sectional Commander to the top position—Department Commander. In between, he managed to chair a host of different committees and served as the Pennsylvania American Legion top membership recruiter for 2 years while placing second nationally in the Legion's membership effort.

Not surprisingly, Bob Shalala's goal as Department Commander over the past year has been to improve and promote membership. The American Legion in the State of Pennsylvania is the largest in the country and the position of Department Commander is a formidable one. From peers and members comes that Bob accepted the challenge of leadership and has set a high standard for his successors to emulate. An excellent spokesman, Bob Shalala departs his position as Department Commander in July 2004 with the gratitude of the Department's 240,000 members for a job performed exceedingly well. As the mantle of leadership passes to a new Department Commander, I express my gratitude to Bob Shalala for serving Pennsylvania veterans with such alacrity and dedication. He has faced the churning sea and completed his mission. In nautical terms that Navy men will understand, I raise high the flag hoist signaling Bravo Zulu—well done.

PENNSYLVANIA AMERICAN LEGION AUXILIARY PRESIDENT ANN CONEYBEER

Mr. SPECTER. Mr. President, today, I honor the many women who serve our veterans through their tireless efforts and membership in auxiliaries of such organizations as the Veterans of Foreign Wars and the American Legion to name a few. These women, the wives, mothers, sisters and daughters of veterans give tirelessly of their time to provide needed assistance and funding to veterans and their families in the communities.

In particular, I cite Ann Coneybeer—the outgoing President of the Pennsylvania American Legion Auxiliary. In July 2004, Ann will complete her tour of duty in this elected position.

Ann had four brothers who served in World War II thus making her eligible for membership in the Legion. For the past 41 years she has been a very active member where she has served as Unit President, Western Vice President and Department Vice President. In between Ann held a number of chairmanships at the State level including Leadership, Americanism, Constitution and By-Laws, Finance, Membership, Parliamentarian, Poppy and Veterans Affairs & Rehab and Children and Youth. Serving as Chairman is often a thankless job, but Ann fulfilled these responsibilities with dedication, energy and persistence.

As Ann Coneybeer departs office, I extend to her my thanks and the thanks of Pennsylvania veterans and their families for her many years of service, for her leadership and, most of all, for her belief in the cause of our Nation's veterans and our Nation's principles. She is truly a great American and it is a privilege that I honor her today.

ADDITIONAL STATEMENTS

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 February 10, 2000, in Bay Shore, NY, Javier Morales was charged with allegedly assaulting a man he believed was gay.

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.●

RETIREMENT OF DR. TALLEY

● Mr. JOHNSON. Mr. President, I rise today to acknowledge the work of a wonderfully talented individual, whose leadership has helped the University of South Dakota Medical School grow, and advance an excellent reputation within the national health care community during his 17-year tenure as dean. At the age of 68, Dr. Robert Talley retires from his role as dean to become the University of South Dakota's interim director for internal medicine residency in Sioux Falls, where he will continue to teach and guide our South Dakota medical community.

Dr. Talley graduated from the University of Michigan in 1958 and from the University of Chicago Medical School in 1962. He went on to Yale New Haven Hospital where he pursued an internship and residency. He then completed cardiology and clinical pharmacology fellowships at Grady Memorial Hospital in 1969.

Dr. Talley's career took him to various positions in San Antonio, with the University of Texas Medical School and Veterans Administration Hospital from 1969 through 1975. He became the chairman of the USD Department of Internal Medicine in 1975, and was promoted to dean in 1987. Dr. Talley was a founding member of the Medical Service Plan, the predecessor of University Physicians.

While Dr. Talley served as dean, the medical school received full accreditation during each review. Dr. Talley developed a model of medical student clinical education, which is considered cutting edge in the United States, and helped to form unique partnerships with the South Dakota Health Science Research Foundation and the Wegner Health Science Information Center. In the past 5 years, funded research in the basic biomedical sciences division alone grew 189 percent, resulting in great part from Dr. Talley's reorganization of the basic biomedical sciences division at the university. Dr. Talley provided outstanding leadership in medical education and is responsible for significant innovation in USD's approach to the education of South Dakota's health care providers.

At the national level, Talley is a member of the Liaison Committee on Medical Education, which accredits 125 undergraduate medical education programs in the United States. He served as chair of the American Medical Association Section on Medical Schools and chair of the Internal Medicine Committee, National Board of Medical Examiners. Most recently, the American College of Physicians—American Society of Internal Medicine bestowed a Mastership rank on Dr. Talley in recognition of his distinguished contributions to internal medicine.

Dr. Talley could have devoted his talents to private practice. But instead he chose to be an educator—he chose to use his skills in a manner that would enable him to reach a wide circle of individuals and which has had profoundly important public policy consequences.

He knows his students by name and utilizes the wide range of his students' abilities to enhance classroom discussion. His approach to teaching enriches health education on multiple levels that will prepare students for real-life situations in working with patients. Dr. Talley's impact on the University of South Dakota, its students and faculty, and on the entire State will be felt for generations to come.●

TRIBUTE TO KENT A. SMITH

● Mr. HARKIN. Mr. President, as a Member of the Senate who has worked in the area of medical research and health care, I draw the attention of the Congress—and Nation—to the retirement of a truly outstanding civil servant: Kent A. Smith. For the past quarter century, Mr. Smith, as deputy director, has managed the day-to-day operation of the National Library of Medicine, a part of the National Institutes of Health, U.S. Department of Health and Human Services. The National Library of Medicine is the largest medical library in the world, and it serves as the indispensable hub of national and international scientific medical communication.

The administrative and managerial astuteness of Mr. Smith has converted the vision of the Library's directors, Donald A.B. Lindberg, M.D., and his predecessor, Martin M. Cummings, M.D., into outstanding operational programs. There are many examples. One of the great success stories at the Library and the National Institutes of Health in the last decade is the National Center for Biotechnology Information. This institution, which serves as the collector and disseminator of molecular sequence data resulting from the Human Genome Program, is absolutely indispensable to the conduct of 21st century biomedical science. Its various web services are used almost a billion times each year by people around the globe. Mr. Smith provided invaluable support to members of the House and Senate, and their staff, in developing the legislation that created the center.

He has also been closely associated with the amazingly successful entry of the National Library of Medicine into the world of web-based consumer health information relied on by millions of Americans. His skill at managing people and budgets has allowed the Library to move beyond its traditional emphasis on serving exclusively scientists and health professionals. Today, such heavily used consumer information services as MedlinePlus, ClinicalTrials.gov, NIHSeniorHealth.gov, and the Household Products Database are testimony to his success in administering such a diverse institution as the Library now is.

Kent Smith, trained in mathematics, economics, and management, is known to medical librarians around the world. In our country he has had close ties to the 5,000 member institutions of the National Network of Libraries of Medicine, and he has championed their cause in many venues. His leadership and tireless efforts have had great impact on the development of federal information policies that ensure broad public access to an expanding universe of electronic government health information resources.

He is also known for his strong leadership of national and international organizations in the information field. He has served as President of the National Federation of Abstracting and Indexing Services, President of the International Council of Scientific and Technical Information, Chair of the Policy Group of the Federal Library and Information Center Committee, Vice President of the UNESCO General Information Program, and Chairman of CENDI, a group of federal scientific and technical information and technology managers.

I am aware that there are many farsighted and dedicated managers serving the people of the United States. It is a pleasure for me to honor one with whom I am personally acquainted and who, on the occasion of his retirement, richly deserves our thanks for a job well done.●

IOWA AMERICAN LEGION AUXILIARY UNITS

● Mr. GRASSLEY. Mr. President, I wish to take this opportunity to recognize the activities of two American Legion Auxiliary Units in Iowa, the Walter T. Enneberg 358 Auxiliary Unit in St. Ansgar, IA, and Auxiliary Unit 278 in Osage, IA. I thank them for their contributions to their communities. I ask unanimous consent that a newspaper article detailing the activities of the St. Ansgar unit and a summary of the activities of the Osage Unit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[April 17, 2004]

AMERICAN LEGION UNIT #358 REVIEW

The American Legion Unit #358 of St. Ansgar, meets on the second Tuesday of each month. The evening starts with a potluck-

supper with the members of the Legion, followed by our business meeting. We presently have 106 paid up members.

The hostesses for each month send personal care kits to the Mental Health Institute at Independence, the Iowa Veteran's Home at Marshalltown, the Iowa Training School at Eldora, the USVA Hospital at Knoxville, or the Mitchell County Care Facility at Osage.

We have been busy with many pleasant and worthwhile activities this year, including:

Sponsoring a high school junior at Girl's State and having her present a report at one of our meetings.

Sponsoring two blood drives with the Blood Center of Iowa.

Conducting a Poppy Day in St. Ansgar.

Sponsoring a Fluff and Pillow cleaning as a fund raiser.

Presenting apples to the St. Ansgar School administrators, teachers, support staff and school board members during American Education Week.

Providing a special article for our local newspaper during American Education Week featuring a picture and short interview with each teacher of our school district.

Presenting each of the residents of Mitchell County Care Facility with a personal, specially selected Christmas gift. This year the cost of this special project was about $250.

Awarding a $200 scholarship to a second year college student—some years we have given more than one scholarship.

Assisting with food and decorations for the annual Birthday Ball sponsored by the St. Ansgar American Legion and sharing the cost of this lovely evening.

Giving special contributions on Flag Day to support our special projects. This replaces the bake sale and coffee hour that we use to sponsor.

Marching in the Memorial Day parade..

Entering a patriotic float in the parade on June 21st to celebrate 150th anniversary of the founding of St. Ansgar.

Presenting a special program on July 3 at the Good Samaritan Center in St. Ansgar about the history of our flag. Legion members conducted the 13 folds of the flag for the residents.

Taking paper back books to the Veterans Home in Marshalltown.

Paying one half of the cost of food for the annual Legion/Auxiliary membership dinner in November.

Contributing $25 toward the cost of cases of microwave popcorn sent by Alamo Scouts to our troops in Iraq.

Sharing the cost with the Legion for a new flag for the St. Ansgar Senior Citizens Center.

Providing walkers, wheel chairs and other medical equipment as needed by anyone in the community.

Contributing $100 toward the project headed by Ruth Loney to provide stockings from Fox River Mills for our servicemen and women.

Contributing $100 toward President Rozena MaVey's project for a lighted flag at the entrance of the Veteran's Home in Marshalltown.

Sending coupons to service families in Germany.

Osage Unit 278 held their annual Bake Sale Luncheon on April 16th at the American Legion Post home in Osage. Each year the proceeds of this event are used to award $250.00 scholarships to worthy graduating seniors of Osage High School.

This year's event was highly successful and the Unit will be awarding five (5) scholarships of $250.00 each to seniors chosen through the application and interview process. Awards will be presented at the Osage High School Awards Assembly the week of April 20th.

Osage Auxiliary Unit 278 takes pride in performing many acts of service to the community, state and nation. Our greatest endeavor is to support our veterans and our troops in this current war which has placed many of our young men and women in the military in harm's way.●

HONORING THE CITY OF LENNOX

● Mr. JOHNSON. Mr. President, I wish to honor and publicly recognize the 125th anniversary of the founding of the town of Lennox, SD. The town of Lennox has a proud past and a promising future. In 1879, the Milwaukee Railroad established a branch where the town stands today.

The town of Lennox was named after B.G. Lennox, private secretary to S.S. Merrill, a railroad executive. By 1880, 90 people lived in Lennox, and the town has experienced steady growth since then. The 2000 census listed Lennox as having a population of just over 2,000 people.

Lennox is governed by a seven-person city council. There are numerous projects and major developments underway in Lennox. Currently, the city is upgrading its water system, with two new water towers and a new well to ensure that the city has plenty of water. The Lennox Commercial Club has many of the town's businesses as members and meets monthly to sponsor promotions and encourage business growth. An active senior center, the Good Samaritan Center, the Hilda's Heritage Home all provide support for seniors.

Small towns like Lennox are the backbone of rural States such as South Dakota. A growing community built by good neighbors and a strong foundation is a great place to raise a family. The town has been celebrating throughout the year and is continuing through July with events at the high school, community church and a sauerkraut/polka party on the town's main street. This sort of wholesome, small town celebration is a great example of rural South Dakota's commitment to good values and local history. It is with great honor that I share this great community with my colleagues.●

RECOGNIZING GREG CANNELL OF AMERICAN FALLS, IDAHO

● Mr. CRAIG. Mr. President, I rise to recognize Mr. Greg Cannell of American Falls, ID, for his heroic actions in saving the life of a rural mail carrier. Last December, Greg selflessly and fearlessly jumped into near-freezing waters to save a mail carrier who had skidded off a winding mountain road and into the nearby river.

On December 1, 2003, Ron Meadville, a rural mail carrier, was returning from his 110-mile route along the remote North Fork road northwest of Salmon, ID. Greg Cannell and a friend, Tina Taysom, were traveling ahead of Meadville on the same road. Cannell and Taysom pulled over to look at some deer, and Meadville passed them. When Cannell pulled back on the road and rounded a bend, he couldn't see the mail truck but saw a set of skid marks that veered off the road, toward the near-frozen river. Meadville had hit a patch of ice that sent his truck hurtling over the 25-foot embankment to land upside down in the Salmon River, in more than 5 feet of 33-degree water. Greg Cannell acted immediately. He stopped his truck, jumped out, slid down the steep embankment and plunged into the river. After several strenuous attempts, Cannell was able to pull open the truck door, grab Meadville's hand, and pull him out through an opening between the seat and the doorjamb. By this time, Meadville was experiencing hypothermia.

Cannell and Taysom pulled Meadville up the embankment to their vehicle. Meadville managed to tell them that he lived about a mile from where they were. Cannell took him to his home where he helped Meadville's wife care for him. Cannell refused any care for himself until he knew Meadville was safe.

Greg Cannell risked his own life to save a stranger. He refuses to be called a hero, but he is truly a hero to Ron Meadville and his family. Without his courageous actions, Ron Meadville would not be alive today. Greg Cannell's actions truly were heroic and it is a pleasure for me to honor him and share his story.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2828. An act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 3980. An act to establish a National Windstorm Impact Reduction Program.

H.R. 3598. An act 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.

The message also announced that pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136), the Minority Leader appoints the following individuals on the part of the House of Representatives to the Veterans' Disability Benefits Commission: Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

At 3:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1167. A bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3598. An act 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; to the Committee on Commerce, Science, and Transportation.

H.R. 3980. An act to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

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–8381. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled ''Implementation Guidance for the Filter Backwash Recycling Rule''; to the Committee on Environment and Public Works.

EC–8382. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, two Uniform Resource Locators for documents that the Agency recently issued; to the Committee on Environment and Public Works.

EC–8383. A communication from the Group Manager, Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''Location, Recording, and Maintenance of Mining Claims or Sites'' (RIN1004–AD62) received on July 6, 2004; to the Committee on Energy and Natural Resources.

EC–8384. A communication from the Acting Chair, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2004–2005 Subsistence Taking of Wildlife Regulations'' (RIN1018–AJ25) received on June 24, 2004; to the Committee on Energy and Natural Resources.

EC–8385. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes; to the Committee on Energy and Natural Resources.

EC–8386. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative to calendar year 2003 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of theoretical operations per second by companies that participated in the Advanced Simulation and Computing Program of the Department; to the Committee on Energy and Natural Resources.

EC–8387. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a draft of proposed legislation relative to maritime transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–8388. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to progress on a demonstration project using the Coast Guard Housing Authorities; to the Committee on Commerce, Science, and Transportation.

EC–8389. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' (RIN1625–ZA02) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8390. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Area; Madeline Island, WI'' (RIN1625–AA01) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8391. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zones (Including 6 Regulations)—COTP San Francisco Bay 03–009, CGD13–04–002, COTP San Francisco Bay 03–026, CGD09–04–001, CGD01–03–020, CGD08–04–004'' (RIN1625–AA00) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8392. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG–2000–6931]'' (RIN1625–AA60) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8393. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Training and Qualifications for Personnel on Passenger Ships [USCG–1999–5610]'' (RIN1625–AA24) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8394. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (Including 4 Regulations)—CGD11–04–005, CGD05–04–118, CGD01–04–047, CGD01–04–048'' () received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8395. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 7 Regulations)—CGD01–04–019, CGD01–04–033, CGD01–03–115, CGD01–04–021, CGD01–04–027, CGD01–00–228, CGD07–04–010'' () received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8396. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Penalties for Non-Submission of Ballast Water Management Reports [USCG–2002–13147]'' (RIN1625–AA51) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8397. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Country of Origin Codes and Revision of Regulations on Hull Identification Numbers [USCG–2003–14272]'' (RIN1625–AA53) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8398. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys [USCG–2001–10714]'' (RIN1625–AA34) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8399. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zones (Including 17 Regulations)—CGD09–04–034, CGD09–04–032, CGD09–04–025, CGD09–04–024, CGD09–04–023, CGD09–04–035, CGD09–04–030, CGD09–04–031, CGD09–04–027, CGD01–04–075, CGD05–04–106, COTP San Francisco Bay 04–013, CGD05–04–105, COTP Huntington 04–001, CGD01–04–053, COTP Charleston 04–046, COTP San Francisco Bay 04–012'' (RIN1625–AA00) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Acting Under Secretary and Acting Director, United States Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled ''Revision of Power of Attorney and Assignment Practice'' (RIN0651–AB63) received on June 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8401. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 63 to the FMP for Groundfish in the Gulf of Alaska'' (RIN0648–AR73) received on June 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8402. A communication from the Regulations Analyst, Office of the Chief Counsel, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974: Implementation of Exemption'' (RIN1652–AA28) received on June 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8403. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Fishing for Species that

Comprise the Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' () received on July 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8404. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Budget and Programs, Department of Transportation, received on July 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8405. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Budget and Programs, Department of Transportation, received on July 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts; to the Committee on Commerce, Science, and Transportation.

EC–8407. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the International Anti-Bribery and Fair Competition Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC–8408. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $100,000,000 or more to Poland; to the Committee on Foreign Relations.

EC–8409. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the manufacture of defense articles or services in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–8410. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–8411. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8412. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC–8413. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Sweden; to the Committee on Foreign Relations.

EC–8414. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–8415. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the major defense equipment valued at $14,000,000 or more to the Government of Sweden; to the Committee on Foreign Relations.

EC–8416. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–8417. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on Bulgaria's status as an adherent to the Missile Technology Control Regime; to the Committee on Foreign Relations.

EC–8418. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay to government civilian employees; to the Committee on Foreign Relations.

EC–8419. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay to government civilian employees; to the Committee on Foreign Relations.

EC–8420. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report relative to its competitive sourcing efforts; to the Committee on Foreign Relations.

EC–8421. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to countries that are not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–8422. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2004–31 relative to waiving prohibition on United States Military assistance with respect to Burkina Faso and Dominica; to the Committee on Foreign Relations.

EC–8423. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to the transfer of funds from the Development Assistance Account to the account for Operating Expenses of the Agency; to the Committee on Foreign Relations.

EC–8424. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Joint Interim Rule with Request for Comments'' (Doc. No. R–1205) received on July 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8425. A communication from the Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' received on July 7, 2004 ; to the Committee on Banking, Housing, and Urban Affairs.

EC–8426. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 69 FR 29662'' (Doc. No. FEMA–B–7446) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8427. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 69 FR 31026'' (Doc. No. FEMA–B–7557) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8428. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 69 FR 31022'' (Doc. No. FEMA–B–7833) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8429. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determination; 69 FR 31028'' (44 CFR 67) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8430. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 69 FR 31024'' (4 CFR 65) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8431. A communication from the CEO and Managing Director, transmitting, pursuant to law, the 2003 management reports of the twelve Federal Home Loan Banks; to the Committee on Banking, Housing, and Urban Affairs.

EC–8432. A communication from the Chief Operating Officer and President, Resolution Funding Corporation, transmitting, pursuant to law, the Corporation's statement on the system on internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8433. A communication from the Chief Operating Officer and President, Financing Corporation, transmitting, pursuant to law, the Corporation's statement on the system on internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8434. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8435. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8436. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8437. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8438. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's statement

on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8439. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8440. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8441. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8442. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8443. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8444. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8445. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8446. A communication from the Senior Paralegal for Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (RIN1550–AB91) received on July 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8447. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Treasury Bulletin and a report entitled ''Security of Personal Financial Information''; to the Committee on Banking, Housing, and Urban Affairs.

EC–8448. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Under Secretary of Defense, Comptroller, Department of Defense, received on July 7, 2004; to the Committee on Armed Services.

EC–8449. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a list of officers authorized to wear the insignia of the next highest grade; to the Committee on Armed Services.

EC–8450. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report relative to female members of the Armed Forces; to the Committee on Armed Services.

EC–8451. A communication from the Deputy Chief of Naval Operations, Office of the Chief of Naval Operations, Department of Defense, transmitting, pursuant to law, a report relative to the Naval Warfare Center, Weapons Division Administration at China Lake and Point Mugu, CA; to the Committee on Armed Services.

EC–8452. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfuric Acid; Exemption from the Requirement of a Tolerance'' (FRL #7364–4) received on July 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Kenneth Francis Hackett, of Maryland, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

*Christine Todd Whitman, of New Jersey, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 2638. A bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' 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. BAYH:

S. Res. 403. A resolution encouraging increased involvement in service activities to assist senior citizens; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, and Mr. LAUTENBERG):

S. Con. Res. 123. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1392

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1392, a bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs.

S. 1411

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 1902

At the request of Mr. REED, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Ohio (Mr. DEWINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2176

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2176, a bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr.

FITZGERALD) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2502

At the request of Mr. CRAIG, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2542

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2542, a bill to provide for review of determinations on whether schools and local educational agencies made adequate yearly progress for the 2002–2003 school year taking into consideration subsequent regulations and guidance applicable to those determinations, and for other purposes.

S. 2551

At the request of Mr. FRIST, the names of the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2551, a bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices.

S. 2560

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) 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. 2600

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2600, a bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth.

S. 2603

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 2638. A bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. COLEMAN. Mr. President, today I have introduced the Veterans Benefits Outreach Act.

Caring for our veterans is a commitment that supersedes politics. The President and Congress are united in our promise to provide veterans with access to quality care and benefits.

Spending for veterans medical care has doubled since 1993. President Bush's budget for the VA increased by 9 percent in fiscal year 2002, 13 percent in 2003 and another 4 percent in 2004. We in the Senate passed a budget resolution calling for another 5 percent increase next year. We have begun giving veterans concurrent receipt of their disability and retirement benefits, and are working to fix the survivor benefit plan.

But what good are these benefits if people don't know they can apply for them? According to an article that ran on the front page of the St. Paul Pioneer Press today entitled: ''Wounded and Forgotten,'' there are an estimated half a million veterans who are eligible for Federal disability payments but are not receiving them—simply because they don't know that they can.

We need to do a better job of educating veterans about their rights. To this end, my legislation calls for the Veterans Administration to develop a strategy each year to reach out to veterans who are not taking advantage of the programs they're eligible for—to give them a chance to make an informed decision about the benefits America has promised them.

In addition to veterans who are not getting their benefits because they are unaware of them, there are some veterans who know they are eligible but have been turned away because of lost documents. You see, in 1973, the National Personnel Records Center in Missouri caught on fire, destroying thousands of veterans' personnel records.

The law already calls for the VA to give veterans the benefit of the doubt when they are missing documents that had been destroyed in the fire. But it is clear that in practice this is simply not the case. Too many veterans get nothing more than a postcard telling them their case cannot be proven because of the destruction of their records three decades ago.

It is simply unconscionable that these veterans should have to suffer because their records were ruined while in the custody of the government. To deal with this problem, my legislation also directs the VA to set up an appeals process for those whose applications are rejected because of documents lost in that fire.

My legislation is about going the extra mile to do the right thing. These are not hand-outs, these are not new entitlement programs—these are benefits prescribed under the law for people who have already qualified for them by serving their country. We must do whatever it takes to give America's veterans the benefits we promised them.

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. 2638

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 ''Veterans Benefits Outreach Act of 2004''.

SEC. 2. ANNUAL PLAN ON OUTREACH ACTIVITIES.

(a) ANNUAL PLAN REQUIRED.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 523 the following new section:

''§ 523A. Annual plan on outreach activities

''(a) ANNUAL PLAN REQUIRED.—The Secretary shall prepare each year a plan for the outreach activities of the Department for the following year.

''(b) ELEMENTS.—Each annual plan under subsection (a) shall include the following:

''(1) Plans for efforts to identify veterans who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

''(2) Plans for informing veterans and their dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

''(c) COORDINATION IN DEVELOPMENT.—In developing an annual plan under subsection (a), the Secretary shall consult with the following:

''(1) Directors or other appropriate officials of organizations recognized by the Secretary under section 5902 of this title.

''(2) Directors or other appropriate officials of State and local education and training programs.

''(3) Representatives of non-governmental organizations that carry out veterans outreach programs.

''(4) Representatives of State and local veterans employment organizations.

''(5) Businesses and professional organizations.

''(6) Other individuals and organizations that assist veterans in adjusting to civilian life.

''(d) INCORPORATION OF ASSESSMENT OF PREVIOUS ANNUAL PLANS.—In developing an annual plan under subsection (a), the Secretary shall take into account the lessons learned from the implementation of previous annual plans under such subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new item:

''523A. Annual plan on outreach activities.''.

SEC. 3. APPEAL OF CLAIMS DENIED BECAUSE OF LOSS OF RECORDS RESULTING FROM 1974 FIRE AT THE NATIONAL PERSONNEL RECORDS CENTER.

The Secretary of Veterans Affairs shall develop and implement procedures by which veterans may appeal claims denied by the Secretary on the basis that records destroyed in the 1974 fire at the National Personnel Records Center could substantiate such claims.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 403—ENCOURAGING INCREASED INVOLVEMENT IN SERVICE ACTIVITIES TO ASSIST SENIOR CITIZENS

Mr. BAYH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 403

Whereas approximately 13,000,000 individuals in the United States have serious long-term health conditions that may force them to seek assistance with daily tasks;

Whereas 56 percent of the individuals in the United States with serious long-term health conditions are age 65 or older;

Whereas the percentage of the population over the age of 65 is expected to rise from 13 percent in 2004 to 20 percent in 2020;

Whereas 15 percent of all seniors over the age of 65 suffer from depression;

Whereas studies have suggested that 25 to 50 percent of nursing home residents are affected by depression;

Whereas approximately 1,450,000 people live in nursing homes in the United States;

Whereas by 2018 there will be 3,600,000 seniors in need of a nursing home bed, which will be an increase of more than 2,000,000 from 2004;

Whereas as many as 60 percent of nursing home residents do not have regular visitors;

Whereas older patients with significant symptoms of depression have significantly higher health care costs than seniors who are not depressed;

Whereas people who are depressed tend to be withdrawn from their community, friends, and family;

Whereas the Corporation for National and Community Service (CNS) Senior Corps programs currently provide seniors with the opportunity to serve their communities through the Retired and Senior Volunteer Program, Foster Grandparent Program, and Senior Companion Program;

Whereas through the Senior Companion Program in particular, in the 2002 to 2003 program year, more than 17,000 low-income seniors volunteered their time assisting 61,000 frail elderly and homebound individuals who have difficulty completing daily tasks;

Whereas numerous volunteer organizations across the United States enable Americans of all ages to participate in similar activities;

Whereas Faith in Action, 1 volunteer organization, brings together 40,000 volunteers of many faiths to serve 60,000 people with long-term health needs or disabilities across the country, 64 percent of whom are 65 years of age or older;

Whereas the thousands of volunteers that, through the Senior Companion Program and volunteer organizations nationwide, provide companionship and assistance to frail elderly individuals, nursing home residents, and homebound seniors, deserve to be commended for their work;

Whereas the demand for these services outstrips the number of volunteers, and organizations are seeking to enlist more individuals in the United States in the volunteer effort;

Whereas companionship and assistance programs for seniors with long-term health needs offer many demonstrated benefits, such as: allowing frail elderly individuals to remain in their homes; enabling seniors to maintain independence for as long as possible; providing encouragement and friendship to lonely seniors; and providing relief to home care givers;

Whereas regular visitation and assistance is the best way of assuring seniors that they have not been forgotten, and State and local recognition of regular visitation programs can call further attention to the importance of volunteering on an ongoing basis; and

Whereas a month dedicated to service for seniors and recognized across the United States will call attention to volunteer organizations serving seniors and provide a platform for recruitment efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August as ''Service for Seniors Month'';

(2) recognizes the need for companionship and assistance with daily tasks among seniors with long-term health conditions throughout the year, and encourages the people of the United States to volunteer regularly at a nursing home or long-term care facility;

(3) encourages volunteer organizations that offer companionship and assistance to seniors to incorporate ''Service for Seniors Month'' in their recruitment efforts;

(4) encourages individuals in the United States to volunteer in these service organizations in order to give back to a generation that sacrificed so much; and

(5) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe ''Service for Seniors Month'' with appropriate ceremonies and activities that promote awareness of, and volunteer involvement service for, seniors with long-term health needs.

SENATE CONCURRENT RESOLUTION 123—RECOGNIZING AND HONORING THE LIFE AND LEGACY OF ALEXANDER HAMILTON ON THE BICENTENNIAL OF HIS DEATH BECAUSE OF HIS STANDING AS ONE OF THE MOST INFLUENTIAL FOUNDING FATHERS OF THE UNITED STATES

Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 123

Whereas Alexander Hamilton dedicated his life to serving his adopted country as a Revolutionary soldier, aide-de-camp to General George Washington, Representative to the Continental Congress, member of the New York State Assembly, first Secretary of the Treasury of the United States, and Inspector General of the Army;

Whereas Alexander Hamilton was a poor teenage immigrant to New York from the West Indian Islands of Nevis and St. Croix;

Whereas in the early days of the Revolutionary War Alexander Hamilton was commissioned as a captain and raised and trained his own New York artillery regiment and served valiantly in the battles of Long Island and Manhattan;

Whereas Alexander Hamilton quickly captured the attention of General George Washington who made him his aide-de-camp and confidant throughout the most difficult days of the Revolutionary War;

Whereas in 1781, Lieutenant Colonel Alexander Hamilton of the Continental Army led a bold attack of New York troops during the siege of Yorktown, the decisive and final battle of the Revolutionary War;

Whereas in 1782, Alexander Hamilton was elected as a member of the Continental Congress from New York;

Whereas as a private citizen Alexander Hamilton served many philanthropic causes and was a co-founder of the New York Manumission Society, the first abolitionist organization in New York and a major influence on the abolition of slavery from the State;

Whereas Alexander Hamilton was a strong and consistent advocate against slavery and believed that Blacks and Whites were equal citizens and equal in their mental and physical faculties;

Whereas Alexander Hamilton was one of the first members of the founding generation to call for a convention to drastically revise the Articles of Confederation;

Whereas Alexander Hamilton joined James Madison in Annapolis, Maryland in 1786 to officially request that the States call a constitutional convention;

Whereas Alexander Hamilton was elected as a delegate to the Constitutional Convention of 1787 from New York, where he played an influential role and was the only delegate from New York to sign the Constitution;

Whereas Alexander Hamilton was the primary author of the Federalist Papers, the single most influential interpretation of American constitutional law ever written;

Whereas Alexander Hamilton was the most important individual force in achieving the ratification of the Constitution in New York against the strong opposition of many of the delegates to the ratifying convention;

Whereas Alexander Hamilton was the leading voice of the founding generation in support of the controversial doctrine of judicial review, which is the backbone for the role of the Supreme Court in the constitutional system of the United States;

Whereas on September 11, 1789, Alexander Hamilton was appointed by President George Washington to be the first Secretary of the Treasury;

Whereas as Secretary of the Treasury Alexander Hamilton salvaged the public credit, created the first Bank of the United States, and outlined the basic economic vision of a mixed agricultural and manufacturing society supported by a strong financial system that would underlie the great economic expansion of the United States for the next 2 centuries;

Whereas Alexander Hamilton was the leading proponent among the Founding Fathers of encouraging a strong manufacturing base for the United States in order to create good paying middle-class jobs and encourage a society built on merit rather than class or skin color;

Whereas in pursuit of this vision Alexander Hamilton founded The Society for Establishing Useful Manufactures which in turn founded the town of Paterson, New Jersey, one of the first industrial centers of the United States;

Whereas Alexander Hamilton proposed and oversaw the creation of the Coast Guard for law enforcement in territorial waters of the United States;

Whereas in 1798, President John Adams called upon Alexander Hamilton to raise an army in preparation for a possible war with France and, as Inspector General of the Army, he trained a powerful force of well-equipped soldiers who were able to help deter war at this vulnerable stage in the founding of the United States;

Whereas throughout the founding era Alexander Hamilton was the leading advocate of a strong national union led by an efficient Federal Government with significant protections for individual liberties;

Whereas on July 11, 1804, Alexander Hamilton was fatally wounded in a duel in Weehawken, New Jersey at the hands of Vice President Aaron Burr; and

Whereas Alexander Hamilton died in Manhattan on July 12, 1804, and was eulogized across the country as one of the leading visionaries of the founding era: Now, therefore, be it

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

(1) honors the great importance of the life and legacy of Alexander Hamilton to the United States of America on the bicentennial of his death;

(2) recognizes the tremendous significance of the contributions of Alexander Hamilton to the United States as a soldier, citizen, and statesman; and

(3) urges the people of the United States to share in this commemoration so as to gain a greater appreciation of the critical role that Alexander Hamilton had in defense of America's freedom and the founding of the United States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 20, 2004 at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2590, a bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly at 204–224–9360 or Shane Perkins at 202–224–7555.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Tuesday, July 20, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2605, the Snake River, Nez Perce, Water Rights Act of 2004.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Wednesday, July 21, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Thursday, July 22, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on pending legislation to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

RECOGNIZING THE 25TH ANNIVERSARY OF THE ADOPTION OF THE CONSTITUTION OF THE REPUBLIC OF THE MARSHALL ISLANDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 410, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 410) 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.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 410) was agreed to.

The preamble was agreed to.

VITIATION OF APPOINTMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate's action with respect to the appointment of Clare M. Cotton, of Massachusetts, to serve as a member of the National Commission on the Cost of Higher Education, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 13, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, July 13. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of the motion to proceed to S.J. Res. 40, with the time until 8 p.m. equally divided between the chairman and ranking member or their designees.

I further ask consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the marriage amendment. Senators will be speaking on this issue throughout the day tomorrow, and I encourage those Members who have not had a chance to speak to come to the floor during tomorrow's session. I remind my colleagues that moments ago I filed cloture on the motion to proceed to the joint resolution. I felt it necessary to file cloture in order to ensure that we not only be able to bring the legislation up for consideration, but also to ensure the ability to offer amendments. If we are able to reach an agreement, then we would vitiate that scheduled cloture vote.

THE JOBS BILL

Mr. FRIST. One final mention this evening, and it relates to the FSC/ETI or JOBS bill. We believe it is very important for the interests of the United States for us to go to conference on the FSC/ETI or jobs in manufacturing bill. The House-passed measure is here, and we need to act soon to get that bill moving forward. I do encourage Members to allow us to go forward and to proceed to conference and have the will of that conference be expressed on this very important issue.

ADJOURNMENT UNTIL 9:45 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 6:39 p.m., adjourned until Tuesday, July 13, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 2004:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES BALLINGER, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010, VICE CLEO PARKER ROBINSON, TERM EXPIRING.

TERENCE ALAN TEACHOUT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010, VICE GORDON DAVIDSON, TERM EXPIRING.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

GEORGE PERDUE, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2006, VICE CARROLL A. CAMPBELL, JR., TERM EXPIRED.

UNITED STATES SENTENCING COMMISSION

RUBEN CASTILLO, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. BRUCE E. MACDONALD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

REAR ADM. JAMES E. MCPHERSON, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRENT E. WINGET, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GLENN K. RIETH, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 12, 2004, withdrawing from further Senate consideration the following nomination:

JAMES M. STROCK, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2006, WHICH WAS SENT TO THE SENATE ON NOVEMBER 21, 2003.

EXTENSIONS OF REMARKS

HONORING THE ST. MARY SCHOOL PAROCHIAL INVITATIONAL BASKETBALL TOURNAMENT ON THEIR 30TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community in celebrating the 30th Anniversary of the St. Mary Parochial Invitational Basketball Tournament. This is a remarkable milestone and I am proud to extend my sincerest congratulations to all of those involved in making this annual event such a great success.

What first began as a two-day event with eight competing teams has grown into the longest running and largest parochial school basketball tournament in Connecticut. In this, its 30th year, sixty teams from across the state will participate in a two-week long tournament that will also include a cheerleading exhibition. Over seven hundred boys and girls in grades three through eight will participate—making this year's tournament a real landmark event.

Each of the teams which will compete in the St. Mary Invitational have already accomplished so much. Through their hard work and efforts they have already learned one of life's most important lessons—the value of team work. Basketball, like all sports, teaches us the value of sportsmanship, camaraderie, practice, and commitment to excellence. These are skills which will serve these young people well as they begin to make a difference in the world. I am proud to extend my sincere congratulations and very best wishes to them all as they begin the tournament.

I would be remiss if I did not extend a special note of thanks to the many volunteers who so generously donate their time and energy to making this event possible. Coaches, parents, faculty, administrators, and friends all play important roles in bringing the St. Mary Invitational to life. Without your dedication, commitment, and energies, we would not be able to share this very special event with our young people. The fact that many of the adults who today volunteer their time to the tournament were once players themselves is testament to the legacy of this special event.

In its thirty-year history, the St. Mary Invitational has touched the lives of over fifteen thousand young people across Connecticut. It is with my deepest thanks and sincerest appreciation that I rise today to join the many well-wishers in extending my heart-felt congratulations to the St. Mary School Parochial Invitational Basketball Tournament on their 30th Anniversary. You have made such a difference in the lives of so many and I know that you will continue to leave an indelible mark on our community.

HONORING MARK F. GRADY, DEAN OF GEORGE MASON UNIVERSITY SCHOOL OF LAW

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mark F. Grady for his years of dedicated service to the George Mason University School of Law.

Dean Grady has been a pivotal member of the George Mason community for six years. Not only has Mr. Grady acted as dean, but also professor. Students enjoy his wisdom and expertise in the area of law.

As the dean of the School of Law, Mr. Grady has played an important role in the success of the school and its students. Through his guidance, George Mason has become the youngest law school ranked in U.S. News and World Report's top tier.

Under Dean Grady's direction, the School of Law has become a national leader not only of law but also economics and technology. In 1999, The National Center for Technology and Law was established. This center examines the causality of the existing legal structure and the society's evolving economy. Through this relationship, new fields of course work were created that allow the student to gain the necessary skills to succeed in both technology and communications.

George Mason School of Law is one of the most innovative schools in the country. Due to its emphasis on intellectual property, technology law and the legal application of economic methods, George Mason was also ranked in the top 10 in the nation for an outstanding faculty in law and economics in University of Texas Professor Brian Lieter's Ranking of Law Faculty Quality for 2003.

Mr. Grady should be honored and commended for his dedication to not only the School of Law but also the surrounding community. With his instruction and guidance, he has enabled Mason Law graduates to pursue careers in numerous fields and become successful attorneys who practice law with great distinction and honor.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Dean Grady for his years of service and dedication to George Mason University. His contributions and efforts are noted and greatly appreciated. I wish him the best of luck in all future endeavors.

RECOGNIZING SAMUEL CASEY SARTORIUS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Samuel Casey Sartorius, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 714, and by earning the most prestigious award of Eagle Scout.

Samuel has been active with his troop, participating in numerous scout activities. Over the 4 years Samuel has been involved in scouting, he has held numerous leadership positions, serving as Assistant Patrol Leader, Instructor, and Senior Patrol Leader. Samuel holds such special scouting honors as Tribe of Mic-O-Say, God and Country, and World Conservation Award. Samuel holds 21 merit badges. For his Eagle Scout project, Samuel coordinated with the City of Camden Point and the American Red Cross to distribute smoke detectors to Camden Point residents.

Mr. Speaker, I ask you to join me in commending Samuel Casey Sartorius for his accomplishments with the Boy Scouts of America and his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING LAWRENCE DeNARDIS, PH.D. FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of our community's most outstanding leaders, and my good friend, Lawrence DeNardis, as he is honored by family, friends, and colleagues for his 13 years of service as President of the University of New Haven. Larry has dedicated a lifetime of service to the community and we are certainly fortunate to have been the beneficiary of his unparalleled compassion, generosity, and commitment.

For over a decade, Larry has been at the helm of the University of New Haven and under his leadership and direction the University has truly prospered. I have often spoke of our nation's need for talented, creative educators, willing to help our young people learn and grow—Larry is just that kind of teacher. Larry has spent most of his professional career in higher education. For 16 years he served as Associate Professor and Chairman of Political Science at Albertus Magnus College, Visiting Professor of Government at Connecticut College, Guest Scholar at the Woodrow Wilson International Center for Scholars of the Smithsonian Institution, and seminar instructor at Yale University. His good work and diligent efforts to provide a quality education to his students has touched the lives of thousands of young people—going a long way in providing them with a strong foundation on which to build their futures.

Larry's outstanding record of contributions to education has been recognized both locally and nationally. Immediately prior to his appointment as President of the University of

New Haven, Larry served as President and Chief Executive Officer of the Connecticut Policy and Economic Council and was appointed by former Governor Lowell Weicker as Chair of the Connecticut Board of Governors of Higher Education. Larry was also selected by former President George W. Bush for an appointment to the National Advisory Committee on Institutional Quality and Integrity, a group which oversees the accreditation of institutions and associations in higher education.

In addition to his distinguished career in education, Larry has also served in public life where he demonstrated a unique commitment to public service. He served five terms in the Connecticut State Senate as well as one term as the United States Representative for Connecticut's Third Congressional District. After his term in the United States House of Representatives, Larry went on to serve as the Acting Assistant Secretary for Legislation at the United States Department of Health and Human Services. He was also appointed by former President George W. Bush as a member of the Board of Regents of the National Library of Medicine—a position which he held for 4 years.

It is not often that you find an individual who so willingly dedicates himself to the betterment of his community. In addition to his professional contributions, Larry has worked with numerous local business and service organizations aimed at providing a better quality of life for the residents of the Greater New Haven area. Our communities would not be the same without people like Larry, who give their time and energy to make a difference in the lives of others.

Through his contributions, Larry has left an indelible mark on our community. For all of his good work, I am proud to rise today to join his wife Mary Lou; his four children, Larry, Jr., Gregory, Mark, and Lesley; family, friends, and colleagues in extending my thanks and appreciation to my friend Lawrence DeNardis. My very best wishes for many more years of health and happiness.

HONORING COX COMMUNICATIONS' MOVIES UNDER THE MOON CHARITY EVENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise here today to honor Cox Communications for hosting Movies Under the Moon, a series of nine free movies shown at George Mason University's Robinson football field during the summer of 2003.

Movies Under the Moon drew over 75,000 Fairfax County residents. Through proceeds derived from on-site food vendors, the event raised $23,500 in proceeds for Inova Fairfax Hospital for Children and Special Love Camp Fantastic, a support group for families coping with cancer. This year's lineup of movies promises to be as popular.

Mr. Speaker, Cox Communications developed a unique and rewarding program to provide entertainment to the people of Fairfax County while simultaneously assisting Inova Fairfax Hospital for Children and Special Love Camp Fantastic. The efforts made by Cox Communications to serve the Fairfax community are much appreciated and greatly admired. I call upon my colleagues to join me in honoring Cox Communications for a job well done.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in strong support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act, to reauthorize the CALFED Bay-Delta Program and implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. This reauthorization will help address the critical water crisis in the Southern California region, effectively improving water supply reliability and water quality while enhancing the environment. In addition, this bill provides a model for how to make progress in enormously complex natural resources issues through a partnership of state and federal agencies.

Many states today are faced with the formidable task of providing reliable and safe water resources for a rapidly increasing population. This is no exception to California and its growing population of more than 30 million people. Southern California's arid climate makes it difficult for this region to find viable and dependable sources of water. The Interior Department's ruling to reduce the availability of Colorado River water to Southern California exacerbated the area's water supply problems by diverting approximately 700,000 acre feet of water this year alone. The lack of a reliable source of water discourages economic growth, jeopardizes the environment and compromises the health and safety of Southern California residents. It is for this reason that Congress must work to find innovative and effective solutions to the challenges posed by such debilitating water shortages. H.R. 2828 offers such viable solutions.

One of the most important elements of this legislation is it will finally allow us to begin the process of developing and constructing water supply, storage and delivery projects. H.R. 2828 will augment the conveyance of water through the Delta, California's most important watershed. This will reduce the demand on imported water from the Colorado River and other unreliable remote water sources. Through the water recycling, desalinization, and groundwater replenishment projects authorized by this legislation, California will become more self reliant and a better steward of its water resources.

H.R. 2828 recognizes the importance of improving management and coordination of existing water supply projects for meeting present and future demands for water in California. The bill would bring a focus to developing integrated, regionally-based water management plans as a necessary means to help resolve growing conflicts and foster cooperation between agencies, utilities, and public interests. It also stresses the need for water users to better cooperate and integrate their actions to improve water management to solve broad, multi-dimensional issues.

This bill equalizes environmental protection and water supply demands and effectively provides for the agricultural, municipal, commercial, and recreational water needs of the state. Ecosystem-restoration projects will help return California's bays, deltas, rivers, and other natural habitats to their original ecological state. Projects will be authorized as long as the activity has been subject to environmental reviews and approvals under applicable federal and state law.

Perhaps one of the most important elements of this bill is that it injects accountability into the process by requiring a cross-cut budget detailing the way in which the various agencies intend to use federal CALFED dollars. Only through such a process will we know if progress is occurring in a reasonable timeframe and, if not, how best to revise the program to accomplish the results that we expect.

I would note that H.R. 2828 is the result of several years of work and bipartisanship, which is a true credit to Chairman Pombo and Chairman Calvert. Their decade of effort has given hope to a reality of enhanced water resources for all Californians. I urge my colleagues to support this critical legislation.

HONORING THE REVEREND ABRAHAM MARSACH ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and community members who have gathered to celebrate the life and legacy of one of our most outstanding leaders, and my dear friend—Reverend Abraham Marsach—as he celebrates his retirement. However, I am quite sure that his retirement does not mean the end of his advocacy and activism.

As we have seen across the nation, the Hispanic community in New Haven has grown and flourished over the last several decades. As it has grown so has its demands for strong, vocal advocates willing to stand and fight for the needs of its members. Reverend Marsach has been just this kind of advocate—a passionate, active leader who has made a real difference in the lives of many. It is not often that you find such dedicated individuals who commit themselves so fully to the betterment of their community.

As both a community and spiritual leader, Reverend Marsach has touched the lives of thousands in New Haven. In his role as President of the Asociacion Ministerial Evangelica Hispana de New Haven he helped to unite religious leaders across the community and worked with municipal leaders to effect change in the community. The founder of Junta for Progressive Action, he created a social service agency which has helped thousands in New Haven's Hispanic community access the programs and services they need to improve their quality of life. Mentor, leader, advocate, and friend—Reverend Marsach is a true community treasure.

Reverend Marsach has been a fixture in our community for many years and we owe him a great debt of gratitude for the multitude of contributions he has made that have enriched all of our lives. As a spiritual guide at the Star of Jacob Christian Church in New Haven, he has nourished the souls of many—often providing much needed comfort in the hardest of personal trials. I would be remiss if I did not personally thank him for the wonderful tribute that he made to Maria Perez—a member of my staff who passed away just over two years ago. He shared a unique friendship with Maria and his words were of great comfort to her family and my staff during a most difficult time.

Through his hard work and unparalleled dedication, Reverend Marsach has left an indelible mark on the New Haven community and a legacy that will inspire generations to come. For his innumerable contributions and selfless dedication, I am proud to stand today to extend my deepest thanks and sincerest appreciation. It gives me great pleasure to join his wife, Margarita, his three daughters, family, friends, and the New Haven community in congratulating Reverend Abraham Marsach as he celebrates his retirement. My very best wishes for many more years of health and happiness.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

SPEECH OF

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BROWN of South Carolina. Mr. Speaker, in my capacity as chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs, I am honored to speak in strong support of H. Con. Res. 257 considered by this body on July 6, expressing the sense of Congress that the President posthumously award the Medal of Freedom to Harry W. Colmery.

President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war. In 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime. The Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to (1) "the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors." As I share with you today the remarkable wisdom and foresight of Mr. Colmery, I believe my colleagues will agree he is highly deserving of this prestigious award.

The book The G.I. Bill and the Making of Modern America, and domestic policy experts, economists, business leaders, and educators acknowledge Mr. Colmery as the visionary who drafted the far-reaching legislation that made the United States the first overwhelmingly middle-class nation in the world.

Mr. Colmery's roots were in Braddock, Pennsylvania, and he worked his way through the University of Pittsburgh Law School graduating while teaching at Camegie Tech (now Carnegie Mellon University). During World War I, he joined the fledgling Army Air Corps as a pilot instructor.

A lawyer who earlier argued two cases successfully before the U.S. Supreme Court, during his term as National Commander of The American Legion, Mr. Colmery drafted in longhand over Christmas and New Year's of 1943–44, the legislation that became the Servicemen's Readjustment Act of 1944, commonly known as the G.I. Bill of Rights. He drafted this comprehensive bill a full six months before D–Day. President Roosevelt signed Mr. Colmery's vision into law on June 22, 1944, 16 days after the Normandy Invasion. Colmery was already anticipating the needs of America's 15 million sons and daughters who would wear the military uniform during the war.

Harry Colmery knew from his own military service that ordinary Americans can do extraordinary things. He didn't want World War II veterans to stand in the unemployment lines or sell apples on street corners, as was often the case after World War I. Indeed he was determined not to allow impoverishment to define World War II veterans after the cessation of hostilities: "The burden of war falls on the citizen soldier who has gone forth, overnight, to become the armored hope of humanity. Never again, do we want to see the honor and glory of our nation fade to the extent that her men of arms, with despondent heart and palsied limb, totter from door to door, bowing their souls to the frozen bosom of reluctant charity."

Indeed Colmery, too, likely was familiar with data cited by Keith W. Olson, Ph.D., in the book The G.I. Bill, the Veterans, and the Colleges (University of Kentucky Press, 1974): "Within the first year of the demobilization process there will exist the likelihood, if not the certainty, of a large volume of unemployed, involving as many as 8 or 9 million [American former servicemen and women]." Final Report of the Conference on Post-War Adjustment of Civilian and Military Personnel, June 1943. Undoubtedly these data steeled Colmery's commitment and resolve. I would note for the Record, as well, that Dr. Olson later recounted the effects of Colmery's policy goals for the bill in The Astonishing Story: Veterans Make Good on the Nation's Promise" in the Educational Record, Fall 1994.

Mr. Colmery drafted legislation that the late author Michael J. Bennett observed "allowed veterans to achieve the American Dream—an education, a home, a stable and profitable career, and ownership of their own business."

Mr. Speaker, I'll cite Mr. Bennett's insights often today because he is the recognized authority on how Colmery's wisdom produced an enormously successful program that changed America forever.

Said Mr. Bennett, "more than any other law, the GI Bill was responsible for the post-World War II explosion in college graduates, the education of leaders of the civil rights movement, the growth and dominance of the suburbs, and the proliferation of interstate highways, supermarkets, and franchise stores and restaurants. Quite literally, the GI Bill changed the way we live, the way we house ourselves, the way we are educated, how we work and at what, even how we eat and transport ourselves."

Mr. Speaker, at this point I think it very fair to ask how Mr. Colmery's unwavering vision would have such a profound and far-reaching impact—not only for veterans but for America. Some 7.8 million veterans went to college and other types of training on the G.I. Bill. Mr. Colmery held the view that World War II veterans wouldn't just pass through higher education, but as adult-learners (the average combatant was about 26 years) would be anxious to make up for lost time. He also probably knew from his own military experience that those who defend our free-enterprise system in war would be anxious to equip themselves to participate in that system when the mills of war stop grinding.

Mr. Bennett's 2003 paper titled "A GI Bill for the 21st Century: Continuing an American Way of Life," points out that "in the peak year of 1947, veterans accounted for 49 percent of enrollment. Of a veteran population of 15.4 million, some 7.8 million received skill training, including 2.2 million in college, 3.5 million in other schools, 1.4 million in on job training and 690,000 in farm training. Millions who would have flooded the labor market instead opted for education, which reduced joblessness during the demobilization period. When they did enter the labor market, most were better prepared to contribute to the support of their families and society."

In 1965, the then-Veterans Administration found that due to the increased earning power of GI Bill college graduates, federal government income tax revenues increased by more than a billion dollars annually. It also concluded that in 20 years, the $14 billion cost of the G.I. Bill—as conceived by Harry Colmery—had paid for itself.

Current Secretary of Veterans Affairs and former chairman of the 1997 bipartisan Congressional Commission on Servicemembers and Veterans Transition Assistance, Anthony J. Principi observed, "they [WWII veterans] excelled in the classroom, ran the student governments, challenged professors, refused to wear freshman beanie caps, began raising families, and some veterans did something that was seen as unusual—they went to school year round."

Not surprisingly, Colmery's vision applies today, as well. A 2000 Joint Economic Committee of the Congress study titled "Investment in Education—Public and Private Returns" found that in 1998 the average college graduate made $46,285, while the average high school graduate only earned $26,592. Workforce training counts.

I note for my colleagues that few in our society attended college prior to World War II and Colmery's notion of large federal investment in same—given our massive war debt—constituted a legitimate argument against his largely unproven, macro-ideas. Robert M. Hutchins, President of the University of Chicago, argued in December 1944 that "colleges and universities will find themselves converted into educational hobo jungles. And veterans, unable to get work and equally unable to resist putting pressure on the colleges and universities, will find themselves educational hobos . . . education is not a device for coping with mass employment."

James Conant of Harvard, an advocate of IQ testing for college entrance, argued that the bill would benefit "the least qualified of the wartime generation." Later Dr. Conant would admit "the GI's were the best students Harvard ever had" though Harvard Professor Seymour E. Harris argued in 1947 that "the GI Bill carried the principle of democratization too far."

In fact, I note for my colleagues that during debate on Colmery's bill some in this body opposed Colmery's plan, as evidenced by the view of Representative Dewey Short of Missouri, for example:

''Have we gone completely crazy? Have we lost all sense of proportion? Who will have to pay for this bill? You think you are going to bribe the veterans and buy this vote, you who think you can win his support by coddling him and being a sob sister with a lot of silly, slushy sentimentality are going to have a sad awakening.''

With all due respect to then-Representative Short, the ''awakening'' associated with Colmery's bold, multi-faceted vision emerged in our robust post-war economy, which I'll discuss in a moment.

Colmery's foresight wasn't limited to job training and education. Before the GI Bill of Rights, the great majority of Americans were renters. Colmery believed those who fought in war should be able to buy their own home, so the GI Bill provided access to low interest mortgages.

Author Bennett noted that based on Colmery's wisdom, ''to house these veterans and their children born during the post-war baby boom, the idea of the affordable house in the suburbs was born. Families moved into their new homes by the millions and became proud members of the middle class.'' Indeed, the GI Bill largely made the United States the first overwhelmingly middle-class nation in the world, but it also is credited with starting the suburbs, a word not spoken in the American vernacular until after the GI Bill took effect.

Colmery's vision cascaded beyond the housing industry. Here's author Bennett's explanation why: ''The GI Bill produced a social revolution even greater than Henry Ford's. Whereas Ford put millions of cars on the road and spawned one of the nation's biggest industries, William Levitt (creator of pre-fabricated houses) put people in homes and spawned an even bigger one, while indirectly spawning ancillary industries in furniture and appliance making and sales, supermarketing of food, franchising of restaurants for young families, even expansion of schools.''

''The results were quickly apparent. One year after President Truman announced Japan's surrender, 11 million World War II veterans had been discharged, leaving less than one million in service. Seventy percent of the veterans were employed, the majority in jobs other than those they held before the war. Almost one million veterans were in school, another one million drawing checks to supplement farm work, 403,000 employed in on-the-job training, and 318,000 being helped to establish businesses or professional practices.''

As of September 1946, only 13 percent were drawing unemployment benefits. During the previous year, 4.9 million had collected unemployment, but, of those, 86 percent were on unemployment for less than 20 weeks. One percent had exhausted the 52 weeks of benefits they were entitled to. Of the remainder, 396,000 were on vacation, taking rehabilitation training, or just resting up, and 86,000 were hospitalized. These data are cited from ''What GI's Are Doing Now,'' US News and World Report, September 20, 1946.

Mr. Speaker, Colmery's GI Bill investment paid off—and kept paying off. Colmery's legacy endures in today's Montgomery GI Bill and ongoing VA and Small Business Administration programs for veterans to participate in our economic system their service has sustained.

On June 18, 2004, Secretary of Veterans Affairs Principi cited data that I believe speaks volumes as to why the President—on behalf of a grateful Nation—should posthumously award Harry W. Colmery the Medal of Freedom: ''The GI Bill made home ownership and a college education available to millions of Americans. By harnessing the talent and drive of America's veterans, it created six decades of opportunity for the men and women who serve in uniform. About 21 million veterans, servicemembers and family members, have received more than $77 billion in GI Bill benefits for education and training since 1944. The GI Bill's home loan program has been used by $17.5 million people for loans totaling $830 billion.''

Mr. Speaker, I earnestly encourage my colleagues to support the Medal of Freedom for Harry W. Colmery.

CELEBRATING THE 50TH ANNIVERSARY OF THE VALLEY CENTER MUNICIPAL WATER DISTRICT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. ISSA. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Valley Center Municipal Water District, which meets the water and wastewater needs of Valley Center and its 23,000 residents.

Fifty years ago, on July 12, 1954, a group of citizens formed an agency to build a water storage and transport system to access the water resources of the San Diego County Water Authority and the Metropolitan Water District of Southern California. At the time, securing these sources was imperative for continued community growth in a region that had only limited rainfall.

Today, in addition to providing water supply and sanitation services to their customers, the Valley Center Municipal Water District has promoted water conservation through incentives such as vouchers for ultra low flush toilets and high efficiency washing machines, residential landscape assistance, and providing water conservation guidelines for their customers.

Mr. Speaker, the Valley Center Municipal Water District has provided an invaluable service to the community it serves. This agency continues to fulfill its mission of ensuring customer satisfaction through quality service at the lowest possible price. I would like to thank the water district and its current and past employees for their hard work in meeting the water needs of the residents and businesses it serves. Their efforts have allowed a community to flourish in one of Southern California's most scenic and unique locations.

HONORING CADET JUSTIN B. COPE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. FROST. Mr. Speaker, I rise today to honor Cadet Justin B. Cope for his recent appointment as a Chief Petty Officer of the United States Naval Sea Cadet Corps. The United States Naval Sea Cadet Corps was first established in 1958 in order to develop a greater appreciation of the United States' naval history, traditions, customs, and significant role in defense. With only about one half of one percent of Naval Sea Cadets receiving the recognition and honor of being appointed as a Chief Petty Officer, Cadet Cope's ascension to the rank of Chief Petty Officer clearly reflects his superior qualities in leadership, expertise in seamanship, and patriotic character.

Again, I congratulate Chief Petty Officer Justin B. Cope's great achievement and wish him all the greatest success in the future.

MOURNING THE DEATH OF C. MICHAEL SAVAGE

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. JACKSON of Illinois. Mr. Speaker, it is my privilege to pay tribute to the life of Clarence Michael Savage, a model of compassion, commitment, and community service, who passed away on June 24. Mike was a man of strong personal faith, and a devout advocate of social justice.

A graduate of St. Louis University, Mike began his career of service working on behalf of lower-income neighborhoods in St. Louis and migrant farm workers throughout the country. Mike was known as a champion for the rights of people marginalized in our society. He served as the CEO of the Access Community Health Network in Chicago from 1994 until his tragic death last month. Mike was innovative in his approach to serving the working poor, uninsured and medically underserved. During his tenure at Access, Mike led the organization through unprecedented change as the organization grew from nine to forty-one health centers serving more than 160,000 patients annually.

Throughout his career, Mike was unyielding in his pursuit of justice. Before joining Access, Mike served as Executive Director of Fenway Community Health Center in Boston. He also worked for Heartland Alliance Travelers & Immigrants Aid and United Neighborhood Organization of Near Southwest Chicago. Mike was also active in many organizations nationally and locally, including National Healthy Start Association, United Power for Action and Justice, and the Chicago Chapter of Dignity USA.

Those of us who were privileged to have known him, will remember his incredible passion for addressing the underserved and his commitment to those in the fight with him. He was a visionary, he was a leader, and he was a friend. I extend my deepest condolences to Andy Swan, his partner, his family, and all those who join me in treasuring Mike's memory.

TRIBUTE TO ARMY LIEUTENANT ROBERT COLVILL

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. PENCE. Mr. Speaker, on July 8, 2004, Army Lieutenant Robert Colvill of Anderson, Indiana, lost his life while fighting to defend America and liberate Iraq. He and three other soldiers died as a result of wounds suffered during a terrorist car bombing and mortar attack.

Mr. Colvill was a hero who believed in this great nation. In the ninth grade, he determined that he would serve his country in the Marine Corps. And so, after graduating from Madison Heights High School in 1991, he joined the Marines. He then retired after 8 years of service having become a Sergeant. But his passion for fighting for his country was too much to ignore and Mr. Colvill enlisted in the United States Army after only a year as a civilian.

I think Mayor Kevin Smith of Anderson, Indiana said it best, stating, "Soldiers such as Lieutenant Colvill exemplify the best of the United States of America; men and women of ideals and who are unafraid to fight for freedom for themselves, their country and other peoples of the world."

Mr. Speaker, Lieutenant Robert Colvill is a hero whose service and sacrifice brought freedom to 25 million Iraqis. Memory of his sacrifice will forever be emblazoned on the hearts of two grateful nations.

I offer my deepest condolences to his wife, Chris; his two sons, Zachary and Travis; his stepdaughter, Suzanne; his father, Robert Colvill; his mother, Anita Walker; his stepfather, Danny Walker; his sister, Angela Seward; his sister, Melanie Watkins-Smith; and his brother-in-law, Barton Smith.

NEBRASKA CITY TO REVEL IN HISTORY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following article from the June 13, 2004, Omaha World-Herald. The article highlights the activities related to Nebraska City, Nebraska's 150th birthday celebration as well as the community's role in the commemoration of the Lewis and Clark Bicentennial. July will certainly be a special month for this historic and energetic city.

This Member looks forward to participating in the grand opening of the Missouri River Basin Lewis & Clark Interpretive Trail and Visitors Center.

[From the Sunday World-Herald, June 13, 2004]

NEBRASKA CITY TO REVEL IN HISTORY

THE TOWN WILL MARK ITS 150TH BIRTHDAY AND THE LEWIS AND CLARK BICENTENNIAL IN JULY

(By Paul Hammel)

Nebraska City will be "celebration central" this July.

The Missouri River town not only is planning a 150th birthday celebration for itself but also has several events scheduled in conjunction with the bicentennial of the Lewis and Clark expedition.

"We're going to be very tired when its over" said Jessica Jones, tourism director for Nebraska City.

The sesquicentennial celebration, scheduled July 9 through 11, will include a vintage parade, a style show of pioneer petticoats and a re-enactment of staking out the town on July 10, 1854.

A traveling tent show for the Lewis and Clark bicentennial will visit Nebraska City from July 16 through 19.

The town's annual "Bagel Days" celebration—in conjunction, with a local bagel plant—is scheduled July 17 through 18, as is the Table Creek Art Festival.

Then, on July 23 through 25, the St. Charles Keelboat Expedition—a re-creation of Lewis and Clark's trek upriver—will dock in town and present programs.

The month of events closes July 30 with the grand opening of the city's new Missouri River Basin Lewis & Clark Interpretive Trail and Visitor Center on a bluff overlooking the river.

"We hope to attract some people who have never been to Nebraska City before," Jones said.

Sesquicentennial events include a celebration of the 135th anniversary of the founding of the Nebraska City public schools, demonstrations of pioneer crafts, and special cancellation of mail.

On July 9, a dance featuring the band Average Joe is scheduled at the Eagles Club.

A "vintage" parade is scheduled at 10 a.m. July 10, ending at Nuckolls Park, where there will be a re-enactment of the driving of the stakes declaring the boundaries of Nebraska City.

On July 10 and 11, the Mayhew Cabin will host a unique style show, "Petticoats for a Prairie Wedding," featuring a pioneer lingerie and a double wedding involving Civil War bridegrooms.

For more information, contact the Nebraska City Chamber of Commerce at (402) 873–3000, or visit www.nebraskacity.com.

PAYING TRIBUTE TO DAVID KAMENSHINE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to David Kamenshine and thank him for his work as a Passport Services Agent with Northeast Passport Agency. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

David Kamenshine started working for the United States federal government in 1969 with the Defense Department. Twenty years later, in October of 1989, he moved over to the Department of State, Bureau of Consular Affairs, Passport Services at the Northeast Passport Center in New York City. David diligently served his employer and was transferred to the New York Passport Agency in February of 1994 when the Northeast Passport Agency was merged into the New York Passport Agency. David has held several positions during his time with Passport Services, each time dedicating himself to providing the very best service for traveling customers. He assumed his current position as Customer Service Manager in 1996.

During my tenure in the United States Congress, David provided exceptional service to constituents of the 3rd Congressional District of Colorado. He worked hard to ensure that inquiries on behalf of my constituents submitted to the Northeast Passport Agency were addressed in a timely and thorough manner. David routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the Northeast Passport Agency.

Mr. Speaker, it is clear that David Kamenshine has been an invaluable resource to many Americans. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like David. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Northeast Passport Agency and constituents it serves, I extend my appreciation for his years of enthusiastic service.

RECOGNIZING JOSEPH PAEZ

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize and praise a hard-working man dedicated to supporting the community. I am fortunate that the community he supports is Hernando County in my 5th Congressional District.

Joseph Raphael Paez was born in New York City on August 17, 1944. Joe served in the Army National Guard of New Jersey and Connecticut for a term of six years. He married and is the proud father of four grown children.

He joined the Hernando County Sheriff's office in 1976 and served in many capacities during his tenure. Joe was promoted to Lieutenant in January 1993 and was assigned to Operations Support—a group helping officers living with job related trauma.

Joe is retiring from the Sheriff's Department as the Public Information Officer for Sheriff Richard B. Nugent and should be honored for his service and dedication.

Mr. Speaker, it is my privilege to represent Joe Paez, and I am proud to praise him on the floor of this House.

PAYING TRIBUTE TO GAIL SCHULZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Gail Schulz and thank her for her work as the Branch Manager of the Social Security Administration in Durango, Colorado. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Coloradans, I am grateful for all that she has accomplished during her years of service.

Gail began her career with the Social Security Office in Idaho Falls and later moved to Durango where she eventually became the Branch Manager of the Durango Social Security Office in September 1995. She is retiring this July, having served over 32 years with the Social Security Administration.

Gail is dedicated to her job and her employees. She has high expectations of herself and her staff. Gail stresses the importance that claimants receive all the considerations to which they are entitled. She is also an active member of her community and involved with La Plata County Quilter's Guild and the Archeological Society.

During my tenure in the United States Congress, Gail Schulz provided exceptional service to constituents of the 3rd Congressional District of Colorado. She worked hard to ensure that inquiries on behalf of my constituents submitted to the Social Security Administration were addressed in a timely and thorough manner. Gail routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the Social Security Administration.

Mr. Speaker, it is clear that Gail Schulz has been an invaluable resource to the Social Security Administration. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Gail. On behalf of the citizens that have benefited from the hard work and commitment she has given to the Social Security Administration and the constituents it serves, I extend my appreciation for her years of enthusiastic service.

CONGRATULATING THE HOSPITALS OF THE TEXAS MEDICAL CENTER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. GREEN of Texas. Mr. Speaker, it's official. The July 12 issue of U.S. News and World Report has named Houston's MD Anderson Cancer Center as the number one cancer treatment facility in the nation. Since 1941, MD Anderson has consistently delivered on its mission to provide innovative and compassionate treatment, cutting-edge research and educational outreach with regard to both common and rare cancers.

MD Anderson's clinical research program is the largest in the nation, allowing more than 11,000 patients access to promising and innovative therapies and diagnostic tests in 2003. This stellar reputation has attracted more than 600,000 cancer patients from all corners of the U.S. to Houston for the multidisciplinary approach to cancer treatment pioneered by MD Anderson, which has since become the established method of cancer treatment in all hospitals today.

MD Anderson is part of Houston's Texas Medical Center, which is comprised of more than thirty academic, research and patient care institutions delivering top-notch medical care to Texans and the thousands of Americans who flock to Houston each year to be treated by the best. And the recent rankings by U.S. News and World Report prove that the Texas Medical Center continues to offer some of the best medical care in the country.

In gynecology, both MD Anderson and Methodist Hospital rank within the top twenty-five health centers for women's health. Ranking fourth in the nation, the Texas Children's Hospital continues to lead the way in pediatric care. Both the Texas Heart Institute at St. Luke's and Methodist Hospital rank in the top twenty for the treatment of heart disease and heart surgery. Methodist also ranks number ten in neurology and neurosurgery, and in the top forty for orthopedics.

Two hospitals in the Texas Medical Center rank within the top fifteen in urology, with MD Anderson holding the number ten spot and Methodist ranking number thirteen. Methodist shares top billing with Memorial Hermann in the treatment of kidney diseases, with both hospitals ranking in the top fifty for this speciality. Both kidney diseases and hormonal disorders are complications of the rising diabetes epidemic, and the rankings also recognized Memorial Hermann as a top hospital for endocrinology.

These rankings prove what Houstonians have known all along—the Texas Medical Center is armed with the research, treatment and patient care options to help Americans tackle whatever health condition ails them. I am extremely proud to have the Texas Medical Center in Houston and congratulate all of its hospitals on this national recognition and on all of their many accomplishments in health care.

PAYING TRIBUTE TO LESLIE KEERY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Leslie Keery of Rifle, Colorado, for her dedication to the students of Rifle High School. As an art instructor, Leslie has positively impacted the lives of both her colleagues and students. Leslie is aiding kids in developing their artistic and creative skills for use in future careers and I would like to join my colleagues here today in recognizing her before this body of Congress and this nation for her dedication to her students and her success in the classroom.

Leslie was recently honored with the local Walmart Teacher of the Year Award; that is awarded based upon the written essays of students and staff members. Her recognition as a special teacher was also complemented with a one thousand dollar donation to the art department, an opportunity to compete for the state competition and a nomination for the national Teacher of the Year Award.

Mr. Speaker, Leslie Keery has done much to enrich the lives of the students at Rifle High School and her community, and I am honored to bring her accomplishments before this body of Congress and this nation. Congratulations on your award Leslie, and I wish you all the best in your future endeavors.

HONORING DESIREE G. ROGERS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. EMANUEL. Mr. Speaker, I would like to extend my warmest congratulations to Desiree G. Rogers on being elected President of People's Gas and North Shore Gas, two utility subsidiaries of People's Energy Corporation.

People's Energy has, for 150 years, been committed to providing gas service to residential and business consumers in northeastern Illinois. Today, it serves an estimated one million people in Chicago and northeastern Illinois.

Based on Ms. Rogers' immense contributions to People's Energy since joining in 1997, I am confident that Ms. Rogers' new role will prove to be very beneficial to the company. In the past, Ms. Rogers has exhibited tremendous leadership skills by successfully taking on many of the company's difficult tasks.

As president of People's Gas and North Shore Gas, Ms. Rogers will have responsibility over the utilities' field operations, customer functions, and gas supply management. She will also continue to be in charge of customer relations, an area in which she has demonstrated to be very experienced.

As the former senior vice president of Customer Service of the utilities, Ms. Rogers was able to improve the company's financial results while establishing strong customer ties. Ms. Rogers first joined the company in 1997 as Vice President of Communications, and was named Chief Marketing Officer in 2000. She oversaw community affairs and governmental relations, in addition to operations and marketing of the company's utilities.

Ms. Rogers' leadership extends beyond her work with People's Energy. She is involved in several community organizations, including the Lincoln Park Zoo, of which she is the Vice Chairman, the Museum of Science and Industry, and the Executives' Club of Chicago. She was also the chairman of the Chicago Children's Museum for 3 years. Ms. Rogers has admirably used her success as a means to contribute to philanthropic organizations, such as the Y-Me National Breast Cancer Organization, of which she is a trustee. Ms. Roger's contributions to the Chicago community are truly commendable.

Once again, I would like to congratulate Desiree Rogers on her well deserved promotion to President of People's Gas and North Shore Gas, and wish her and the company continued success in the future.

PAYING TRIBUTE TO PAM WILSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Pam Wilson and thank her for her work as Fire Information Officer with the San Juan Lands Center, a joint office of the U.S. Forest Service and Bureau of Land Management in Durango, Colorado. Her years of commitment and dedication as a public servant is certainly commendable and worthy of

recognition before this body of Congress and this nation today. I, along with my fellow Coloradoans, am grateful for all that she has accomplished during her years of service.

Pam has worked as a Fire Information Officer for the last three years, but started her career with the Forest Service in Colorado in 1979. Over her years with the Forest Service, she has worked as a draftsperson, landscape architect, planning assistant, visitor information specialist, and now a public affairs specialist.

In 2002, as Pam was still training, she was thrown into the role of being the first fire information officer to work on the Missionary Ridge Fire. Pam did an incredible job of providing accurate fire information and working with the hundreds of people that were evacuated from their homes during the fire. It was her interpersonal skills and empathetic feelings and responses that made the difference. Pam remained on scene for the duration, taking only minimal breaks away from the 16-hour work days experienced during a fire that burned for 39 days. She also worked on the fire information effort with the Bear Creek Wildland Fire Use fire. Pam excels at providing timely and constant flow of fire information. Residents of southwestern Colorado are kept informed of ongoing fires but more importantly, know what to expect in terms of fire potential and how they might take responsibility for protecting their health and property. Pam works very closely with the counties, State Forest Service and others to explain how private parties can mitigate fire risk, and to develop and implement plans for reducing these risks.

The San Juan Public Lands Offices have what is widely recognized as one of the very best fire information and fire education programs. Pam Wilson plays a very large role in that. Fires such as Missionary Ridge often tear a community and intergovernmental relationships apart, but the work of Pam, and of course a few others, prior to and during that fire resulted in as smooth of an operation as could be imagined. Her efforts, as much as anyone else on that fire, made it possible for firefighters and managers to focus without distractions on the safety of the public and firefighters and the protection of property.

Mr. Speaker, it is clear that Pam Wilson has been an invaluable resource to the San Juan Public Lands Office. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Pam Wilson. On behalf of the citizens that have benefited from the hard work and commitment she has given to the U.S. Forest Service and the constituents it serves, I extend my appreciation for her years of dedicated service.

PAYING TRIBUTE TO MARTHA G. SPEARS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Martha Spears and thank her for her work as Congressional Liaison with the Homeland Security Department. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Americans, grateful for all that she has accomplished during her years of service.

Marty Spears began her career with the Immigration and Naturalization Service (INS) in 1983 as the Legal Assistant in the office of the District Counsel, Atlanta, Georgia. Her service was interrupted while she followed her military husband to Panama in 1986, and three years later resumed her position before becoming an Immigration Inspector in 1993. She was promoted three times to the Supervisory Information Officer position in 1997 and the District Adjudications Officer in 2000 and most recently to the position of Community Relations Officer. In March 2003, when INS was abolished and three new agencies were formed that became part of Department of Homeland Security, Marty became the Community Liaison Officer under the Office of Citizenship within U.S. Citizenship and Immigration Services. She has served as the Denver District's congressional liaison since April 2001, responding to a monthly average of 200–300 congressional inquiries including the states of Colorado, Wyoming and Utah that are also in the District.

During my tenure in the United States Congress, Martha provided exceptional service to constituents of the 3rd Congressional District of Colorado. Martha worked hard to ensure that inquiries on behalf of my constituents submitted to the Denver District were addressed in a timely and thorough manner. Martha routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the Homeland Security Department.

Mr. Speaker, it is clear that Martha has been an invaluable resource to the Department of Homeland Security. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Martha Spears. On behalf of the citizens that have benefited from the hard work and commitment she has given to the Department of Homeland Security and constituents it serves, I extend my appreciation for her years of dedicated service.

PAYING TRIBUTE TO GRETCHEN MITTERER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Gretchen Mitterer and thank her for her work as a Government Liaison with the Internal Revenue Service. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Americans, am grateful for all that she has accomplished during her years of service.

Gretchen began her career with the IRS in January of 1986. Her attention to detail, her people skills and her professionalism have led to rapid career advancement. Gretchen has been the Colorado Governmental Liaison since January 2001. She began as a Group Secretary and held various positions over time including: Branch Secretary, Tax Auditor, Administrative Assistant, Public Affairs Specialist and Communications Specialist.

During my tenure in the United States Congress, Gretchen provided exceptional service to constituents of the 3rd Congressional District of Colorado. Gretchen worked hard to ensure that inquiries on behalf of my constituents submitted to the IRS were addressed in a timely and thorough manner. Gretchen routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the IRS.

Mr. Speaker, it is clear that Gretchen Mitterer has been an invaluable resource to the Internal Revenue Service. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Gretchen. On behalf of the citizens that have benefited from the hard work and commitment she has given to the IRS and constituents it serves, I extend my appreciation for her years of dedicated service.

PAYING TRIBUTE TO PETE DAWKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise and pay tribute to Pete Dawkins of Vail, Colorado, a truly outstanding individual. Throughout his life and his career, Pete has received many prestigious distinctions and awards as a prominent athlete, scholar and leader, but his commitment to the citizens of this country through his record of military service stands out. Pete spent many years dedicated to the service of our country and contributed tremendous leadership during his tenure. I would like to join my colleagues in recognizing the achievements of Pete Dawkins before this body of Congress and this nation today.

Pete's ability to persevere was tested at the young age of eleven, undergoing physical therapy to treat the potentially debilitating disease of polio. He not only overcame polio, but he went on to become a star running back in college at the United States Military Academy. His performance during his senior season on the field led Army to an undefeated season and he was recognized individually as the college football player of the year winning the Heisman Trophy.

After graduating near the top of his class from West Point, Pete chose to study at Oxford University as a Rhodes Scholar, instead of pursuing an opportunity to play professional football. Pete began his service to the military after he completed his study in England. Throughout his twenty-six year tenure in the military he served in Vietnam, received his doctorate from Princeton, was selected as a White House Fellow, and ascended to the rank of Brigadier General.

Following his military service, Pete has enjoyed a successful career in the private sector. He is currently working as the vice chairman of the Citigroup Private Bank. In his spare

time, he still pursues his passion for sport on the ski slopes of the Vail Valley.

Mr. Speaker, it is my privilege to honor the achievements of Pete Dawkins before this body of Congress and this nation. His selfless commitment to our nation's armed forces serves as a model for all Americans who desire to serve their country. Pete strives for success in everything he does, and his hard work and dedication in his undertakings has been rewarded with great success. I thank Pete for his service to others and wish him all the best in his future endeavors.

PAYING TRIBUTE TO DENNIS ROSS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Dennis Ross and thank him for his work as Acting Director with the Grand Junction Department of Social Security. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Coloradans, I am grateful for all that he has accomplished during his years of service.

Dennis started his public service in immigration in New York City. He then transferred to the Social Security Office, which eventually brought him to Colorado and currently to Grand Junction. During my tenure in the United States Congress, Dennis has provided exceptional service to constituents of the 3rd Congressional District of Colorado. Dennis worked hard to ensure that inquiries on behalf of the citizens submitted to the Social Security Administration were addressed in a timely manner. David routinely demonstrated a willingness to assist beyond the standard response, showing a genuine concern for the constituent while upholding the policies of the Social Security Administration.

Mr. Speaker, it is clear that David has been an invaluable resource to the state of Colorado. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Dennis. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Social Security Office and constituents it serves, I extend my appreciation for his years of enthusiastic service.

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 Tuesday, July 13, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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.
SR–418

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

3:15 p.m.
Conferees
Meeting of conferees on H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard.
2167 RHOB

JULY 15

9 a.m.
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.
Armed Services
To receive a closed briefing from the Department of Defense regarding International Committee of the Red Cross reports on U.S. military detainee operations in Iraq.
S–407 Capitol

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine implementation of the Nielsen local people meter TV rating system.
SR–253

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

Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine preventing 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

2 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine the Gulf of Guinea and U.S. strategic energy policy.
SD–419

Aging
To hold hearings to examine medical liability in long term care.
SD–628

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement, Juan Carlos Zarate, of California, to be Assistant Secretary of the Treasury for Terrorist Financing and Financial Crimes, and Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.
SD–538

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

3 p.m.
Foreign Relations
To hold a closed briefing on Iraq.
S–116 Capitol

JULY 20

9 a.m.
Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine governmentwide workforce flexibilities available to federal agencies, focusing on those enacted in the Homeland Security Act, specifically their implementation, use by agencies, and training and education related to using the new flexibilities.
SD–342

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 2590, provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems.
SD–366

Indian Affairs
To hold hearings to examine S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving

major issues relating to the adjudication of water rights in the Snake River Basin, Idaho.

SR–485

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

Business meeting to consider pending calendar business; to be followed by a hearing 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 p.m.

Armed Services

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold joint hearings to examine the Pentagon and States' response to the needs of guard and reservists families.

SD–430

Indian Affairs

To hold an oversight hearing to examine the proposed reauthorization of the Indian Health Care Improvement Act.

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

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine preparations for possible future terrorist attacks.

SD–430

Joint Economic Committee

To hold hearings to examine the demographics of health care, focusing on evidence regarding declining rates of chronic disability and assess the best opportunities for further health promotion.

SD–628

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold an oversight hearing to examine the implementation of the National Parks Air Tour Management Act of 2000 (Public Law 106–181).

SD–366

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.

345 CHOB

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7903–S7942

Measures Introduced: One bill and two resolutions were introduced, as follows: S. 2638, S. Res. 403, and S. Con. Res. 123. **Page S7938**

Measures Passed:

Recognizing Marshall Islands Constitution Anniversary: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 410, 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, and the resolution was then agreed to. **Page S7941**

Constitutional Amendment on Marriage: Senate resumed consideration of the motion to proceed to consideration of S.J. Res. 40, proposing an amendment to the Constitution of the United States relating to marriage. **Pages S7903–32**

A motion was entered to close further debate on the motion to proceed to consideration of the joint resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur at 12 noon, on Wednesday, July 14, 2004. **Pages S7931–32**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the joint resolution at approximately 10:45 a.m., on Tuesday, July 13, 2004; further, that the time until 8 p.m. be equally divided. **Page S2941**

National Commission on the Cost of Higher Education—Agreement: A unanimous-consent agreement was reached providing that the Senate's action of Tuesday, July 6, 2004, with respect to the appointment of Clare M. Cotton, of Massachusetts, to serve as a member of the National Commission on the Cost of Higher Education, be vitiated. **Page S7941**

Nominations Received: Senate received the following nominations:

James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2006.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Page S7942

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

James M. Strock, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2006, which was sent to the Senate on November 21, 2003.

Page S7942

Messages From the House: **Pages S7935–36**

Measures Referred: **Page S7936**

Executive Communications: **Pages S7936–38**

Executive Reports of Committees: **Page S7938**

Additional Cosponsors: **Pages S7938–39**

Statements on Introduced Bills/Resolutions: **Pages S7939–41**

Additional Statements: **Pages S7933–35**

Notices of Hearings/Meetings: **Page S7941**

Adjournment: Senate convened at 1 p.m., and adjourned at 6:39 p.m., until 9:45 a.m., on Tuesday, July 13, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on Page S7941.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 6 public bills, H.R. 4812–4817; and; 1 resolution, H. Con. Res. 471, were introduced. **Page H5536**

Additional Cosponsors: **Page H5536**

Reports Filed: Reports were filed today as follows:

H.R. 3428, a bill to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building", (H. Rept. 108–595);

H.R. 3734, a bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building", (H. Rept. 108–596);

H.R. 4759, a bill to implement the United States-Australia Free Trade Agreement, (H. Rept. 108–597). **Pages H5535–36**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker Pro Tempore for today. **Page H5473**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Honoring Dinah Washington for her achievements as a talented vocalists: H. Con. Res. 144, Expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history; **Pages H5475–76**

Congratulating the California State University, Fullerton Titans baseball team for winning the NCAA Division I World Series: H. Res. 704, Congratulating the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series; **Pages H5476–77**

To resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri: S. 1167, to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri; **Pages H5477–78**

National Community Health Center Week: 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; **Pages H5478–80**

Honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion: H. Res. 684, honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion; **Pages H5480–81**

Honoring Former President Gerald R. Ford on the Occasion his 91st Birthday: H. Res. 702, honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the House of Representatives to the former President and his family; **Pages H5481–83**

Sergeant First Class Paul Ray Smith Post Office Building Designation: H.R. 4380, to designate the facility of the United States Postal Service located at 4737 Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building"; **Pages H5483–85**

Legislative Branch Appropriations Act for Fiscal Year 2005: Agreed to H.R. 4755, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, by a yea and nay vote of 327 yeas to 43 nays, Roll No. 362; **Pages H5488–H5500**

Rejected the Sherman motion to recommit the bill to the Committee on Appropriations with an amendment prohibiting the use of funds for postage expenses of any single committee in an aggregate amount exceeding $25,000, by a recorded vote of 163 ayes to 205 nays, Roll No. 361. **Pages H5498–H5500**

Holt amendment (printed in H. Res. 108–590) that sought to add $30 million to the salaries and expense account of the U.S. General Accounting Office (GAO) to establish within GAO a Center for Science and Technology Assessment; reduce by $15 million the general administration account from the Architect of the Capitol, and also reduces by $15 million the congressional printing and binding account of the Government Printing Office, by a recorded vote of 115 ayes to 252 nays, Roll No. 359; **Pages H5496–97**

Hefley amendment (printed in H. Res. 108–590) that sought to provide that each amount appropriated or otherwise made available in the Act that is not required to be appropriated or otherwise made available by a provision of law be reduced by 1%; by a recorded vote of 87 ayes to 278 nays, Roll No. 360; **Page H5497**

H. Res. 707, the rule providing for consideration of the bill was agreed to on Thursday, July 8.

Agriculture Appropriations Act for Fiscal Year 2005—Rule for Consideration: Agreed to H. Res.

710, the rule providing for consideration of 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. **Pages H5485–88**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for Fiscal Year 2005: The House considered H.R. 4766 making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005. **Pages H5501–15**

Recess: The House recessed at 12:40 p.m. and reconvened at 2 p.m. **Page H5474**

Recess: The House recessed at 3:10 p.m. and reconvened at 5:30 p.m. **Page H5485**

Senate Message: Message received from the Senate today appears on page H5474.

Quorum Calls—Votes: One yea and nay vote, and three recorded votes developed during the proceedings of today and appear on pages H5496–97, H5497, H5499–H5500, H5500. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:22 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JULY 13, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on 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, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the proposed reauthorization of the Corporation for Public Broadcasting, 9:30 a.m., SR–253.

Full Committee, to hold hearings to examine the nominations of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security, and Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce, 3 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the role of nuclear power in national energy policy, 10 a.m., SD–366.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine human trafficking issues, focusing on mail order bride abuses, 3 p.m., SD–419.

Full Committee, to hold a closed briefing to examine security preparations for 2004 Olympic Games, 5 p.m., S–407, Capitol.

Committee on the Judiciary: to hold hearings to examine Blakely v. Washington and the future of the federal sentencing guidelines, 10 a.m., SD–226.

Full Committee, 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), 2 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

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, 10 a.m., SD–215.

House

Committee on Education and the Workforce, hearing on H.R. 4283, College Access and Opportunity Act of 2004, focusing on Graduation Rates and Student Outcomes, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled "A Hearing to Review Proposals to Consolidate the Offices of Counter Intelligence at NNSA and DOE," 9:30 a.m., 2322 Rayburn.

Subcommittee on Environment and Hazardous Materials, hearing entitled "POPs, Pic, and LRTAP: the Role of the United States and Draft Legislation to Implement These International Conventions," 1 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing on H.R. 4057, Samaritan Initiative Act of 2004, 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations and the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, joint hearing entitled "A Review of the Office of Federal Housing Enterprise Oversight and Federal Housing Finance Board," 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, to continue hearings entitled "The Federal Hiring Process II: Shortening the Long and Winding Road," 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled "Visa Revocations II: Still Porous, Slow to Fix," 10 a.m., 2247 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled "Facilitating an Enhanced Information Sharing Network that Links Law Enforcement and Homeland Security for Federal, State and Local Governments," 2 p.m., 2154 Rayburn.

Committee on Resources, oversight hearing on gaming on off-reservation, restored and newly-acquired lands, 10 a.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the Status of Ocean Observing Systems in the United States, 10 a.m., 1334 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on GSA's Fiscal Year 2005 Capital Investment and Leasing Program, 10 a.m., 2203 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing to Examine Child Welfare Reform Proposals, 1 p.m., B–318 Rayburn.

Next Meeting of the SENATE

9:45 a.m., Tuesday, July 13

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of the motion to proceed to consideration of S.J. Res. 40, Constitutional Amendment on Marriage.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 13

House Chamber

Program for Tuesday: Consideration of H.R. 4766, Agriculture Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2005.

Extensions of Remarks, as inserted in this issue

HOUSE

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Pence, Mike, Ind., E1357

Congressional Record

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