SENATE—*Tuesday, February 15, 2005*

The Senate met at 9:45 a.m. and was called to order by the Hon. DAVID VITTER, a Senator from the State of Louisiana.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Pastor Aubry L. Wallace. Chaplain Wallace is from the Sheriffs's Department of Chilton County, AL.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray: That Almighty God will grant to this body His concurring aid in the governing process of these United States.

Our Eternal Father, He who watches over the affairs of mankind, I humbly pray that Your protection and guidance be with these Senators here assembled as they deliberate. Bless these in whose hands You have allowed the future of our beloved Nation to rest. Guide them by Your Holy Spirit. May every decision be right and in accordance with Your divine wisdom and will.

Keep them safe from any who would do them harm. Let no evil spirit affect their will to do justly, to love mercy, and to walk humbly with their God.

Heavenly Father, make them aware of Your presence as they participate in this grand experiment we call human government. And at the close of this session may they hear from You these words: Well done, good and faithful servant.

In the Name of His Son Jesus I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 15, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will begin today with a period of morning business until 12:30. At 12:30 the Senate will recess until 2:15 for the weekly party luncheons. Following the luncheons, we will resume debate in executive session on the nomination of Michael Chertoff to be Secretary of Homeland Security. Debate is equally divided until 4 this afternoon, with the vote occurring on the confirmation of Mr. Chertoff at 4 p.m. That vote will be the first vote of the day.

Yesterday I mentioned a number of items that are possible over the course of this week. Today we will continue to try to clear those bills for floor action. They include the genetic nondiscrimination bill, the high-risk pool legislation, a Nazi war crimes bill, the committee funding resolution, and any additional nominations that may be reported by the respective committees.

We will, over the course of the day, keep all Members notified of the schedule as we bring these matters forward for floor consideration.

LEGISLATIVE ACCOMPLISHMENTS AND A LOOK AHEAD

Mr. FRIST. Mr. President, I will take just a few moments at the beginning of today to comment on last week and a brief look ahead.

Last Thursday, the Senate achieved its first legislative victory, a bipartisan victory of the 109th session. By a vote of 72 to 26, the Senate passed the Class Action Fairness Act. The process was that we worked together across the aisle from beginning to end. The bill was introduced with 32 cosponsors, 24 Republicans and 8 Democrats. It came out of the Judiciary Committee on a strong bipartisan vote. Every vote on every amendment was bipartisan, and the vote on final passage was strongly bipartisan as well.

I stress the bipartisanship because in the 109th Congress we have a lot to do, and it is going to demand that we continue to work together in that same spirit. I thank my colleagues on both sides of the aisle for their fairness and cooperation. We have delivered to the American people a significant victory in the battle for fairness in the courts.

The class action bill does protect plaintiffs' rights while reining in the rampant abuse within the system itself. The consumer bill of rights protects plaintiffs from predatory lawyers and guarantees that they receive just compensation. The legislation restores justice to our court system by ending that practice of forum shopping, where we had nationwide cases that genuinely impact interstate commerce being moved to the Federal courts where they belong.

It took a while to have this success last week. Senator GRASSLEY, who was the lead sponsor on the bill, has been working on this for over a decade, and versions of this bill passed through the Judiciary Committee in each of the last two Congresses. In 2003, it came within one vote of passage. Finally, because of the continuing work of both sides of the aisle, people came together to recognize the intent was right, the legislation at different points could be improved, it was improved, and then we had relatively quick passage of it. The House will be addressing the bill shortly. Then hopefully we can have a bill to the President of the United States to be signed into law for the benefit of the American people.

Also, at the beginning of last week, on Monday, we passed a resolution commending the Iraqi people on their January 30 elections. As we saw over the weekend, those elections were finalized and, in terms of the final reports, again, it is a great victory for freedom and liberty throughout the world. It was an extraordinary event, and it was fitting that we came together on this floor to celebrate and commend the process and the results in those elections.

It was in the midst of terrorist blasts and terrorist threats that 8 million Iraqi voters streamed to over 5,000 polling stations to express that influence, that power and dignity that comes with voting. The various pictures that we all saw of families bringing their sons and daughters so that they could witness this moment in history is something that captures us all.

As I mentioned, over the weekend the votes were tallied of the 8.5 million people voting. For the first time in decades the Iraqi people have been able to speak and to speak freely—and they were heard, as we saw with the outcome. It is a transformation that is fundamental. It is a fundamental transformation of power from the people, instead of over the people. This has renewed a sense of momentum and optimism and hope.

The process, as we see, continues to unfold with negotiations going on as to who will be part of the Presidential Council. Again, looking from afar, from where we sit it is very encouraging to see the various coalitions working with each other, Shiites working with the Sunnis and working with other minority parties, all working together to fashion this government. It is an exciting time for the Iraqi people and all who watch.

Jumping ahead, today we will, as I mentioned in my opening statement, vote on the nomination of Judge Michael Chertoff to lead the Department of Homeland Security. We have heard much about the judge, both in committee and then on the floor yesterday, and we will over the course of today. He has a long and distinguished career in public service and law enforcement. In the mid-1980s he was an assistant U.S. attorney alongside Rudy Giuliani. He aggressively prosecuted mob and political corruption cases. He then went on to become New Jersey's U.S. attorney, where he oversaw high-profile and politically sensitive prosecutions in Jersey City, actually prosecuting the mayor of Jersey City, Mayor Gerald McCann, New York chief judge Sol Wachtler, and the kidnappers and killers of Exxon oil executive Sidney Reso. Fearless and scrupulous as a prosecutor, he became known not only for his legal brilliance but also for his skills as a manager and leader.

We all saw that take real meaning after 9/11. For the 20 hours after that worst ever attack on American soil, Judge Chertoff was central in directing our response. It was through his work as Chief of the Justice Department's Criminal Division that they traced the 9/11 killers back to al-Qaida, a central focus. We are indebted for all these things to his strong and unwavering leadership.

For the next 2 years Judge Chertoff was the key figure shaping our antiterrorism policies. His experience working directly with law enforcement, his expertise in homeland security policy, and his proven ability to lead in times of national crisis make him overwhelmingly qualified to direct our Homeland Security Department.

He earned unanimous approval in committee last week, with one member voting ''present.'' I am confident that today Judge Chertoff, who has already been confirmed by this body three times, will receive overwhelming, strong bipartisan support. He is an outstanding candidate and we all look forward to working with him in his new capacity.

Another matter of security, a different type of security, which I hope we will be addressing this week—I mentioned it also a little earlier—is the Genetic Nondiscrimination Act. This is the security of information about us that can be used to give us health care security. It is a bill that many of us on the floor have been working on aggressively over the last 7, 8 years. The bill, the Genetic Nondiscrimination Act, is just that. The bill is designed to protect Americans from having valuable genetic health information abused or misused by others—for example, being used against them to get health insurance coverage or being used in some way to discriminate against them for a future job. This whole field of genetic testing and genetic information has blossomed, in part because of a wonderful public-private project that was over about a 10-year period called the Human Genome Project. This explosion of information has introduced these genetic tests that can have—and it is early, they are early—but they do have the potential for having great predictive value regarding what disease or illness you might have later in life, and would allow you to prevent that, to take preventive measures if that is the case.

Right now, scientists tell us most Americans have about a half dozen potentially harmful genetic mutations. That is a statement that will change a week from now, a month from now, a year from now, as we learn more and more about it, but the point of this bill is that people run the risk of losing their jobs or not being promoted or not being able to get an insurance policy based on getting this test which could be of so much benefit to them. We need to prevent it, and we need to do it now, instead of waiting until it becomes a huge problem in the future.

One study in 2003 found that 40 percent of people at risk for colon cancer refused to participate in a screening exam, many citing the fear that the results might in some way cause them to lose their health insurance. That means they don't get this test. If they don't get the test, they lose the potential benefit to their own health and health security in the future. The knowledge of genetic risk has the power to save lives. As we look at tests that are early, and they are just being proven—the tests for heart disease, Alzheimer's, Parkinson's, a host of other diseases—there is great hope in these genetic tests becoming a powerful tool. The legislation we are considering this week is intended to make sure genetic testing is used as a tool to help and not hurt. I hope we will be able to pass that bill so that medical science does deliver a meaningful solution and keeps America moving forward.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leader time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 12:30 p.m. with the first 30 minutes under the control of the Democratic leader or his designee and the next 30 minutes under the control of the majority leader or his designee and the remainder of the time equally divided between the two leaders or their designee.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

TSUNAMI ASSISTANCE—NEW MODEL FOR DEVELOPMENT

Mr. DURBIN. Mr. President, pursuant to that consent, I would like to be recognized to speak to an issue which the whole world has focused on over the last several weeks and months. Within a few weeks, the Senate is likely to vote to send hundreds of millions of dollars in assistance to the nations that were devastated by the tsunami on December 26. We have seen the videotapes. We cannot forget them. Within a matter of minutes on that terrible day, whole families and villages were swept to sea. Schools, clinics, and hospitals were destroyed. Coastal cities were eliminated. What infrastructure there was in place was wiped out.

We are doing the right thing to come to the assistance of the victims of this disaster, one of the 10 most devastating natural disasters in recent history, but we should not overlook the fact there are many other challenges in this world. Millions have died in the Congo and the Sudan. Hundreds of thousands are still at risk. Preventable, treatable diseases kill millions more every year. Someone dies of AIDS every 10 seconds in this world. Someone new is infected every 6 seconds. Poverty kills. Bad water, hunger, poor sanitation kills; they are the weapons of economic injustice and economic disparity.

Nelson Mandela said recently:

> Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.

Overcoming poverty is not just a gesture of charity; it is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life. Our attention now focuses on the Indian Ocean, as it should. But let's not overlook the suffering in the world.

A number of years ago I went to Bangladesh. I went there to look at food programs. In the course of my visit, I met one of the most extraordinary people I ever had the pleasure to meet. His

name was Muhammad Yunus. Muhammad Yunus, not that long ago in 1976, was an economics professor. Having taken a few economic courses—I remembered my professors—he would have blended in with the faculty of most universities.

He had an idea. It was an idea that was borne out of human experience. It involves basic economics. Dr. Yunus thought for a moment, what if we gave the poorest people on Earth a small sum of money, what would they do with it? Would they pay it back? They were two very basic questions. The issue came up because he saw in many of the poorest villages of Bangladesh people who were being exploited by those who would lend them money and charge them outrageous interest rates. He started something called Grameen Bank, which means the people's bank in their local language in 1976. The concept behind it was to give a very small loan to people who were very poor.

Now, 29 years later, as I stand in the Senate, Dr. Yunus's theory of microcredit and the Grameen Bank grew from a class project to a world-wide phenomenon. Today, there are 80 million families in the world who are benefiting from Dr. Yunus's concept of microcredit. We estimate some 400 million people will benefit; 98 percent of them are women. These are people who are part of a quiet revolution. I have seen it firsthand. Their lives have been transformed. They have enough money to feed their children, to buy basic tools, maybe to buy a goat for milk, perhaps to buy a sewing machine—basic things that transform their lives.

They pay the money back. They pay it back so others in the village can borrow money, as well. The average loan for many of Dr. Yunus's clients in Bangladesh is $9. With $9, many people go from being a beggar to a businessperson. He actually decided that because Bangladesh did not have a telephone system that he would buy cell phones and he would loan money to people so they could purchase them. Go to the remote villages and there sit 10 women holding a cell phone. With these cell phones, they go to their villages, they sell them minutes on the phone, and they make a living. They are the Grameen Telephone Company, the telephone women who borrowed enough money to buy a cell phone and now make a living with that cell phone. Incidentally, they charge their cell phones with a solar-powered generator. They are thinking ahead. This type of thing is happening all over the world.

The reason I raise it is because when Dr. Yunus came to see me 2 weeks ago here in Washington we talked about the tsunami. He said there is so much that needs to be done there. They need to rebuild communities. They need to rebuild lives, but do not overlook the fact that the ocean, as it came in, swept away the schools and the teachers with it. Now the surviving children who are there are in camps trying to survive instead of thinking about thriving, going to school and giving back.

Dr. Yunus said to me, this man who comes up with amazing, simple ideas: Senator, why don't we create a tsunami scholars program? Why aren't we focusing on these children and their education? It is so simple and so obvious: To rebuild the schools, to bring in trained teachers so these kids have a chance but to take it a step beyond. What if we said across this world that we would challenge all colleges and universities to take two students from the tsunami area, students who would qualify to come to school, but to give these kids a chance at an education so they could go home and rebuild those villages and rebuild those nations?

Another challenge from Dr. Yunus, very basic, from a man who understands poverty at the most basic level. We are working on that now. We think we can put together a proposal that the United States can help to lead the world into considering.

The devastation of the tsunami took only a few minutes. It will take years to overcome. If we do the right things, we can rebuild those societies in the right way. The people living there are going to know a lot about us in the process. They will know that some of what they have been told about the United States is not true. Some who want them to be terrorists and to hate the United States will have a hard time explaining how the United States came to the assistance of these poor people after the tsunami and how we stood by them and their children in their education afterwards.

It is a small thing. It is important. It helps explain who we are. Tsunami scholarships are one example of how we can make certain we do not abandon the victims of this disaster after the headlines are gone. It is important we show this to the world, especially to the Muslim world, of what the American character is made.

I want to give these children of Indonesia, Thailand, Sri Lanka, India, and elsewhere a chance at an education that will not only transform their lives but allow them to go back and transform their countries.

The poet, Lord Byron, advised: Be thou the rainbow to the storms of life.

The peoples of the Indian Ocean have seem the storms. Let us be the rainbow that follows. Education is the most valuable tool you can put in the hands of anyone, particularly a child. As the children of the tsunami grow, let's make sure their opportunities for education are not constrained by misfortune or geography.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I understand we are in Republican-allocated time on morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

SUPPLEMENTAL APPROPRIATIONS

Mr. ALLARD. Mr. President, for the last 4 years, the United States has been locked in combat with the forces of terror. These extremists do not understand freedom and are trying even to this very day to spread their message of hate and oppression. America did not fire the first shot. Those killed on September 11 were innocent and did not deserve to die. They should be with us today. The forces of terror remain determined to defeat our Nation. They believe the United States will abandon Iraq and Afghanistan. They question our will to fight. They doubt our courage and our fortitude. They are wrong.

Our Nation has stepped up to fight and has never looked back. Under President Bush's leadership, our country has taken the battle to the enemy. As the President said in his State of the Union Address:

> Our country is still the target of terrorists who want to kill many and intimidate us all, and we will stay on the offensive against them until the fight is won.

In less than 3 months after September 11, United States and Afghan forces toppled the Taliban regime, a brutal theocracy shielding al-Qaida and other terrorists. A year after September 11, the President challenged the United Nations to confront another protector of terror, Saddam Hussein. This cruel dictator threatened his neighbors, his people, and our country with his support for terror and his pursuit of weapons of mass destruction. He lied, cajoled, intimidated, and murdered. Our Nation did not stop with Afghanistan and Iraq. Our forces have sought out the enemy, cut off his funding resources, and disrupted his plans. We have captured thousands of terrorists, destroyed their networks, and prevented new attacks. There have been many successes in this war, and we should be encouraged and strengthened by our progress.

Our men and women in our Armed Forces are the real heroes in this conflict. They have fought and sacrificed for our country. Tragically, some have paid the ultimate price. Today nearly 200,000 soldiers, sailors, airmen, and marines are deployed in hotspots around the world. They continue to take the fight to the enemy and defeat him wherever he appears. Our men and

women in uniform are determined and ready.

I visited our troops in Iraq and Afghanistan, and I have seen with my own eyes their commitment and determination. It is phenomenal. They believe in what they are doing. They know they are making a difference. I am reminded of those who have already sacrificed much but yet have not given up and remain committed to their duty. Soldiers such as Army CPT David Roselle have been an inspiration to me and many other Coloradans. While on patrol last year in Iraq, Captain Roselle lost a leg when an antitank mine went off nearby. After several surgeries and intense physical therapy, Captain Roselle rebuilt and retrained his muscles. He conducted 4-hour sessions of daily exercise, including mountain biking, weight lifting, swimming, and climbing. Six months after his last surgery, Captain Roselle was skiing down the slopes of the Colorado Rockies.

But the story does not end there. Now just over a year later, Captain Roselle is still in the Army, and commands the headquarters company of the 3rd Army Cavalry and is preparing to deploy with the unit this spring. It is Captain Roselle's relentlessness, his call to duty, and his determination to defend our great Nation that tells me that our forces are strong and victory remains the only option.

Our men and women deployed in combat are not the only heroes. I cannot fully express my admiration for the families of these soldiers, sailors, airmen, and marines. For months at a time, military families are asked to hold everything together and support their loved ones overseas. They have done this and have done it with pride.

Organizations such as Colorado's Home Front Heroes have also stepped up and supported our troops. Home Front Heroes has provided family support when none was available and sent thousands of care packages to our soldiers deployed overseas. The organization led the drive to get the State of Colorado to designate March 29 Support Our Troops Day. And in one case, Home Front Heroes actually paid for family members to travel to Germany to visit their wounded loved ones.

I see it all over Colorado. There is a steely determination to see the global war on terrorism completed and victory achieved. That is why it is more important than ever for Congress to do its part.

This week the Senate will receive the President's request for supplemental appropriations. This money is critical to continuing the war on terror and ensuring our troops have the necessary equipment, training, and information to succeed on the battlefield. While some may argue that this money should be included in the budget or that certain items are not emergencies, none of us would argue that the money is not needed. We know our troops need improved protection. Our chief of staff for the Army has testified that much of the Army's equipment is worn down and should be replaced. We owe it to our military families to provide the increased death gratuity.

As we consider this important appropriation, let us remember our successes so far. Fifty million people in Afghanistan and Iraq have tasted freedom and for most were able to cast a vote for the first time. Cities are being rebuilt and market economies are being developed. Terror networks have collapsed and funding for these networks is drying up. The war is not over, but we are making a difference. Congress must do its part. Now is the time for Congress to act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I recently had the good fortune to travel to Iraq with my colleagues Senator INHOFE and Senator ISAKSON. With my own eyes, I saw the political genesis of a nation moving from tyranny to liberty. This process was made possible by the skill and determination of our troops, the strides being made by the Iraqi security forces, and the growing determination of the Iraqi people to engage in the democratic process.

I cannot say enough about the sacrifice and dedication of our troops. Their professionalism and devotion to duty are truly inspiring. And I am convinced now more than ever the United States has the finest military in the world. To those who know it best, our military's might is not defined only by its sheer firepower but by the individual soldiers who all play their part in making a multifaceted operation like this possible.

Of course, our service members perform their military responsibilities with pride, with diligence, and with professionalism. But many of them also work hand to hand with the Iraqis every day trying to bridge the gaps in language, culture, and community, to forge a common bond cemented by freedom. In doing so, our men and women in uniform represent all that is good about our country.

My fellow Senators and I also visited wounded American soldiers in a military hospital in Germany on our way back from Iraq. These brave men and women who have already sacrificed so much for the cause of freedom were mostly and primarily concerned with getting back together with their units and for the well-being of their peers who are still in Iraq. That warrior spirit among these brave men and women is inspiring and gave me pause to consider what is clearly at stake for the Iraqi people.

Our National Guard and Reserves are also playing a critical role in Iraq. Three days ago I was honored to be able to welcome home the Second Battalion, 147th Field Artillery of the South Dakota National Guard from Iraq. These citizen soldiers put their lives on hold for over a year to provide critically needed support. They performed their mission effectively and honorably, and I applaud their selfless sacrifice.

The Iraqi people also deserve our admiration and thanks. While in Iraq we met with General David Petraeus who is in charge of training Iraqi securities forces. He was upbeat about their progress and the efficiency that is beginning to take root. General Petraeus's convictions were legitimized by the effectiveness shown by the Iraqi security forces on election day. Those forces were the first line of defense in successfully protecting over 5,000 polling stations throughout Iraq, none of which were penetrated by the insurgents. Some of the Iraqi security forces even gave their lives so their fellow countrymen could vote.

Perhaps the bravest of all on election day were the Iraqi citizens who also risked their lives by taking that critical first step on their journey to self-determination. The insurgents and terrorists grossly underestimated the Iraqi people's courage and thirst for freedom. The Iraqi people did not buckle under threats of violence and murder. Instead they spoke out with a great voice that has been heard throughout the world and well into the annals of recorded history. They have demanded their right to self-determination, their right to live their lives as they see fit, free from tyranny, free from fear, free from extremism. On election day, they earned that right.

Let me be clear, there is still much work that needs to be done, and there are still enemies to fight. But freedom's light does not shine without a price. The Iraqi people know this. They understand a new Iraq must not be dominated by only one ethnic or religious sect. Many Iraqis I met with, including Shiites and others, expressed the belief that for democracy to work, the Sunnis, who now find themselves the minority, must be a part of and represented in an inclusive Iraqi government.

Of course we all look forward to a free and stable Iraq. But we should not attempt to impose an artificial time line on this goal. Instead we should focus on a conditions-based schedule that allows for a responsible transfer of responsibility from American to Iraqi troops. Our generals support that concept, not arbitrary deadlines. When the conditions are right for us to leave, we will know and so will a free and sovereign Iraq.

I believe the recent elections and the self-confidence they have inspired in the Iraqi people may represent a turning point in the struggle for democracy

in Iraq. With the bravery and the dedication of our troops and the courage of the Iraqi people and their security forces, we can look forward to the day when our troops come home with the honor they have earned.

We will soon be debating legislation that will provide funding and resources for our troops to complete their mission. It is critical that in the course of this debate we understand what is happening today in Iraq and what it means for American troops who are bringing about freedom and democracy. We must make sure they have the resources, the equipment, the training, and the weaponry to succeed in this mission.

The insurgents, who continue to prey upon the fears of the Iraqi people, who resort to tactics and thuggery and indiscriminately kill innocent people, are not going to go quietly. It is important that we complete this mission. It is important that we win and secure the freedom of the Iraqi people. It was clear to me, having traveled to Iraq and listened firsthand to the stories that have been shared and conveyed by Iraqi voters, who for the first time were able to take that ink-stained finger and mark a ballot, that they are committed to the cause of freedom and democracy in their own country.

We heard statements such as ''we are profoundly grateful.'' We heard statements talking about how the mission is succeeding, but it is still fragile, how we need to continue to focus on training and equipping Iraqi security forces, and that the reconstruction needs to move faster.

Engagement with the Iraqis is the way for us to succeed, and giving the Iraqis the opportunity to govern, which is what the elections were all about. Giving the Iraqis the opportunity to defend the freedom they secured when they voted on election day should be our mission in Iraq. It is important as a nation, as a Congress, and here in the Senate, that we take the steps necessary to ensure that our troops—our young men and women who are bravely and courageously setting and laying the foundation for a safe, strong, and free Iraq—have what they need to complete that mission.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, the President has sent to us an $81.9 billion supplemental for our war against terror and the fight in Iraq and Afghanistan. This morning, in Congress Daily, I read a quote about that supplemental from the distinguished ranking member of the Appropriations Committee:

> This supplemental request provides support for our men and women in uniform, but it provides little basis for optimism for a stable and secure Iraq.

The comment of the respected distinguished Senator from West Virginia deserves amplification in terms of stability and security in Iraq.

I am pleased to have just returned from Iraq with Senator THUNE, who just spoke, and to have had the chance to see firsthand the results of what our men and women in our Armed Forces have been doing in Iraq since we deposed Saddam Hussein and began providing peace and a foundation for future security. In fact, it is that foundation I would like to address.

There are three key pillars to security and stability in Iraq. The first pillar is for us to continue this year, and for a time uncertain, to provide the Iraqi people with security so they can complete the writing of their constitution, hold their permanent elections, and allow their democracy to flourish. The second pillar is that government itself. It is essential that we pass this supplemental to continue the security and allow those who were recently elected to form their constitution and do their work.

When you talk about optimism, I have to share a story about the recent visit. Senator THUNE, Senator INHOFE, and I met with deputy Ambassador Salih, a Kurd. We met alone, with no staff, no press, no encouragement, total candor. We asked Mr. Salih, a Kurd in the minority—and even though the results of the election were not complete at the time we were there, we knew they would be in a minority. We asked:

> Don't you fear that the Shiites, who will inevitably be in the majority, will overrun you?

He said:

> Oh, no, we have a secret weapon.

This is a Kurdish leader in the middle of Iraq in the 21st century who said he had a secret weapon. He said that secret weapon is one word: ''Filibuster.'' Then he proceeded to describe their study of American democracy and our Republic. If there were ever a reason for optimism about what this supplemental provides for the people of Iraq and their stability and security, it is one of their minority leaders proudly stating one of the pillars and principles of our Government as the way they would ensure that the majority never overran the minority.

Following that meeting, we went and met with Dr. Al-Rubiae, a Shiite, obviously to be in the majority. We worried that since, for so many years, they had been the victims of the Sunnis—since they now would be in a majority, would there be a propensity to overrun the minority? So we asked:

> Dr. al-Rubiae, what will you do? Will the minority have a voice?

He said:

> The American Constitution requires two-thirds vote to amend the Constitution. We will require two-thirds vote to adopt ours.

The point is very clear. He, too, had studied Adams and Jefferson and our Founding Fathers. Knowing he would be in the majority, he recognized that the peace, strength, and stability in Iraq was predicated upon the majority not overrunning the minority.

So when we question whether this supplemental provides any optimism for stability and security in Iraq, I submit those two absolutely accurate quotes of two gentlemen—one in the majority and one in the majority—those who will take part in writing the constitution. Who would have thought they would quote Jefferson or Adams or our Constitution 6 months ago, or a year ago, or 2 years ago? It is because of the men and women we have sent into harm's way, the coalition forces, our commitment to freedom, and our present commitment to spreading democracy around the globe that today provides great optimism in Iraq.

But there is a third pillar we must consider as well, which is the future ability of the Iraqis—once their constitution is written, their government is established, and our troops lessen—to be able to secure themselves. There have been a lot of comments about whether they can do that. I give you comments that Lieutenant General Petraeus shared with us on our visit.

First, the coalition forces have trained 136,065 Iraqis. Our goal by the end of this year is 200,000. Recruiting has mushroomed since the election. In fact, on television, some of you have seen the lines the day after the election that showed up at recruiting centers that were previously vacant. So we know the resources are coming. Our coalition forces are helping us with their training, and already the Iraqis who are trained are demonstrating heroism just like the heroism of our American soldiers. There is no better example than this: On election day, when at a polling place an Iraqi-trained soldier by our coalition forces was in the first line of defense, as were Iraqis at every polling place, all 5,200. He spotted a suspicious character. He approached him. He noticed the bulging waistline, symmetrically indicating a bomb. He threw himself on the bomber and the bomber detonated the bomb. The Iraqi soldier, trained by coalition forces, gave his life. Those in line to vote, identifying with their index finger their commitment to liberty, were not injured and did not leave. They voted and democracy was born in that precinct, in that district in Iraq, in large measure, because of the bravery and heroism of that Iraqi soldier, trained by United States and coalition forces.

So as we consider the $81.9 billion for the continuation of our effort in Iraq and Afghanistan, and to a certain extent in the Middle East, if we look for optimism, it surrounds us everywhere. Only after our engagement in Afghanistan were the Taliban deposed. Only after our engagement in Iraq was Hussein captured. Only after our commitment against terrorism and countries

that harbor terrorists did Libya give up its weapons of mass destruction.

Recently, the Palestinians elected a new leader, Abbas, and already the prospect for hope and peace in the Middle East between Israel and Palestine is brighter. To me, that is great optimism for the future of security and stability, not only in Iraq, not only in the Middle East, but throughout the world.

We also must ask ourselves this: If we don't have optimism in the investment we make in the war on terror and the spreading of democracy, then what dividend would we receive by making no investment at all?

My submission to you is that we would be fighting the war on terror not only overseas but on our own streets. We would be spending more than we invested in this war to try to be a defensive country, rather than an offensive country helping to spread democracy wherever people yearn for it.

I have great respect for those who will question any spending we might entertain. I understand the concerns about the investment that we may make in the coming weeks in the supplemental for Iraq. But I will tell you that with the comments of Deputy Ambassador Salih, the comments of Dr. al-Rubiae, and the evidence of the heroism of the Iraqi soldier at the polling place Sunday, a week ago, it is clear to me this supplemental will continue that major pillar of support for democracy in the Middle East; that is, the presence of U.S. men and women in our Armed Forces to continue to secure that nation so it can finalize a constitution and have permanent elections for its peace and its security.

Our President has sent us a document to make an expanded investment in peace and democracy. I submit to you that the evidence for optimism abounds in Iraq and I, for one, will stand by this President and stand by our men and women in harm's way, so that their democracy, which has now bloomed, will flourish in a part of the world that has never seen it.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, as I understand, we are in a period for morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Is there a time limit on statements in morning business?

The ACTING PRESIDENT pro tempore. The time until 12:30 p.m. is equally divided.

Mr. KENNEDY. I thank the Chair.

NOMINATION OF MICHAEL CHERTOFF

Mr. KENNEDY. Mr. President, I support the nomination of Mr. Chertoff to be Secretary of the Department of Homeland Security. He brings a wealth of experience to this position and that experience will serve him well, because the challenges facing this department in the post 9/11 era continue to be immense. The agency can never afford to drop its guard for a moment. From protecting our borders to managing difficult immigration issues, Mr. Chertoff will be at the heart of many of the country's most complex security issues.

Just under 2 years ago, the Department of Homeland Security was created in the largest overhaul of Federal agencies in more than half a century. It merged 185,000 Federal workers and 22 agencies in order to create a more national effort to protect ourselves in the wake of September 11.

It is a job that requires overseeing the development of innovative methodologies and techniques to prevent and deter terrorist attacks. It requires rapid response to threats and hazards, and it requires effective information analysis and information sharing between agencies at all levels—Federal, State and local.

The Secretary's job is to strengthen and maintain the security of our airports, seaports and land borders. But, equally important is the Secretary's ability to welcome the more than 500 million citizens, permanent residents, lawful visitors, students, and temporary workers who cross our borders each year.

As Secretary, Mr. Chertoff will have a major role on immigration policy. One of the most important responsibilities of his position is to see that the immigration service and enforcement functions are well-coordinated, and that the service functions are not given short shrift. Without strong leadership and the insistence on close coordination, the officials in the various immigration bureaus of the department are prone to issue conflicting policies and legal interpretations and create disarray in the department's mission.

Questions have been raised about Mr. Chertoff's role in the Criminal Division of the Department of Justice in developing the investigative strategy that led to the department's detention of hundreds of immigrants after 9/11. According to the report of the department's Inspector General in June 2003, there were ''significant problems in the way the detainees were handled.'' There were also problems that included a failure to distinguish detainees suspected of ties to terrorism from detainees with no such connection. The Inspector General found there was inhumane treatment of detainees at Federal detention centers, unnecessarily prolonged detention resulting from the department's ''hold until cleared'' policy, secret detentions without formal charges, interference with access to counsel, and closed hearings.

I met with Judge Chertoff and raised my concerns about these detainees and his role in formulating the policy. He recognized and understood that significant problems had occurred at the Justice Department in the treatment of the detainees and indicated a willingness to re-evaluate current policies and put in place protocols to prevent these abuses from recurring.

Unfortunately, the administration has not been nearly as accommodating. It has refused to provide vital documents to the two Senate Committees charged with oversight over the Department of Homeland Security, the Homeland Security and Government Accountability Committee and the Judiciary Committee. Specifically, the administration continues to play hide and seek with documents that would shed light on the issues of torture and interrogation. In doing so, the administration persists in displaying a disturbing disregard for our constitutional role in Presidential nominations. By refusing to come clean and provide necessary documents, and by discouraging responsiveness and candor from its nominees on the issue of torture, the administration is only making the crisis worse, further embarrassing the Nation in the eyes of the world, and casting greater doubt on its commitment to the rule of law.

As Senator LEVIN has emphasized, FBI e-mails state that while Mr. Chertoff headed the Criminal Division, discussions occurred between the FBI and the Justice Department about interrogation abuses. The e-mails indicate that FBI personnel were deeply concerned about the interrogation techniques being used at Guantanamo Bay by the Department of Defense and the FBI communicated their concerns directly to certain persons in the Criminal Division.

The e-mails in their public form, however, were heavily redacted to avoid disclosing who spoke to whom. Although the e-mails were never provided by the administration to the Senate, we were able to obtain the documents in the same way as the general public obtained them, by surfing the web for the redacted documents as released in a Freedom of Information Act lawsuit.

Senator LEVIN and Senator LIEBERMAN asked for the unedited version of the e-mails in order to learn who in the FBI communicated the information and who in the Criminal Division received it. The request was denied, even though the information might well have been highly relevant to our consideration of Mr. Chertoff's nomination. It is beyond debate that our advice and consent function under the constitution includes inquiries into matters which may reflect on the nominee.

Mr. Chertoff may have no knowledge about the e-mails or the FBI discussion, but part of our constitutional obligation is to obtain enough information to make an informed decision. The

American people deserve to know whether we have done our constitutional job responsibly.

Senator LEVIN has already spoken passionately about the stiff-arm that he and Senator LIEBERMAN and their committee received from the Department of Justice as they sought to give meaning to the words ''advice and consent.'' From the text of the redacted version, it's obvious that Mr. Chertoff should have been asked about the torture issues in the depth that the documents would have enabled. He was head of the Criminal Division during the relevant time period. Naturally, they asked to see the unredacted version of the document prior to any vote on the nomination.

But the administration flatly refused to cooperate. The White House could easily have provided the documents only to Senators and to staff with appropriate security clearances. It did not. Instead, it concealed the full text of the e-mails in what amounts to an obvious coverup.

In addition, Senator LEAHY and I sent a letter to the Department of Justice on February 4, asking it to provide a separate department document which reportedly advised the CIA on the legality of specific interrogation techniques at a time when Mr. Chertoff was head of the Criminal Division. Again, the administration refused to provide it, claiming that its contents were classified, even though Senators are cleared to review classified material.

Our problems with the administration on this nomination, however, pale in comparison with the failure of the Senate Republican majority to carry out its own constitutional responsibilities on this nomination. Instead of insisting on adequate answers to the questions raised by the documents, they have acquiesced in the administration's coverup and abdicated their own independent constitutional responsibility to provide ''advice and consent'' on Presidential nominations. They have allowed partisanship to trump the Constitution.

In effect, the Republican Senate is acting as George Bush's poodle. The Founders of our country would be appalled at what has happened in this case. Obvious questions about this nomination have gone unanswered, and the Republican leadership of the Senate, instead of meeting its constitutional responsibility to seek answers, rolls over and shirks its duty to see that the Senate's consent on this nomination is an informed consent, not a blatantly defective consent.

The Founders of our country did not create a parliamentary democracy. They created a democracy based on the fundamental principle of separation of powers with the Congress and the Judiciary acting as checks and balances on the power of the President We ignore that fundamental principle at our peril.

A major issue in the 2006 congressional elections will clearly be the rubberstamp Congress. The refusal by the Republican Senate majority to exercise its constitutional responsibilities on this nomination is a flagrant example of that problem.

An essential part of winning the war on terrorism and protecting the country for the future is protecting the ideals and values that America stands for here at home and around the world. That means standing up against torture. It means shedding light on an administration that prefers to act in darkness. It also means living up to our oath of office as Senators to protect and defend the Constitution.

The checks and balances in the Constitution are essential to our democracy and a continuing source of our country's strength. They are not obstacles or inconveniences to be jettisoned in times of crisis. We owe it to those who come after us to be vigilant. Republicans and Democrats alike must insist that our constitutional obligations and prerogatives be respected. I hope very much that this blatant abdication of our constitutional responsibility will not be repeated.

Regardless of the difficulties we have faced in obtaining these important documents, I am looking forward to working closely with Mr. Chertoff. His long history of government service and dedication to the public good are impressive. He has left the security of lifetime tenure on the federal bench to accept the challenge of steering the Department of Homeland Security through difficult waters. His willingness to respond to the President's call speaks well of his character.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent to be able to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise this afternoon to discuss briefly the nomination of Judge Michael Chertoff, of New Jersey, to be Secretary of Homeland Security. I thank our colleagues on the Homeland Security and Governmental Affairs Committee, especially Chairwoman SUSAN COLLINS and my dear friend and colleague from Connecticut, JOSEPH LIEBERMAN, for their close consideration of this nomination. The task of reviewing the nominee for Secretary of Homeland Security is a difficult one, and the committee did a fine job.

I have reviewed the credentials of Judge Chertoff. They are impressive. In a legal career spanning over a quarter of a century, Judge Chertoff has shown a respectable dedication to public service. In my view, he has also demonstrated an ability effectively to manage a variety of security issues. For these reasons, I believe that Judge Chertoff is qualified and capable to serve as Secretary of the Department of Homeland Security. I plan on voting for his nomination.

The job for which Judge Chertoff is being nominated is a challenging one. In this post 9/11 era, the Secretary of Homeland Security bears the primary responsibility of ensuring the safety of all Americans from threats that range from terrorist attacks to natural phenomena. In order to meet this responsibility, the Secretary must oversee 22 separate agencies and 180,000 employees, all of whom carry out critical daily duties that include safeguarding our borders, securing our domestic infrastructure, and providing emergency disaster assistance. We all know that success in carrying out these duties will rest on the ability of the Secretary to coordinate and manage the resources at his disposal. They are huge.

If confirmed, Judge Chertoff will unfortunately find that the current resources at his disposal are inadequate to ensure the operation of an effective Department of Homeland Security. I strongly agree with several of my colleagues on the Homeland Security and Government Affairs Committee who argue that more must be done to improve the Department's ability to identify security threats and to respond to these threats in an effective and appropriate manner.

I agree that the Department of Homeland Security must be given adequate resources to address the plethora of security vulnerabilities that continue to plague our borders, airports, seaports, transportation systems, utility networks, and financial networks. I also agree that more work must be done to develop and implement a Government-wide strategy on homeland security activities, and to devise specific plans of action for specific threats. Furthermore, I strongly concur that more resources must be provided to our first responders—the millions of brave men and women who make up our front lines of defense at home.

For any homeland security response to be fully effective and successful, our firefighters, law enforcement personnel, and emergency response teams require the most updated equipment and training to function. Regrettably, the administration's fiscal year 2006 budget deeply cuts these and other initiatives related to homeland security.

All of these challenges that I mention demand immediate and long-term investments. While I applaud the work that has already been done to enhance

our domestic security since 9/11, I remain, as many of my colleagues do, deeply disturbed by the administration's continued disinclination to invest adequately in these activities. As more gaps in our security are uncovered and exploited, and as more work is being done to enhance our capabilities in identifying closing these gaps, the Bush administration's policy has been to provide less resources, including unthinkable cuts of $615 million to State homeland security initiatives and our first responders. How can we fully expect to be safe as a nation if the very people who are committed to our safety are deprived of the vital resources that ensure our safety?

In his testimony before the Homeland Security and Governmental Affairs Committee, Judge Chertoff indicated his determination to '' . . . improve our technology, strengthen our management practices, secure our borders and transportation systems, and most important, focus each and every day on keeping America safe from attacks.''

I am encouraged by these remarks, and I hope Judge Chertoff's determination can allow him to meet the challenges, but he faces some awesome ones within the administration, if, in fact, these budget cut proposals are enacted into law.

I am also encouraged by the remarks he made regarding the rights to due process that all Americans enjoy. In his testimony to the Homeland Security and Governmental Affairs Committee, Judge Chertoff said:

> I believe that we cannot live in liberty without security, but we would not want to live in security without liberty.

I believe this position is noteworthy, especially in light of the report issued by the Department of Justice inspector general in 2003 that criticized the prolonged detention of hundreds of people—primarily immigrants—of suspected ties to terrorism that were later deemed groundless. Judge Chertoff admitted that mistakes were made in the detention and treatment of these individuals—an admission rarely heard from this administration—and vowed to prevent them from happening again.

The question for our country is not whether Judge Chertoff is the right man for the job—I believe he is—but whether Judge Chertoff will be given an impossible job by the President who nominated him. We surely cannot meet the needs of our homeland security apparatus on a tin-cup budget, just as we cannot meet the needs of our military, our schools, and our health care facilities.

I find it troubling that—at the same time as it cuts support for police, firefighters, schoolchildren, and hospitals—this administration continues to view as sacrosanct the massive tax cuts worth $1.6 trillion that benefit only some of the most wealthy individuals in our Nation. Clearly, the President is not willing to ask any of these people—although I think many of them would be more than willing—to make the sacrifice for the well-being of our Nation. Yet, at the same time, the President is willing to tell firefighters, law enforcement personnel, and emergency response teams—people who risk their lives every day for our Nation—that not only are they going to get fewer resources each year, but they are required to do more with less. This severely skewed set of priorities is simply stunning. While it may be difficult for many of us to see this mismatch clearly today, I believe future historians who write about this period will harshly judge it as such.

If confirmed, Judge Chertoff faces formidable and daunting challenges—challenges that must be overcome if we are to ensure the safety of this country and well-being of all Americans. I speak on behalf of all of my colleagues when I wish him the best in this very difficult endeavor he is willing to undertake.

I am also here to discuss another issue raised by our colleague, Senator CARL LEVIN of Michigan. The issue concerns the repeated failure of this administration to provide the Senate with information necessary to carry out its constitutional responsibilities of giving advice and consent and conducting oversight of the executive branch.

In a letter written by the Department of Justice to Senators LIEBERMAN and LEVIN on February 7—just over a week ago—the Department of Justice claimed that an unredacted document related to the Chertoff nomination would not be provided to the Homeland Security and Governmental Affairs Committee because '' . . . it contains information covered by the Privacy Act . . . as well as deliberative process material.'' The assertion by the Department of Justice that their inability to comply rests on the Privacy Act is absurd and wholly unacceptable.

As Senator LEVIN has stated—and I strongly agree with him in this—the Privacy Act protects private individuals from having personal information released without their consent. In this case, the Department of Justice is using the Privacy Act to conceal the names of public officials who have engaged in Government activities at taxpayers' expense. That is precisely the kind of case in which Congress ought to have full knowledge of Government personnel and their activities in order to exercise its advice and consent responsibility fully.

To deny the Senate information about what public officials are doing at taxpayers' expense is essentially to deny the American people their right to know what their Government is or is not doing in the name of its citizens. To deny the American people their right to know of their Government's actions is an abuse of not only the Privacy Act, it is an abuse of power, in my view.

This may seem like a small matter to some, just one document. However, it should be noted that Senator LEVIN has precisely and carefully raised an issue that would be deeply disturbing to anyone who is committed to openness and accountability in our Government. I suggest to my colleagues that we are going to be seeing this issue arise over and over again if we as a body—all of us here—do not challenge it. I do not care what party is in the White House. If any administration starts making the case in the Executive Branch that the Privacy Act applies to Government personnel and Government documents that Congress may need to fulfill its Constitutional obligations, then a dangerous precedent will be set—one that I think we will deeply regret.

This matter reflects an already persistent, almost obsessive preoccupation by the current administration with secrecy, thereby avoiding accountability to Congress and, of course, to the citizens we seek to represent.

The examples of this preoccupation are almost too many to recite. One example that comes to mind is when Members of Congress and environmental organizations were unable to ascertain who—just the names—participated in the Vice President's energy task force, the group which laid the blueprints for the administration's current energy policy.

Another example is the refusal of the recent nominee, now current Attorney General, to provide information to the Judiciary Committee pertaining to the development of his legal rationale for permitting torture. Of particular note in this case, when asked to provide information, the Attorney General said:

> I do not know what notes, memoranda, e-mails, or other documents others may have about these meetings, nor have I conducted a search.

The unwillingness even to search for information requested by Congress epitomizes a certain official arrogance that sets a dangerous precedent because, when carried to its conclusion, it impairs and even impedes most congressional oversight. Government employees are named in countless documents that Congress needs in order to carry out its constitutionally mandated responsibilities and to shine the light where appropriate for the people of this country on the actions of our Government.

In closing, I do not believe Judge Chertoff is an architect of the policy to deny the public their right to know what their Government is doing. That point needs to be made crystal clear. If I thought that were the case, I would not support this nominee. I think Judge Chertoff has made clear how he views these matters. But Senator

LEVIN has raised a very important issue that transcends this nomination and reaches every agency and office in this government. It is the issue of preserving the openness, transparency, and accountability of our democratic government. I thank Senator LEVIN who, once again, during his service here, has proved how valuable attention to detail is. I commend my colleague for raising it.

I thank the indulgence of the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF MICHAEL CHERTOFF TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I yield 5 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maine for yielding me time.

I am in support of the President's nominee, Judge Michael Chertoff. He seems to have worked for almost every part of the Federal Government, including this body. I heard the Senator from Maine say that she had never seen a better witness before her committee.

As Secretary of Homeland Security, Judge Chertoff will play a very important and visible role in our everyday lives, protecting us from terrorism, but my purpose today is to highlight another job he has. He is also the chief immigration officer. As Secretary, he will oversee the Bureau of Citizenship and Immigration Services, the successor to the INS, which manages immigration in this country. This job of Judge Chertoff is not primarily about keeping people out of the United States; it is also about welcoming new Americans into the United States.

The numbers are down some since 2001, but as many as 1 million immigrants become new American citizens each year.

I have attended a number of the ceremonies which are held in Federal courthouses all over America every month to welcome and naturalize these new citizens. I was in Nashville in December when 50 or 60 people from all backgrounds were administered the oath of allegiance by Judge Echols. The oath requires each new American to renounce any old allegiance and swear a new one to the United States of America.

Each one of these new citizens has waited at least 5 years. They have learned English. They have learned something about U.S. history. They have proved they are of good character. Many new citizens have tears in their eyes as they recite that oath. It is an inspiring scene. Each of these new citizens brings a new background and cultural tradition to the rich fabric of American life. That increases our magnificent diversity, but diversity is not our most important characteristic.

Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. A lot of the world is diverse. What is unique about the United States of America is that we take all of that diversity and make ourselves into one country. We are able to say we are all Americans. We do that because we unify it with principles and values in which we all believe: liberty, equality, rule of law. It also helps that we speak a common language. It is hard to be one people if we cannot talk with one another. Many of these new citizens and many others living in this country lack a solid grasp of our common language or a clear understanding of our history and civic culture. Without proficiency in English, our common language, and an understanding of our history and values, immigrants will find it difficult to integrate themselves into our American society.

So my hope today is that Judge Chertoff does a magnificent job in his role at preventing terrorism. My hope also is that he does a good job in keeping out of this country people who are not legally supposed to be here. But equally important is Secretary Chertoff's role in welcoming new citizens to this country, helping them learn our history, our common language—helping all of us remember those principles that unite us as one country. That is a part of the Department of Homeland Security. It is of increasing interest to Members of the Senate on both sides of the aisle, and I look forward to working with Judge Chertoff in this new role and I support his confirmation.

The PRESIDING OFFICER. Who yields time? The Senator from Maine.

Ms. COLLINS. Mr. President, I yield 5 minutes to the distinguished Senator from Virginia and, from the minority's time, I will yield 10 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. Without objection, the Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am privileged to be the new boy on Senator COLLINS's committee. My mission is to try to achieve the smoothest working relationship between the Department of Defense, with which I have been privileged to work these 27 years in the Senate, and the distinguished new department and the committee for homeland defense over which my colleague presides as able chairman together with Senator LIEBERMAN.

Just a word or two I want to speak on Judge Chertoff. I, frankly, had not met him prior to the President's very wise selection of this able individual. I rise today to urge my colleagues to give the strongest endorsement possible to this nominee.

I started my career as a young lawyer, a prosecutor, but my first job out of law school was law clerk to a Federal circuit court judge, the same position that Judge Chertoff holds today. I recall all through law school and the early part of, I guess about 8 or 10 years that I practiced law, lawyers always thought: Maybe someday I could be a judge, a Federal judge. The whole bar looks up to the judicial branch, as they should. It is the third branch of our magnificent Republic. When an individual is selected by a President and confirmed in the Senate, he or she then dons that black robe, and it is a lifetime appointment.

I was privileged to observe the life of a Federal judge. My judge was E. Barrett Prettyman, and I had the privilege of standing on this very floor several years ago and recommending the Federal courthouse here in Washington be named for Judge Prettyman. I am always grateful to the Senate for its wisdom in accepting my recommendation. But I remember that judge so well. He had the strongest influence on my life. I aspired at one time to be a Federal judge, but I hastily tell my colleagues I am not sure I ever would have been qualified, for various reasons.

But when you accept that appointment you take that oath of office for life. That is why I, and I think most if not every one of my colleagues, spend so much time working with our Presidents to find the best qualified people to assume these important jobs in the Federal judiciary. But it is a lifetime appointment.

When I looked at Judge Chertoff in my office, we compared experiences. He was a law clerk on the Supreme Court,

so he had gone through some of the similar experiences that I had as a lawyer, and also I was assistant U.S. attorney as was he. I said: You have to explain to me why you gave up a lifetime appointment to a position in which you can control your hours and largely control your vacations and have a magnificent family life and everything else to take on this enormous, uncertain challenge.

He looked me in the eye, and he said: In America, you have to step up and be counted when the President and the citizens of this Nation need you. I give up this position with great reluctance, but I accept the next position and I will give it everything I have ever been taught in terms of how to do something for this country.

That deeply touched me, Madam Chairman. I feel very confident that, with the advice and consent of this august body, we will send forth an individual eminently qualified to handle this position, and one who will bring about the necessary security that this country deserves and needs and expects.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I also rise to speak in support of the nomination of Michael Chertoff.

Today we vote on one of the most important Cabinet positions in our Government, and that is Secretary of the Department of Homeland Security. New York, perhaps more than any other State in the Union, knows the need for a strong defense at home. Therefore, I take this vote very seriously. I have considered carefully Judge Michael Chertoff's background. I have considered his experience, and I met with him personally to express the needs and concerns of the citizens of New York and my own concerns about what we have and have not been doing when it comes to homeland security.

After careful review and after hearing his commitment to work with me and other Members of this body, I intend to vote in favor of Judge Chertoff's nomination for this vital post. It is clear, crystal clear, that Judge Chertoff has the intelligence and the skill to run this behemoth Department. There is no question about that. But what has really been missing from the Government is an advocate for funds and focus in homeland security that will protect New York and the rest of the country. Judge Chertoff assured me he would fight within the administration for resources that have been missing in homeland security.

It is no secret that, while we have given all the money it takes to fight the war on terror overseas, we have shortchanged the domestic war on terror at home. Program after program, which we all admit is necessary to defend us at home, is shortchanged when it comes to funding and focus.

The Department of Homeland Security was run by admirable people, but their constitution was such that when they went into the Oval Office, they didn't make much of a fight for the things that were necessary.

I asked Judge Chertoff about that when I met him. I said: I am sure you are not going to make a public fight, but are you privately, within the confines of the Oval Office, going to demand the funds that this Department needs to make us secure? He told me he would.

There is no doubt Judge Chertoff has been blessed with a brilliant mind, and he has formidable experience as a prosecutor, as Chief of the Justice Department's Criminal Division, and more recently as an appellate judge. He now faces the toughest challenge of his thus far impressive career. He will be called upon to lead and manage a Department of 170,000 employees, forged out of 22 separate Government agencies, still not all working together. That is no small task.

Judge Chertoff will have to be smart, tough, dedicated, and savvy—but a keen mind and a strong work ethic will not be enough. As I have said, what has been missing from homeland security has been funds and focus. A color-coded warning system can have all the colors in the rainbow, but without adequate funding for vital programs and without a laser-like focus, we are not serving the people well. Judge Chertoff assured me he would fight hard for the funds and maintain a strong focus to maintain these programs at the Department if confirmed. If my reading of his character and personality is correct, he will make those fights inside the administration that have been lacking thus far.

Judge Chertoff, of course, will also have to commit himself to working with Members of Congress in a bipartisan way, so together we can best protect the homeland.

Unfortunately, as I said in the past, sometimes this administration has acted with too much secrecy and too often it has failed to consult Congress. Too often it behaved as if it has a monopoly on wisdom. I am optimistic that Judge Chertoff will, as he has assured me, work with us in a bipartisan way. I have also talked to him about the need for changing the funding formula so funds are not distributed simply as if they were dropped from an airplane, but go to the places of the greatest need.

I have told him it is unconscionable Wyoming gets more on a per-capita basis for homeland security than New York. He has told me that we have a real problem with the funding formula; he knows it has to be changed and he would work to change it.

I have also raised with Judge Chertoff the serious problems of staffing we have at the northern border with Canada. New York, of course, has a 300-mile such border. As of last year, we were short more than 1,400 Customs and Border Protection officers on that border. Judge Chertoff promised to make securing the northern border a priority, should he be confirmed by the Senate.

I also pressed Judge Chertoff on other matters, areas in which the Government should do more to protect the homeland. I discussed with him the creation of an assistant secretary for cybersecurity, something I have raised before, given reports of the mounting attacks on our computer systems. On these and on other matters, Judge Chertoff has shown a willingness to deliberate and be openminded and that means a lot in my book.

In conclusion, the task of the next Secretary will be difficult. The stakes couldn't be higher. Based on his record of achievement and my personal meetings with him, I have high hopes for Judge Chertoff. I hope and pray he lives up to those high hopes. I will vote yes on the nomination of Michael Chertoff as Secretary of the Department of Homeland Security.

Ms. COLLINS. Mr. President, I thank my colleague from New York for his excellent statement.

I see a very valuable member of the committee, the Senator from Hawaii, is here to speak. I am prepared to yield to him 10 minutes from the minority side.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to discuss the nomination of Judge Michael Chertoff to be Secretary of the Department of Homeland Security, DHS.

Since the inception of DHS in 2003, Secretary Tom Ridge has led the department with strength and grace. His tenure sets a high standard for future secretaries to meet. I would like to take this opportunity to thank Secretary Ridge for his hard work and dedication to his country.

As a member of the Homeland Security and Governmental Affairs Committee, I was able to discuss with Judge Chertoff his positions on issues such as the DHS personnel regulations, civil liberties, and bioterrorism. Judge Chertoff expressed his commitment to these issues and promised he would investigate and report back to the committee on a number of DHS policies of concern to me.

There were five main points that I raised with Judge Chertoff. First, I asked for his assurance that he will defend the Constitution to safeguard our civil liberties. The price of security should never erode our constitutional freedoms, which are essential to the preservation of this democracy. One specific activity I have concerns about is data mining, which could involve the collection of personal data that could

violate an individual's privacy rights. Judge Chertoff affirmed his commitment to liberty and privacy, and I will continue to monitor DHS closely to ensure that he fulfills that commitment.

We also discussed the just-released personnel regulations covering the 180,000 men and women who staff DHS. To make these new regulations work, there must be significant and meaningful outreach to this dedicated workforce, their unions, and their managers. A well-managed organization values employee input and understands the important role employees play in protecting against mismanagement. To undermine opportunities for employees to voice concerns or even have notice of departmental changes unnecessarily harms workers.

My third concern is the protection of whistleblower rights in the department. Whistleblowers alert Congress and the public to threats to health, waste of taxpayer money, and other information vital to running an effective and efficient government. I asked Judge Chertoff to pledge to protect whistleblowers and foster an open work environment that promotes the disclosure of Government mismanagement and Government illegality. In response, he promised ''to support whistleblowers and to support candid assessments by employees when there are problems in the department.'' I am pleased he acknowledges the importance of whistleblowers to a Federal agency and has vowed to protect their rights. As ranking member of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, and the author of whistleblower protection legislation, I will be monitoring the department closely to ensure that Judge Chertoff follows through on this promise.

The fourth issue on which I asked for Judge Chertoff's commitment was bioterrorism and, more specifically, agriculture security. Since 2001, I have urged the administration to develop a coordinated response to bioterrorism and agroterrorism through legislation, which is critical to the health and safety of Americans.

Yesterday, I had the opportunity to participate in a gaming exercise called ''Scarlet Shield'' at the National Defense University that postulated a bioterrorist attack. This exercise brought home to me the need to do much more in ensuring an effective, coordinated response.

I will introduce shortly the Homeland Security Food and Agriculture Act of 2005, which will improve State, local, and tribal governments' ability to respond to an attack on the food supply and facilitate DHS's coordination with other Federal agencies with food and agriculture responsibilities. Judge Chertoff agrees with me that bioterrorism is one of the greatest threats our Nation currently faces, and as such I hope I can count on his support for my bill.

The final issue I discussed with the Judge is the security challenges for my home State of Hawaii, 2,500 miles from the West Coast. Being the only island State, Hawaii has been blessed with diverse and breathtaking geography and a unique culture. However, its geographic location poses challenges to securing the State from asymmetric threats. For example, when disaster strikes, Hawaii cannot call on neighboring States for assistance due to distance and time difference. Our eight inhabited islands must be self sufficient. For that reason, I have established positive working relationships with Secretary Ridge and senior policymakers from DHS as well as from PACOM and NORTHCOM to ensure that when national homeland security policies are being formulated, the needs of Hawaii are kept under consideration. Judge Chertoff promised to be mindful of these unique needs and to continue the positive relationship Hawaii has enjoyed with Secretary Ridge.

I also note I am pleased Judge Chertoff has stressed the importance of close cooperation with Congress, particularly the Homeland Security and Governmental Affairs Committee, and has promised to provide the information we need to fulfill our oversight responsibilities.

With Judge Chertoff's assurances that he will protect civil liberties and whistleblower rights, work openly with Congress, and prioritize the other issues I have detailed today, I will support his nomination to be the Secretary of Homeland Security. I believe he has the professionalism and the commitment to serve the department well, and I hope we, in the Congress, will enjoy a long and productive relationship with him.

Thank you very much, Madam Chairman.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my colleague from Hawaii for his excellent statement. He is a very valuable member of the committee, and I very much enjoy working with him.

I rise again today in support of the nomination of Judge Michael Chertoff to be the new Secretary of Homeland Security. As the Presiding Officer knows better than most, this is one of the most challenging and critical jobs in the entire Federal Government. Judge Chertoff is clearly the right person to take the helm of this Department, and it is past time to put him in that post.

The Committee on Homeland Security and Governmental Affairs held a nomination hearing for Judge Chertoff on February 2. It was a long and thorough hearing. Judge Chertoff answered every question posed to him fully and candidly. His responses to more than 250 written questions my committee presented to him were just as forthright. His nomination was endorsed by a unanimous vote.

I mention this because there should be no impression among our colleagues that our committee did not do a thorough job in questioning Judge Chertoff. To the contrary, he was subjected to hundreds of questions. He responded to every question posed to him at our committee's lengthy nomination hearing. And every member of the committee, on both sides of the aisle, had ample opportunity to question Judge Chertoff on whatever issues they wished to raise with him.

In fact, I am aware of no opposition to his nomination. Virtually the only issue we have debated during the course of these proceedings is one that I believe has no bearing whatsoever on Judge Chertoff's fitness to serve in this critical capacity. This issue is the demand, by a few of our colleagues, for information regarding the FBI's personnel working at Guantanamo Bay's detention facility and what information they may have had about interrogation techniques used on detainees by Department of Defense personnel.

Let me make clear that all of us have concerns about the proper and humane treatment of our detainees. The distinguished chairman of the Armed Services Committee, who also serves on our committee, held a number of hearings to explore the treatment of detainees. It is my understanding that the Senate Intelligence Committee is also embarking on an investigation of the treatment of detainees by CIA personnel. So this is an issue. But the problem is, this is not an issue in which Judge Chertoff has been involved in setting policy. He is being asked for information he simply does not have.

At our committee's nomination hearing, Judge Chertoff was asked about these concerns by my distinguished colleague from Michigan, Senator LEVIN. Judge Chertoff's answer was unequivocal. Let me read it to you. He said:

> I was not aware during my tenure at the Department of Justice that there were practices at Guantanamo, if there were practices at Guantanamo, that would be torture or anything even approaching torture.

He was not aware—not he did not recall not he was not sure; He was not aware. That is unambiguous testimony.

Our responsibility as Senators to advise and consent on executive branch nominees is a solemn one. It is one, as chairman of the committee, I take very seriously. If there were a good reason to delay consideration of a nomination in order to secure important information, then delay would be appropriate; it would be called for. But expecting a nominee to provide information that he has sworn under oath

he does not know is not a good reason for delaying his nomination.

The questions about Judge Chertoff's knowledge of the treatment of detainees have been asked and answered, repeatedly. They have been asked in prehearing questions. They have been asked at the hearing. And they have been asked posthearing.

Judge Michael Chertoff is eminently qualified for this important position. In his distinguished career, he has established a strong reputation as a tough prosecutor. But he has established a reputation as a fierce defender of civil liberties. His position on the balance between these two critical roles was made clear in his testimony before the committee. He said:

> I believe that we cannot live in liberty without security, but we would not want to live in security without liberty.

I cannot think of a more eloquent statement by a nominee, showing us—demonstrating beyond a doubt—he clearly understands that as he increases security for our Nation, he must be ever mindful of privacy rights, of civil liberties, of the very freedoms that define us as Americans, and that we cherish. Indeed, we would be handing the terrorists a victory if we so compromised our freedoms in the name of security. Judge Chertoff understands that tension, that balance, the need for constant evaluation.

Judge Chertoff has also demonstrated a great ability to work with law enforcement agencies at all levels of Government. He has a keen understanding of the broad range of homeland security vulnerabilities faced by States and communities throughout the country.

When I have talked to law enforcement officials from Maine to California about Judge Chertoff, they have unanimously and enthusiastically embraced his nomination. They know he will listen to State and local law enforcement, and that he views them as partners in our fight to tighten and improve our homeland security.

I point out that Judge Chertoff was confirmed three times previously by this body. He was confirmed overwhelmingly by both sides of the aisle 2 years ago for one of the highest courts in the land. And now, having attained a lifelong appointment at the pinnacle of his legal profession, he nevertheless is giving that up. He is giving up a lifetime appointment on one of the most prestigious courts in the country to step forward to serve our Nation in one of the most difficult jobs imaginable, one of the most thankless jobs in the Federal Government.

I remind my colleagues of what he told our committee when I asked him why he was willing to give up that judgeship, why he was willing to make that sacrifice. He said—and his words are eloquent—

> September 11th and the challenge it posed was, at least to my lights, the greatest challenge of my generation, and it was one that touched me both personally and in my work at the Department of Justice.
>
> The call to serve in helping to protect America was the one call I could not decline.

We are fortunate to have an individual of Michael Chertoff's quality, with his commitment to public service, who is willing to answer the call of his country. I hope he will be unanimously confirmed later this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes and that this speech not interrupt the debate on the Chertoff nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I will withhold that request so that the Senator from New Jersey, who has just come to the Chamber, may speak on the nomination. I yield him 10 minutes from the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the chairman of the Governmental Affairs Committee for that courtesy. This is a task we are pleased to take on. For me, it is a moment of special significance. We are proud of the fact that Judge Michael Chertoff, the nominee to be Secretary of Homeland Security, is from New Jersey. I hope we are going to see a strong vote for his confirmation.

I thank our chairman and leader in the Governmental Affairs Committee for her persistence in moving some very important matters through that committee. She worked very hard at it. First it was the intelligence reform bill. While I was annoyed that I had to work Saturdays and other days, the fact is, without the diligence shown by the Senator from Maine, we would not have gotten it through. We were on the edge of the precipice when finally it passed, and I was enthusiastic to try to be of help there. So it is with this issue as well.

This is an important day for America. We all are concerned about the issue that haunts us constantly. Memories of 9/11 will never leave the minds of those who were alive or who study American history in the future. It was a terrible day for America. We live every day with the remnants of that reminder.

This morning, in the Commerce Committee on which I sit, we had a discussion on aviation safety and baggage security requirements. I came down this morning from New Jersey and, because of some security involvements, was unable to catch two airplanes. But it had to be done. It was not that I was particularly suspicious looking, but there was a line to get through, and that is what happens. So we are always reminded. Go into a building, popular places, and you cannot go into those places, wherever they are, whether they are concerts or whether they are educational forums, if it has any volume of attendance, you will invariably see the security process at play. We are worried about our families and our society, how we function.

Judge Chertoff has been selected to be the next Secretary for Homeland Security. It is fair to say that Secretary Ridge did a good job in trying to amalgamate all these parts into an organization with 180,000 people. It is an enormous task. Fortunately, the foresight to name someone such as Michael Chertoff to this post did present an unusual and appropriate candidate. He received undergraduate law degrees with honor from Harvard University. After law school, he clerked on the Second Circuit Court of Appeals. Following that clerkship, he went on to serve as a clerk for a great New Jerseyan, Supreme Court Justice William J. Brennan.

In 1990, Michael Chertoff, in his meteoric rise to the top because of his ability, became the U.S. attorney for the District of New Jersey. During that tenure, less than 4 years, he was so aggressive in tackling organized crime, public corruption, health care, and bank fraud, with great success in making the perpetrators of these crimes pay the price and get out of the community orbit so we could approach things correctly and honestly.

Michael Chertoff also played a critical role in helping the New Jersey State legislature investigate racial profiling in our State. It was a blight on our community. Driving while Black should not be a crime, and we identified that very clearly. As a matter of fact, oddly enough, the present attorney general of the State of New Jersey, a fellow named Peter Harvey, distinguished attorney and outstanding member of the Governor's cabinet, was stopped on one of our highways. He had pulled into a restaurant parking lot, and a policeman came over and asked to check his license and to inspect his car for no reason other than the fact that he was Black. There was no other reason. He had no suspicion surrounding his presence. Yet our attorney general, then a lawyer, was stopped because of color. That should not be a crime. Thanks in part to Judge Chertoff's efforts, the State legislature passed a bill to ban racial profiling. That prompted me to introduce the first bill in the U.S. Senate to address this issue. The results have been excellent.

Judge Chertoff now serves on the prestigious U.S. Court of Appeals for the Third Circuit. A good measure of his commitment to public service, one he has been questioned about publicly in place after place, including our committee, is the question as to why he would give up a lifetime tenure on the second highest court in the land to accept a call to duty. We hope this tenure will be better, but it will have to be earned every day of his career.

The mission of the Department of Homeland Security is critical to our country and to my State of New Jersey. On September 11, 2001, 700 of the almost 3,000 people who perished that day came from the State of New Jersey. There is hardly anyone in our State who didn't know someone or some family member of someone who died that day in the World Trade Center.

I was a commissioner of the Port Authority of New York and New Jersey when I was elected to the Senate, and those Trade Center buildings were kind of a business home for me.

From the location where I live now, I could see the silhouette and the trade centers always as a landmark. It was a pleasure to get up in the morning and see the sun coming over the tops of those buildings. Yes, when we saw what happened that day, smoke rising from the World Trade Center buildings, as each one collapsed in a crush of flames and debris, that can never be forgotten. The New York/New Jersey region bore the brunt of those attacks on that terrible day.

It continues to be identified, by the way, by the FBI as the most at-risk area for terrorist attack. The 2 miles that go from Newark Liberty Airport to the New York/New Jersey harbor are said by the FBI to be the most inviting targets for terrorists. Judge Chertoff understands this. When Senator CORZINE and I talked with Michael Chertoff, we didn't have to remind him about what that area looks like, what that stretch of land is like that could be so inviting to terrorists. I am confident Judge Chertoff will work to target homeland security grants to areas where the actual risk and threat of terrorism are the greatest.

This is not just about New York and New Jersey. There are many high-risk States—some are colored red in the political description that we use today, and some are blue. Examples: Texas, Florida, California, Georgia, Illinois, Virginia—the list goes on of States where there are inviting targets for terrorists. These high-risk States are not getting enough funding because, under current law, 40 percent of all homeland security grants—over $1 billion each year—is given to each and every State regardless of risk and threat. That doesn't make sense.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has used his 10 minutes.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Mr. President, I will make clear that it is coming from the Democrats' time.

Mr. LAUTENBERG. We are glad to take that responsibility. I may ask for a minute or two more.

The PRESIDING OFFICER. The Senator is recognized for 5 more minutes.

Mr. LAUTENBERG. Mr. President, the 9/11 Commission report stated:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Federal homeland security assistance should not remain a program for general revenue sharing.

The 9/11 Commission correctly understood that homeland security is too important to be caught up in pork-barrel politics. That is why Senator CORZINE and I introduced a bill last week, S. 308, requiring that all homeland security grants for terrorism prevention and preparedness be based on relative risks, threats, and vulnerabilities. I hope my colleagues will see that that is in the national interest and support that legislation. I know Judge Chertoff understands that problem. He is a highly intelligent, competent, and dedicated public servant who has compiled a number of impressive accomplishments in all three branches of the Federal Government. I ask my colleagues to vote to confirm him.

I would like to add a word. Right now, we are talking about whether the minority is obstructing progress on different issues—Social Security and other legislation that is before us that needs attention. Here is an example of where we can arrive at a consensus view with dispatch—get it done. We know Judge Chertoff is an excellent candidate, but that is not to say there may not be a vote against him. There were votes against the confirmation of Secretary Condoleezza Rice. There was a difference of view. It was the same thing with Mr. Gonzales. But it reflects the fact that the minority is represented. There were many people from the Democratic side who voted for Secretary Rice and for Attorney General Gonzales. But why is there a move underway—I use this opportunity to say this—to undercut the voice of the minority? It was said by our leader here that 48 million people voted Democrat in the last Presidential election. Do we want to say that those voices should not be heard? Never.

Mr. President, I know you and our chairperson, Senator COLLINS, were elected with good support from your constituents. Does that free you from representing the part of the constituency that didn't vote for you? Not at all. We have to recognize that schemes that would deprive the minority from registering their point of view are against the Constitution. It is against the fabric of our democratic society to say if you didn't vote for us, we are going to nail you; you are not going to have your view; you are obstructionists. That is not right. Here we have a chance once again to express some bipartisanship by voting for an outstanding candidate to be the next Secretary of Homeland Security.

I yield the floor.

Mr. JEFFORDS. Mr. President, We are here today discussing the nomination of Judge Michael Chertoff to be the next Secretary of the United States Department of Homeland Security.

Let me begin by thanking Secretary Ridge for all he did in leading the department through its creation and start-up. It was a difficult job and the Nation owes him a debt of gratitude for tackling this difficult task.

I opposed the creation of the Department of Homeland Security, in part, because I was concerned that by combining disparate areas of the Federal Government we could create more problems than benefits. Several recent reports from the Government Accountability Office have shown that this is a valid concern.

The next Secretary of the Homeland Security Department will need to focus time and energy on ensuring that the various divisions within the department become integrated. A separate and divided Department of Homeland Security cannot work to increase our national security. Our best chance for preventing another terrorist attack relies on a coordinated and well run agency. If this does not occur, I fear that my original concern regarding the creation of this entity will be realized.

Judge Chertoff has an impressive resume and, in fact, has already been confirmed by the Senate for several positions. His experience includes serving as a Federal appellate court judge, United States Attorney, and head of the Criminal Division at the United States Department of Justice. However, questions have been raised about the potential involvement of Judge Chertoff in the prison abuse scandals, an issue that was pivotal in my opposition to Judge Gonzales being confirmed as the United States Attorney General.

Senators LEVIN and LIEBERMAN have been working to determine whether Judge Chertoff had any knowledge about the scandal, and they deserve our profound thanks. However, as in too many cases, this administration has made a decision to keep much of the information from the public. The citizens of the United States deserve honesty and openness from the government.

The information that has been revealed shows that Judge Chertoff had no knowledge or involvement in the torture scandal. I must make a decision based on the record I have in front

of me, not on the possibility of the record I do not know. Reviewing this record leads me to believe that Judge Chertoff would be capable of performing the duties of Secretary of the Department of Homeland Security, and I will thus support his confirmation to that position.

It is my hope that Judge Chertoff will complete the work that Secretary Ridge began and create an integrated Department of Homeland Security. I also hope that Judge Chertoff will be able to lead by example and create the open environment at the Department of Homeland Security that my constituents and the citizens of this Nation deserve and expect.

It will take many hours of hard work and it will not be easy. I wish him the best of luck in accomplishing the task.

Mr. HATCH. Mr. President, today I rise in strong support of the nomination of Judge Michael Chertoff to become Secretary of Homeland Security.

Voting in favor of Judge Chertoff and commending him on his remarkable accomplishments is beginning to become a habit for us.

At the beginning of President Bush's first term, Judge Chertoff was nominated to become Assistant Attorney General for the Criminal Division. To this position, he brought years of experience as a Federal prosecutor in New York and a highly successful term as the U.S. attorney for the District of NewJersey.

As a prosecutor, Judge Chertoff handled a wide variety of complex crimes that included successfully prosecuting a RICO murder case involving the third-ranking member of the Genovese La Cosa Nostra Family and others. The principal defendants were convicted of conspiring to murder John Gotti and murdering a mob associate. They each received 75 to 80 year prison terms.

He also successfully prosecuted the Mafia Commission Case, which charged the bosses of all five New York La Cosa Nostra Families with operating a national commission through a pattern of racketeering acts such as extortion, loan sharking, and the murders of a mafia boss and two associates.

Upon his confirmation, Mr. Chertoff ran the Criminal Division of the Department of Justice during the trying days after September 11. As Senator COLLINS stated:

> since 9/11, Judge Chertoff has established himself as a leading expert on the legal and national security issues surrounding the war on terror.

After this period, in which I worked closely with the Criminal Division of the Justice Department to formulate the PATRIOT ACT, Judge Chertoff was nominated to the third Circuit and was confirmed by a vote of 88 to 1.

As we all know, becoming a judge on the 3rd Circuit is a lifetime appointment and the culminating achievement of many outstanding legal careers. Few leave the bench before retirement. However, Judge Chertoff is not a man who will shirk from his duty. His nation called and asked him to sacrifice. He answered that call and stood up to be counted during a period of war.

This is true not only for the time that he spent affiliated with the Justice Department but in his everyday practice. For example, Judge Chertoff served as special counsel to the New Jersey Senate Judiciary Committee in its investigation of racial profiling.

Under his counsel, the committee held nine hearings examining racial profiling allegations, concluding that the former attorney general had misled the committee and had attempted to cover up the extent of racial profiling in New Jersey from the U.S. Department of Justice.

After a convicted rapist was mistakenly released from prison, Mr. Chertoff again served as special counsel for the New Jersey Senate Judiciary Committee during its hearings into the application of Megan's Law, which requires State correction officials to notify prosecutors 90 days prior to the release of a sex offender, and the reasons why it was not being systematically employed by the State.

Mr. Chertoff also represented three indigent defendants on death row in Arkansas through a program operated by the NAACP Legal Defense Fund. The death sentences of all three defendants were overturned on the appeal that he handled.

I understand that Judge Chertoff received the unanimous approval of the Homeland Security and Governmental Affairs Committee, with one member voting ''present.'' I believe that this is not only a reflection on the judge's credentials but a realization that securing the homeland is not a partisan issue, but a commitment by the Government to its people that we will find the best leaders to defend our Nation. Judge Chertoff time and time again has set the standard by which others will have to follow.

Mr. President, it has been my privilege to know Judge Chertoff for a number of years and I can honestly say that the President has made an inspired decision in this nomination.

Mr. SALAZAR. Mr. President, I rise today to discuss the nomination of Judge Michael Chertoff to be our Nation's second Homeland Security Secretary.

Our next Homeland Security chief will face a number of urgent challenges. I believe the most pressing of those will be better coordinating our Federal, State and local homeland security personnel.

When I was Colorado's attorney general, I started a new effort to bring district attorneys, police departments and sheriffs together to foster interagency cooperation. That was tough, but it allowed us to coordinate and fund better law enforcement training, and better prosecute gang violence, fight senior financial fraud, establish school hotlines and many other vital efforts to fight crime that knows no jurisdictional boundaries.

The challenge for DHS is, of course, even larger.

Unfortunately, 3 years after 9/11 there is a huge gap between Washington and our first responders on the ground. In his fiscal year 2006 budget, the President proposed consolidating and reducing funding for State and local heroes.

At a time when our law enforcement agencies are being asked to do more with less, the President apparently believes they should have even less. The President's budget for next year eliminates funding for new hires under the COPS grants, which have helped to put 1,289 additional officers on the streets in Colorado. The President's budget also calls for a 24 percent cut in homeland security grants to States and a complete elimination of grants to rural fire fighters.

At the same time, the Homeland Security grant money that is available is not flowing effectively to State and local agencies. Police, fire and emergency medical departments are not getting the help they need. Worse yet, critical anti-terrorism intelligence is not getting to the law enforcement personnel on the ground who can act on it.

I met with Mike Chertoff and he promised me that he would work to better coordinate Federal, State and local agencies. I appreciated his candor in our meeting, but I am very disappointed to see his unwillingness to respond to a series of very straightforward questions posed by Senators Levin and Lieberman.

Here is why this matters: we need a straight-shooting and straight-talking person in this job. Judge Chertoff will face the awesome task of wrangling the 180,000 employees and 22 agencies that form the Department of Homeland Security. Secretary Tom Ridge started the process of cutting the bureaucratic red tape and integrating the department. DHS took a number of steps, including establishing an Operational Integration Staff, but a great deal is still left to do.

Judge Chertoff has experience moving unwieldy bureaucracy in times of crisis. As Assistant Attorney General of the Criminal Division of the Department of Justice from 2001–2003, Chertoff shared information and coordinated antiterrorism efforts not only across DOJ, but also with DHS and foreign law enforcement. Chertoff also pushed resources to the field where they were needed most.

Chertoff was essentially the Nation's attorney as it prosecuted the war on terrorism. I know a little about this. As Colorado's former top attorney, I can tell my colleagues that one needs a

good lawyer to fight crime and prevent terror.

Chertoff will also have to balance the need to fight terrorism with the need to preserve our freedom.

This is a difficult balance to achieve. In the last few years, we have faced some difficult choices. The administration has detained terrorism suspects for long periods without access to an attorney. They have tried to use military tribunals instead of civilian courts. And worst of all, the administration's uneven record on adherence to the Geneva Convention and on the use of torture is an affront to our American ideals.

Chertoff has expressed his belief that torture is wrong. He expressed his philosophy during his confirmation hearing: ''We cannot live in liberty without security, but we would not want to live in security without liberty.''

Judge Chertoff has said all the right things about preserving civil liberties. But we will face numerous threats to our security over the next 4 years, and we will be faced with even tougher choices. It is my sincere hope that Chertoff will do a better job than his predecessors have done in allowing us to live with both security and liberty.

What strikes me most about Mike Chertoff is his commitment to public service. Two years ago, Chertoff was confirmed for a lifetime appointment to the 3rd U.S. Circuit Court of Appeals. Chertoff could easily have kept that seat forever, but he stepped down from that secure job to face another political gauntlet. In short, when duty called, Judge Chertoff answered.

You could not ask for a tougher job in Washington than Homeland Security Secretary. I am hopeful Judge Chertoff is the right person for the job.

Mr. CORZINE. Mr. President, I rise today in strong support of the confirmation of Michael Chertoff to be Secretary of Homeland Security. He is an extraordinary professional and a remarkably talented lawyer. He is highly intelligent, honorable, and impartial. He is also a straight shooter, which is exactly what we need right now in this position. He is also a personal friend.

Mr. Chertoff has impeccable credentials—not the least of which is being a native New Jerseyan. He attended Harvard College and Harvard Law School, where he was editor of the Harvard Law Review. He then served as a Supreme Court law clerk. In private practice and public service, he developed a reputation as a brilliant, tough, fair, and truly world class litigator, and earned the respect of his peers and adversaries. Indeed, one New Jersey paper has even suggested he might be New Jersey's ''Lawyer Laureate.''

In recent years, Judge Chertoff has served as Assistant Attorney General for the Criminal Division and circuit judge for the Third Circuit. In each of these capacities and throughout his career, he has served our Nation exceptionally well. So when Judge Chertoff told me recently that this position, as Secretary of Homeland Security, is the most important task he has ever undertaken in his public career, I took notice. Given his commitment to public service and the distinguished results of his remarkable career, this statement speaks for itself.

I wish to emphasize one particular aspect of Judge Chertoff's career: his role in helping the New Jersey State legislature investigate racial profiling. As special counsel to the State senate Judiciary Committee, he led the committee probe into how top State officials handled racial profiling by the State Police. His work was bipartisan, objective, balanced, and thoroughly professional, and helped expose the fact that for too long, State authorities were aware that statistics showed minority motorists were being treated unequally by some law enforcement officials, and yet ignored the problem. This landmark racial profiling investigation demonstrated Judge Chertoff's ability to balance the State's responsibility to provide for the public safety with protecting our citizens' civil liberties.

Judge Chertoff is uniquely positioned to undertake the enormous challenges that come with the position of Secretary of Homeland Security. Particularly important to the citizens of New Jersey is his understanding of the critical importance of allocating our homeland security resources to those areas of the country where the risks and vulnerabilities are greatest.

New Jersey is on the front lines of terrorism. We lost 700 people on September 11, 2001. Two of the 9/11 terrorists were based in New Jersey, and the anthrax that hit this institution originated in New Jersey. The Post Office in Hamilton, NJ, where the anthrax was sent, has taken years to clean up and will finally reopen next week. The costs are expected to be $72 million for decontamination and $27 million for the refurbishment of the facility.

Newark Liberty Airport, and Port Newark, and the Ports of Philadelphia and Camden are critical vulnerabilities. New Jersey is home to rail lines, bridges, and tunnels to New York City, as well as chemical plants and nuclear facilities. Atlantic City has the second highest concentration of casinos in the country, and between tourists and those who work there, is visited by as many as 300,000 people.

Wall Street and other financial services firms house important front and back office operations, including clearance and settlement services, and other operations essential to the functioning of America's capital markets in Newark, Jersey City, and Hoboken. And, last summer, Newark was one of three locations including New York City and Washington, DC—that was put on Orange Alert for a possible terrorist attack as intelligence suggested that the Prudential building in downtown Newark could be a target.

Yet despite these growing threats to New Jersey from anthrax to the Orange Alert, and the ever-expanding costs associated with protecting the most densely populated State in the country—remarkably homeland security grants to New Jersey were cut in 2005.

Funding was reduced from $93 million in 2004 to $61 million in 2005. Newark will see a 17-percent reduction in funds, from $14.9 million to $12.4 million. And, incredibly, Jersey City's homeland security funds will drop by 60 percent, from $17 million in 2004 to $6.7 million in 2005.

These cuts leave New Jersey home of countless companies and people who keep our economic engine moving; home of one of the most active and exposed ports in the country; home of one of the busiest airports in America; home of our Nation's new Homeland Security Secretary—36th in the Nation in per capita homeland security funding.

I was pleased that the President's budget called for an allocation of homeland security funding based on risk and vulnerability. This commonsense approach mirrors the recommendations of the 9/11 Commission.

Senator FRANK LAUTENBERG and I have introduced legislation that would require that homeland security funding be allocated along these lines. This bill grants the Department of Homeland Security the authority it needs to keep us safe and will allow Michael Chertoff to be an outstanding Secretary of Homeland Security.

Judge Chertoff also understands the critical importance of protecting our chemical facilities. Only a week ago, the former Deputy Homeland Security Advisor to the President testified to this committee that industrial chemicals are ''acutely vulnerable and almost uniquely dangerous,'' presenting a ''mass-casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large, occupied buildings.'' He added that chemical plant security ''should be the highest critical infrastructure protection priority for the Department of Homeland Security in the next two years.''

There are other critical issues that the nominee will face and that I am confident he is prepared to take on. Our rail lines are woefully unprotected and recent accidents have demonstrated the risk that rail transport of toxic chemicals could be attacked by terrorists. There is important work remaining at TSA, where airport screening is far from complete and where too little attention has been paid to ground transportation.

And the Department of Homeland Security has not yet adequately confronted the vulnerabilities of our ports.

The checklist is long and the issues complex. And in my view, Judge Chertoff is the best person to address them.

One of the critical issues to be addressed by the new Secretary of Homeland Security will be civil liberties. I strongly believe that we as a nation can be both secure and free. Given Judge Chertoff's work on racial profiling in New Jersey, I am confident that he will pursue law enforcement strategies that are both effective and unbiased. His stated commitment to respecting recent Supreme Court decisions on detainees assures me that he will always pursue terrorists within the context of our laws and treaty obligations. And his public as well as private calls for a new approach to detainees is indicative of a thoughtful and open-minded professional.

While I fully understand the concerns raised by my colleague from Michigan, I am disappointed that it delayed this confirmation vote. The Congress has an obligation to oversee how this administration is treating detainees, in Guantanamo and around the world. Access to FBI memoranda on this topic are critical to this oversight. But this particular document has nothing to do with Judge Chertoff's qualifications for this critical position. Indeed, I have confidence that Judge Chertoff—who has called for more open discussion on the topic of detention—will work closely with Congress so that we can come to a full understanding of what has happened and where we go from here.

No one knows what the future may bring. The terrorist threat shifts, and we are constantly learning about new vulnerabilities. At this critical moment, I believe that Judge Chertoff has the kind of commitment, intellect, and imagination that we need as someone who is focused on keeping us safe, as someone who understands that homeland security means identifying the greatest risks and vulnerabilities and making them a priority, as someone who recognizes that, in protecting ourselves, we cannot sacrifice our basic principles and values. Mr. President, I am confident that Michael Chertoff is that person.

Mr. DURBIN. Mr. President, I rise today in support of the nomination of Judge Michael Chertoff to be the new Secretary for the Department of Homeland Security.

Make no mistake, I believe the challenges facing Judge Chertoff at the 2-year-old Department are monumental. They include negotiating turf battles with other powerful Cabinet Secretaries and ensuring that 22 formerly disparate Federal agencies, with a combined workforce of 180,000 employees, work together under one central structure. In addition, Judge Chertoff will be responsible for protecting our Nation's critical infrastructure and for improving information sharing among law enforcement agencies—without intruding unnecessarily on individual privacy rights. It is a daunting assignment, but I believe Judge Chertoff is up to it.

When Senator OBAMA and I met with Judge Chertoff last week, we discussed several issues of concern to us, and Judge Chertoff assured us that he will address these issues. Among my key concerns are the new personnel rules for Department of Homeland Security employees. I believe the new rules are far too restrictive when it comes to collective bargaining, pay negotiations, and adjudicating grievances. The situation at DHS has become even more important since the Bush administration announced its intention to give agencies across the Federal Government the option of creating similar human resource policies. Judge Chertoff said he would sit down with the workers who will be affected by the rules to listen to their concerns and suggestions. It is important that he do so. As Judge Chertoff told Senator OBAMA and me:

> It's important to have a happy and satisfied workforce. This is not going to work if people in the department feel like they're being wronged.

Another issue Judge Chertoff promised to look into is the effort to integrate the separate fingerprint data bases maintained by the Department of Homeland Security and the FBI. Merging these two systems into a single, integrated system is not simply a good idea, it is a congressional mandate. Yet, a recent report by the Justice Department's Inspector General concluded that the efforts to achieve a fully integrated biometric fingerprint ID system have stalled. As one who has pushed for such a system, I am deeply troubled by that assessment. More than three 3 years after 9/11, it is unacceptable that this critical improvement to our homeland security still had not been accomplished. Judge Chertoff said the American people ''would go ballistic if we can't get things to mesh.'' He is right and the American people have every right to be angry. This must get done. I take Judge Chertoff at his word when he says he will make development of an integrated biometric fingerprint ID system a priority.

Judge Chertoff also promised to look into another possible threat to our homeland security, and that is the apparent ease with which an ordinary citizen can obtain an airline pilot's uniform. This threat was documented recently by a Chicago TV reporter. Astonishingly, the reporter found that he could purchase an authentic pilot's uniform online—with no identification—and the uniform would be delivered to his doorstep in 48 hours. How can this happen in a post-9/11 world? Senator OBAMA and I have asked the Senate Homeland Security and Governmental Affairs Committee and the Transportation Security Administration to answer that question. We will be looking for answers.

I look forward to working with Judge Chertoff on several issues of particular importance to Illinois. Among them is a Microbial Risk Assessment Center, which has been proposed by the University of Chicago and would serve as the national clearinghouse to assess risks from anthrax, smallpox, plague, and other possible bioterror threats.

In addition, the city of Chicago has developed a state-of-the-art command center where personnel from the city's police, fire, and rescue departments and representatives of the city's business community work together in one room to monitor the city and, if necessary, respond jointly to disasters. I believe this command center could serve as a national model, and I encourage Judge Chertoff to examine its structure and successes.

My decision to support Judge Chertoff is the result of serious deliberation. While I am impressed by his record and his openness, I also have some concerns about the role Judge Chertoff played in developing certain administration policies while he served as the head of the Justice Department's Criminal Division. In that capacity, Judge Chertoff helped to craft high-profile initiatives that explicitly targeted Arabs and Muslims and resulted in the detention of thousands of people. In the aftermath of the 9/11 terrorist attacks, the Justice Department rounded up at least 1,200 immigrants, the vast majority of whom were Arab or Muslim. The Justice Department's Inspector General found that none of these detainees—not one—was charged with a terrorist-related offense, and that the decision to detain them was ''extremely attenuated'' from the 9/11 investigation. The Inspector General also found that detainees were subjected to harsh conditions of confinement and that some were subjected to ''a pattern of physical and verbal abuse.''

Judge Chertoff also was tangentially involved in the Justice Department's efforts to legalize abusive interrogation tactics. He reviewed the infamous Justice Department ''torture memo'' and provided advice on complying with the antitorture statute, but he told me that he did not provide advice on the legality of any specific interrogation methods.

The Justice Department's ''torture memo'' narrowly and, I believe, incorrectly redefined torture as limited only to abuse that causes pain equivalent to organ failure or death, and concluded that the antitorture statute does not apply to interrogations conducted under the President's so-called Commander in Chief authority.

This tortured effort to justify torture helped to create a permissive environment that made it more likely that

abuses of detainees would take place and made it possible for the horrors we have since learned about at Guantanamo Bay, Cuba and the Abu Ghraib prison in Iraq. What happened in these places, I believe, has damaged our image and called into question our moral authority in some places and it has increased—not diminished—the dangers our troops and our citizens face in this age of terrorism.

Unlike many other administration officials, however, Judge Chertoff has acknowledged that the Government made mistakes in the aftermath of 9/11. He told me that he opposes ethnic and religious profiling and he is committed to treating all immigrants fairly and to complying with all laws regarding the humane treatment of detainees.

I take him at his word. I will expect Judge Chertoff, as Secretary of Homeland Security, to balance America's need for security and our respect for civil rights and our heritage as a nation of immigrants. There are practical reasons, in addition to the legal reasons, for seeking such balance. Detaining large numbers of Arab and Muslim immigrants involves a massive investment of law enforcement resources with little no return, and it creates fear and resentment of law enforcement in exactly the immigrant communities whose cooperation we need to defeat terrorism.

Finally, Judge Chertoff assured me that he will maintain open lines of communication with Congress so that Congress can fulfill its constitutional requirement to oversee whether, and how well, the Department is implementing the laws this body passes.

For all of these reasons and because of his record of public service and his candor during this confirmation process, I will support Judge Chertoff's nomination to be America's next Secretary of Homeland Security. I look forward to working with him to make America safer in ways that are consistent with our national values and heritage, and I wish Judge Chertoff the best of luck as he begins his important new assignment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this Senator from New Mexico has known Mr. Chertoff for a long time. I have been familiar with him professionally, primarily when he was legal counsel for a committee on which I served. In that capacity, I got to know his professional qualities, his intellect, his care in interpreting both the law and facts, and I am absolutely positive that he is going to make a superb head for this very complicated Department of Homeland Security.

Mr. Chertoff is a lawyer by trade and a judge by promotion within the profession of advocacy. Now, regardless of the profession or experiences of the person nominated to this position, there might have been some who asked: Why not some other particular area of expertise? That could be asked in this case. But I am quite sure that when one looks at the myriad of problems addressed by and the kind of intellect, commitment, and most of all, integrity that Judge Chertoff has, it is clear that he is going to do a superb job on behalf of our country and the safety of our homeland.

My compliments to the President for sending this nomination to the committee, headed by Senator COLLINS, that reported him out quickly, and to the Senate for overwhelmingly voting for him today. I salute Judge Chertoff and wish him the best. I hope he is able to handle this job with the same kind of excellence that he has handled all the other jobs we have given him.

He has plenty of help, which he will need. This is not a job he can do alone. It is a very big agency, and I hope everybody who works there will be part of his team as he works to make Homeland Security operate in a way that is efficient and good for our country and for our people.

I yield the floor.

Mrs. CLINTON. Mr. President, when the time comes I intend to vote in favor of Judge Chertoff's nomination to be Secretary of Homeland Security. There is no position in government of greater importance to the security of our country and of my home State of New York. And so I am glad that the Senate has agreed to devote some time to a discussion of the important issues that the next Secretary of Homeland Security will face.

Let me say at the outset that I have some serious concerns about this nomination. These concerns have nothing to do with Judge Chertoff's personal abilities: his professional and intellectual qualifications are beyond question, as is his commitment to public service. Rather, my concerns are based on the misguided and constitutionally infirm policies that have been drafted by the Department of Justice and implemented by the Administration in its prosecution of the war on terror and in the conflicts in Afghanistan and Iraq. Judge Chertoff was a senior DOJ official at the time that these policies were created. Because he is being nominated to a position for which respect for Constitutional and treaty obligations is especially important, his role in the formation of these policies is therefore worthy of careful scrutiny.

My primary concern relates to those policies that have undercut and placed our men and women in uniform in greater danger and diminished our standing in the international community. I feel a particular personal obligation as a member of the Armed Services Committee to do my utmost to ensure that our government does not do anything that unnecessarily puts our troops in harm's way, that diminishes our standing among our allies, or that blurs the values that distinguish us from our depraved and nihilistic enemies.

The August 1, 2002 memo from the Department of Justice's Office of Legal Counsel, with its absurdly narrow definition of torture, is the most shocking and well-known example of the administration's attempt to radically weaken this country's commitment to treat all prisoners and detainees humanely and in accordance with international agreements. Another oft-cited example is Attorney General Gonzales' January 2002 advice to President Bush that the ''war on terrorism'' offers a ''new paradigm [that] renders obsolete'' the Geneva Convention's protections.

I am satisfied by Judge Chertoff's testimony that, as Assistant Attorney General for the Criminal Division, he did not provide legal advice that strayed below the standard that is expected from senior members of the Justice Department. He testified that executive branch officials sought his views on the practical application of laws prohibiting torture and on specific techniques. And he testified that torture is illegal and wrong and that he does not believe that the definition of torture in the August 1, 2002 OLC memo is broad enough. He testified that he told executive branch officials to ''be sure that you have good faith and you've operated diligently to make sure what you are considering doing is well within the law.'' Regarding specific techniques, Judge Chertoff testified that, ''I was not prepared to say to people, to approve things in advance, or to give people speculative opinions that they might later take as some kind of a license to do something.''

These responses suggest that Judge Chertoff appreciates the importance of upholding America's long tradition of treating prisoners humanely, and of respecting international agreements that protect our men and women in uniform as well as our standing in the international community. While I would have preferred that Judge Chertoff had argued his point to the administration more forcefully, I am satisfied that he did not actively promote these wrongheaded, immoral, and counterproductive policies.

Another important concern arises from the Justice Department's treatment of more than 750 aliens detained immediately following the attacks of September 11. The department's own inspector general released a report in 2003 that acknowledged the ''difficult circumstances'' in which the department found itself, but concluded there were ''significant problems in the way that the September 11 detainees were treated.'' Among those problems were significant delays in the FBI's clearance process, hindrances in access to legal counsel, and verbal and physical

abuse of detainees. The report specifically finds that the Justice Department, including Judge Chertoff, was aware of the FBI's clearance problems at the time. In fact, Judge Chertoff testified that he inquired with the FBI about the clearance delays, but the FBI's resources were ''stretched.'' The inspector general found that the Justice Department should have done more once it learned of the detainee-related problems.

When asked about this report at his confirmation hearing, Judge Chertoff acknowledged that there were ''imperfections'' in the executive branch's response. He testified that he was unaware at the time of the hindrances in detainees' access to counsel, that he was unaware of the verbal and physical abuse, and that such mistreatment is inappropriate and should not have happened. He also stated the importance of learning from experience.

I am disappointed that Judge Chertoff did not express greater regret for the department's role in the mistreatment of detainees, and that he did not testify in detail as to the status of the implementation of the inspector general's recommended 21 reforms. Nonetheless, his responses to this line of questioning are not, in my view, sufficient to oppose his nomination. I hope that Judge Chertoff will bring to bear the lessons we have learned from this experience and work to ensure appropriate reforms are successfully carried out.

After careful consideration, I am satisfied by Judge Chertoff's answers to the Senate Homeland Security and Governmental Affairs Committee regarding his conduct at the Justice Department. Despite the egregious missteps the department made during his tenure, I do not believe that his performance there disqualifies him from serving as the next Secretary of the Department of Homeland Security. And in view of his testimony and of his exceptional record during his short time on the Federal bench, I believe that Judge Chertoff understands that the next Secretary of Homeland Security must be both unflagging in his efforts to protect us from terrorist attack and steadfast in his respect for our Constitutional order.

I also believe that Judge Chertoff has a good understanding of the issues and challenges facing the Department of Homeland Security. Perhaps the biggest challenge awaiting him is the taming of the enormous bureaucratic tangle that is the current department. If confirmed, Judge Chertoff will become the head of a department that was created via the integration of 22 separate agencies and 180,000 employees. These agencies and employees engage in a wide range of activities related to securing the homeland, and they need a steady and firm hand on the tiller. They also need a creative leader who can cut through bureaucratic entanglement and get things done. As Secretary, Judge Chertoff's central task will be setting priorities and getting a vast bureaucracy to work efficiently and in a unified fashion.

I am hopeful Judge Chertoff's well-documented intellectual abilities and his long experience as a public servant will serve him well as he moves from the role of Federal judge to the head of such a large and demanding Department. He pledged at his confirmation hearing to work ''tirelessly'' to safeguard the nation. I hope he follows through on that pledge in a variety of areas of critical importance. He will need to devote substantial energy and political capital if he is to help this still nascent Department develop to its full potential and render all Americans as safe and as secure in their liberties as possible.

I am encouraged that Judge Chertoff and I agree on a number of specific challenges facing the Department of Homeland Security. One of these issues—Federal funding formulas for state and local preparedness—is essential to protecting the homeland. I have repeatedly called upon the administration and my colleagues to implement threat-based homeland security funding, so that homeland security resources go to the states and areas where they are needed most. I have introduced legislation in this regard and even developed a specific homeland security formula for administration officials to consider.

The latest iteration of that proposal is contained in my Domestic Defense Fund Act of 2005, which I introduced on the first legislative day of this Congress. Modeled on the Community Development Block Grant program, the Domestic Defense Fund of 2005 provides $7 billion in annual funding to local communities, States, and first responders. The act requires that all of that funding be allocated using threat, risk, and vulnerability-based criteria that homeland security experts—including the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senators Gary Hart and Warren Rudman, and the National Commission on Terrorist Attacks Upon the United States—have long recommended.

I was heartened to hear Judge Chertoff testify at his confirmation hearing, that ''I think we have to have a formula for funding and a formula for lending assistance to State and local governments across the board that takes account of the reality of vulnerabilities and risks and making sure that we're making a fair allocation.'' Judge Chertoff also stated this view when I met with him. His unequivocal support for threat- and vulnerability-based funding is important for New York, and for the Nation.

Another issue on which Judge Chertoff and I agree is the need for greater sharing of terrorist-related information between and among Federal, State, and local government agencies. In the immediate aftermath of the 9/11 terrorist attacks, I worked with a number of my colleagues in the Senate on a bi-partisan basis in focusing on this need. As I noted in my remarks on the passage of the Intelligence Reform and Terrorism Prevention Act of 2004, the sharing of critical intelligence information is vitally important if we are to win the War against terrorism. We need to ensure that our front line solders in the war against terrorism here at home—our local communities and our first responders—are as informed as possible about any possible threat so that they can do the best job possible to protect all Americans. It is vital for New York City and other local communities across New York State and the Nation to receive accurate and timely information from the department when a potential threat emerges. It is equally important that local communities on the front lines serve as valuable sources of information for the Federal Government.

I was pleased to learn that Judge Chertoff testified at his confirmation hearing that his personal experiences as an Assistant United States Attorney, a United States Attorney and as head of the Criminal Division on September 11, give him a thorough appreciation and respect for State and local perspectives. In his testimony, he described ''negotiating cooperation with our state and local government officials'' as one of ''the central elements of the war against terrorism. . . .'' He repeatedly referred to the need to work in partnership with State and local government.

I could not agree more. The Federal Government cannot, and should not, go it alone when it comes to securing the homeland. States and local communities must be full partners. Much more needs to be done, but Judge Chertoff's testimony demonstrates that he understands the importance of this area as a key to homeland security.

I also find it encouraging that Judge Chertoff testified that he is ''acutely aware'' of the importance of allocating resources to secure our ports. Needless to say, having a secretary of homeland security who understands the importance of the Port of New York and New Jersey is likely to be a good thing for New Yorkers, and for the entire country.

There has been little evidence to date that administration is interested in using a threat-based formula for allocating resources. Indeed, in Fiscal Year 2004, when the Administration had the opportunity to employ such a formula in allocating funds under the State Homeland Security Grant Program, SHGP, and the Law Enforcement Terrorism Prevention, LETP, grant program, it affirmatively chose not to do

so, despite pleas from me and many members of Congress on both sides of the aisle. Again in Fiscal Year 2005, there was no significant effort on the part of the administration to use a threat-based formula.

I wrote President Bush imploring him to work with the House and Senate leadership on the issue of homeland security funding, but language was inserted in the Fiscal Year 2005 Homeland Security Appropriations Act to require that SHGP and LETP funds be allocated in that fiscal year as the administration chose to allocate funds in Fiscal Year 2004, which, unfortunately, was on the basis of population alone. Every homeland security expert I know has said that this makes no sense. If the terrorists are looking at things such as the presence and vulnerability of critical infrastructures as well as population and population densities, so should we.

This year, the administration is again talking a good game on homeland security grant formulas. The Fiscal Year 2006 budget request calls for more than $1 billion in grants to States for the purpose of enhancing capabilities to prevent, deter, respond to and recover from acts of terrorism, to be allocated by the Secretary of Homeland Security ''based on risks, threats, vulnerabilities, and unmet essential capabilities,'' with a 0.25 percent State minimum. In addition, more than $1 billion would go for grants to urban areas, for the same purpose, and on the same basis—minus, of course, a State minimum.

This is a step in the right direction, but we need to allocate much more funding for this purpose. Whether through direct funding—which I continue to believe is the best way to disburse homeland security funding to many communities—or funding that is sent to the states and passed through to local communities, the Federal Government should be disbursing the homeland security state and local funds to communities according to a threat- and vulnerability-based formula.

In addition, my Domestic Defense Fund Act makes it explicit that the funding provided for in my proposed legislation will not supplant or be in lieu of funding for traditional first responders programs, such as the Community Oriented Policing Services, COPS, program and the Assistance to Fire Fighters, FIRE, Act program. These Federal programs have proven successful in helping first responders perform traditional functions, such as fighting crime and responding to fires.

Unfortunately, the Fiscal Year 2006 budget request seeks to cut or eliminate a number of these essential first responder programs. Under the President's proposed budget, funding for the COPS program is reduced from $379 million to $118 million nationally, which comes on top of previous years' cuts for the COPS program, which once received more than $1.5 billion in funding. And absolutely no funding is proposed for the COPS Universal Hiring Program, the COPS MORE program, COPS in Schools program, or the COPS Interoperable Communications Technology Program.

The Fiscal Year 2006 budget request also proposes no funding for the Edward Byrne Memorial Justice Assistance Grant program, named after a New York City police officer killed in the line of duty, and the Local Law Enforcement Block Grant program. These programs in the past have provided states and local governments with Federal funds to support efforts to reduce crime and increase public safety, such as enhancing security measures around schools, establishing or supporting drug courts, and preventing violent and/or drug-related crime.

I find that shameful, especially as our fire fighters, police officers, emergency service workers and other first responders continue to be on the front lines of our nation's homeland defense. It is imperative that Judge Chertoff, if confirmed, stand by his philosophy of risk-based allocation and appreciation for the role of state and local partners when he prepares his department's budget in coming years.

In fact, the outcome of a number of homeland security imperatives will depend to a significant extent on Judge Chertoff's willingness to fight hard during the budget process. A good example of this is the addition of new border patrol agents mandated in the recently enacted Intelligence Reform and Terrorism Prevention Act of 2004. If the goals of this legislation are realized, the security of the northern border would be improved, a result I have worked for since 2001. Among many provisions, the act calls for an increase of at least 10,000 border patrol agents from Fiscal Years 2006 through 2010, many of whom will be dedicated specifically to our northern border. And yet the FY06 budget request did not come close to seeking the 2,000 new border patrol agents authorized for this year. Judge Chertoff must be willing to fight hard for full funding of this and other programs essential to the department's mission.

I appreciate that Judge Chertoff understands the critical importance of securing chemical facilities. There are hundreds of chemical plants in the United States where a terrorist attack could threaten more than 100,000 Americans with exposure to toxic chemicals. This is a homeland security vulnerability that has been recognized by many, yet we still have no mandatory Federal standards for chemical plants, and the Department of Homeland Security lacks authority to put such standards in place. Until Congress provides the department with such authority, Americans will continue to rely on voluntary security measures at chemical plants, which have been repeatedly shown to be lax.

I believe that the best solution to this problem would be to enact the Chemical Security Act that I have sponsored with Senator CORZINE. However, in order to pass this or other chemical plant security legislation, we will need stronger support from the administration and from the Secretary of Homeland Security than we have had in the past. That is why I was encouraged by Judge Chertoff's testimony that he is aware of the significant risk of that sector based on his personal experience. He also testified that ''the Federal Government needs to be able to use a whole range of tools to bring the industry up to an appropriate standard'' and that ''the President has indicated that he supports, if necessary, the use of authorities to require chemical companies to come up to certain standards, with appropriate penalties if they don't do so.''

Thus, on balance, my personal exchange with Judge Chertoff—and the testimony he gave during his confirmation hearing—speak of his commitment to threat- and vulnerability-based funding, his keen awareness of other vital homeland security issues for New Yorkers, and his intent to work tirelessly. He is from New Jersey and knows the homeland security needs of the region from personal experience. Ultimately, his roots in the region, his personal experiences, and his expressions of commitment to policies that are essential to the security of New Yorkers, are decisive factors in my decision to vote to confirm.

One of the lessons we have learned since September 11 is that constant vigilance is required of the Congress; oversight and accountability must be our watch words. Oversight requires us to demand that the rule of law be respected by the executive branch, and that we do not countenance the flouting of the law or of treaties. It requires us to hold the executive branch truly accountable for its actions. If we have learned anything since that September day in 2001, particularly with respect to this administration, it is the timeless truth that ''eternal vigilance is the price of liberty.''

It has been said before, but it bears repeating—our Nation faces a new kind of challenge to our way of life. I have no doubt we will overcome this challenge, but it will only be overcome through maintaining and strengthening our civil society and our commitment to being a force for decency and respect for law in the world.

Judge Chertoff testified that, as Secretary, he will ''be mindful of the need to reconcile the imperatives of security with the preservation of liberty and privacy.'' I agree that one of the central dilemmas of our time is balancing

security with liberty and privacy. As the 9/11 Commission said, ''Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.'' I believe that Judge Chertoff is professionally qualified to be Secretary of Homeland Security, and that he understands and respects the values that the Secretary works to defend. Therefore, I will be voting in favor of his confirmation.

Mr. CORNYN. Mr. President, I thank Judge Michael Chertoff for having the courage to take on the challenging tasks of leading the Department of Homeland Security. He is an ideal nominee for this position, and I look forward to working with him and other department officials to ensure that we have the best possible border and port security, cyber security, and efficient distribution of DHS resources and personnel.

There are several issues that we need to address in the short term, particularly in the areas of state homeland security grants and cyber security.

For the last 4 years, the Department of Homeland Security has provided billions of dollars throughout the country to prevent, prepare for, and respond to acts of terrorism. There are several effective first responder grant programs that have raised our nation's overall level of preparedness and ability to react to all manner of disasters.

However, many of the funds distributed to states and local Governments have been allocated by formulas that fail to take into consideration actual needs or are not based on real risks of terrorism. It is time that Congress reexamine the methods of distributing these critical preparedness funds. In order to adequately secure the nation against terrorist attacks, the Federal Government must strategically distribute grants to states and local governments in an efficient manner and to the places where they will be most effective. Congress must take the lead in reforming the system for distributing these funds based on actual threats and vulnerabilities and enable Federal agencies to target critical gaps in state and local terrorism prevention and preparedness capabilities.

We know that terrorists seek to strike the U.S. where it will do the most damage, either in terms of American lives or our country's economy and vital assets. Of course, we should make sure that our population centers are protected, but that does not mean that funds should only go to urban areas. When it comes to protecting our economy and vulnerable critical infrastructure, we need to be mindful of protecting all the vital components of these systems. Taking the U.S. food supply as an example, this would mean securing both up and down stream components, from agriculture and food production systems to the ports that ship products in and out of the country.

By targeting terrorism preparedness funds to the communities and components of the economy that are most at risk, the whole country benefits.

And looking beyond traditional terrorism preparedness, in this age of the Internet and globally interconnected computer systems, securing the Nation's borders no longer includes just land, air and sea, but also cyberspace. As a result, it is critical that the federal government provide strong leadership in cyber security by securing its computer systems and adequately safeguarding key components in our national infrastructure—including the systems the country relies upon that link water, utility, communications, transportation and financial networks.

I am encouraged that Judge Chertoff, has committed to closely examining the agency's role in cyber security to ensure it is doing everything possible in this critical mission. Toward that goal, we should elevate the issue of cyber security within the agency and create the position of Assistant Secretary of Cyber Security.

We made important strides toward making America safer with the recently enacted Intelligence Reform Bill, but we cannot claim to have finished the job of improving our intelligence capability and homeland security until we deal comprehensively with the need for enhanced cyber security. An organized cyber attack would disrupt national security, halt the production and distribution of needed goods and services, and threaten the very fabric of our Nation's economy.

Unfortunately, cyber security is an area that tends to be overlooked in the discussion of homeland security. First responders to a cyber security attack on America have far different needs and functions than traditional first responders. They require a clear and visible leadership within DHS to organize and maintain our security. Given the dynamic and ever-expanding threats in the area of cyber security, an Assistant Secretary of Cyber Security will provide DHS with an enhanced ability to interact, influence, and coordinate targeted cyber security missions across all areas of our infrastructure.

The effort to secure our nation will not be complete until all aspects of vulnerability to terrorists are recognized. This is true for all our national borders; on land, air, sea, and cyber space. Recognizing that threat is an important step, but we must now make every effort to prevent the threat from becoming a crippling reality.

I am proud to vote for Judge Chertoff. He has well-deserved bipartisan support, and I am confident he will be able to do the job. As Assistant Attorney General for the Criminal Division of the U.S. Department of Justice, he worked tirelessly following the September 11th attacks, prosecuting those whose specific goal was to kill innocent citizens in New York, Virginia and elsewhere in this country. I look forward to working alongside him on these critical issues, and I am sure he will bring courage and commitment to the serious tasks at hand.

Ms. CANTWELL. Mr. President, the Constitution provides the Senate with a responsibility to evaluate Presidential nominations. This is a responsibility that I take very seriously because the Senate's role ensures strong leadership at the very highest levels of the Federal Government.

Today, the Senate considers the nomination of Judge Michael Chertoff to be Secretary of the Department of Homeland Security. Leading the Department of Homeland Security is not an easy job, and requires an individual with tireless dedication, unending perseverance, and strong leadership.

The Senate Committee on Homeland Security and Governmental Affairs, led by Chairman COLLINS and ranking member LIEBERMAN, conducted a thorough examination of Judge Chertoffs record, and I support the committee's recommendation to endorse his nomination.

The Secretary of the Department of Homeland Security is tasked with a serious responsibility—leading our country's unified effort to secure America and protect the homeland from terrorist attacks. To take this job, Judge Chertoff has walked away from a lifetime appointment to third circuit, a position for which I supported him. I commend him for embracing this new responsibility and answering the call of the President and of all American citizens.

In the wake of the attacks on September 11, our Nation was confronted with a challenge to revamp our homeland security posture and adopt a strategic plan to defend America from global threat of terrorism. Many of our efforts to strengthen homeland security have been successful, and were long overdue. But there are critical networks and infrastructure that need additional attention to reduce their vulnerability to terrorist attacks, such as: our food supply, telecommunications and financial networks, rail transportation infrastructure, and chemical facilities.

In Washington State, we have looked to the Department of Homeland Security to assist us in preparing our first responders and providing them with the financial, training, and information resources they need to meet new security requirements. I would urge Judge Chertoff to continue to work closely with local first responders from my state who are on the front lines of ensuring that Washington's ports, borders, and critical infrastructure are secure.

I am confident that Judge Chertoff will be confirmed today. I am eager to

begin working with him to continue to improve the security of Washington State and all of America's homeland.

Mr. LEAHY. Mr. President, today the Senate will complete the consideration of the nomination of Michael Chertoff to head the Department of Homeland Security.

Judge Chertoff currently serves as a Federal judge on the Court of Appeals for the Third Circuit. This is a lifetime appointment that he has held for a relatively short time and that he will be abandoning to return to executive branch service. I helped expedite and voted in favor of Judge Chertoff when his nomination to the third circuit came to the Senate in 2003.

Before that he was the Assistant Attorney General in charge of the Criminal Division at the Department of Justice. I helped expedite and voted in favor of that nomination in 2001.

I have worked with Mike Chertoff and appreciate his background as a prosecutor. He is very capable. He works hard. What one sees when you consider his career is that much of the time he acts as a consummate professional in our best tradition. Although there have been times when he has shown partisanship in an apparent effort to ''earn his spurs'' with those on the extreme right, it is my hope and expectation that he will bring his better angels with him as he embarks on his new role as Secretary of the Office of Homeland Security. That is not a position that needs or deserves even a hint of partisanship. Indeed, one of the moments that marred Secretary Ridge's tenure was when he stepped out of character to make a blatantly partisan pitch during the run-up to the recent presidential election.

I was astonished when President Bush announced that he had chosen Bernie Kerik to replace Secretary Ridge. When newspapers and news magazines began looking at that nomination, it became apparent that the vetting of that nomination was shoddy and that Mr. Kerik was an unacceptable choice on a number of grounds. That misadventure cost us time and led to Judge Chertoff's nomination being made later than it should have been by the administration.

The Senate has expedited consideration of this nomination. In what I hope is a sign of better days to come and of increased responsiveness, I note that this nominee has responded in kind by seeking to answer in one day's time a letter I sent to him. I appreciate that kind of responsiveness.

In light of his effort, I will excuse his missing the point in failing to respond directly to my first question. I raised with the nominee an aspect of his conversations with representatives of the intelligence community while he was serving as a principal law enforcer charged with prosecutions under the anti-torture law. My question to Judge Chertoff was an opportunity for him to reflect on the inappropriateness of the chief prosecutor advising lawyers for possible investigatory targets regarding how he would apply the law and what might provide a safe harbor when it came to torture.

I commend Senator LEVIN for trying to get to the substance of those conversations during confirmation hearings. Sadly but all too characteristically, the Bush administration has refused to provide him or the Senate with the relevant materials in this regard. I am, likewise, concerned that Mr. Chertoff was not more assertive during discussions with the Office of Legal Counsel as it headed down the wrong road in trying artificially to narrow the definition of torture to provide latitude that contributed to widespread international scandals in our wrongful treatment of prisoners. I wish someone within the Bush administration at the time had stood up for the rule of law and had succeeded in derailing the search directed by Judge Gonzales to create loopholes in our law.

I appreciate that Judge Chertoff has committed to implementing the recommendations of the inspector general with respect to preserving the civil rights of those detained by the Government in his answer to my second question. That inquiry derived from his testimony to the Judiciary Committee in November 2001.

Finally, I asked a series of questions about the so-called ''wall'' between law enforcement investigations and intelligence. The 9/11 Commission report went a long way toward dismantling the myth that former Attorney General Ashcroft had tried to perpetuate. I recall when even President Bush upbraided Attorney General Ashcroft following his assault upon Commissioner Gorelick at the 9/11 Commission hearings.

I pointed out that during the Clinton administration almost one year before September 11, 2001, the Department of Justice Office of Legal Counsel had issued an official memorandum noting the Government's position on ''Sharing Title III Electronic Surveillance Material with the Intelligence Community,'' which concluded that law enforcement officials may share surveillance information with the intelligence community to obtain assistance in preventing, investigating or prosecuting a crime, or where the information was of overriding importance to national security or foreign relations.

As Judge Chertoff recalls, it was Attorney General Ashcroft who adopted measures on January 21, 2000, and it was the memorandum issued by Deputy Attorney General Thompson on August 6, 2001, that governed information sharing in the days leading to the disaster that was September 11. Indeed, Judge Chertoff notes: ''When it was deemed to be appropriate, additional procedures were put in place in specific cases, or in sets of related cases.'' He proceeds to concede that without any change in the law, in the time between September 11 and enactment of the USA PATRIOT Act: ''With court approval, some of these procedures were modified between 9/11 and October 26, 2001, the effective date of the USA PATRIOT Act.''

The 9/11 Commission established during its investigation that in the days and months before September 11, 2001, information sharing requirements and procedures were misunderstood and misapplied at the Department of Justice. I appreciated Judge Chertoff's offering a glimpse into the inner workings of the Ashcroft Justice Department in the days that led up to 9/11 when he noted that there was a ''vigorous internal debate about the appropriate procedures for sharing information collected in foreign intelligence and counterterrorism investigations with criminal agents and prosecutors.'' That ''internal debate'' was unresolved on September 11, 2001, when terrorists struck in New York and at the Pentagon and were thwarted in the sky over Pennsylvania.

When the Justice Department came forward to work with the Senate in the weeks following the attacks, I worked with Mr. Chertoff to ensure that law enforcement and intelligence efforts were better coordinated, and I urged him, the Attorney General and the Director of the FBI to change the culture that had led to destructive and dysfunctional hoarding of essential security information.

I ask unanimous consent that copies of my letter to Judge Chertoff and his response be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 7, 2005.

Hon. MICHAEL CHERTOFF,
United States Court of Appeals for the Third Circuit, Martin Luther King, Jr. Federal Building & U.S. Courthouse, Walnut Street, Newark, NJ.

DEAR JUDGE CHERTOFF: Congratulations on your nomination to head the Department of Homeland Security. While I am somewhat surprised to be considering your nomination to an Executive Branch position so soon after your confirmation to the Federal bench, I respect your commitment to public service. The work of the Department of Homeland Security is crucial to the safety and security of the American people, and there are lingering problems in integrating all of the elements of the department and in making them as effective as we need them to be. Managing DHS is one of the toughest assignments in Washington, and I admire and appreciate your willingness to take it. I feel confident that the vetting problems we saw with respect to the Kerik nomination will not plague yours.

It is regrettable that the Judiciary Committee has not held a hearing and was not

even allowed to participate in a hearing on your nomination. Much of the work of the Department of Homeland Security remains of importance and interest to the Judiciary Committee and within its jurisdiction and expertise.

In connection with our committee's oversight responsibilities as the Senate prepares to debate and vote on your nomination, I would ask you to respond regarding three principal matters.

First, at your confirmation hearing last week, you acknowledged that while serving as head of the Criminal Division, you consulted with lawyers for the intelligence community regarding specific interrogation techniques. I ask that you reflect upon your conduct in which you were apparently discussing the possible application of the criminal anti-torture statute with representatives of agencies whose personnel might be involved in conduct that you might later be called upon to evaluate for prosecution. In hindsight, should you not have refused to engage in those discussions, or referred the agencies to a non-prosecutorial office of the government such as the Office of Legal Counsel?

Second, in your testimony before the Senate Judiciary Committee in November 2001, you stated that the Department of Justice, in its investigation into the September 11 attacks, acted in complete accordance with all statutory and constitutional requirements in place before or after the attack. With what has come to light since then about the treatment of detainees, including the Inspector General's highly critical June 2003 report on that topic, what would you now say about government practices in the months following the 9/11 attacks and how they went wrong? Is it not also true, as indicated in the 9/11 Commission report that information sharing legal requirements and procedures were misunderstood and misapplied before September 11, 2001? Before September 11, 2001, what did you do to improve information sharing between the law enforcement and intelligence communities?

Third, what were the policies and practices of the Department of Justice with respect to information sharing between law enforcement and intelligence functions during the period that you headed the Criminal Division? In particular, what were those policies and practices before September 11, 2001, and how if at all did they change between September 11, 2001, and October 26, 2001, when the USA PATRIOT Act was signed into law? Is it not true that in 2000 the Department's Office of Legal Counsel issued an official memorandum on ''Sharing Title III Electronic Surveillance Material with the Intelligence Community,'' which concluded that law enforcement officials may share surveillance information with the intelligence community to obtain assistance in preventing, investigating or prosecuting a crime, or where the information was of overriding importance to national security or foreign relations?

I look forward to your prompt response.

Sincerely,

PATRICK LEAHY,
Ranking Democratic Member.

POST-HEARING QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR PATRICK LEAHY FOR THE NOMINATION HEARING OF JUDGE MICHAEL CHERTOFF TO BE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

Question: First, at your confirmation hearing last week, you acknowledged that while serving as head of the Criminal Division, you consulted with lawyers for the intelligence community regarding specific interrogation techniques.

I ask that you reflect upon your conduct in which you were apparently discussing the possible application of the criminal anti-torture statute with representatives of agencies whose personnel might be involved in conduct that you might later be called upon to evaluate for prosecution. In hindsight, should you not have refused to engage in those discussions, or referred the agencies to a non-prosecutorial office of the government such as the Office of Legal Counsel?

Answer: As I stated at my confirmation hearing, I was asked to provide my views to other attorneys on how the anti-torture statute would be applied by a prosecutor. My position in response was not to give advance, speculative advice about what could be done; rather, it was to make sure that the lawyers understood that what is likely to be critical to a prosecutor evaluating a potential charge is the honest, good-faith assessment by any interrogators of the effects of what they are doing and how those effects measure against the statute.

I believe it would have been a dereliction of my duty to refuse to assist the Office of Legal Counsel and lawyers from other government agencies. The Office of Legal Counsel, a component separate and distinct from the Criminal Division, was the primary Department of Justice Component responsible for the guidance on the meaning of the anti-torture statute. I understand that, depending on the legal question under analysis, OLC or lawyers from other government agencies on occasion solicit the views of components of the Department that have expertise in the matter under consideration. I believe it was appropriate for the Criminal Division to offer general guidance on application of the law.

Question: Second, in your testimony before the Senate Judiciary Committee in November 2001, you stated that the Department of Justice, in its investigation into the September 11 attacks, acted in complete accordance with all statutory and constitutional requirements in place before or after the attack.

With what has come to light since then about the treatment of detainees, including the Inspector General's highly critical June 2003 report on that topic, what would you now say about government practices in the months following the 9/11 attacks and how they went wrong?

Answer: As explained in the OIG report, I believed that if individuals linked through investigation to the hijackers or terrorism were chargeable with violations of our criminal laws or immigration laws, as enacted by Congress, the government should seek detention in accordance with the applicable law while were investigating to determine if the charged individuals posed an actual threat. In these discussions, I repeatedly emphasized that this policy applied only to those properly chargeable with breaking the law and that detention should be sought consistent with relevant law and regulations.

My understanding is that those detained in the course of the 9/11 investigation were detained with an individualized predicate, meaning, a criminal charge, an immigration violation, or a judicially-issued material witness warrant. There was a legal basis for each detention. The top priority of the Justice Department was preventing another terrorist attack against the American people, and the lawful detention of individuals who were known to have violated immigration laws—like the September 11 attackers themselves—was a reasonable policy.

I acknowledge that the policy could have been implemented better and it will be in the future. I believe that the Government faced an unparalleled challenge on September 11: How to prevent devastating terrorist attacks that might arise at any moment from al-Qaeda ''sleepers'' who had been specifically programmed to disguise themselves, blend into ordinary life, and to exploit existing networks for obtaining phony documents and other means of support. That challenge was compounded by the fact that the September 11 attacks physically crippled the FBI and U.S. Attorney's Office in New York (which were the repositories of much of the Department's antiterrorism expertise at the time) and impaired communication between New York and Washington for a period of time. Furthermore, because the 9/11 conspirators operated in cities and towns across the country, the 9/11 investigation necessitated following and analyzing many thousands of leads generated by numerous FBI field offices, some of which had little previous experience in conducting terrorism investigations. Looking for a terrorist under these circumstances was akin to looking for a needle in a nationwide haystack, but with the needle masquerading as a stalk of hay.

The OIG report identifies concerns that FBI investigative delays or lack of precision in turn led to delays in processing of immigration detainees. In the aftermath of the surprise attack on September 11, the FBI labored under physical and resource constraints in the face of an urgent investigative demand of unprecedented scope. Now, additional resources, training enhancements and reorganizations within the Department and the FBI, as well as the Intelligence Reform Bill—are designed to—and should continue to—increase FBI expertise and capability and streamline coordination, so that in any future nationwide terrorism investigation delays and imprecision will be minimized. Furthermore, I believe that the FBI and DHS should and will continue to build upon their experience to develop and firmly establish appropriate protocols for classifying subjects of terrorism investigations at the appropriate level of concern, setting up appropriate deadlines for notification that a particular detainee is or is no longer a terrorism risk; sharing information between law enforcement and immigration agencies; and finalizing a crisis management plan that clearly delineates each agencies procedures and responsibilities in the event of a national emergency. These enhancements would further reduce the potential for impinging on civil liberties.

Finally, so far as the OIG report identified acts of misconduct by guards at detention facilities these were, of course, wrong, and steps should be taken to assure no such behavior occurs in the future. I believe that DHS and DOJ have implemented some of these proposals and, if confirmed, I will work to further increase their successful implementation.

Question: Is it not also true, as indicated in the 9/11 Commission report that information sharing legal requirements and procedures were misunderstood and misapplied before September 11, 2001? Before September 11, 2001, what did you do to improve information sharing between the law enforcement and intelligence communities?

Answer: I began at the Criminal Division on approximately June 1, 2001. My activities date from that point.

Prior to 9/11, the Department—including the Criminal Division under my leadership—

was engaged in a vigorous internal debate about the appropriate procedures for sharing information collected in foreign counterintelligence and counterterrorism investigations with criminal agents and prosecutors, and the proper role for prosecutors in such investigations. I understand that the procedures in effect on 9/11 were those that had been adopted by the Attorney General on July 19, 1995 (including an annex concerning the Southern District of New York), the interim measures approved by the Attorney General on January 21, 2000, and the memorandum issued by the Deputy Attorney General on August 6, 2001.

Question: Third, what were the policies and practices of the Department of Justice with respect to information sharing between law enforcement and intelligence functions during the period that you headed the Criminal Division? In particular, what were those policies and practices before September 11, 2001, and how if at all did they change between September 11, 2001, and October 26, 2001, when the USA PATRIOT Act was signed into law? Is it not true that in 2000 the Department's Office of Legal Counsel issued an official memorandum on ''Sharing Title III Electronic Surveillance Material with the Intelligence Community,'' which concluded that law enforcement officials may share surveillance information with the intelligence community to obtain assistance in preventing, investigating or prosecuting a crime, or where the information was of overriding importance to national security or foreign relations?

Answer: As discussed above, prior to 9/11, the Department—including the Criminal Division under my leadership—was engaged in a vigorous internal debate about the appropriate procedures for sharing information collected in foreign counterintelligence and counterterrorism investigations with criminal agents and prosecutors, and the proper role for prosecutors in such investigations. The procedures in effect on 9/11 were those that had been adopted by the Attorney General on July 19, 1995 (including an annex concerning the Southern District of New York), the interim measures approved by the Attorney General on January 21, 2000, and the memorandum issued by the Deputy Attorney General on August 6, 2001. Where it was deemed to be appropriate, additional procedures were put in place in specific cases, or in sets of related cases. With court approval, some of these procedures were modified between 9/11 and October 26, 2001, the effective date of the USA PATRIOT Act. On March 6, 2002, the Attorney General adopted new information sharing procedures that replaced all of the above-referenced procedures. The March 6th procedures, however, did not take full effect until the Foreign Intelligence Court of Review issued a ruling regarding these matters on November 18, 2002.

Mr. LEAHY. Heading the Department of Homeland Security is a position that may be one of the more difficult assignments in Washington and in Government. The work of the Department of Homeland Security, DHS, is crucial to the safety and security of the American people. There remain many problems in integrating the elements of the Department and in making them as effective as we need them to be. I remain concerned with a number of issues in need of greater attention at DHS and much more significant support from the highest levels of the Bush administration. Working with Secretary Chertoff, maybe we will be able to get that attention and support.

The Bush administration has failed to provide the necessary assistance for first responders throughout our Nation. As the costs borne by law enforcement agencies across the country continue to rise, we need to increase the partnership help offered to our nation's first responders. Instead, in the President's new budget, he has proposed cutting overall funding for first responders by $670 million. These cuts target vital emergency services affecting every State, regardless of size or population. The President also proposed cutting the all-State minimum for first-responder grants from 0.75 percent to 0.25 percent. That new formula would result in the loss of funds to police, firefighters and emergency rescue squads in dozens of states from coast to coast. In Vermont, this would mean a loss of at least $10 million dollars in fiscal year 2006—grant funds that are used to provide security services along thousands of miles of our border with three states. Vermont's border with Canada spans approximately 95 miles, but the Swanton Border Patrol is charged with protecting 24,000 square miles, which includes not only the entire State of Vermont, but also numerous counties in New York and New Hampshire. Within this area, the Swanton Border Patrol is required to patrol more than 261 miles of International Boundary.

Our approach to port security is also insufficient. More than 90 percent of the world's trade is moved in cargo containers. The Government Accountability Office has found that the information that the Bureau of Customs and Border Patrol uses to determine which cargo should be searched is ''one of the least reliable or useful for targeting purposes.'' In addition, our government has been slow to install radiation detection portals at our ports, leaving us vulnerable to the smuggling of a nuclear or radiological weapon.

Mass Transit Measures Idle. Our mass transit systems are similarly at risk. While we spent about $4.5 billion on aviation security last year, we devoted only $65 million to rail security, even though five times as many people take trains as planes every day. The Madrid bombing vividly demonstrated the potential vulnerability of mass transit, and I am concerned that the administration is not responding effectively enough to this threat. This needs to be a higher priority than the administration has made it. The TSA has been slow in developing security procedures at port and rail facilities around the country, and our transit and freight transportation systems remain at risk. The recent DHS budget submission cuts funding for the following essential security programs: port security grants, port security incident response, intercity bus grants, container threat assessments, nuclear detection and monitoring, hazmat truck tracking and training, and rail security inspectors.

Air Security Concerns Linger. Despite the dedicated resources to aviation security, problems remain. There have been several reorganizations of the TSA's airport screeners program, but reports from the GAO and the DHS Office of Inspector General suggest that the screening programs for baggage and passengers at our nation's airports are not as effective as they should be. We need to ensure that the $4,734,784,000 budget request for aviation security this year is spent wisely and properly.

Secretary Chertoff, if he is confirmed, will oversee both the enforcement of our immigration laws and the granting of immigration benefits. We face a number of important choices on immigration in the coming years, and I hope that he will play a constructive role.

I urge him to support the bipartisan efforts in Congress to improve the H–2B visa program, so we can meet the needs of small employers around our nation who depend on seasonal immigrant labor to stay in business. I hope he will support the bipartisan ''AgJOBS'' bill, which provides relief both to the agriculture industry and to the immigrant farm workers who make up a majority of the farm workforce in our nation. And as the Congress debates fundamental immigration reform, I hope that Judge Chertoff will work to help ensure that any reform efforts recognize and embrace the tremendous contributions of immigrants to our economy and our culture.

I would like to note the release last week of a report by the U.S. Commission on International Religious Freedom, a bipartisan commission created by Congress that we asked to study the expedited removal system and its effect on asylum seekers. In his response to me last week, Judge Chertoff showed a commendable concern for the civil rights of those who were detained due to alleged immigration violations during the 9/11 investigation. His concern should be even more pronounced here, where the Commission found that DHS detains people who seek refuge in the United States—and are not even accused of committing any criminal or civil violation—under conditions that ''are entirely inappropriate for asylum seekers fleeing persecution.''

If we are to recapture America's rightful place as a haven for the oppressed, the tragic situation of asylum seekers must be rectified. The Commission offered a number of recommendations that can be implemented through administrative action, such as establishing an office within DHS to oversee the treatment of refugees and asylum seekers and issuing formal regulations governing when asylum seekers should

be released from detention. I urge Judge Chertoff to begin the process of making these changes immediately.

As secretary, Judge Chertoff will also supervise a number of outstanding Federal employees who are Vermonters and work for various components of the Department, particularly in DHS' immigration agencies. I believe he will be pleased with their efforts and their expertise.

Secretary Ridge and I have disagreed strongly about DHS' efforts to privatize Immigration Information Officer, IIO, and other positions at the agency, and Congress has barred that privatization for the current fiscal year. Among other duties, IIOs perform background checks on applicants for immigration benefits, a function that should be performed by government employees. I urge Secretary Chertoff to consider the repeated votes of both the House and Senate to maintain these positions as government employees and to make no effort to revisit the unwise and unpopular efforts of his predecessor.

I will support this nomination. Secretary Chertoff will face great challenges ahead. I hope that he will work with me and others, on both sides of the aisle, in finding the best solutions in meeting them.

Mr. INOUYE. Mr. President, I rise today in support of the nomination of Michael Chertoff to be Secretary of the Department of Homeland Security, DHS. Chairman STEVENS and I had the opportunity to meet with Judge Chertoff, and I was encouraged by his desire to work with Congress to address the nation's homeland security needs. I believe that his stated goal of resolving the internal disputes that have plagued DHS since its founding and his commitment to reduce the vulnerability of all our transportation systems to terrorist attack will serve him well in this new capacity.

Though I support Judge Chertoff's nomination, I want to take this opportunity to express some of my thoughts and concerns about the current state of DHS and the Transportation Security Administration in particular.

In the days following September 11, we all recognized the many serious flaws in our homeland security efforts. We were exposed to new and unexpected threats in ways we had never before thought possible. We committed to do everything in our power to ensure that a tragedy like September 11 would never happen again. We took bold, speedy, and necessary action. We made transportation security a national security function by enacting the Aviation Transportation Security Act and the Maritime Transportation Security Act, both considered landmark legislation.

Although a number of high profile actions have been taken to strengthen aviation security, I fear that the same zealous effort to adequately strengthen security across all modes of transportation has stalled. In the more than three years since September 11, very little has been done to aggressively promote security of our ports, our passenger and freight rail system, motor carriers, pipelines, and hazardous materials, despite very specific congressional direction.

Meanwhile, the threats to our transportation security are as serious as they have always been. From the train bombing in Madrid to the maritime attack off the coast of Yemen, the threats have not waned in the slightest.

But, based on the President's Budget, there are apparently some in the Administration who seem to believe that our work is done. The President's Budget recommends shifting critical work away from the Transportation Security Administration, TSA, to other organizations within DHS that have neither the expertise nor the necessary authority to be effective. In my view, further decentralizing the responsibilities of TSA will destroy the remaining, limited accountability that TSA provides for transportation security.

I recognize that consolidating 22 Federal agencies into one department presents significant management challenges and that growing pains are to be expected as different agencies come together. However, growing pains are not a license to continue the stovepipe behavior that existed prior to September 11. When Congress created the Department of Homeland Security and, more specifically, the Transportation Security Administration, it made clear that ''business as usual'' was not acceptable. The Department and TSA need to reread the underlying statutes and start functioning as Congress directed. It is my hope that Judge Chertoff will be a leader who understands that necessity.

Let me speak for a few minutes about the particulars of TSA and the President's budget. In truth, the difficult work of securing all of our major modes of transportation, including ports, shipping, railroads, intercity buses, motor carriers, and pipelines is just beginning, and the nation must have a robust agency within the Department dedicated to that task.

Security funding for all modes of transportation beyond aviation has been desperately lacking. The 9/11 Commission found, ''over 90 percent of the nation's $5.3 billion annual investment in the TSA goes to aviation . . . [and] . . . current efforts do not yet reflect a forward-looking strategic plan.''

According to Senate Banking Committee estimates, the Federal Government has spent $9.16 per airline passenger each year on enhanced security measures, while spending less than a penny annually per person on security measures for other modes of transportation.

Port security and safe maritime transportation is of particular interest to me. They are absolutely essential for my state of Hawaii, its economic health, and the life and livelihood of its citizens. Chairman STEVENS' state of Alaska is similarly situated, and I know port security is of great importance to him as well.

Apparently, though, we need to remind the Administration—and perhaps the nominee—that 95 percent of the Nation's cargo comes through the ports. The security initiatives at most ports have been, to this point, woefully underfunded, and most are ill prepared for an attack. Unfortunately, our maritime system is only as strong as its weakest link. If there is an incident at any one port, the whole system will screech to a halt, as we scramble to ensure security at other ports. If we had to shut down our entire port system, the economic damage would be widespread, catastrophic and possibly irreversible.

Judge Chertoff has many tools at his disposal to protect our maritime and shipping interests, both through the TSA and the U.S. Coast Guard. Our national shore line extends for thousands of miles, with key cities and facilities located all along the coasts. Whether it is monitoring, credentialing, or inspecting cargo, there is no doubt, port security is a daunting and difficult task.

If Judge Chertoff has difficulty understanding the importance of improved port security, there are 14 members of our committee with major ports in their State, and I am sure each would be more than willing to help provide greater clarity.

Even though we all recognize the overwhelming task of port security, the President's Budget does not do enough. It is true that the Coast Guard increases 7.5 percent over the previous fiscal year, which seems laudable. However, when you look at the numbers, it becomes clear that the administration's request—for the third year in a row—does not recognize that in addition to the Coast Guard's ever-increasing port securities duties, it must still continue critical functions like search and rescue efforts and enforcement of coastal and fisheries laws. There is no question that we must provide for increased security, but there is also no question that other critical missions also impact the free flow of maritime commerce.

In addition to not providing enough funding for Coast Guard activities, the President's budget also proposes to develop a Targeted Infrastructure Protection Program, TIPP, within the Office of State and Local Government Coordination and Preparedness to administer $600 million in integrated grants for the protection of transit, railroads, ports, highways and energy facilities.

This odd realignment of the grant process adds layers of bureaucracy, further diminishes accountability and distribution of these critical funds, and it is directly contrary to the law Congress enacted just 6 months ago. It also shields the fact that the administration is using the same limited pot of money, extending it to a wider range of grantees, and making them compete against one another when each of their projects merit grant funding.

The administration also proposes establishing a new Office of Screening Coordination and Operations, SCO, within the Border and Transportation Security, BTS, Directorate. This new entity would purportedly coordinate procedures to identify and interdict people, cargo and other entities that pose a threat to homeland security.

This short-sighted proposal calls for cutting over 70 percent of TSA's funding for rail, trucking, pipeline, and hazmat security-related initiatives. The ''streamlining of duplicative programs and activities'' effectively eliminates TSA's role in allocating transportation security grants, maritime research and development grants, and cedes its regulatory authority to develop the Transportation Worker Identity Credential, TWIC, program. In short, this budget ignores congressional direction, transfers these functions back to agencies that operate in a stovepipe manner and do not have regulatory authority for credentialing, and decimates TSA's Office of Maritime and Land.

Regarding rail security, the administration's budget fails to propose any dedicated funding or specific programs to address rail security, and given their proposal to eliminate support for Amtrak, it is clear that the administration is not interested in rail service let alone rail security. The recent rail accident in South Carolina and the resulting chlorine gas spill remind us that our rail system presents unique vulnerabilities that, if exploited, could cause irreparable economic and physical damage to communities across the country.

TSA has undertaken several small-scale, ad hoc, efforts to strengthen rail security, from rail passenger screening pilot tests to rail corridor threat assessments in specific corridors. But the administration's lack of support for dedicated funding or programs—beyond what the Congress has forced upon the agency through the appropriations process—reflects the low priority that TSA leadership and the administration place on this important work. They behave as if September 11 never happened.

The budget proposal for aviation security appears on paper to increase by $156 million, but this funding depends on $1.5 billion in new revenues raised through increased security fees on airline passengers.

We can debate how much we need for security, but it does not make any sense to place the burden for new DHS revenue on an airline industry that is bordering on total bankruptcy, when at the same time the administration is demanding that its unaffordable tax cuts be made permanent.

The airlines have argued convincingly that they cannot pass along increased security fees to the passengers in their highly competitive industry. Few of the carriers have managed even modest periods of profitability since September 11. I must remind people in this town, who often have a short and selective memory, that by a vote of 100 to 0 in the Senate and 410 to 9 in the House, this Congress chose to make transportation security a national security function. Funding homeland security is a Federal responsibility.

Given the many misplaced priorities that I see in the President's Budget proposal, it is clear that the Congress needs to help refocus the Department.

Let me state here before my colleagues and for the record, the Senate Commerce Committee will not stall in its efforts to continue developing comprehensive, bipartisan legislation to strengthen port, rail, and intercity bus security, regardless of the Bush administration's repeated refusal to support or properly address these critical initiatives. Our national transportation system remains an inviting target for terrorists. The system is vulnerable, and an attack could cause widespread, catastrophic economic damage. In fact, in his most recent video tape, Osama bin Laden stated plainly that bankrupting the United States was a primary, al-Qaida goal, and given al-Qaida's previous attacks, it is clear that transportation systems are high on their target list.

So I come to the floor today to inform my colleagues and the administration that, I, along with many of my fellow Commerce Committee members, will be introducing a transportation security reauthorization proposal, which will provide further direction to the Department's cargo security functions, strengthen aviation, maritime, rail, hazardous materials, and pipeline security efforts, and improve interagency cooperation.

The proposal will incorporate several Commerce Committee-reported and Senate-passed bills from the prior Congress and will also put forth new ideas to enhance transportation security across all modes of transportation.

For port security, we will seek to improve interagency cooperation by further developing joint operation command centers. Additionally, our bill will clarify the roles and responsibilities for cargo security programs, while establishing criteria for contingency response plans. Our legislation will further encourage the development of effective technologies that detect terrorist threats by setting a minimum level of R&D funding related to maritime and land security.

To address aviation, we will take several steps to strengthen the existing, professional, screening workforce through improved training of personnel and by directing a more appropriate use of TSA's resources. Additionally, we will seek to streamline and improve collection of airline and passenger security fees to promote a more efficient and healthy aviation industry.

For rail security, we will incorporate an updated version of the Rail Security Act of 2004, which the Senate passed by unanimous consent last year, and we will feature new efforts to ensure the security of hazardous materials that are shipped by rail.

To address the security needs of our other surface transportation modes, the proposal will include funding to improve intercity bus security, strengthened hazardous material transportation security efforts, new security guidelines for truck rental and leasing operations, and the development of pipeline security incident recovery plans.

I look forward to working with Judge Chertoff, the TSA, and the administration on this effort, and I remain hopeful that his new leadership at DHS will inspire the requisite commitment and dedication necessary to meet the security challenges ahead. The work will not be easy. While most of us recognize the improvements that have been made in airline security over the last few years, others are pushing to roll back the progress that we have made.

Despite that progress, there are some that continue to urge TSA to return to the days of private security screening companies, like Argenbright Security and its underpaid, poorly trained workforce. These efforts are not just short-sighted, they disregard a national imperative to treat transportation security as a national security function, and they should be quickly dismissed by the administration. I call on Judge Chertoff to clarify DHS's position on this matter quickly, so the country can continue to have faith in the security efforts we have come to expect when flying.

Similarly, TSA needs more resources and attention paid to port, rail, motor carrier, hazardous materials, and pipeline security matters, not less, and I am hopeful that Judge Chertoff will make strengthening all areas of transportation security one of his top missions.

We must take this opportunity to continue moving in the right direction and avoid taking steps backward. I support the nomination of Michael Chertoff as Secretary of Homeland Security and look forward to working with him to ensure that the American people can depend on a national transportation system that is as safe and secure as possible.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, earlier today, the senior Senator from Massachusetts spoke on this nomination. I have enormous respect and affection for my colleague from New England, but on this occasion I believe his comments were well off the mark. Here are some of the words my colleague spoke:

> Our problems with the administration on this nomination pale in comparison with the failure of the Senate Republican majority to carry out its own constitutional responsibilities on this nomination. Instead of insisting on adequate answers to questions raised by the documents, they have acquiesced in the Government's coverup and abdicated their own independent constitutional responsibility to provide advice and consent.

I sincerely believe that were I fortunate enough to have the senior Senator from Massachusetts serve on the committee the Presiding Officer and I serve on, he would never have said those words or reached such a harsh judgment.

He went on in his statement to call these proceedings ''a blatantly defective consent.'' Again, I so wish that the senior Senator from Massachusetts had had the opportunity to participate in our committee's process. He would have found that our committee has the most thorough process for considering nominations of any committee in the entire Senate. I believe our committee is the only one, for example, that has the staff on both sides of the aisle interview the nominee. We posed to Judge Chertoff 250 written questions, both before the hearing and after the hearing. We had a lengthy hearing in which members on both sides of the aisle were free to ask the toughest questions possible to the nominee.

There was no limit on the questions that could be submitted for the record, and the nominee sat for hours patiently, fully, and candidly answering the questions posed to him by the members of the committee. So I believe that the judgment of the Senator from Massachusetts does not reflect the process we undertook for this nominee. I truly wish he could have seen the process because I think he would have reached a different conclusion. And I say that with a great deal of personal affection for my friend from Massachusetts.

The fact is, first, that Judge Chertoff has undergone intense scrutiny by the Homeland Security and Governmental Affairs Committee. I cannot imagine how anyone could conclude, given the number and the scope of questions posed to the judge, that this was somehow ''defective consent.''

Second, on the issue of the e-mails and the nominee's knowledge of questionable interrogation techniques used by certain DOD personnel at Guantanamo, Judge Chertoff's testimony could not have been clearer. He told the committee under oath that he was ''not aware'' of any practices at Guantanamo that ''even approach[ed] torture.'' He said he had ''no knowledge'' of any interrogation techniques other than those that he described as ''plain vanilla.'' These are straightforward, plain words—''I was not aware''; ''I had no knowledge.'' They are not susceptible to multiple interpretations. They are not ambiguous. They do not suggest the need to refresh the nominee's recollection. They do not invite speculation as to what the nominee meant. And there is only one reason why some of our colleagues would feel the need to ask other people about what they said to Judge Chertoff, and that is, if we did not believe him.

This is a distinguished public servant, a sitting Federal judge who is testifying before our committee under oath. There is no reason to doubt his testimony. His testimony was clear, it was forthright, it was candid. It is demeaning to suggest that somehow we need to probe this further because we do not believe this distinguished public official.

I asked this question yesterday, but I am going to repeat it again: Since when have we become so cynical about good people who are willing to step forward, sacrifice, and serve our country? How could our colleagues from Michigan and Massachusetts come to this floor, praise Judge Chertoff, pledge to vote to confirm him, and then condemn the nomination process when we have concluded that the judge gave us truthful, straightforward answers, and we have no reason to doubt the answers he gave us? He was not evasive. He was straightforward. It does not make sense to criticize the process because the committee refuses to engage in an exercise that, at its core, is built upon the premise that Judge Chertoff is somehow being less than truthful with the committee. I reject that premise. There is no basis for it.

Let me close these remarks by saying a word about the Senate's constitutional role of advise and consent because I think a lot that has been said about this role misses an essential point.

We, the Senate, advise and consent. It is the President who appoints. We do not appoint. Sometimes I think some of my colleagues believe the Senate should do all of the appointing for the President, but that is not how the system works. That is not how our Constitution works. Indeed, as Professor Laurence Tribe has noted—and he is a liberal law scholar, not a conservative one—the appointments clause ''seeks to preserve an executive check upon legislative authority in the interest of avoiding an undue concentration of power in Congress''—in Congress—''in executing our responsibilities.''

We should do well to remember that it is the President who is appointing these positions. It is our job to advise and consent. We have performed that job well in this case. We subjected this nominee to extraordinary scrutiny, despite the fact that he has already been confirmed by this body three previous times. Nevertheless, as is appropriate, we went through a full confirmation process with a review of his biographical questionnaire, his finances, with a full FBI check, with an extensive public hearing that stretched several hours, and with 250 written questions, primarily from Democratic members, submitted to him for response. What more can we ask? What more can we ask of a nominee who is simply stepping forward to answer the call to serve his country? And what more can we ask of a Senate committee in carrying out this solemn duty with which we are vested?

As much as I have respect and affection for my colleague, the senior Senator from Massachusetts, I cannot let his comments pass. That is why I felt compelled to explain to all of my colleagues what the process was and that the Senator's description simply does not reflect what was done. I am certain—absolutely certain—that had he been a member of the committee, had he joined with us in the nomination hearing, he would have reached an entirely different conclusion about the integrity and thoroughness of the process.

I thank the Chair.

Mr. President, I do anticipate that further of my colleagues will be coming to the floor. I will yield to them when that happens.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 380 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. The Senator has 22 minutes 30 seconds.

Mr. REID. Mr. President, I, first, want to express my appreciation to someone I believe a star of the Senate and that is CARL LEVIN. CARL LEVIN is such a good example to every Senator. When you work on something with CARL LEVIN, you can rest assured that he has read every word of it. He is someone who I am sure, before he came to the Senate, was an outstanding lawyer. I am so impressed with his ability to do legal analysis, and I am so impressed with his understanding of government generally.

What we have here is something that is very typical for Senator LEVIN. The nomination of Michael Chertoff to be Secretary of Homeland Security is very important. This new Cabinet level office that has been created is so important. I think it has become one of the most important posts that the President has. We know how important the Secretary of Defense is, we know how important the Secretary of State is, but this is so important.

Judge Chertoff will be called upon to manage some 180,000 employees, 22 different agencies, all important to protect this Nation in one way or the other. He will be called upon to bolster the efforts of our State and local law enforcement officers, firefighters, emergency response personnel, and in the process of managing these 180,000 employees, he doesn't have enough people. Many of these 22 different agencies he is responsible to manage are understaffed. So he will have a tremendous burden.

The people who work in these agencies are public servants first in any designation you want to make. They are the frontline protection for communities across the Nation.

Over the course of the last year, I have held in Nevada what I call Frontline Focus roundtables. I am meeting with firefighters, sheriffs, and emergency response personnel. It has been tremendously enlightening to me to talk to them about the problems that we have, from the communication and resource challenges facing urban centers such as Las Vegas and Reno, but also rural communities all over the State of Nevada. They have special needs, special demands.

Of course, I mentioned already Las Vegas with its booming tourist industry. About 20 people an hour are moving into Las Vegas. It is growing and the growth has not stopped. So Nevada's homeland security needs run the gamut. Our State and local officials will need the support and help of Judge Chertoff and the Department of Homeland Security in the work they do. His job is a tough and challenging job, and that is an understatement.

I have confidence in Judge Chertoff. I am confident he will meet these challenges. It was less than 2 years ago that we approved him by an overwhelming vote of 88 to 1 to a lifetime appointment on the Court of Appeals of the Third Circuit. But he was willing to give up this lifetime appointment for a job that will last probably 4 years.

Since his confirmation, the administration has been mired in controversy over its handling of prisoners and detainees. The administration policies have come under great scrutiny and we need to learn, during the course of this confirmation hearing, and we tried to do that, what role he may have played in crafting these policies.

Judge Chertoff has testified before the Homeland Security and Governmental Affairs Committee that he was not directly involved in the administration's decision to gut the Geneva Conventions and set out on a new and dangerous path with regard to interrogations. We have to take Judge Chertoff at his word, because the document proof has either been denied to Senators or otherwise has been so heavily redacted that it raises questions about the role of the Criminal Division overseen by Judge Chertoff.

The debate over his nomination, as my colleague, Senator LEVIN, has brought to the attention of the American people, as he discussed this yesterday on the floor, is a debate over the right of the Senate and the American people to have information about the way our Government does business.

The information sought in the context of his nomination by Senator LEVIN would help us understand how the administration arrived at those policy decisions and would help prevent similar mistakes in the future.

No one would disagree—I shouldn't say that. Very few people would disagree that the policies undertaken in Guantanamo Bay, Afghanistan, and Iraq dealing with interrogation which led to these brutal acts, the acts of torture, were wrong. These policies were used to justify forced nakedness. Keep in mind we live in a different environment than the people of Iraq. The shaving of the beards was demeaning to these men, but it was done many times. They were placed in stressed positions. They were intimidated with dogs, and on and on. We learned of these torture policies and their impact not from this administration, as is our right, but through leaks and lawsuits. Leaks and lawsuits, unfortunately, is the way we have to learn much of what is going on today.

The shocking abuses—and there is no other way you can describe it—at Abu Ghraib were revealed when the photographs were released to the news media. I can remember going upstairs to S. 407 with other Senators and looking at the brutality and the pornographic nature of those pictures. Even for someone who has seen other acts of torture and terror in the work that we do, it was overwhelming. I had no idea that is what I would see that day. I waited not too long before I left. I saw enough in about 15 minutes, but I saw a lot.

Major General Taguba's report investigating the abuse at Abu Ghraib was discovered after it, too, was leaked to the press. Judge Gonzales's January 25th, 2002, memo advising the President that the Geneva Conventions were ''quaint and obsolete'' was not known until it was leaked to the press 2 years later. The Senate only learned of the August 1, 2002, Bybee torture memo when it was leaked to the press in June of that year.

I ask my colleagues, if this information had not come to light, would the administration disavow these practices? I regret that in the context of this nomination the administration will again deny the Senate and the American people a full understanding of how we embarked on a policy which has imperiled our soldiers and our Nation.

In Judge Chertoff's case, we know during his tenure that torture policies authorized by Justice and given effect by the Department of Defense were hotly debated by DOD, Justice Department, and FBI officials. We know this only because a private group filed a freedom of information request for such information. The request produced a series of redacted FBI emails that gave voice to the dissenters this administration has tried to muzzle. The redactions prevent us from fully understanding that debate and how Criminal Division lawyers under Judge Chertoff's supervision dealt with the FBI concerns that the torture policies were not only immoral but ineffectual. It prevents us from truly understanding Judge Chertoff's role and whether attorneys under his supervision raised the issue with him directly. He said he does not remember. I accept the judge's statement in that regard. But that does not take away from the necessity of being able to have this information.

In response to Senator LEVIN's request for an unredacted version of the FBI emails, the administration issued its broadest assault against the Senate's duty to evaluate a nominee to get oversight of this administration. The administration claimed it would not turn over the unredacted emails because to do so would violate the Privacy Act, even though, through Senate security, any classified information would be protected. The Privacy Act is designed to prevent the Government from disclosing personal information about private individuals who have not consented to disclosure. It is not a tool to conceal identities of public officials engaged in this Nation's business.

As my colleague from Michigan, Senator LEVIN, has so forcefully stated, the administration's penchant for secrecy threatens each and every Senator's ability to do the people's business and undermines our role in providing advice and consent to the President's nominees and undermines our role in conducting oversight into this administration. In the end, what is most troubling is that the administration's culture of secrecy may breed further abuses, abuses we know of today, not because of but in spite of the administration's effort.

We must overcome these roadblocks put up by the administration because the job of protecting the homeland is too important. Judge Chertoff will have enormous challenges if he assumes his new position, which I am

confident he will. Border security, immigration, port security, airport screening, protecting America's critical infrastructure, and so much more will now fall under his purview. He has pledged to work with the Congress in crafting the Department's policies. As much as possible, this must be a nonpartisan exercise. Working together, we can and we must put our country in the strongest possible position to defend itself for the many threats we face.

In short, what I am criticizing and complaining about, we have some emails from the FBI to the Justice Department, saying, in effect, how we conduct our interrogations is appropriate. What the Department of Defense is doing with their brutality and their torture is wrong. I am convinced that is true; the FBI was right. I hope somehow we will be able to get the names of these individuals and pursue it more carefully and also find out what the real words were; I am confident it was torture. One thing we know clearly from these memos is that the FBI says using our methods, the normal methods of interrogation, we are getting more information from the enemy than you are while using your acts of violence.

I close by saying, again, I want this record spread with the fact that Senator LEVIN has done a good thing for this country. He has done good work again in allowing us to look at an issue that should be a simple issue that has been made complicated by this administration by virtue of their hiding what it should not.

Ms. COLLINS. Mr. President, I ask unanimous consent the quorum call I am about to invoke be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments we will be voting on the nomination of Judge Michael Chertoff to lead the Department of Homeland Security. I applaud President Bush for his outstanding choice, and I am confident that Judge Chertoff will receive overwhelming support from both sides of the aisle, making this his fourth confirmation by this body, the Senate.

Judge Chertoff has a long and distinguished career in public service and law enforcement.

The Harvard Law magna cum laude first made his name in the mid-1980s putting away five of the biggest Mafia bosses in New York.

His success brought him the job of U.S. attorney in New Jersey where he oversaw high-profile and politically sensitive prosecutions.

In 2001, Judge Chertoff was chosen by President Bush to lead the Justice Department's Criminal Division. It was there that Judge Chertoff would show his full mettle. For the 20 hours following the attacks on 9/11, Judge Chertoff was central in directing our response.

His team in the Criminal Division traced the 9/11 killers back to al-Qaida. And for the next 2 years, Judge Chertoff helped craft our antiterrorism policy.

His experience working directly with law enforcement, his expertise in homeland and national security, and his proven ability to lead in times of national crisis make him overwhelmingly qualified to direct our homeland security.

Judge Chertoff has said he will be proud to stand again with the men and women who form our front line against terror. I know I speak for many when I say we are proud to have a man of his caliber and talent serving and protecting the American people.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—98

Akaka	Chambliss	Durbin
Alexander	Clinton	Ensign
Allard	Coburn	Enzi
Allen	Cochran	Feingold
Bayh	Coleman	Feinstein
Bennett	Collins	Frist
Biden	Conrad	Graham
Bingaman	Cornyn	Grassley
Bond	Corzine	Gregg
Boxer	Craig	Hagel
Brownback	Crapo	Harkin
Bunning	Dayton	Hatch
Burns	DeMint	Hutchison
Burr	DeWine	Inhofe
Byrd	Dodd	Inouye
Cantwell	Dole	Isakson
Carper	Domenici	Jeffords
Chafee	Dorgan	Johnson
Kennedy	Mikulski	Sessions
Kerry	Murkowski	Shelby
Kohl	Murray	Smith
Kyl	Nelson (FL)	Snowe
Landrieu	Nelson (NE)	Stabenow
Lautenberg	Obama	Stevens
Leahy	Pryor	Sununu
Levin	Reed	Talent
Lieberman	Reid	Thomas
Lincoln	Roberts	Thune
Lott	Rockefeller	Vitter
Lugar	Salazar	Voinovich
Martinez	Santorum	Warner
McCain	Sarbanes	Wyden
McConnell	Schumer	

NOT VOTING—2

Baucus	Specter

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The majority leader.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each, with the exception of Senator HAGEL who will follow my remarks for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

(The remarks of Mr. HAGEL, Mr. CRAIG, and Mr. ALEXANDER pertaining to the introduction of S. 388 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.)

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

NOTICE OF PROPOSED RULEMAKING

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(1)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

Notice of Proposed Rulemaking, and Request for Comments From Interested Parties

NEW PROPOSED REGULATIONS IMPLEMENTING CERTAIN SUBSTANTIVE EMPLOYMENT RIGHTS AND PROTECTIONS

FOR VETERANS, AS REQUIRED BY 2 U.S.C. 1316a, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED (CAA).

Background

The purpose of this Notice is to issue proposed substantive regulations which will implement the 1998 amendment to the CAA which applies certain veterans' employment rights and protections to employing offices and employees covered by the CAA.

What is the authority under the CAA for these proposed substantive regulations? In 1998, the CAA was amended through addition of 2 U.S.C. 1316a, a provision of the Veterans' Employment Opportunities Act of 1998 (VEOA), which states in relevant part: ''The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35 of Title 5, shall apply to covered employees.'' As will be described in greater detail below, these sections of Title 5 accord certain hiring and retention rights to veterans of the uniformed services. Section 1316a(4)(B) states that ''The regulations issued . . . shall be the same as the most relevant substantive regulations (applicable with respect to the Executive Branch) promulgated to implement the statutory provisions . . . except insofar as the Board may determine for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.''

Will these regulations, if approved, apply to all employees otherwise covered by the CAA? No. Subsection (5) of 2 U.S.C. 1316a, states that, for the purpose of application of these veterans' employment rights, the term ''covered employee'' shall not apply to any employee of an employing office: (A) whose appointment is made by the President with the advice and consent of the Senate; (B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or (C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position. . . .'' These regulations would apply to all other covered employees.

Do other veterans' employment rights apply via the CAA to Legislative Branch employing offices and covered employees? Yes. Another statutory scheme regarding veterans' and armed forces members' employment rights is incorporated in part through section 206 of the Congressional Accountability Act of 1995 (CAA). Section 206 of the CAA, 2 U.S.C. 1316, applies certain provisions of Title 38 of the U.S. Code regarding ''Employment and Reemployment Rights of Members of the Uniformed Services.'' Section 206 of the CAA also requires the Board of Directors to issue substantive regulations patterned upon the regulations promulgated by the Secretary of Labor to implement the Title 38 rights of members of the uniformed services. As of this date, the Secretary of Labor has not finally promulgated any such regulations. Therefore, regulations implementing CAA section 206 rights will not be proposed by the Board until the Labor Department regulations have been promulgated. The proposed regulations in this Notice are not based on section 206 of the CAA, but solely on the other veterans' rights referenced in 2 U.S.C. 1316a.

What are the veterans' employment rights applied to covered employees and employing offices in 2 U.S.C. 1316a? In recognition of their duty to country, sacrifice, and exceptional capabilities and skills, the United States government has accorded veterans a preference in federal employment through a series of statutes and Executive Orders, beginning as the Civil War drew to a close. While interpreting regulations have been modified over time, many of the current core statutory protections have remained largely unchanged since they were first codified in the historic Veterans' Preference Act of 1944, Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, U.S.C. In 1998, Congress passed the Veterans Employment Opportunities Act (''VEOA''), Pub. L. 105–339, 112 Stat. 3186 (October 31, 1998), which ''strengthen[s] and broadens''(Sen. Rept. 105–340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998)) the rights and remedies available to military veterans who are entitled to preferred consideration in hiring and in retention during reductions in force (''RIFs''). Among other provisions of the VEOA, Congress clearly stated, in the law itself, that henceforth the ''rights and protections'' of certain veterans' preference law provisions, originally drafted to cover certain Executive Branch employees, ''shall apply'' to certain ''covered employees'' in the Legislative Branch. VEOA §§4(c)(1) and (5) (emphasis added).

The selected statutory sections which Congress determined ''shall apply'' to covered employees in the Legislative Branch include, first, a definitional section describing the categories of military veterans who are entitled to preference (''preference eligibles''). 5 U.S.C. §2108. Generally, a veteran must be disabled or have served on active duty in the Armed Forces during certain specified time periods or in specified military campaigns to be entitled to preference. In addition, certain family members (mainly spouses, widow[er]s, and mothers) of preference eligible veterans are entitled to the same rights and protections.

The VEOA also makes applicable to the Legislative Branch certain statutory preferences in hiring. In the hiring process, a preference eligible individual who is tested or otherwise numerically evaluated for a position is entitled to have either 5 or 10 points added to his/her score, depending on his/her military service, or disabling condition. 5 U.S.C. §3309. Where experience is a qualifying element for a job, a preference eligible individual is entitled to credit for having relevant experience in the military or in various civil activities. 5 U.S.C. §3311. Where physical requirements (age, height, weight) are a qualifying element for a position, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 U.S.C. §3512.

For certain positions (guards, elevator operators, messengers, custodians), only preference eligible individuals may be considered for hiring so long as such individuals are available. 5 U.S.C. §3310. (These statutory provisions on hiring in the Executive Branch apply specifically to the competitive service; this point will be discussed further below.)

Finally, in prescribing retention rights during Reductions In Force for Executive Branch positions (in both the competitive and in the excepted service), the sections in subchapter I of chapter 35 of Title 5, U.S.C., with a slightly modified definition of ''preference eligible,'' require that employing agencies retain an employee with retention preference in preference to other competing employees, provided that the employee's performance has not been rated unacceptable. 5 U.S.C. §3502(c) (emphasis added).

Along with this explicit command to retain qualifying employees with retention preference, agencies are to follow regulations governing the release of competing employees, giving ''due effect'' to the following factors: (a) employment tenure (i.e., type of appointment); (b) veterans' preference; (c) length of service; and, (d) performance ratings. 5 U.S.C. §3502(a). 5 U.S.C. §3502 also requires certain notification procedures, providing, inter alia, that an employing agency must provide an employee with 60 days written notice (the period may be reduced in certain circumstances) prior to being released during a RIF. 5 U.S.C. §3502(d)(1). Certain protections also apply in connection with a transfer of agency functions from one agency to another. 5 U.S.C. §3503. In addition, where physical requirements (age, height, weight) are a qualifying element for retention, preference eligible individuals (including those with disabilities) may obtain a waiver of such requirements in certain circumstances. 5 U.S.C. §3504.

Are there veterans' employment regulations already in force under the CAA? No.

Procedurals Summary

How are substantive regulations proposed and approved under the CAA? Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors adopt proposed substantive regulations and publish a general notice of proposed rulemaking in the *Congressional Record*; (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the *Congressional Record*; (4) committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and (5) final publication of the approved regulations in the *Congressional Record*, with an effective date prescribed in the final publication. For more detail, please reference the text of 2 U.S.C. 1384. This Notice of Proposed Rulemaking is step (1) of the outline set forth above.

Are these proposed regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the House of Representatives, and the Deputy Executive Director for the Senate? As required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations is also recommended by the Executive Director, the Deputy Executive Director for the House of Representatives and the Acting Deputy Executive Director for the Senate.

Has the Board of Directors previously proposed substantive regulations implementing these veterans' employment rights and benefits pursuant to 2 U.S.C. 1316a? Yes. On February 28, 2000, and March 9, 2000, the Office published an Advanced Notice of Proposed Rulemaking (''ANPR'') in the *Congressional Record* (144 Cong. Rec. S862 (daily ed., Feb. 28, 2000), H916 (daily ed., March 9, 2000)). On December 6, 2001, upon consideration of the comments to the ANPR, the Office published a Notice of Proposed Rulemaking (''NPR'') in the *Congressional Record* (147 Cong. Rec. S12539 (daily ed. Dec. 6, 2001), H9065 (daily ed. Dec. 6, 2001)). The Board has not acted further on those earlier Notices, and has decided to issue this Notice as the first step in

a new effort to promulgate implementing regulations.

As noted above, 2 U.S.C. 1316a mandates application to the Legislative Branch of certain statutory provisions originally drafted for the Executive Branch. In its initial proposed rules, the Board noted that this statutory command raised the quandary of determining which Legislative Branch employees should be covered by which statutory provisions. There are longstanding and significant differences between the personnel policies and practices within these two branches. For instance, the Executive Branch distinguishes between employees in the ''competitive service'' and the ''excepted service,'' often with differing personnel rules applying to these two services. The Legislative Branch has no such dichotomy.

When Congress directed in the VEOA that certain veterans' employment rights and protections currently applicable to Executive Branch employees shall be made applicable to Legislative Branch employees, the Board took note of a central distinction made in the underlying statute: certain veterans' preference protections (regarding hiring) applied only to Executive Branch employees in the ''competitive'' service, while others (governing reductions in force and transfers) applied both to the ''competitive'' and ''excepted'' service.

The Board's initial approach in 2000 was to maintain this distinction by attempting to discern which Legislative Branch employees should be considered as working in positions equivalent to the ''competitive'' service, and which should be considered equivalent to the ''excepted'' service. At that point, the Board concluded that all Legislative Branch employees, with certain possible exceptions (such as those of the Office of the Architect of the Capitol) should be considered excepted service employees. The Board therefore issued regulations, closely following Office of Personnel Management (''OPM'') regulations for the various statutory provisions, with the caveat that the regulations governing hiring would apply only to those employees whom the Board currently deemed working at jobs equivalent to the competitive service (e.g. the Office of the Architect of the Capitol). The NPR acknowledged: ''The Board recognizes that the adoption of these definitions (e.g., competitive and excepted services], consistent with the mandate of section 225 [of the CAA], yields an unusual result in that no ''covered employee'' in the Legislative Branch currently satisfies the definition of ''competitive service.'' Moreover, as the substantive protections of veterans'' preference in Legislative Branch appointment apply only to ''competitive service' positions, the regulations which the Board proposes regarding preference in appointment would with one noted exception [employees appointed under the Architect of the Capitol Human Resources Act], currently apply to no one. . . .'' This left the Board in the position of drafting intricate regulations that may have applied to only a minority of ''covered employees,'' or perhaps even to no ''covered employees'' at all—a result in obvious tension with the VEOA's statutory mandate that these veterans' protections ''shall apply'' to ''covered employees'' in the Legislative Branch.

The Board received Comments to its initial proposed regulations from the Office of the Architect of the Capitol, the Office of House Employment Counsel, and the Office of the Senate Chief Counsel for Employment, all finding fault with the initial approach. The Comments generally included the following observations. First, commenting offices noted that the Board's approach of drafting intricate regulations that may not apply to any covered employees creates more problems than it solves. This approach was seen as ''impracticable,'' ''obfuscating'' the true sense of the VEOA and what requirements in fact must apply to employing offices; it was seen, in effect, as an attempt to ''place a square peg in a round hole.'' Others charged that the adoption of such regulations went beyond the Board's statutory authorization, and would require, without basis in law, the employing offices to adopt complicated procedures, some governing employment decisions that affected only non-veteran applicants or employees. A commenting office also complained about the application of terms ''foreign and inapplicable'' to its personnel system. Employing offices also submitted that statutes drafted for the Executive Branch competitive service should not apply at all to any Legislative Branch employee.

Furthermore, one employing office commented that such modification of OPM regulations does not constitute an adoption of the ''most relevant regulations,'' as regulations that apply to no covered employees can not possibly be the most relevant regulations applicable. As another commenting office aptly put it, ''Unfortunately, the unintended result could very well be that the underlying principles of the veterans' preference laws would lie fallow while the affected legislative branch entities struggle with the task of adopting civil-service type personnel management systems.'' Comments of the Office of House Employment Counsel, Feb. 6, 2002 at 9. Additionally, all three employing offices argued that the Board should issue three individual sets of regulations (to pertain to the Senate, House, and covered Congressional instrumentalities), rather than one set. Finally, the Office of the Architect of the Capitol also argued that the Architect of the Capitol Human Resources Act did not create a competitive service in the sense of the veterans' preference laws.

How are the regulations being proposed in this Notice different from those regulations which the Board previously proposed? In the period since the initial proposed regulations were issued by the Board of Directors and commented upon by various stakeholders, the Office of Compliance has engaged in extensive informal discussions with various stakeholders across Congress and the Legislative Branch, in an effort to ascertain how best to effect the basic purposes of veterans' employment rights in the Legislative Branch.

After careful consultation and deliberation, the Board is issuing new proposed regulations which differ in many respects from the initial proposed regulations. The new approach is responsive to the clear statutory mandate contained in the VEOA, and to various Comments regarding the initial proposed regulations. This approach also applies insights gained from the informal discussions with stakeholders.

The Board has decided to apply the plain language of the statutory provisions to all covered employees in the Legislative Branch. By doing so, the Board avoids what commenting employing offices styled as the ''anomaly'' of complicated regulations which would practically apply to no employees, an anomaly which not only poorly served the clear Congressional intent that protections ''shall apply to covered employees,'' but which also created confusion for the employing offices.

Not only is application of these rights to all covered employees compelled by the plain language of the statute, the legislative history of the VEOA also clearly indicates that the principles of veterans' preference protections must be applied in the Legislative Branch. The authoritative report of the Senate Committee on Veterans' Affairs (Senate Report 105–340, pages 15 & 17), recognized that the competitive service did not exist in the Legislative Branch, and that 2 U.S.C. 1316a did not require the establishment of such a competitive service. Nonetheless, the Committee noted that veterans' preference principles should be incorporated into the Legislative Branch personnel systems.

For these reasons, the Board is persuaded that Congress, in enacting the VEOA's extension of veterans' employment rights to the Legislative Branch, intended a broad application to all CAA covered employees, except for the staff of those employing offices in the House of Representatives and the Senate which Congress specifically excluded from coverage in section 206a(5) of the CAA (2 U.S.C. §1316a(5)).This result is faithful to the statutory language. Furthermore, the Board has concluded, for the reasons stated above, that the most relevant substantive Executive Branch OPM regulations are at times inapposite to a meaningful implementation of the VEOA in the Legislative Branch, such that a modification of the regulations is necessary for the effective implementation of the rights and protections under the VEOA. As a result, the Office is proposing regulations that reflect the principles of the veterans' preference laws, as discussed by the Senate Committee on Veterans Affairs, without linking such coverage to employees or positions with competitive service status.

Furthermore, the Board has also taken note of the legislative history suggesting that employing offices with employees covered by the VEOA should create systems incorporating these veterans' preference principles: ''The Committee notes that the requirement that veterans' preference principles be extended to the legislative and judicial branches does not mandate the creation of civil service-type evaluation or scoring systems by these hiring entities. It does require, however, that they create systems that are consistent with the underlying principles of veterans' preference laws.'' Sen. Comm. Report at 17. The implementation of that provision in the Senate Report can only be accomplished by the employing offices.

In their Comments, employing offices strongly expressed their need to preserve their autonomy in determining and administering their respective personnel systems. For example, the Office of the Architect of the Capitol commented that it was incumbent upon the employing offices to create ''systems that are consistent with the underlying principles of veterans'' preference laws,'' pursuant to the Senate Committee Report. The Board agrees, and the newly proposed regulations allow employing offices to do so. What the regulations also do is clearly define the ''underlying principles of veterans'' preference laws'' made applicable to these employing offices, so as to provide a benchmark for the employing offices, applicants, and covered employees, as to whether the systems developed are consistent with these principles.

What is the approach taken by these revamped proposed substantive regulations? The Board has taken great heed to avoid the intricate, OPM-like regulations that formed the basis for its first proposed regulations.

Under the current proposed regulations, employing offices will retain their wide latitude, not similarly enjoyed by many employing agencies in the Executive Branch, to devise and administer their own unique and often flexible personnel systems. However, employing offices with covered employees must incorporate into these individual personnel systems the basic veterans' preference protections under the specific statutory mandate that Congress issued in the VEOA, and they must carry out the administration of these veterans' preference provisions in a manner consistent with the Board's commitment to promoting administrative transparency and accountability.

Under this approach, employing offices with the specified covered employees must meet the requirements contained in the statutory mandate of the VEOA, but need not necessarily adopt any of the trappings of an OPM-like personnel system. Thus, should such an employing office choose to administer numeric evaluations of applicants for a position, it must add to a preference eligible's evaluation the points called for in the veterans' preference statutes. If it does not numerically evaluate applicants, it must determine how it will factor veterans' preference status into its employee evaluations and hiring decisions at a level commensurate with the statutory directive. Similarly, should an employing office currently have a policy of placing covered employees who may be potentially subject to a reduction in force on a retention register, it must rank said employees taking into account the directives of the veterans' preference statute. Should an employing office elect not to keep formal retention registers, nothing in these regulations requires it to start doing so. It still must, however, follow the statutory mandate to provide certain veterans' preferences in the course of a reduction in force that affects employees covered by the VEOA.

The goal of preserving employing office autonomy in fashioning personnel systems has further compelled the Board to minimize the impact of these proposed regulations on employment decisions not directly involving preference eligibles. Thus, unlike the initial proposed regulations, should an employing office properly determine that no preference eligibles are qualified applicants, or that no preference eligibles are subject to a RIF, these proposed regulations are designed so as not to govern the employment decisions taken by the employing office. By allowing for such employing office autonomy, the Board hopes to allay the concerns of some of the employing offices, expressed in the initial Comments, that a ''morass'' of intricate regulations would apply to decisions that did not affect preference eligibles. (One isolated, but necessary exception to this approach limiting the effect of the regulations to personnel actions involving preference eligibles is proposed §1.115, governing the transfer of functions between one employing office and another, and the replacement of one employing office by another. This section provides protections for all covered employees, as the term is defined and limited in the VEOA, including non-preference eligibles. The clear statutory language of 5 U.S.C. §3503 (applying to both the competitive and excepted services) commands this result. Congress chose to include this broad statutory provision in the set of provisions made applicable to the Legislative Branch in the VEOA.)

The overall discretion and autonomy reserved to employing offices to administer veterans' preference protections within the context of their personnel systems comes with a responsibility on the part of the employing offices to provide all applicants for covered positions and all covered employees with certain notice and informational rights, as discussed below. This is to ensure that employing offices are equipped with all information necessary to determine and administer veterans' preference eligibility and that such applicants and employees are properly informed of how their employing office has chosen to give life to the veterans' preference protections.

In sum, should an employing offices already use personnel policies and procedures similar to those in the competitive service, it must factor in the various veterans' preference protections with respect to applicants for covered positions and covered employees. If an employing office chooses to follow more flexible, or merely different, personnel policies from those referenced in the competitive service, it may do so—but may not refuse to apply the veterans' preferences called for in the statute. This would contravene the clear statutory directive to affirmatively apply the veterans' preference protections to the specified covered employees in the Legislative Branch.

In proposing these regulations, the Board has sought to remain faithful to the explicit statutory language of the VEOA. In some cases, we have been guided by OPM veterans' preference implementing regulations. In many cases, ''for good cause shown,'' we have not adopted the OPM regulations so as to tailor simpler and more streamlined regulations. We have issued proposed regulations based on the direct statutory language whenever possible, reserving implementation to the individual employing offices, who then are charged with crafting their own processes and procedures for integrating veterans' preference protections within their personnel systems.

Therefore, in accord with 2 U.S.C. 1316a(4)(B), which mandates that ''the Board may determine, for good cause shown and stated . . . a modification of such regulations would be more effective for the implementation of the rights and protections under this section,'' these proposed regulations may not track the most relevant substantive regulations applicable with respect to the Executive Branch. However, the proposed regulations endeavor, to the maximum practical extent, to effect the veterans' preference principles that Congress made applicable to the Legislative Branch through section 206a(2) of the CAA, 2 U.S.C. §1316a(2).

What responsibilities would employing offices have in effectively implementing these regulations? The Board is charging the employing offices with the responsibility of duly factoring the veterans' preference principles into their individualized hiring and retention processes. We will require that such measures be substantive and verifiable. Otherwise, VEOA implementation would be illusory and the Office's remedial responsibility under 2 U.S.C.1316a(3) might be compromised.

Therefore, the proposed regulations would require that all employing offices with covered employees or seeking applicants for covered positions develop a written program, within 120 days of the Congressional approval of the regulations, setting forth each employing office's modality for effecting the veterans' preference principles in its hiring and retention systems. These programs would demonstrate each employing office's efforts to comply with the VEOA. However, technical promulgation of such procedures does not per se relieve an employing office of substantive compliance with the VEOA.

Similarly, Subpart E of the proposed regulations contains various important provisions governing recordkeeping, dissemination of VEOA policies, written notice prior to a RIF, and informational requirements regarding veterans' preference determinations. Certain of these provisions (notably that requiring written notice prior to a RIF) derive directly from statutory provisions made applicable to covered employees by the VEOA. The Board has adopted others so as to ensure that the employing offices, which have significant autonomy and discretion in integrating the veterans' preference requirements into their personnel systems, administer the preferences in a way that promotes accountability and transparency. In response to the earlier Comments of the employing offices, however, the Board has refrained from adopting more burdensome procedural requirements, such as keeping formal retention registers (see 5 CFR §351.505).

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? No. The Board of Directors has identified no ''good cause'' for varying the text of these regulations. Therefore, if these proposed regulations are approved as proposed, there will be one text applicable to all employing offices and covered employees.

Are these proposed substantive regulations available to persons with disabilities in an alternate format? This Notice of Proposed Regulations is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9226; TDD: 202–426–1912; FAX: 202–426–1913.

30 Day Comment Period Regarding the Proposed Regulations

How can I submit comments regarding the proposed regulations? Comments regarding the proposed new regulations of the Office of Compliance set forth in this NOTICE are invited for **a period of thirty (30) days** following the date of the appearance of this NOTICE in the *Congressional Record*. In addition to being posted on the Office of Compliance's section 508 compliant web site (www.compliance.gov) this NOTICE is also available in the following alternative formats: Large Print, Braille. Requests for this NOTICE in an alternative format should be made to: Bill Thompson, Executive Director, or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202–724–9250 (voice) or 202–426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments must provide a self-addressed, stamped post card with their submission.

Copies of submitted comments will be available for review on the Office's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through

Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. The CAA was amended by adding 2 U.S.C. 1316a as part of the enactment of the Veterans' Employment Opportunities Act of 1998 (VEOA), PL 105–339, section 4(c), to provide additional substantive employment rights for veterans. Those additional rights are the subject of these regulations. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the Legislative Branch.

More Detailed Discussion of the Text of the Proposed Regulations

SUBPART A—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 4 OF THE VEOA

1.101 Purpose and scope. This section clarifies that the purpose of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the employing offices' existing employment and retention policies and processes, as per the explicit statutory mandate contained in the VEOA. Additionally, through these regulations, the Board seeks to fulfill its goal of achieving transparency in the application of veterans' preference in covered appointment and retention decisions.

Finally, it is noted that nothing in these regulations shall be construed to require an employing office to reduce any existing veterans' preference rights and protections that it may currently afford to preference eligible individuals. Any employing agencies that currently provide greater veterans' preferences than required by these regulations may retain them. Note also that, while the VEOA does not directly cover the GAO, GPO, or Library of Congress, should Congress extend Board jurisdiction over any of these entities in the future, it should take their existing veterans' preference policies into account, which may be based on independent statutory mandates. Note, for example, that 31 U.S.C. §732(h)(1) already mandates that the GAO must afford veterans' preferences (largely similar to those in subchapter I of chapter 35 of title 5 U.S.C.).

1.102 General definitions. This section provides straightforward definitions of key terms referred to in the regulations. Several of the definitions are derived from the statutory provisions made applicable via the VEOA, including ''veteran,'' from 5 U.S.C. §2108(1), ''disabled veteran'' from 5 U.S.C. §2108(2), and ''preference eligible'' from 5 U.S.C. §2108(3). It also contains several other definitions included for explanatory purposes.

The term ''appointment'' is defined as an individual's appointment to employment in a covered position. Consistent with the OPM regulations in 5 C.F.R. §211.102(c), the term excludes inservice placement actions such as promotions. The term ''covered employee'' follows the language of section 101(3) of the CAA, as limited by section 4(c)(5) of the VEOA. Section 4(c)(5) of the VEOA excludes employees whose appointment is made by a committee or subcommittee of either House of Congress. The Board believes this statutory exclusion extends to joint committees and has expressly excluded such employees from the definition of ''covered employee''.

The term ''qualified applicant,'' while not directly originating in the text of U.S.C. Title V, is used to capture the principle in 5 U.S.C. §3309 that only a preference eligible applicant who has received a passing grade in an examination or evaluation for entrance into the competitive service need receive additional points accorded to his or her application (except for certain ''restricted'' positions, discussed below). ''Qualified applicant'' is borrowed from the Americans with Disabilities Act (''ADA,'' 42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3). The ADA's reference to ''requisite skill, experience, education and other minimum job-related requirements'' has been shortened to ''requisite minimum job-related requirements,'' as not every job may require a particular level of acquired skill, experience, or education.

As will be discussed further, we are not requiring an employing office to establish any particular prerequisites or type of evaluation or examination system for applicants. Instead, the term ''qualified applicant'' serves as a means of implementing the statutory mandate that only preference eligible applicants with ''passing scores'' receive preference in the hiring process in the context of appointment processes that do not involve ''scoring'' or similar numeric evaluation.

Where the employing office does not use a numerically scored entrance examination or evaluation, we have authorized the employing office to make the determination of whether the applicant is minimally ''qualified'' for a covered position. In doing so, the employing office may rely on any job-related requirements or on any evaluation system, formal or otherwise, which it chooses to employ in assessing and rating applicants for covered positions, provided that the employing office in no way seeks to create or manipulate a standard as to whether an applicant is ''qualified'' so as to avoid obligations imposed upon it by the VEOA.

If, however, the employing office uses an entrance examination or evaluation that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has obtained a passing score on the examination or evaluation. The Board notes that it expects the level of ''passing scores'' to be roughly comparable to that in the OPM regulations (70 points on a 100 point scale; 5 CFR §337.101). We are not requiring employing offices to administer entrance exams at all, or to model an exam or the grading thereof after OPM's models. However, employing offices may not set the bar on a scored entrance examination or evaluation for a covered position so high that minimally qualified preference eligible applicants cannot pass. Moreover, the determination of what will constitute a ''passing score'' should be made and communicated to applicants before they are evaluated or sit for the entrance examination.

1.103 Adoption of regulations. This section details the process by which the regulations shall be adopted. It also clarifies that, as discussed extensively in the prefatory comments, supra, the Board has at times deviated from the regulations which otherwise were most applicable, i.e. the regulations issued by OPM implementing these selected provisions of U.S.C. Title V. When the Board has so deviated from the OPM regulations, it has done so in an effort to implement the statutory language of the VEOA in a way that respects the autonomy of employing offices' personnel systems and avoids placing undue administrative burdens upon these offices, and that otherwise respects the legislative intent of the VEOA.

1.104 Coordination with section 225 of the Congressional Accountability Act. This section notes that the VEOA requires that regulations promulgated are consistent with section 225 of the CAA. These proposed regulations are consistent with section 225; the regulations follow CAA principles contained therein, including applying CAA definitions and exemptions, and reserving enforcement through CAA procedures, rather than through recourse to the Executive Branch.

SUBPART B—VETERANS' PREFERENCE—GENERAL PROVISIONS

1.105 Responsibility for administration of veterans' preference. This section clarifies that employing offices have responsibility for administering veterans' preference, within the parameters of the VEOA and these regulations.

1.106 Procedures for bringing claims under the VEOA. This section establishes the procedures for contesting an adverse determination.

SUBPART C—VETERANS' PREFERENCE IN APPOINTMENTS

1.107 Veterans' preference in appointments to restricted covered positions. The VEOA makes 5 U.S.C. §3310 applicable to the Legislative Branch, thereby extending an absolute preference to veterans who apply for the positions of guard, elevator operator, messenger and custodian. Despite concerns raised by certain employing offices regarding the singling out of these particular positions, the Board may not ignore the statutory requirement that veterans who apply for them be afforded an absolute preference over non-veteran applicants.

We have based our definitions of the restricted position terms ''guards,'' ''elevator operators,'' ''custodians,'' and ''messengers,'' upon the definitions employed in the veterans'' preference context by the U.S. Office of Personnel Management in its ''Delegated Examining Operations Handbook.'' See http://www.opm.gov/deu/Handbook_2003. The definitions of custodian and messenger have been modified to include a ''primary duty'' requirement, to allow the performance of some custodial or messenger duties in positions having other primary duties without transforming those positions into restricted positions.

1.108 Veterans' preference in appointments to non-restricted covered positions. This section clarifies that preference eligible status is an affirmative factor in the hiring process for covered positions. The requirement that preference eligible status be applied as an ''affirmative factor'' is derived from the directive of the VEOA that the underlying principles of the veterans' preference laws be applied within the Legislative Branch.

Where an employing office assigns points to applicants competing for appointment to a covered position, it should add commensurate points for veterans' preference eligible applicants consistent with 5 U.S.C. §3309, one of the sections made applicable to the Legislative Branch by the VEOA. Should the office choose not to conduct formal evaluations on a point scale, it must apply veterans' preference as an affirmative factor, to a degree consistent with the level of preference applied in 5 U.S.C. §3309.

In no way does this require the creation of any particular type of system of examining or evaluating applicants, and an employing office may properly choose to not assign points at all to applications for covered positions. Rather, this regulation merely states

that, whatever system the employing office uses to choose among qualified applicants for a covered position, it must accord a level of preference to preference eligible qualified applicants consistent with the point system indicated in the statute. Thus, the preference must be comparable to affording an additional 5 or 10 points (depending on the status of the preference eligible) on a 100 point scale to qualified applicants, while understanding that under such a point system the applicant must have attained at least 70 points to be considered qualified. (OPM provides a scale for converting other point scales (5 point, 10 point, 25 point, etc.) to a 100-point scale.)

Section 1.108 applies to both restricted and non-restricted positions. While restricted positions are limited to preference eligibles (should there be preference eligible applicants), in the event that more than one preference eligible applies, the employing office should apply the requirement in this section to provide a higher preference to a disabled preference eligible. Thus, 5 U.S.C. §3310, while restricting certain positions to preference eligibles (so long as preference eligibles are available), does not except these positions from this requirement in 5 U.S.C. §3309 to provide higher preference to a disabled preference eligible applicant.

1.109 Crediting experience in appointments to covered positions. This language is taken from 5 CFR §337.101(c), which interprets 5 U.S.C. §3311, one of the sections made applicable to the Legislative Branch by the VEOA. We have elected to use the regulatory language as it is more clearly written, and serves to better guide employing offices than does the direct statutory text. The statutory and regulatory provisions are laid out below for an easy comparison:

SEC. 3311. PREFERENCE ELIGIBLES; EXAMINATIONS; CREDITING EXPERIENCE

In examinations for the competitive service in which experience is an element of qualification, a preference eligible is entitled to credit—

(1) for service in the armed forces when his employment in a similar vocation to that for which examined was interrupted by the service; and

(2) for all experience material to the position for which examined, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he received pay therefor.

5 U.S.C. §3311

(c) When experience is a factor in determining eligibility, OPM shall credit a preference eligible with:

(1) Time spent in the military service (i) as an extension of time spent in the position in which he was employed immediately before his entrance into the military service, or (ii) on the basis of actual duties performed in the military service, or (iii) as a combination of both methods. OPM shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible.

(2) All valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether pay was received therefor.

5 CFR §337.101(c). Section 1.109 does not require an employing office to consider experience as an element of qualification, but only requires that preference eligibles be afforded credit for certain experience if the employing office chooses to do so. Also, section 1.109 does not preclude an employing office from granting credit for experience to non-preference eligibles, so long as the credit afforded preference eligibles complies with the VEOA. Note also that section 1.109 of these proposed regulations applies equally to restricted and non-restricted positions.

Section 1.110 Waiver of physical requirements in appointments to covered positions. This section contains language derived directly from 5 U.S.C. §3312, one of the sections made applicable to the Legislative Branch by the VEOA. It requires an employing office to waive physical requirements for a position if it determines, after considering any recommendations of an accredited physician that may be submitted by such an applicant, that he or she is physically able to perform efficiently the duties of the position. Note that OPM has chosen to promulgate regulations interpreting 5 U.S.C. §3312 which make clear that: ''[A]gencies must waive a medical standard or physical requirement established under this part when there is sufficient evidence that an applicant or employee, with or without reasonable accommodation, can perform the essential duties of the position without endangering the health and safety of the individual or others.''

5 CFR 339.204. The Board does not believe that these proposed regulations are the proper vehicle for issuing regulations concerning the Americans with Disabilities Act (''ADA,'' 42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3). Therefore, section 1.110(a)(2) tracks the statutory language rather than the OPM regulation. It also clarifies that the employing office need consider a recommendation of an accredited physician only if such a recommendation is submitted by the preference eligible.

The Board does note, however, that Congress passed the ADA subsequent to the veterans' preference protections contained in 5 U.S.C. §3312, and that, under the ADA as applied by the CAA, employing offices may have obligations towards applicants that may in some circumstances be greater than the protections accorded preference eligible applicants in 5 U.S.C. §3312. For example, these regulations do not relieve employing offices from complying with the restrictions imposed on disability-based inquiries under the ADA but, as is discussed in the comments to section 1.118, recognize that an employing office may use information obtained through voluntary self-identification of one's disabled status. Accordingly, the Board has made clear in section 1.110 that nothing in this section shall relieve an employing office of any greater obligation it may have pursuant to the ADA.

SUBPART D—VETERAN'S PREFERENCE IN REDUCTIONS IN FORCE

1.111 Definitions applicable in reductions in force. This section provides definitions of several terms used in the regulations applying veterans' preference principles in the context of reductions in force. Unless clearly stated otherwise, the general definitions in proposed regulation 1.102 continue to apply in the context of reductions in force. For example, as used in the proposed reduction in force regulations, the term ''covered employee'' excludes employees whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate and other employees excluded under the proposed regulation 1.202(f). The term ''reduction in force'' has been defined to encompass actions that result in termination of employment, reductions in grade or demotions expected to continue for more than 30 days. This definition derives from OPM regulations, which clearly interpret 5 U.S.C. §3502 to include demotions and include the requirement that the personnel action be for more than 30 days [5 CFR §351.201 (a)(2)], and from the statutory provisions of the VEOA that charge the Board to follow OPM's regulations except where the Board may determine that a modification of those regulations would be more effective for the implementation of the rights and protections under the VEOA. Caselaw interpreting the veterans' preference laws also indicates that the inclusion of demotions in what constitutes a reduction in force stems from statutory, not just regulatory, language. (See, e.g., AFGE Local 1904 v. Resor, 442 F. 2d 993, 994 (3rd Cir. 1971); Alder v. U.S., 129 Ct. Cl. 150 (1954).)

5 U.S.C. §3501, which has been included in the CAA through Section (c)(2) of the VEOA, contains special definitions for determining whether an employee is a ''preference eligible'' for purposes of applying veterans' preference in reductions in force. The definitions that appear in section 1.111(b) of the regulations are taken directly from the statutory language in 5 U.S.C. §3501. Note, however, that these definitions do not apply to the application of the provisions of 5 U.S.C. §3504 (and section 1.114 of these regulations) regarding the waiver of physical requirements in determining qualifications for retention. In that context, the definition of ''preference eligible'' set forth in 5 U.S.C. §2108 (and section 1.102(o) of the Board's regulations) shall apply.

As discussed below, 5 U.S.C. §3502(c) provides that preference eligibles are entitled to retention over other ''competing employees''. In the Executive Branch, the question of who are ''competing employees'' is answered by reference to detailed and rather complex retention registers that Executive Branch agencies are required to maintain. (See, e.g., 5 CFR §351.203, 5 CFR §351.404 and 5 CFR §351.501.) The Comments to our initial proposed regulations noted that few if any employing offices in the Legislative Branch maintain retention registers, and that many of the OPM regulations regarding retention registers rely on personnel practices and systems that do not exist in the Legislative Branch.

In keeping with our new approach to the implementation of the VEOA, these regulations do not impose a requirement that an employing office create or maintain OPM-like retention registers but instead provide a framework for determining groups of ''competing employees'' for purposes of applying retention preferences as mandated by 5 U.S.C. §3502(c). In this respect, the Board has determined that several of the terms in the OPM regulations may be used to implement the concept of ''competing employees'' in the Legislative Branch without imposing Executive Branch personnel practices or systems: generally, ''competing covered employees'' are the covered employees within a particular ''position classification or job classification,'' at or within a particular ''competitive area''.

The definition of ''position classification or job classification'' is derived from OPM's basic definition of ''competitive level'' in 5 CFR §351.403(a)(1). The remaining regulations in 5 CFR §351.403(a)(2)–(4), (b)(1)–(5) and (c)(1)–(4) prescribe the manner in which an Executive Branch agency may determine a covered employee's competitive level. While some of these rules could be adopted in the Legislative Branch, others are clearly inapplicable. The Board has decided not to adopt

these portions of the OPM regulations in order to provide employing offices with a great amount of flexibility in determining an employee's ''position classification or job classification''. This is in keeping with our understanding that the personnel systems used by employing offices within the Legislative Branch vary significantly from those used in the Executive Branch. This flexibility is, of course, subject to the understanding that such determinations may not be manipulated in order to avoid the employing office's obligations under the VEOA.

The definition of ''competitive area'' more closely tracks OPM's definition of the same term in 5 CFR §351.402. We note that the OPM regulations define ''competitive area'' in terms of an agency's ''organizational units'' and ''geographical locations''. The Board is not adopting OPM definitions or descriptions of these terms, but will allow employing offices flexibility in applying these concepts to their own organizational structure. The Board has retained the OPM requirement that the minimum competitive area be a department or subdivision ''under separate administration.'' In this respect, ''separate administration'' is not considered to require that the administration of a proposed competitive area has final authority to hire and fire but that it has the authority to administer the day to day operations of the department or subdivision in question.

The OPM regulations incorporate the term ''tenure'' in their definition of ''competitive group.'' We have used the term in our definition of ''position classification or job classification'' because the statutory language in 5 U.S.C. §3502 identifies ''tenure'' as a factor that will override veterans' preference in determining employee retention in a reduction in force. However, we have not adopted OPM's definition of tenure, as it is tied to Executive Branch service classifications that do not exist in the Legislative Branch. See 5 CFR 351.501. Instead, the use of the term ''tenure'' in these definitions refers only to the type of appointment. For example, an employing office may choose to make ''tenure'' distinctions between permanent and temporary employees, probationary and nonprobationary employees, etc. By referring to ''permanent'' positions, we are referring to jobs that are not limited in advance to a specific temporal duration. Nothing in these Comments and Regulations is intended to address the ''at-will'' status of any covered position.

The Chief Counsel for the Senate noted, in her Comments to the prior proposed regulations, that the Senate does not employ the concept of ''tenure.'' If an employing office chooses not to make such distinctions, nothing in these regulations requires it to do so. If the office does, that is one of the factors in the constitution of the ''position classifications or job classifications''. Again, the Board notes that an employing office should not manipulate the creation of tenure so as to avoid its obligations under the VEOA.

We have also included a definition of ''undue interruption'' that is taken directly from the definition of the same term in the OPM regulations, 5 CFR §351.203. The term is used in determining whether various jobs should be included within the same ''position classification'' or ''job classification,'' and is meant to strike a balance between the interests of employing offices in retaining employees who will be able to perform the jobs remaining after a reduction in force, and the interests of preference eligibles whose jobs are being eliminated in remaining employed. OPM struck this balance by generally suggesting that an employee should be able to perform or ''complete'' required work within 90 days of being placed in the position, and the Board considers this time period to be appropriate in the Legislative Branch as well. For example, this protection against ''undue interruption'' would apply if a preference eligible would have to complete a training program of more than 90 days in order to safely and efficiently perform the covered position to which he or she would otherwise be transferred as a result of a RIF. Finally, we note that, since ''undue interruption'' is an affirmative defense, an employing office has the burden of raising it and proving that an employee may not perform work without ''undue interruption'' by objectively quantifiable evidence.

1.112 Application of reductions in force to veterans' preference eligibles. The crux of this regulation derives from 5 U.S.C. §3502(c), which provides:

An employee who is entitled to retention preference and whose performance has not been rated unacceptable under a performance appraisal system implemented under chapter 43 of this title is entitled to be retained in preference to other competing employees. (Emphasis added.)

This provision is the statutory lynchpin underlying veterans' preferences in RIF's. The statutory language in section 3502(c) above in effect requires the employing office to terminate covered employees subject to a RIF in inverse order of their veterans' preference status, within the appropriate group of covered employees with similar jobs, so long as the employees' performance has not been rated unacceptable. Under section 3502(c), a preference eligible covered employee (without an unacceptable performance appraisal) must be retained in preference to non-preference eligibles—even if the other covered employees in the group in fact have greater length of service or more favorable performance evaluations.

A separate provision in 5 U.S.C. §3502(a) requires Executive Branch agencies to give ''due effect'' to four factors: tenure, veterans'' preference, length of service, and performance or efficiency evaluations. OPM has promulgated regulations addressing these four factors, but which also incorporate the concept that, within the group of employees competing for retention, appropriate veteran's preference status is a factor that may override other factors such as length of service and performance or efficiency evaluations. (''Tenure,'' as discussed below, is factored in to the group of employees within which employees compete for retention during a RIF.)

Case law has also made abundantly clear that section 3502(c) requires that this preference eligible status ''trumps'' the ''due effect'' given to length of service and performance. Courts have interpreted the separate requirement under section 3502(a) to give ''due effect'' to these four enumerated factors as being relevant to retention determinations between two preference eligibles, or between two non-preference eligibles—and *not* relevant to retention determinations between a preference eligible and a non-preference eligible. *Hilton v. Sullivan*, 334 U.S. 323, 335, 336 (1948). The Board has chosen not to explicitly require that length of service or performance or efficiency evaluations be taken into account during RIF's—only that, if they are, veterans' preference remains the controlling factor in making retention decisions within ''position or job classifications'' in a competitive area (assuming other appropriate requirements are also met).

Federal courts have interpreted the present statutory language of section 3502(c) as providing preference eligible employees with an ''absolute preference,'' although only within the confines of their competing group. *Dodd v. TWA*, 770 F. 2d 1038, 1041 (Fed. Cir. 1985); see also *McKee v. TWA*, 1999 LEXIS 25663 at *5 (Fed. Cir. 1999) (unpublished). Additionally, the source of this key language in §3502(c), the Veterans' Preference Act of 1944 (in turn deriving from a series of historical statutes and executive orders, commencing in 1865), and the legislative history of this Act indicate that the section 3502(c) predecessor language was considered the ''heart of the section''. *Hilton v. Sullivan*, 334 U.S. 323, 338 (1948). To this effect, courts have interpreted §3502(c) (or its predecessor under the Veterans' Preference Act of 1944) as overriding such factors as length of service when considering retention standing. *Hilton v. Sullivan*, 334 U.S. at 335, 336, 339 (noting that ''Congress passed the bill with full knowledge that the long standing absolute retention preference of veterans would be embodied in the Act;'' *Elder v. Brannan*, 341 U.S. 277, 285 (1951). Thus, courts have interpreted section 3502(c) as requiring preference to be given to a minimally qualified preference eligible, within his or her competing group, regardless of the preference eligible's length of service or performance in comparison to non-preference eligibles.

To follow this clear statutory directive, the Board has decided that veterans' preference shall be the ''controlling'' factor (provided that the covered employee's performance was not rated unacceptable), in an employment decision taken within ''position or job classifications'' in ''competitive areas,'' as discussed in the Comments to section 1.111 of these proposed regulations, regardless of such factors as length of service or performance or efficiency ratings. Restricting the veterans' preference to RIF's taken within ''position or job classifications'' in ''competitive areas'' provides important limitations on the scope of the preference accorded. As noted above, the preference eligible does not normally compete for retention against all covered employees of an employing office; the definitional terms in section 1.111 restrict the scope of competition only to covered employees in similar occupational groupings (with the further qualification that the preference eligible must perform the position in question without ''undue interruption''(see discussion regarding section 1.111 of these proposed regulations)); in certain facilities involved; and with similar ''tenure,'' or employment status (such as, for example, whether the employee is a permanent or probationary employee). Note that OPM regulations incorporate the concept of ''tenure'' into the definition of ''competing group''; covered employees only compete for retention against co-workers of the same tenure type. As noted in the Comments to section 1.111 of these proposed regulations, employing offices may or may not incorporate the concept of ''tenure,'' and may choose not to make such distinctions as permanent, temporary, or probationary employees. Nothing in these proposed regulations requires employing offices to adopt such distinctions.

Another qualification on the veterans' preference as a ''controlling factor'' is that the preference eligible employee's performance must not have been rated ''unacceptable.'' While 5 U.S.C. §3502(c) contains a reference to performance appraisal systems implemented under 5 U.S.C. §4301 et seq., we are not requiring employing offices to implement a performance appraisal system following 5 U.S.C. §4301 et seq. An employing

office may continue to use its own methods for evaluating covered employees and appraising performance, and need not adopt any formal policy regarding performance appraisal. However, the Board notes that employing offices should not manipulate performance appraisals or evaluations so as to avoid obligations under the VEOA.

Another significant qualification on this regulation is that it only governs retention decisions in so far as they affect preference eligible covered employees. In no way does it govern decisions that do not affect preference eligible covered employees; in such cases, an employing office is free to make whatever determinations it so chooses, provided that these determinations are consistent with any other applicable law, and are not used to avoid responsibilities imposed by the VEOA. (Of course, an employing office with covered employees must disseminate information regarding its VEOA policy to covered employees, so as to allow for self-identification of preference eligibles. Furthermore, the notice required by section 1.120 of these regulations will allow covered employees who have not been identified as preference eligibles to assert that status before the RIF becomes effective.) Nor does the regulation require the keeping of formal retention registers, as OPM (and these regulations, as initially proposed) generally requires. However, an employing office must preserve any records kept or made regarding these retention decisions, as detailed in Subpart E of these proposed regulations.

Note also that the Board has included the provision that a preference eligible covered employee who is a ''disabled veteran'' under section 1.102(h) above, who has a compensable service-connected disability of 30 percent or more, and whose performance has not been rated unacceptable by an employing office is entitled to be retained in preference to other preference eligibles. This provision derives from 5 U.S.C. §3502(b), which provides a higher level of preference to certain disabled preference eligibles with regard to other preference eligibles.

Finally, the Board notes that this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9), which would of course apply to all employees covered by the CAA, not only to preference eligible employees covered by the VEOA.

1.113 Crediting experience in reductions in force. This section closely follows 5 U.S.C. §3502(a), one of the sections made applicable to the Legislative Branch by the VEOA, requiring the employing office to provide preference eligible covered employees with credit for certain specified forms of prior service as the office calculates ''length of service'' in the context of a RIF. This provision in no way requires an employing office to utilize ''length of service'' as a factor in its retention decisions regarding employees in the event that the RIF decision does not impact any preference eligible covered employees.

1.114 Waiver of physical requirements—retention. This provision closely follows 5 U.S.C. §3504, one of the sections made applicable to the Legislative Branch by the VEOA, requiring that, when making decisions regarding employee retention during a RIF, an employing office must waive physical requirements for a job for preference eligibles in certain specified circumstances. As discussed in the Comments to section 1.110, nothing in this regulation relieves an employing office of any greater obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

1.116 Transfer of functions. The language in this section derives from 5 U.S.C. §3503, one of the sections made applicable to the Legislative Branch by the VEOA, requiring covered employees to be transferred to another employing office in the event of a transfer of functions from one employing office to the other, or in the event of the replacement of one employing office by another employing office. The Board expects that employing offices shall coordinate any such transfers in a way that respects both the requirements of this regulation and, to the greatest extent possible, the employing offices' own personnel systems and policies. This section is one of the rare instances where an employing office must follow the regulation even in the event that the personnel action taken does not involve any preference eligible covered employees; however, the clear statutory language of 5 U.S.C. §3503 requires such a result.

Employees and employing offices are reminded that the definition of ''covered employee'' in these proposed regulations does not include employees appointed by a Member of Congress, a committee or subcommittee of either House of Congress, or a joint committee of the House of Representatives and the Senate. *See* proposed regulation 1.102(f)(bb). Therefore, proposed regulation 1.116 will not apply to any such employees affected by the election of new Members of Congress or the transfer of jurisdiction from one committee to another.

SUBPART E: ADOPTION OF VETERANS' PREFERENCE POLICIES, RECORDKEEPING & INFORMATIONAL REQUIREMENTS

We note that, of the six sections in this Subpart, only section 1.120 derives directly from statutory language. The other sections are borrowed from various other employment statutes, and are promulgated pursuant to the authority granted the Board by section 4(c)(4)(A) of the VEOA because they are considered necessary to the implementation of the VEOA. For example, the informational regulations in sections 1.120 and 1.121 are derived from informational regulations promulgated under the Family and Medical Leave Act, which provides employers with some flexibility in determining how the FMLA will be implemented within their own workforce. The Board is strongly committed to transparency as a policy matter. Moreover, for the VEOA rights to become meaningful, applicants for covered positions and covered employees will have to participate in ensuring that this system works properly, since employing offices are permitted to have flexibility in determining their policies, and the Board will not be taking the same active role in policing the veterans' preference requirements that OPM takes in the Executive Branch.

We also note that while this approach differs from OPM's, it reflects the far greater flexibility that employing offices have to tailor substantive requirements to their existing personnel systems and imposes less burdensome obligations on employing offices than that which is imposed on executive agencies: under our regulatory approach, employing offices will have reduced procedural burdens in that they will not be subject to the more detailed requirements of keeping formal retention registers, to the more highly regulated requirements regarding employee access to files (see e.g., 5 CFR §293.101 et seq., 5 CFR §297.101 et seq., and 5 CFR §351.505(b)), or to examining or evaluating applicants on a 100-point scale, seeking prior OPM approval of RIF's, etc.

Section 1.116 Adoption of veterans' preference policy. As noted at the outset of these Comments, the regulations will require each employing office that employs one or more covered employees or seeks applicants for covered positions to develop, within 120 days of the Congressional approval of the regulations, a written program or policy setting forth that employing office's methods for implementing the VEOA's veterans' preference principles in the employing office's hiring and retention systems. Employing offices that have no employees covered by the VEOA are not required to adopt such a policy or program.

Because these regulations afford the employing offices a great amount of flexibility in determining how to implement veterans' preference within their own personnel systems, it is imperative that the methods chosen by the employing offices be reduced to writing and disseminated to covered applicants and employees. This will further the goals of accountability and transparency, as well as consistency in the application of the employing office's veterans' preference procedures. An existing policy may be amended or replaced by the employing office from time to time, as it deems necessary or appropriate to meet changing personnel practices and needs. We note, however, that the employing office's policy or program will at all times remain subject to the requirements of the VEOA and these regulations. Accordingly, while the adoption of a policy or program will demonstrate the employing office's efforts to comply with the VEOA, it will not relieve an employing office of substantive compliance with the VEOA.

Sections 1.117 Preservation of records kept or made. The requirements set forth in this section are derived from OPM regulations regarding retention of RIF records, 5 CFR §351.505, and EEOC regulations regarding the preservation of personnel and employment records kept or made by employers, 29 CFR §1602.14. This section requires that relevant records be retained for one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or employee is notified of the personnel action. In addition, where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office must preserve all personnel records relevant to the claim until final disposition of the claim.

Section 1.118 Dissemination of veterans' preference policies to applicants for covered positions. Section 1.118 requires that employing offices must furnish information to applicants for covered positions before appointment decisions are made. Before these decisions are made, it is important that applicants be given the opportunity to self-identify themselves as preference eligibles, and that they receive information regarding the employing office's policies and procedures for implementing the VEOA, in order to ensure that they are aware of the VEOA obligations that may apply to their situation. Accordingly, the regulations require that information regarding the employing office's policies and procedures for implementing the VEOA in appointments be furnished to applicants at various stages when the employing office is hiring into covered positions. We note that inviting applicants to voluntarily

self-identify as a disabled veteran for purposes of the application of an employing office's veterans' preference policies, as outlined in the proposed regulation, is consistent with the EEOC's ADA *Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations* (EEOC Oct. 10, 1995).

This requirement does not prevent an employing office from appropriately modifying its veterans' preference policies when it sees fit to do so, but is intended to ensure that applicants will be made aware of the employing office's then-current policies and procedures. The requirement that an employing office allow applicants a ''reasonable time'' to provide information regarding their veterans' preference status is intentionally flexible. If an employing office must fill a covered position within a matter of days, one working day may be a ''reasonable time'' for submission of the information. However, if the employing office's appointment process is more prolonged, more time should be allowed.

Sections 1.119 and 1.120 Dissemination of information of veterans' preference policies to covered employees, and notice requirements applicable in RIFs. It is also important that covered employees receive information regarding the employing office's policies and procedures for implementing the VEOA in connection with RIFs, in order to ensure that they are aware of the VEOA obligations that may apply to that situation. Accordingly, section 1.119 requires that information regarding the employing office's policies and procedures for implementing the VEOA in appointments be disseminated through employee handbooks, if the employing office has covered employees and ordinarily distributes such handbooks to those employees, or through any other written policy or manual that the employing office may distribute to covered employees concerning their employee rights or reductions in force.

The notice requirements attendant to a RIF are set out separately in section 1.120 of the regulations. These regulations derive from the express statutory language in 5 USC §3502(d) and (e), which have been applied to the Legislative Branch by the VEOA. The language of section 3502(d) and (e) has been modified in section 1.120 to be consistent with the terms and approach used in the rest of these regulations. Among other changes, section 1.120 refers to ''covered employees'' and the provision in 5 U.S.C. §3502(e) that the ''President'' may shorten the 60 day advance notice period to 30 days has been changed to the ''director of the employing agency.'' Additionally, the provision regarding Job Training Partnership Act notice has been omitted. The requirement to inform the employee of the place where he or she may inspect regulations and records pertaining to this case derives from 5 CFR §351.802(a)(3).

The statutory language requiring notice of ''the employee's ranking relative to other competing employees, and how that ranking was determined'' has been modified to require that the notice state whether the covered employee is preference eligible and that the notice separately state the ''retention status'' (i.e., whether the employee will be retained or not) and preference eligibility of the other covered employees in the same job or position classification within the covered employee's competitive area. The Board is not requiring the keeping of retention registers or the ranking of employees within a job or position classification affected by a RIF. However, the statutory language clearly compels employing offices to provide employees who will be adversely affected by a reduction in force with advance notice of how and why the agency decided to subject that particular employee to the reduction in force. At a minimum, this includes whether the affected employee has preference eligible status, and an objective indication why the employee was not retained in relation to other employees in the affected position classifications or job classifications.

Section 1.121 Informational requirements regarding veterans' preference determinations. Once an appointment or reduction in force decision has been made, it is important that applicants for covered positions and covered employees receive information regarding the employing office's decision, in order to ensure that the rights and obligations created by the VEOA may be effectively enforced under the CAA as contemplated by section 4(c)(3)(B) of the VEOA. Accordingly, section 1.121 of the regulations requires that certain limited information regarding the employing office's decision be made available to applicants for covered positions and to covered employees, upon request.

Proposed Substantive Regulations

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

SUBPART A—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 4 OF THE VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.105 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101 PURPOSE AND SCOPE

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative Branch.

(b) Purpose and scope of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative Branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

SEC. 1.102 DEFINITIONS

Except as otherwise provided in these regulations, as used in these regulations:

(a) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(b) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(c) Appointment means an individual's appointment to employment in a covered position, but does not include inservice placement actions such as promotions.

(d) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(e) Board means the Board of Directors of the Office of Compliance.

(f) Covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(g) Covered position means any position that is or will be held by a covered employee.

(h) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(i) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(j) Employee of the Capitol Police Board includes any member or officer of the Capitol police.

(k) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (f) above nor any individual described in subparagraphs (aa) through (cc) of paragraph (f) above.

(l) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (f) above nor any individual described in subparagraphs (aa) through (cc) of paragraph (f) above.

(m) Employing office means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority

to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(n) Office means the Office of Compliance.

(o) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. §2108(3)(A)–(G).

(p) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has received a passing score on the examination or evaluation.

(q) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(r) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(s) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(t) Veteran means persons as defined in 5 U.S.C. §2108, or any superseding legislation.

SEC. 1.103 ADOPTION OF REGULATIONS

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the Executive Branch) promulgated to implement the statutory provisions referred to in paragraph (3)'' of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the Executive Branch) promulgated to implement the statutory provisions referred to in paragraph (3)'' of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the Executive Branch),'' section 4(c)(4)(B) of the VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative Branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive Branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative Branch, while providing no VEOA protections to the covered Legislative Branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative Branch through the VEOA.

SEC. 1.104 COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT

Statutory directive. Section 4(c)(4)(D) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive Branch.

SUBPART B—VETERANS' PREFERENCE—GENERAL PROVISIONS

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105 RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE

Subject to Section 1.106, employing offices are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106 PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

SUBPART C—VETERANS' PREFERENCE IN APPOINTMENTS

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.
1.110 waiver of physical requirements in appointments to covered positions

SEC. 1.107 VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligibles as long as preference eligibles are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One who is assigned to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the U.S. Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108 VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS

(a) Where employing offices opt to examine and rate applicants for covered positions on a numerical basis they shall add points to the earned ratings of those preference eligibles who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor that is given weight in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309 in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109 CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligibles with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110 WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS

(a) Subject to (c) below, if an employing office determines, on the basis of evidence before it, that an applicant for a covered position is preference eligible, the employing office shall waive in determining whether the preference eligible applicant is qualified for appointment to the position:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible, the preference eligible is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines that, on the basis of evidence before it, an otherwise qualified applicant who is a preference eligible described in 5 U.S.C. §2108(3)(c) who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. Should the preference eligible make a timely response the employing office, at the highest level within the employing office, shall render a final determination of the physical ability of the preference eligible to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible.

(c) Nothing in this section shall relieve an employing office of any greater obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SUBPART D—VETERAN'S PREFERENCE IN REDUCTIONS IN FORCE

Sec.
1.111 Definitions applicable in reductions in force.
1.112 Application of preference in reductions in force.
1.113 Crediting experience in reductions in force.
1.114 Waiver of physical requirements in reductions in force.
1.115 Transfer of functions.

SEC. 1.111 DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office under separate administration within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if—

(A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of ''preference eligible'' as set forth in 5 U.S.C §2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

(e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. This does not encompass terminations or other personnel actions predicated upon performance, conduct or other grounds attributable to an employee.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, a work program would generally not be unduly interrupted even if a covered employee needed more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position. An employing office has the burden of proving ''undue interruption'' by objectively quantifiable evidence.

SEC. 1.112 APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been rated unacceptable. Provided, a preference eligible who is a ''disabled veteran'' under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been rated unacceptable by an employing office is entitled to be retained in preference to other preference eligibles. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. § 1302(a)(9).

SEC. 1.113 CREDITING EXPERIENCE IN REDUCTIONS IN FORCE

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

SEC. 1.114 WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by

the preference eligible, the preference eligible is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that, on the basis of evidence before it, a preference eligible described in 5 U.S.C. §2108(3)(c) who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible make a timely response the employing office, at the highest level within the employing office, shall render a final determination of the physical ability of the preference eligible to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible.

(c) Nothing in this section shall relieve an employing office of any greater obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115 TRANSFER OF FUNCTIONS

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

SUBPART E—ADOPTION OF VETERANS' PREFERENCE POLICIES, RECORDKEEPING & INFORMATIONAL REQUIREMENTS

Sec.
1.116 Adoption of veterans' preference policy.
1.117 Preservation of records made or kept.
1.118 Dissemination of veterans' preference policies to applicants for covered positions.
1.119 Dissemination of veterans' preference policies to covered employees.
1.120 Written notice prior to a reduction in force.
1.121 Informational requirements regarding veterans' preference determinations.

SEC. 1.116 ADOPTION OF VETERANS' PREFERENCE POLICY

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations and to the public upon request. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117 PRESERVATION OF RECORDS MADE OR KEPT

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term ''personnel records relevant to the claim,'' for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

1.118 DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligibles, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligibles in accordance with the VEOA; and

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(c) An employing office shall provide the following information in writing to all qualified applicants for a covered position:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants, but is not required to do so by these regulations.

(d) Except as provided in this subparagraph, the written information required by paragraph (c) must be provided to all qualified applicants for a covered position so as to allow those applicants a reasonable time to respond regarding their veterans' preference status.

(e) Employing offices are also expected to answer applicant questions concerning the employing office's veterans' preference policies and practices.

SEC. 1.119 DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES

(a) If an employing office that employs one or more covered employees or that seeks applicants for a covered position provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference entitlements under the VEOA and employee obligations under the employing office's veterans' preference policy, as set forth in subsection (b) of this regulation.

(b) Written guidances and notices to covered employees required by subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to workforce adjustments; and the procedures the employing office shall take to identify preference eligible employees.

(3) The employing office may include other information in the notice or in its guidances, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer covered employee questions concerning the employing office's veterans' preference policies and practices.

1.120 WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE

(a) Except as provided under subsection (b), a covered employee may not be released, due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area;

(7) the place where the covered employee may inspect the regulations and records pertinent to him/her, as detailed in section 1.121(b) below; and

(8) a description of any appeal or other rights which may be available.

(c) (1) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(2) No notice period may be shortened to less than 30 days under this subsection.

SEC. 1.121 INFORMATIONAL REQUIREMENTS REGARDING VETERANS' PREFERENCE DETERMINATIONS

(a) Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall state at a minimum:

(1) Whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible. If the applicant is not considered preference eligible, the explanation need not address the remaining matters described in subparagraphs (2) and (3).

(2) If the applicant is preference eligible, whether he/she is a qualified applicant and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not a qualified applicant. If the applicant is not considered a qualified applicant, the explanation need not address the remaining matters described in subparagraph (3).

(3) If the applicant is preference eligible and a qualified applicant, the employing office's explanation shall advise whether the person appointed to the covered position for which the applicant was applying is preference eligible.

(b) Upon written request by a covered employee who has received a notice of reduction in force under section 1.120 above (or his/her representative), the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's retention decision regarding that covered employee. Such explanation shall state:

(1) Whether the covered employee is preference eligible and, if not, the reasons for the employing office's determination that the covered employee is not preference eligible.

(2) If the covered employee is preference eligible, the employing office's explanation shall include:

(A) a list of all covered employee(s) in the requesting employee's position classification or job classification and competitive area who were retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible,

(B) a list of all covered employee(s) in the requesting employee's position classification or job classification and competitive area who were not retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(C) a brief statement of the reason(s) for the employing office's decision not to retain the covered employee.

END OF PROPOSED REGULATIONS

RECOGNITION OF MARK MORSE

Mr. REID. Mr. President, today I wish to recognize the public service of Mark Morse of Las Vegas, NV.

Mark has served as field manager for the Bureau of Land Management's Las Vegas Field Office for the last 5 years. Serving as a field manager for any BLM office is a challenge, but nowhere are the competing demands of recreation and conservation, urban development and species preservation more pronounced than in southern Nevada.

Some might throw up their hands in the face of such challenges, but Mark confronted them head on. He is respected by such diverse groups as local and county government officials, environmental organizations, and recreation advocates for balancing the needs of all who take an interest in our public lands.

He has forged partnerships between the BLM and local organizations, including the Red Rock Canyon Interpretive Association, Friends of Red Rock Canyon, the National Wild Horse Association, Master Gardeners, UNLV, and the Clark County School District. These partnerships have not only included the local community in the stewardship of our public lands; they have ensured that these lands are better cared for than they would be under only BLM supervision. Red Rock enthusiasts are improving the BLM's interpretation of Red Rock Canyon; students from a local high school are discovering the unique history of Tule Springs. It was Mark's vision that made these partnerships happen.

We in Nevada's congressional delegation have also handed Mark his share of challenges. The Nevada BLM oversees an enormously successful program that disposes of Federal land in southern Nevada while using the proceeds to preserve Nevada's natural treasures. This program has made federal land agencies work together in ways that have no precedent in our country. Mark has helped create interagency teams that improve both the care of Federal lands and the efficiency of the agencies charged with that care. Without Mark's leadership, this program would not be such a success story.

Mark has helped the Las Vegas Field Office adapt to the unique nature of managing Federal land in this growing urban setting. He is proud of his team, and he would say it has embraced change and achieved excellence. The BLM is not always a popular entity in Nevada, but Mark's accomplishments have greatly improved its reputation.

Mark's retirement is the culmination of 39 years of service with the BLM in the West, including time in northern California and Colorado as well as Nevada. I wish Mark the best, and I hope I will have the privilege of working with him again in the future.

BALTAZAR CERVANTES' 100TH BIRTHDAY

Mr. REID. Mr. President, I speak today in recognition of Mr. Baltazar Cervantes' 100th birthday.

Mr. Cervantes was born and raised in Mexico, and he came to the United States in 1919, making Nevada his home in 1958.

He worked for the Southern Pacific Railroad for 36 years, then worked part time for the city of Elko, in northeast Nevada, for the next 20 years. He finally retired in 1993 at the age of 88.

Throughout his life, Mr. Cervantes has dedicated himself to his family, a group that has continued to grow over time. Today his extended family include 10 children, 44 grandchildren, 54 great grandchildren, and 1 great-great-grandchild.

Mr. Cervantes has experienced many things during his life, and he has seen some historic figures. When he was a young boy, he saw Pancho Villa in Mexico, and after he moved to the United States he was fortunate enough to see the legendary Babe Ruth play baseball.

Mr. Cervantes has long been an avid baseball fan, and his favorite team is the Atlanta Braves. He tells his children that even though the Braves. didn't enjoy much success during the early years when he watched them, he always knew they would turn it around. I am sure Mr. Cervantes has enjoyed the Braves' 13 consecutive playoff appearances.

Today Mr. Cervantes lives with his daughter Norma and her daughter Kara, and he enjoys watching Braves games in the company of his loving family. It gives me great pleasure to offer my sincerest congratulations to this special man on the occasion of his 100th birthday.

EGYPT

Mr. MCCONNELL. Mr. President, in his recent State of the Union address, President Bush stated:

the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.

In light of the President's statement, I would like to submit for the RECORD an op-ed by Jackson Diehl that appeared in today's Washington Post titled ''Egypt's Gamble.''

In this piece, Mr. Diehl notes with concern that the Egyptian Government appears to be acting under the assumption that, despite the President's strong statement on the need for democratic reforms in the country, the United States will still turn a blind eye to the recent heavy-handed actions taken by the Egyptian authorities toward prodemocracy activists. Mr. Diehl's piece notes:

The U.S. Embassy in Cairo is urging caution; it argues that an overly aggressive U.S. reaction [to the crackdown] would play into the hands of Egyptian ''hardliners.''

Mr. President, I am deeply troubled about these reports, if they are true.

President Bush's statement of policy with respect to Egypt could not be more clear. Nonetheless, it appears that there are those in the Bureau of Near Eastern Affairs at the State Department who are attempting to return to ''business as usual'' with respect to U.S. policy toward Egypt. I would like to go on record as reiterating my strong support for the need for Egypt to reform its political and economic institutions, and I look forward to working with Secretary Rice to ensure that the President's vision of democracy in the region is not diluted at lower levels of the Department through bureaucratic inertia and intransigence.

I ask unanimous consent that the op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 14, 2005]

EGYPT'S GAMBLE

(By Jackson Diehl)

The appearance of Egyptian Foreign Minister Ahmed Aboul Gheit and intelligence chief Omar Suleiman in Washington this week should bring to a head a bold attempt by their country's strongman, Hosni Mubarak, to neuter President Bush's campaign for democracy in the Middle East within weeks of his inaugural address.

Mubarak's brazen gambit was encapsulated by two events on successive days last week. On Tuesday he played host in Sharm el-Sheikh as Israeli Prime Minister Ariel Sharon and Palestinian President Mahmoud Abbas declared a cease-fire. On Wednesday his police in Cairo arrested the deputy leader of the new, liberal democratic Tomorrow political party and banned its newspaper from publishing its first issue—even though 10 days before the Bush administration had strongly objected to the arrest of the party's chairman, Ayman Nour.

Mubarak is betting that Gheit and Suleiman will be greeted at the State Department and White House as close collaborators in a budding Israeli-Palestinian detente, not as representatives of a government engaged in an expanding crackdown on its secular and democratic opposition. If so, the 76-year-old president will feel secure in continuing a campaign aimed at crushing what has been mounting opposition among the Egyptian political and business elite to his plan to extend his quarter-century in office by six years through a rigged referendum this fall. His son, Gamal, waits in the wings to succeed him.

Bush, who in his State of the Union speech called on Egypt to ''show the way'' toward democracy in the Middle East, will look feckless and foolish if a regime so deeply dependent on U.S. military and economic aid stages another fraudulent election while jailing the very politicians who support his vision. But Mubarak is betting that this U.S president, like those who preceded him, won't seriously confront him or threaten his economic lifeline at a sensitive moment in the ''peace process.''

He may or may not be right. Some officials tell me that the Egyptians will get a cool, if not cold, reception in Washington and will be told that the jailing of Nour and his deputy, Moussa Mustafa, is unacceptable. Bush, one source said, is ''furious'' about the arrests. A U.S. diplomatic letter has been drafted, but not yet dispatched, to other members of the Group of Eight industrial nations; it describes Mubarak's political crackdown in harsh terms and suggests that G–8 participation in an early March meeting in Egypt with the Arab League should be reconsidered.

One official I spoke to pointed out that Condoleezza Rice is due to pay her first visit as secretary of state to the Arab Middle East for the Arab League meeting. If Nour is not freed, the official predicted, Rice may cancel the trip: ''She is not going to sit there like a potted plant while the Egyptians do this.'' But Rice hasn't addressed the issue, and there is no consensus inside the administration on such a tough response. Predictably, the U.S. Embassy in Cairo is urging caution; it argues that an overly aggressive U.S. reaction would play into the hands of Egyptian ''hard-liners.'' Such limp logic, of course, is exactly what the chief hard-liner—Mubarak—is counting on.

Whatever comes of the Nour affair, the State Department has launched a committee to review policy toward Egypt. That will give democracy advocates at State and the White House a platform for arguing that relations with Cairo should be fundamentally shifted in the coming year. They can count on support in Congress, where key Republicans, such as Sen. Mitch McConnell of Kentucky, have grown increasingly impatient with Mubarak's refusal to liberalize.

Few believe that Mubarak can now be stopped from granting himself another term as president. But proponents of change will argue that Bush must at least push Mubarak to make a major concession to his moderate opposition. This is not a matter of the United States dictating reform: Nour, a new coalition of political groups and even some officials in the ruling party have been pressing for a constitutional rewrite that would make future elections democratic and limit the president's power and tenure. They also want lifted the ''emergency laws'' that Mubarak has used to suppress political activity. Bush need only embrace this homegrown agenda.

The old autocrat probably won't yield unless his annual dose of $1.2 billion in U.S. aid is put at stake. Critics have been arguing for years that that huge subsidy, which dates to the Cold War, buys the United States little but greater enmity from the millions of Arabs who loathe the region's corrupt autocracies and blame the United States for propping them up.

The fact is, Mubarak has far more to lose than Bush from a rupture in U.S.-Egyptian relations. By contrast, if the dictator sails to reelection with the apparent consent of Washington, it is Bush who will be the big loser.

RULES OF PROCEDURE—SELECT COMMITTEE ON ETHICS

Mr. VOINOVICH. Mr. President, in accordance with rule XXVI.2 of the Standing Rules of the Senate, I ask unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 109th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

RULE 1: GENERAL PROCEDURES

(a) Officers: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting.

The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the

Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) Complaint, Allegation, or Information: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) Source of Complaint, Allegation, or Information: Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Form and Content of Complaints: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) Definition of Preliminary Inquiry: A ''preliminary inquiry'' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) Basis for Preliminary Inquiry: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) Scope of Preliminary Inquiry:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) Opportunity for Response: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) Final Report: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) Committee Action: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) Definition of Adjudicatory Review: An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) Scope of Adjudicatory Review: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Final Report of Adjudicatory Review to Committee: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) Committee Action:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) Right of Appeal:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) Right to Hearing: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) Non-Public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least 5 days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) Witnesses:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least 2 working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right to Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of Hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for Adjudicatory Hearings:

(A) At least 5 working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least 2 working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged

under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of Witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to Counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to Cross-Examine and Call Witnesses:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least 1 working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within 24 hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within 5 days after the testimony is received.

(6) Admissibility of Evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) Supplementary Hearing Procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) Subpoenas:

(1) Authorization for Issuance: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) Signature and Service: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) Withdrawal of Subpoena: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) Depositions:

(1) Persons Authorized to Take Depositions: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) Deposition Notices: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) Counsel at Depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) Deposition Procedure: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or

criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) Filing of Depositions: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and State authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) Applicable Rules and Standards of Conduct:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for

any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions Are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless——

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Rulings: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority To Receive Complaints: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than 90 days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons to Testify: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

RULES OF PROCEDURE—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, pursuant to the requirements of rule XXVI, section 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Homeland Security and Governmental Affairs for the 109th Congress adopted by the committee on February 10, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within 3 calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour.

Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his or her own initiative and without any point of order being made by a member of the Committee or Subcommittee; provided, further, that when the chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee member has been informed of the matter on which he/she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote.

(1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling.

(1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him/her, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to

the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he/she shall designate a temporary chairman to act in his/her place if he/she is unable to be present at a scheduled meeting or hearing. If the chairman (or his/her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the ranking majority member present shall preside until the chairman's arrival. If there is no member of the majority present, the ranking minority member present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his/her own initiative and without any point of order being made by a member of the Committee or Subcommittee; provided, further, that when the chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing rules of the Senate.)

C. Full Committee subpoenas. The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or staff officer designated by him/her has not received notification from the ranking minority member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing, other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee or Subcommittee shall be entitled, upon request to the chairman by a majority of the minority members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him/her has not received notification from the ranking minority member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority members as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices

shall specify a time and place for examination, and the name of the Committee member or members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member or members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member or members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure, deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI Sec. 20(b), Standing Rules of the Senate.)

B. Supplemental, minority, and additional views. A member of the Committee who gives notice of his or her intention to file supplemental minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views, (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee chairmen. The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the record keeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations

Oversight of Government Management, the Federal Workforce, and the District of Columbia

Federal Financial Management, Government Information, and International Security

B. Ad hoc Subcommittees. Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his/her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information Concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the

nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to pre-hearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last summer, a young man and two of his gay friends were on their way to a bar. A 38-year-old male confronted one of the gay men and began to harass him. When the victim's friend tried to intervene, the assailant struck him in the head multiple times with a baseball bat believing that he was also gay. He was treated for skull fractures, cranial bleeding, and a blood clot in the brain.

The 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. By passing this legislation and changing current law, we can change hearts and minds as well.

JOHN HUME—LEADER FOR PEACE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, it is with great honor that I submitted this resolution, S. Res. 54, paying tribute to John Hume. Throughout the long and difficult years of civil strife and turmoil, John dedicated himself to achieving a peaceful, just, and lasting settlement of the conflict in Northern Ireland.

I have known John for over 30 years, and he has always been one of the people I have admired most in the world. I have consistently been impressed by his insights, his commitment to peace, and his dedication to the people of Northern Ireland. He is truly a profile in courage, and he won the Nobel Prize for it in 1998.

I first contacted John in 1972, shortly after he founded the Social Democratic and Labour Party in Northern Ireland. I was planning a trip to Western Europe for a NATO meeting in Bonn. I was concerned about the violence erupting in Northern Ireland, and I was told that John Hume was the best person to see in the North. So I called him in Derry, and said: ''Mr. Hume, it's Ted Kennedy. I understand you're the person to talk to about what's going on over there.'' He didn't believe it. He said: ''Pull my other leg.''

I resisted though and told him that I would be in Bonn for the meeting of NATO. He graciously agreed to meet me there, and it was the beginning of our extraordinary friendship over the years.

John has been an indispensable voice for peace and reconciliation in Northern Ireland. His call for respect for both the Catholic and the Protestant traditions has been eloquent and historic for more than three decades.

In a very real sense, it was John who, in large part, became the glue that held Northern Ireland together, halted the descent into anarchy and civil war, and produced realistic hope for peace and further progress.

In 1983, largely as a result of John's efforts, the principal political parties in Ireland and the SDLP in Northern Ireland established what was called the New Ireland Forum. It developed new ideas for peace, and prepared a landmark report that laid the groundwork for an unprecedented, new initiative on the North between Britain and Ireland, culminating in 1985 with the signing of the historic Anglo-Irish Agreement by Margaret Thatcher of Great Britain and Garret FitzGerald of Ireland.

That in turn led to the cease-fire by the Irish Republican Army in 1994, the famous Good Friday Agreement in 1998, and the further progress that has brought both sides so close to a permanent peace today.

John has been a familiar face to many of us in the United States over the years. Perhaps his greatest achievement was educating Irish America about the conflict and the most effective way forward.

The civil rights movement in the United States in the 1960s planted the seed for a comparable movement by the Catholic minority in Northern Ireland. But, as the movement gained

strength, it encountered intense resistance, and there was a very real feeling that violence was the only path to a better future. Much of Irish America agreed with that view, and there was a strong financial support in the United States for the IRA.

John Hume changed all that. He became an apostle of nonviolence, just as Martin Luther King did at a critical time in our own civil rights movement. The violence began to ebb, and more and more citizens in Northern Ireland recognized that peaceful change could be achieved in a way that would benefit people of both communities in the North. Others had important roles as well, but at a critical time in the history of Northern Ireland, John Hume stepped up and led the way toward peace, and history will honor him forever for all he did so well.

The pending resolution pays tribute to John Hume's brilliant achievements in the cause of peace for all the people of Northern Ireland, and I urge my colleagues to support it.

ADDITIONAL STATEMENTS

HONORING THE CAREER OF DENNIS HAGNY

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Mr. Dennis Hagny, general manager and chief executive officer of Northern Electric Cooperative, for devoting more than 40 years of service to advancing the ambitions and objectives of the rural electric program. After four decades with Northern Electric, Dennis is retiring and looks forward to traveling with his wife, Mary, and visiting their two children, Jennifer and Jeff.

Over the years, Dennis guided Northern Electric as it grew from a basic electric service provider into a progressive electric system that currently serves more than 6,000 residential, farm and industrial customers. Under Dennis' leadership, Northern Electric headed up many projects designed to technologically integrate South Dakota, such as the North Central Area Interconnect, which Northern Electric built and funded. North Central Area Interconnect, created in 1993, is a fully-interactive long distance learning system comprised of eight school districts, spanning three separate counties. This system provides high school students the opportunity to take college level classes via personal computer. Likewise, Dennis' innovation and commitment to rural communities inspired the creation of Northern Rural Cable TV, the Nation's first rural cooperative wireless cable television system.

Dennis has used Northern Electric to connect South Dakotans not only with each other, but with the global market, as well. During Dennis' tenure, Northern Electric developed WOWnet, a high speed, wireless internet service for underserved areas. Similarly, Dennis helped finance the construction of Aberdeen's first ''smart park,'' a 150-acre industrial park wired for high-speed telecommunications.

In addition to his tremendous contributions to rural South Dakota, Dennis, a native of Gettysburg, SD, is also a Vietnam veteran. Following his graduation from Gettysburg High School in 1961, Dennis served in the U.S. Army and Iowa National Guard from 1965 to 1969.

Dennis has always been devoted to improving conditions in the communities he served. As a result, he is a founding member of the Rural Electric Economic Development Revolving Loan Fund, REED, and is actively involved with numerous local boards and organizations. REED, a nonprofit corporation that provides financing for projects in small communities and rural areas of South Dakota, is credited with creating more than 3,000 jobs throughout South Dakota. Additionally, Dennis is chairman of Avera St. Luke's Board of Directors, and is a member of St. Luke's Foundation Board. Also, he serves on the Northern Electric Regional Board of the Governors Office of Economic Development, the Presentation College Board of Trustees, and is founding and past member of South Dakota Rural Enterprise. He is also a life member of Veterans of Foreign Wars and the American Legion.

It is with great honor that I share Dennis' accomplishments with my colleagues and publicly commend him for his excellent service to South Dakota. I wish him the very best, along with his wife, Mary; their two children, Jennifer and Jeff; and their three grandchildren.•

SOUTH DAKOTAN STUDENTS HONORED

• Mr. THUNE. Mr. President, I congratulate and honor two young South Dakota students who have achieved national recognition for exemplary volunteer service in their communities. Michelle Rydell of Vermillion and Molly Stehly of Sioux Falls have just been named State Honorees in the 2005 Prudential Spirit of Community Awards program. They have proved themselves to be a part of the extraordinary youth of our country who understand the importance of civic duty and service in the community.

Michelle is being recognized for her creation of a ''Dream Team'' that collected essential goods for impoverished people in Guatemala and helped raise awareness of poverty in the region. She gave more than goods to the people of a foreign land, she gave them hope.

Molly is being recognized for her help with her mother's special education class. She offered freely of herself, at the young age of 13, in an effort to help the students with special needs to move toward greater independence.

In a State like South Dakota, selfless acts of goodwill toward the community are often commonplace. Michelle and Molly stand out, however, for their constant contributions to others without consideration for themselves. The Prudential Spirit of Community Awards program has considered more than 20,000 young people this year and Michelle and Molly are among the handful selected for the honor.

I heartily applaud Michelle and Molly for their initiative in seeking to make others' lives better. They have demonstrated a level of commitment and service that many adults will never achieve. They are shining examples, to young and old alike, of selfless public service. I would also like to recognize Kelly Fawcett of Miller and Kirstin Hanson of Elk Point, who were named Distinguished Finalists for their outstanding volunteer service.

The actions of all of these young people demonstrate that young Americans can, and do, play important roles in their communities, and that America's youth continue to hold tremendous promise for the future.•

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

S. 384. A bill to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

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–728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Revision of Emergency Evacuation Demonstration Procedures to Improve Participant Safety'' ((RIN2120–AF21) (2005–0001)) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Cabin Safety Changes'' (2120–AF77) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference'' (RIN2120–ZZ61) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Control Specialists'' (2120–AI18) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''DOD Commercial Air Carrier Evaluators; Request for Comments'' (RIN2120–AI00) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations; Correction'' (RIN2120–AH06) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Picture Identification Requirements; Correction'' (RIN2120–AH76) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Jet Route 187, and Revision of Jet Routes 180 and 181; MO'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kotzebue, AK'' (2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Lamar, MO'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kennett, MO'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Correction to Class E Airspace; Durango, CO'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Jonesville, VA'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Restricted Areas 3801A, 3801B, and 3801C, Camp Clairborne, LA'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; St. Francis, KS'' (RIN2120–AA66) received on February 1, 2005; to the Committee on Commerce, Science, and Transportation.

EC–743. A communication from the Director, Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Relocation of National Cemetery Administration Regulations'' (RIN2900–AM10) received February 8, 2005; to the Committee on Veterans' Affairs.

EC–744. A communication from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Payment for Non-VA Physician and Other Health Care Professional Services Associated with Either Outpatient or Inpatient Care Provided at Non-VA Facilities'' (RIN2900–AK94) received on February 8, 2005; to the Committee on Veterans' Affairs.

EC–745. A communication from the Chief, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Loan Guaranty: Implementation of Public Law 107–103'' (RIN2900–AL23) received on February 8, 2005; to the Committee on Veterans' Affairs.

EC–746. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247'' (RIN2502–AH92) received on February 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–747. A communication from Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, an update on the status of the report required by the LEGACY Act of 2003, received on February 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–748. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Proposed Data Collection, Reporting, and Recordkeeping Requirements Applicable to Cranberries Not Subject to the Cranberry Marketing Order'' (Docket Number: FV01–926–1 FR) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–749. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Spring Viremia of Carp; Payment of Indemnity'' (Docket Number 02–091–2) received on February 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–750. A communication from the Director, Regulatory Review Group, Department of Agriculture/FSA, transmitting, pursuant to law, the report of a rule entitled ''Nonrecourse Marketing Assistance Loan and Loan Deficiency Payment Regulations for Honey'' (RIN0560–AH18) received on February 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–751. A communication from the Director, Regulatory Review Group, Department of Agriculture/FSA, transmitting, pursuant to law, the report of a rule entitled ''2004 Ewe Lamb Replacement and Retention Payment Program'' (RIN0560–AH15) received on February 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–752. A communication from the Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus pumilus GB34; Exemption from the Requirement of a Tolerance'' (FRL–7682–6) received on February 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–753. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerances for Emergency Exceptions'' (FRL No. 7696–8) received on February 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–754. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticides; Removal of Expired Time-Limited Tolerances for Emergency Exemptions'' (FRL No. 7690–6) received on February 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–755. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Community Confinement'' ((RIN1120–AB27)(70 FR 1659)) received February 8, 2005; to the Committee on the Judiciary.

EC–756. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tentative Differential Earnings Rate for 2004 Under Section 809 (Notice 2005–18) received on February 8, 2005; to the Committee on Finance.

EC–757. A communication from the Director, Regulations Policy and Management

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Gastroenterology-Urology Devices; Classification for External Penile Rigidity Devices'' (Docket No. 1998N–1111) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–758. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Docket No. 2003F–0128) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–759. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Public Information Regulations; Withdrawal'' (Docket No. 2004N–0214) received on February 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–760. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Annual Report on the Implementation of the Age Discrimination Act of 1975 during Fiscal Year 2003, received February 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–761. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review; Withdrawal'' (Docket No. 1980N–0208) received on February 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–762. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's report on its competitive sourcing efforts for Fiscal Year 2004, received February 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

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. BAYH (for himself, Mr. CRAIG, and Ms. LANDRIEU):

S. 375. A bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 376. A bill to improve intermodal shipping container transportation security; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 377. A bill to require negotiation and appropriate action with respect to certain countries that engage in currency manipulation; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, and Mr. ALLEN):

S. 378. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DURBIN, and Mr. OBAMA):

S. 379. A bill to build capacity at community colleges in order to meet increased demand for community college education while maintaining the affordable tuition rates and the open-door policy that are the hallmarks of the community college system; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. DEWINE, Mr. BINGAMAN, Mr. SMITH, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 380. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. SNOWE, and Mrs. CLINTON):

S. 381. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. SPECTER, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DEWINE, Mr. KENNEDY, Mr. KYL, Mr. KOHL, Mr. LUGAR, Mr. VITTER, Mr. LEAHY, and Mr. SANTORUM):

S. 382. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 383. A bill to shorten the term of broadcasting licenses under the Communications Act of 1934 from 8 to 3 years, to provide better public access to broadcasters' public interest issues and programs lists and children's programming reports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 384. A bill to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years; placed on the calendar.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. HAGEL, and Mr. JOHNSON):

S. 385. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 386. A bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes; to the Committee on Foreign Relations.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 388. A bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, to provide for the establishment of a national greenhouse gas registry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 389. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself and Mr. BUNNING):

S. 390. A bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Con. Res. 12. A concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with another country must comply with certain minimum standards; to the Committee on Finance.

By Mr. SUNUNU:

S. Con. Res. 13. A concurrent resolution congratulating ASME on their 125th anniversary, celebrating the achievements of ASME members, and expressing the gratitude of the American people for ASME's contributions; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GREGG, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3, a bill to strengthen and protect America in the war on terror.

S. 50

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 98

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to

prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 117

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 125

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 125, a bill to designate the United States courthouse located at 501 I Street in Sacramento, California, as the ''Robert T. Matsui United States Courthouse''.

S. 132

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 188

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 188, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 282

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Hawaii (Mr . INOUYE) were added as cosponsors of S. 282, a bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes.

S. 285

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 288

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 288, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 296

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 296, a bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and for other purposes.

S. 306

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 306, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 306, supra.

S. 323

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 323, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 338

At the request of Mr. SMITH, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. HAGEL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arizona (Mr. MCCAIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 357

At the request of Mr. BINGAMAN, the names of the Senator from Texas (Mr. CORNYN), the Senator from California (Mrs. BOXER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 357, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 358

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 358, a bill to maintain and expand the steel import licensing and monitoring program.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 362

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 362, a bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 363

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 363, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes.

S. 364

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 364, a bill to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

S. 368

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 370

At the request of Mr. LOTT, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Louisiana (Mr. VITTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S.J. RES. 4

At the request of Mr. CONRAD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 4, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

S. CON. RES. 9

At the request of Mr. ENSIGN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Virginia (Mr. WARNER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 9, a concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

S. RES. 44

At the request of Mr. ALEXANDER, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Carolina (Mr. DEMINT), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 44, a resolution celebrating Black History Month.

S. RES. 54

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. Res. 54, a resolution paying tribute to John Hume.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (for himself, Mr. CRAIG, and Ms. LANDRIEU):

S. 375. A bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise today to encourage increased production of influenza vaccines in the United States. I am happy to honor my commitment to reintroduce the Flu Protection Act of 2005, along with Senator BAYH.

We dodged a bullet this year because we had a relatively mild flu season. Also, because the administration and public health officials did an excellent job of immediately addressing the vaccine shortage when it was announced in October. While this season's vaccine shortage didn't have as strong an impact as it might have, we should not go a day without looking for a path toward solving this problem so that we don't have the same issues in years to come. We may not always be so fortunate. Scientists believe that the return of an especially strong pandemic strain of flu is overdue. This legislation supports the administration's efforts to take steps to prepare for the imminent threat of avian flu.

The Bush administration has made progress on this issue, but Congress needs to address the underlying problems. The United States is disturbingly underprepared to deal with a massive outbreak or a sudden shortage of vaccine. We don't want to get caught short next year. We must aggressively encourage vaccine companies to come into this market and pass building incentives for existing companies.

I am encouraged that some sections of this legislation have been included in the majority's priority legislative package and look forward to working with other Members of Congress to ensure that the most comprehensive piece of legislation possible can be approved. We must move quickly to pass legislation that ensures sufficient flu vaccine supply, encourages an increase in production capacity, supports a flu vaccine awareness campaign, and prepares the United States to combat a pandemic or epidemic.

By Mrs. HUTCHISON:

S. 376. A bill to improve intermodal shipping container transportation security; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I rise to introduce a bill that will make much-needed improvements to our container security system. The Federal Government currently has no coordinated strategy which integrates the many aspects of inter-modal container shipping.

We may not be able to physically screen every container on the move in our Nation's vast economy, but we should not leave vast shipments of cargo completely unchecked. My bill lays out a systematic plan to coordinate and expand existing methods of screening and securing materials using available technology.

The cost to the U.S. economy of port closures on the West Coast due to a labor dispute last year was approximately $1 billion per day for the first five days, and rose sharply thereafter. These disruptions have become so costly because the container shipping system is designed for speed and efficiency; as a result, the U.S. and its global trading partners have in effect become hostages to a ''just-in-time'' distribution model where any disruption of the system has far reaching and immediate global impact.

I am eager to prevent a similar situation from occurring, since in my home State the Port of Houston, a $15 billion petrochemical complex, is the second-largest port in the U.S. and first in international tonnage. Texas has 13 deepwater ports, many of which subsequently move freight by rail, a model typical nationwide.

My bill will require the Department of Homeland Security to incorporate aviation, maritime, rail and highway security in a single plan. We need a coordinated strategy to make the most of federal, state, and local capabilities.

The bill requires a ''smart box'' standard to reduce the cost of inspecting shipping containers and calls for all containers to meet this standard by 2009. It establishes penalties for commercial shippers, to hold them, and by extension their clients, responsible for properly documenting the contents of their shipments. Finally, it significantly increases U.S. Customs' presence overseas, because identifying a dirty bomb after it is unloaded onto U.S. soil may be too late.

I urge my colleagues to support this legislation and 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. 376

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 ''Intermodal Shipping Container Security Act''.

SEC. 2. NATIONAL TRANSPORTATION SECURITY STRATEGY.

In carrying out section 114(f) of title 49, United States Code, the Under Secretary of Homeland Security for Border and Transportation Security shall take into account the National Maritime Transportation Security Plan prepared under section 70103 of title 46, United States Code, by the Secretary of the department in which the Coast Guard is operating when the plan is prepared in order to ensure that the strategy for dealing with threats to transportation security developed under section 114(f)(3) of title 49, United States Code, incorporates relevant aspects of the National Maritime Transportation Security Plan and addresses all modes of commercial transportation to, from, and within the United States.

SEC. 3. COMPREHENSIVE STRATEGIC PLAN FOR INTERMODAL SHIPPING CONTAINER SECURITY.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a strategic plan for integrating security for all modes of transportation by which intermodal shipping containers arrive, depart, or move in interstate commerce in the United States that—

(A) takes into account the security-related authorities and missions of all Federal, State, and local law enforcement agencies that relate to the movement of intermodal shipping containers via air, rail, maritime, or highway transportation in the United States; and

(B) establishes as a goal the creation of a comprehensive, integrated strategy for intermodal shipping container security that encompasses the authorities and missions of all those agencies and sets forth specific objectives, mechanisms, and a schedule for achieving that goal.

(2) UPDATES.—The Secretary shall revise the plan from time to time

(c) IDENTIFICATION OF PROBLEM AREAS.—In developing the strategic plan required by subsection (a), the Secretary shall consult with all Federal, State, and local government agencies responsible for security matters that affect or relate to the movement of intermodal shipping containers via air, rail, maritime, or highway transportation in the United States in order to—

(1) identify changes, including legislative, regulatory, jurisdictional, and organizational changes, necessary to improve coordination among those agencies;

(2) reduce overlapping capabilities and responsibilities; and

(3) streamline efforts to improve the security of such intermodal shipping containers.

(d) ESTABLISHMENT OF STEERING GROUP.—The Secretary shall establish, organize, and provide support for an advisory committee, to be known as the Senior Steering Group, of senior representatives of the agencies described in subsection (c). The Group shall meet from time to time, at the call of the Secretary or upon its own motion, for the purpose of developing solutions to jurisdictional and other conflicts among the represented agencies with respect to the security of intermodal shipping containers, improving coordination and information-sharing among the represented agencies, and addressing such other, related matters, as the Secretary may request.

(e) ANNUAL REPORT.—The Secretary, after consulting the Senior Steering Group, shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the activities of the Senior Steering Group and the Secretary under this section, describing the progress made during the year toward achieving the objectives of the plan, and including any recommendations, including legislative recommendations, if appropriate for further improvements in dealing with security-issues related to intermodal shipping containers and related transportation security issues.

(f) BIENNIAL EXPERT CRITIQUE.—

(1) EXPERT PANEL.—A panel of experts shall be convened once every 2 years by the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure to review plans submitted by the Secretary under subsection (a).

(2) Membership.—The panel shall consist of—

(A) 4 individuals selected by the chairman and ranking member of the Senate Committee on Commerce, Science, and Transportation and by the chairman and ranking member of the House of Representatives Committee on Transportation and Infrastructure, respectively; and

(B) 1 individual selected by the 4 individuals selected under subparagraph (A).

(3) QUALIFICATIONS.—Individuals selected under paragraph (2) shall be chosen from among individuals with professional expertise and experience in security-related issues involving shipping or transportation and without regard to political affiliation.

(4) COMPENSATION AND EXPENSES.—An individual serving as a member of the panel shall not receive any compensation or other benefits from the Federal Government for serving on the panel or be considered a Federal employee as a result of such service. Panel members shall be reimbursed by the Committees for expenses, including travel and lodging, they incur while actively engaged in carrying out the functions of the panel.

(5) FUNCTION.—The panel shall review plans submitted by the Secretary under subsection (a), evaluate the strategy set forth in the plan, and make such recommendations to the Secretary for modifying or otherwise improving the strategy as may be appropriate.

SEC. 4. SHIPPING CONTAINER INTEGRITY INITIATIVE.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating section 70117 as section 70118; and

(2) by inserting after section 70116 the following:

"§ 70117. Enhanced container-related security measures.

''(a) TRACKING INTERMODAL CONTAINER SHIPMENTS IN THE UNITED STATES.—The Secretary, in cooperation with the Under Secretary of Border and Transportation Security, shall develop a system to increase the number of intermodal shipping containers physically inspected (including non-intrusive inspection by scanning technology), monitored, and tracked within the United States.

''(b) SMART BOX TECHNOLOGY.—Under regulations to be prescribed by the Secretary, beginning with calendar year 2007 no less than 50 percent of all ocean-borne shipping containers entering the United States during any calendar year shall incorporate 'Smart Box' or equivalent technology developed, approved, or certified by the Under Secretary of Homeland Security for Border and Transportation Security.

''(c) DEVELOPMENT OF INTERNATIONAL STANDARD FOR SMART CONTAINERS.—The Secretary shall—

''(1) develop, and seek international acceptance of, a standard for 'smart' maritime shipping containers that incorporate technology for tracking the location and assessing the integrity of those containers as they move through the intermodal transportation system; and

''(2) implement an integrated tracking and technology system for such containers.

''(d) REPORT.—Within 1 year after the date of enactment of the Intermodal Shipping Container Security Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report that contains—

''(1) a cost analysis for implementing this section; and

''(2) a strategy for implementing the system described in subsection (c)(3).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70117 and inserting the following:

''70117. Enhanced container-related security measures.

''70118. Civil penalties.''.

SEC. 5. ADDITIONAL RECOMMENDATIONS.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report that contains the following:

(1) Recommendations about what analysis must be performed and the cost to develop and field a cargo container tracking and monitoring system within the United States which tracks all aviation, rail, maritime, and highway cargo containers equipped with smart container technology.

(2) Recommendations on how the Department of Homeland Security could help support the deployment of such a system.

(3) Recommendations as to how current efforts by the Department of Homeland Security and other Federal agencies could be incorporated into the physical screening or inspection of aviation, rail, maritime, and highway cargo containers within the United States.

(4) Recommendations about operating systems and standards for those operating systems, to support the tracking of aviation, rail, maritime, and highway cargo containers within the United States that would include the location of regional, State, and local operations centers.

(5) A description of what contingency actions, measures, and mechanisms should be incorporated in the deployment of a nationwide aviation, rail, maritime, and highway cargo containers tracking and monitoring system which would allow the United States maximum flexibility in responding quickly and appropriately to increased terrorist threat levels at the local, State, or regional level.

(6) A description of what contingency actions, measures, and mechanisms must be incorporated in the deployment of such a system which would allow for the quick reconstitution of the system in the event of a catastrophic terrorist attack which affected part of the system.

(7) Recommendations on how to leverage existing information and operating systems within State or Federal agencies to assist in the fielding of the system.

(8) Recommendations on co-locating local, State, and Federal agency personnel to streamline personnel requirements, minimize costs, and avoid redundancy.

(9) An initial assessment of the availability of private sector resources which could be utilized, and incentive systems developed, to support the fielding of the system, and the maintenance and improvement as technology or terrorist threat dictate.

(10) Recommendations on how this system that is focused on the continental United States would be integrated into any existing or planned system, or process, which is designed to monitor the movement of cargo containers outside the continental United States.

SEC. 6. IMPROVEMENTS TO CONTAINER TARGETING SYSTEMS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for strengthening the Bureau of Customs and Border Protection's container targeting system. The plan shall identify the cost and feasibility of requiring additional non-manifest documentation for each container, including purchase orders, shipper's letters of instruction, commercial invoices, letters of credit, or certificates of origin.

(b) REDUCTION OF MANIFEST REVISION WINDOW.—Within 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue regulations under which the time period for revisions to a container cargo manifest submitted to the Bureau of Customs and Border Protection shall be reduced from 60 days to 45 days after arrival at a United States port.

(c) SUPPLY CHAIN INFORMATION.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a system to share threat and vulnerability information with all of the industries in the supply chain that will allow ports, carriers, and shippers to report on security lapses in the supply chain and have access to unclassified maritime threat and security information such as piracy incidents.

SEC. 7. INCREASE IN NUMBER OF CUSTOMS INSPECTORS ASSIGNED OVERSEAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall substantially increase the number of United States Customs Service inspectors assigned to duty outside the United States under the Container Security Initiative of the United States Customs Service with responsibility for inspecting intermodal shipping containers being shipped to the United States.

(b) STAFFING CRITERIA.—In carrying out subsection (a) the Secretary of Homeland Security shall determine the appropriate level for assignment and density of customs inspectors at selected international port facilities by a threat, vulnerability, and risk analysis which, at a minimum, considers—

(1) the volume of containers shipped;

(2) the ability of the host government to assist in both manning and providing equipment and resources;

(3) terrorist intelligence known of importer vendors, suppliers or manufacturers; and

(4) other criteria as determined in consult with experts in the shipping industry, terrorism, and shipping container security.

(c) MINIMUM NUMBER.—The total number of customs inspectors assigned to international port facilities shall not be less than the number determined as a result of the threat, vulnerability, and risk assessment analysis which is validated by the Administrator of the Transportation Security Administration within 180 days after the date of enactment of this Act.

(d) PLAN.—The Secretary shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, with timelines, for phasing inspectors into selected port facilities within 180 days after the enactment of this Act.

SEC. 8. RANDOM INSPECTION OF CONTAINERS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall develop and implement a plan for random inspection of shipping containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Under Secretary.

(b) CIVIL PENALTY FOR ERRONEOUS MANIFEST.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Under Secretary determines on the basis of an inspection conducted under subsection (a) that there is a discrepancy between the contents of a shipping container and the manifest for that container, the Under Secretary may impose a civil penalty of not more than $1,000 for the discrepancy.

(2) MANIFEST DISCREPANCY REPORTING.—The Under Secretary may not impose a civil penalty under paragraph (1) if a manifest discrepancy report is filed with respect to the discrepancy within the time limits established by Customs Directive No. 3240–067A (or any subsequently issued directive governing the matters therein) for filing a manifest discrepancy report.

By Mr. LIEBERMAN:

S. 377. A bill to require negotiation and appropriate action with respect to certain countries that engage in currency manipulation; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, today, February 15, 2005, I rise to introduce a bill, proposing we enact the Fair Currency Enforcement Act of 2005. The present legislation addresses the practice of some governments to intervene aggressively in currency markets, or to peg their currencies at a fixed—artificially low—exchange rate, thus subsidizing their export sales and raising price barriers to imports from the United States. I introduced similar legislation last Congress, yet the problem remains unsolved.

In recent years, particularly China has been pressed to float their currency upward. Specifically, the Europeans, the International Monetary Fund and the Bank for International Settlements have put pressure on the Chinese to at a minimum repeg their currency to a higher dollar value. The Administration has talked about this idea, but has been ineffective. As a consequence there has been no movement on the part of the Chinese.

As a result of the heavy dollar buying, the Asian Central banks have allowed their foreign-exchange reserves to swell from less than $800 billion at the start of 1999 to over $1.5 trillion in 2003. This is almost two-thirds of the global total.

The world's seven biggest holders of foreign-exchange reserves are all in Asia.

This legislation proposes that our Administration promptly open negotiations with the four Asian countries that exemplify this practice, with the intent to put a stop to it. These countries are: China, Japan, South Korea, and Taiwan. This practice hurts American manufacturers: it impedes their ability to introduce new products and technologies and provide Americans with quality jobs. It has caused and continues to cause the current economic recovery to be a jobless one, particularly in the manufacturing sector.

Experts indicate that the United States has the right and the power to address unfair competitive practices under the following laws, rules and agreements: 1. Section 3004 of the Omnibus Trade and Competitiveness Act of 1988 2. Article IV of the Articles of Agreement of the International Monetary Fund Article 3. XV of the Exchange Agreements of the General Agreement on Tariffs and Trade 4. The Agreement on Subsidies and Countervailing Measures of the World Trade Organization (as described in section 101(d)(12)) of the Uruguay Round Agreements Act. 5. Article XXIII of the General Agreement on Tariffs and Trade. 6. Sections 301 and 406 of the Trade Act of 1974. 7. The provisions of the United States-China Bilateral Agreement on World Trade Organization Accession.

These laws, rules and agreements provide us with ample process to do this right and it is important we act now. Therefore, beginning on the date of enactment of this Act, the President will be required to start a 90 day period of negations. If these negotiations fail to bear fruit, he is required to seek redress through the various international trade laws by instituting appropriate proceedings, or report to congress in detail why this is not a proper course of action.

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. 377

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 ''Fair Currency Enforcement Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The manufacturing sector is an important driver of the United States economy, contributing almost 30 percent of our economic growth during the 1990's, and twice the productivity growth of the service sector during that period.

(2) The manufacturing sector contributes significantly to our Nation's development of new products and technologies for world markets, performing almost 60 percent of all research and development in the United States over the past two decades.

(3) The manufacturing sector provides high quality jobs, with average weekly wages between 20 and 30 percent higher than jobs in the service sector.

(4) The manufacturing growth creates a significant number of jobs and investments in other sectors of the economy, and this ''multiplier effect'' is reckoned by economists to be larger (2.43 to 1) than for any other significant sector of the economy.

(5) The ''jobless recovery'' from the recent recession has witnessed the worst job slump since the Great Depression and the weakest employment recovery on record.

(6) The manufacturing sector has been hit the hardest by the jobless recovery.

(7) A significant factor in the loss of valuable United States manufacturing jobs is the difficulty faced by United States manufacturers in competing effectively against lower priced foreign products.

(8) A significant obstacle to United States manufacturers in competing against foreign manufacturers is the practice of some governments of intervening aggressively in currency markets, or pegging their currencies at fixed rates, to maintain their own currencies at artificially low valuations, thus subsidizing their export sales and raising price barriers to imports from the United States.

(9) Certain Asian countries exemplify this practice. China, Japan, South Korea, and Taiwan together have accumulated approximately ½ of the world's total currency reserves. The vast majority of these reserves, perhaps as high as 90 percent, are in dollars. These same 4 countries account for 60 percent of the United States world trade deficit in manufactured goods. These reserves are symptomatic of a strategy of intervention to manipulate currency values.

(10) The People's Republic of China is particularly aggressive in intervening to maintain the value of its currency, the renminbi, at an artificially low rate. China maintains this rate by mandating foreign exchange sales at its central bank at a fixed exchange rate against the dollar, in effect, pegging the renminbi at this rate. This low rate represents a significant reason why China has contributed the most to our trade deficit in manufactured goods.

(11) Economists estimate that as a result of this manipulation of the Chinese currency, the renminbi is undervalued by between 15 and 40 percent, effectively creating a 15- to 40-percent subsidy for Chinese exports and giving Chinese manufacturers a

significant price advantage over United States and other competitors.

(12) The national currency of Japan is the yen. Experts estimate that the yen is undervalued by approximately 20 percent or more, giving Japanese manufacturers a significant price advantage over United States competitors.

(13) In addition to being placed at a competitive disadvantage by foreign competitors' exports that are unfairly subsidized by strategically undervalued currencies, United States manufacturers also may face significant nontariff barriers to their own exports to these same countries. For example, in the past in China, until remediated, a complex system involving that nation's value added tax and special tax rebates ensured that semiconductor devices imported into China were taxed at 17 percent while domestic devices are effectively taxed at 6 percent.

(14) The United States has the right and power to redress unfair competitive practices in international trade involving currency manipulation.

(15) Under section 3004 of the Omnibus Trade and Competitiveness Act of 1988, the Secretary of the Treasury is required to determine whether any country is manipulating the rate of exchange between its currency and the dollar for the purpose of preventing effective balance of payments adjustments or gaining unfair advantage in international trade. If such violations are found, the Secretary of the Treasury is required to undertake negotiations with any country that has a significant trade surplus.

(16) Article IV of the Articles of Agreement of the International Monetary Fund prohibits currency manipulation by a member for the purposes of gaining an unfair competitive advantage over other members, and the related surveillance provision defines ''manipulation'' to include ''protracted large-scale intervention in one direction in the exchange market''.

(17) Under Article XV of the Exchange Agreements of the General Agreement on Tariffs and Trade, all contracting parties ''shall not, by exchange action, frustrate the intent of the provisions of this Agreement, nor by trade action, the intent of the Articles of Agreement of the International Monetary Fund''. Such actions are actionable violations. The intent of the General Agreement on Tariffs and Trade Exchange Agreement, as stated in the preamble of that Agreement, includes the objective of ''entering into reciprocal and mutually advantageous arrangements directed to substantial reduction of tariffs and other barriers to trade,'' and currency manipulation may constitute a trade barrier disruptive to reciprocal and mutually advantageous trade arrangements.

(18) Deliberate currency manipulation by nations to significantly undervalue their currencies also may be interpreted as a violation of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization (as described in section 101(d)(12)) of the Uruguay Round Agreements Act, which could lead to action and remedy under the World Trade Organization dispute settlement procedures.

(19) Deliberate, large-scale intervention by governments in currency markets to significantly undervalue their currencies may be a nullification and impairment of trade benefits precluded under Article XXIII of the General Agreement on Tariffs and Trade, and subject to remedy.

(20) The United States Trade Representative also has authority to pursue remedial actions under section 301 of the Trade Act of 1974.

(21) The United States has special rights to take action to redress market disruption under section 406 of the Trade Act of 1974 adopted pursuant to the provisions of the United States-China Bilateral Agreement on World Trade Organization Accession.

(22) While large-scale manipulation of currencies by certain major trading partners to achieve an unfair competitive advantage is one of the most pervasive barriers faces by the manufacturing sector in the United States, other factors are contributing to the decline of manufacturing and small and midsized manufacturing firms in the United States, including but not limited to non-tariff trade barriers, lax enforcement of existing trade agreements, and weak or under utilized government support for trade promotion.

SEC. 3. NEGOTIATION PERIOD REGARDING CURRENCY NEGOTIATIONS.

Beginning on the date of enactment of this Act, the President shall begin bilateral and multilateral negotiations for a 90-day period with those governments of nations determined to be engaged most egregiously in currency manipulation, as defined in section 7, to seek a prompt and orderly end to such currency manipulation and to ensure that the currencies of these countries are freely traded on international currency markets, or are established at a level that reflects a more appropriate and accurate market value. The President shall seek support in this process from international agencies and other nations and regions adversely affected by these currency practices.

SEC. 4. FINDINGS OF FACT AND REPORT REGARDING CURRENCY MANIPULATION.

(a) IN GENERAL.—During the 90-day negotiation period described in section 3, the International Trade Commission shall—

(1) ascertain and develop the full facts and details concerning how countries have acted to manipulate their currencies to increase their exports to the United States and limit their imports of United States products;

(2) quantify the extent of this currency manipulation;

(3) examine in detail how these currency practices have affected and will continue to affect United States manufacturers and United States trade levels, both for imports and exports;

(4) review whether and to what extent reduction of currency manipulation and the accumulation of dollar-denominated currency reserves and public debt instruments might adversely affect United States interest rates and public debt financing;

(5) make a determination of any and all available mechanisms for redress under applicable international trade treaties and agreements, including the Articles of Agreement of the International Monetary Fund, the General Agreement on Tariffs and Trade, the World Trade Organization Agreements, and United States trade laws; and

(6) undertake other appropriate evaluations of the issues described in paragraphs (1) through (5).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the International Trade Commission shall provide a detailed report to the President, the United States Trade Representative, the Secretary of the Treasury, and the appropriate congressional committees on the findings made as a result of the reviews undertaken under paragraphs (1) through (6) of subsection (a).

SEC. 5. INSTITUTE PROCEEDINGS REGARDING CURRENCY MANIPULATION.

At the end of the 90-day negotiation period provided for in section 3, if agreements are not reached by the President to promptly end currency manipulation, the President shall institute proceedings under the relevant provisions of international law and United States trade laws including sections 301 and 406 of the Trade Act of 1974 with respect to those countries that, based on the findings of the International Trade Commission under section 4, continue to engage in the most egregious currency manipulation. In addition to seeking a prompt end to currency manipulation, the President shall seek appropriate damages and remedies for the Nation's manufacturers and other affected parties. If the President does not institute action, the President shall, not later than 120 days after the date of enactment of this Act, provide to the appropriate congressional committees a detailed explanation and accounting of precisely why the President has determined not to institute action.

SEC. 6. ADDITIONAL REPORTS AND RECOMMENDATIONS.

(a) NATIONAL SECURITY.—Within 90 days of the date of enactment of this Act, the Secretary of Defense shall provide a detailed report to the appropriate congressional committees evaluating the effects on our national security of countries engaging in significant currency manipulations, and the effect of such manipulation on critical manufacturing sectors.

(b) OTHER UNFAIR TRADE PRACTICES.—Within 90 days of the date of enactment of this Act, the United States Trade Representative and the International Trade Commission shall evaluate and report in detail to the appropriate congressional committees on other trade practices and trade barriers by major East Asian trading nations potentially in violation of international trade agreements, including the practice of maintaining a value-added or other tax regime that effectively discriminates against imports by underpricing domestically produced goods, or setting technology standards that effectively limit imports.

(c) TRADE ENFORCEMENT.—Within 90 days of the date of enactment of this Act, the United States Trade Representative and the International Trade Commission shall report in detail to the appropriate congressional committees on steps that could be taken to significantly improve trade enforcement efforts against unfair trade practices by competitor trading nations, including making recommendations for additional support for trade enforcement efforts.

(d) TRADE PROMOTION.—Within 90 days of the date of enactment of this Act, the Secretaries of State and Commerce, and the United States Trade Representative, shall prepare a detailed report with recommendations on steps that could be undertaken to significantly improve trade promotion for United States goods and services, including recommendations on additional support to improve trade promotion.

SEC. 7. CURRENCY MANIPULATION DEFINED.

In this Act, the term ''currency manipulation'' means—

(1) large-scale manipulation of exchange rates by a nation in order to gain an unfair competitive advantage as stated in Article IV of the Articles of Agreement of the International Monetary Fund and related surveillance provisions;

(2) sustained, large-scale currency intervention in one direction, through mandatory foreign exchange sales at a nation's central bank at a fixed exchange rate; or

(3) other mechanisms, used to maintain a currency at a fixed exchange rate relative to another currency.

By Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, and Mr. ALLEN):

S. 378. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Reducing Crime and Terrorism at America's Seaports Act, along with the Chairman of the Judiciary Committee Senator SPECTER, and the Chairman and Ranking Member of the Terrorism Subcommittee, Senators KYL and FEINSTEIN. My colleagues and I have worked on this legislation for the past four years and I am hopeful this package of commonsense criminal law improvements will be approved by the Senate early this Session.

The bipartisan legislation we introduce today should be familiar to my colleagues. It was introduced as S. 2653 in the 108th Congress, where I worked closely with the then-Chairman of the Committee Senator HATCH and Senator LEAHY to ensure they were comfortable with the bill's provisions. The language has been reviewed by the United States Coast Guard, the American Association of Port Authorities, the American Institute of Marine Underwriters, the Inland Marine Underwriters Association, the Maritime Exchange for the Delaware River and Bay, the Transportation Security Administration, and the AFL–CIO. Senator KYL included this language in his Tools to Fight Terrorism Act of 2004 and it was the subject of a hearing in the Judiciary Subcommittee on Terrorism on September 13, 2004. This Congress, identical language was introduced by Senator GREGG at Title IV of S. 3, the majority's Protecting America in the War on Terror Act of 2005.

Our bill will double the maximum term of imprisonment for anyone who fraudulently gains access to a seaport or waterfront. The Interagency Commission on Crime and Security at U.S. Seaports concluded that ''control of access to the seaport or sensitive areas within the seaports'' poses one of the greatest potential threats to port security. Such unauthorized access continues and exposes the nation's seaports, and the communities that surround them, to acts of terrorism, sabotage or theft. Our bill will help deter those who seek unauthorized access to our ports by imposing stiffer penalties.

Our bill would also increase penalties for noncompliance with certain manifest reporting and record-keeping requirements, including information regarding the content of cargo containers and the country from which the shipments originated. An estimated 95 percent of the cargo shipped to the U.S. from foreign countries, other than Canada and Mexico, arrives through our seaports. Accordingly, the Interagency Commission found that this enormous flow of goods through U.S. ports provides a tempting target for terrorists and others to smuggle illicit cargo into the country, while also making ''our ports potential targets for terrorist attacks.'' In addition, the smuggling of non-dangerous, but illicit, cargo may be used to finance terrorism. Despite the gravity of the threat, we continue to operate in an environment in which terrorists and criminals can evade detection by underreporting and misreporting the content of cargo. Increased penalties can help here.

The legislation we introduce today would also make it a crime for a vessel operator to fail to slow or stop a ship once ordered to do so by a Federal law enforcement officer, for any person on board a vessel to impede boarding or other law enforcement action authorized by Federal law, or for any person on board a vessel to provide false information to a Federal law enforcement officer. The Coast Guard is the main Federal agency responsible for law enforcement at sea. Yet, its ability to force a vessel to stop or be boarded is limited. While the Coast Guard has the authority to use whatever force is reasonably necessary, a vessel operator's refusal to stop is not currently a crime. This bill would create that offense.

In addition, the Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military and recreational mariners, are critical for safe navigation by commercial and military vessels. They could be inviting targets for terrorists. Our legislation would make it a crime to endanger the safe navigation of a ship by damaging any maritime navigational aid maintained by the Coast Guard, place in the waters anything which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce, or dump a hazardous substance into U.S. waters with the intent to endanger human life or welfare.

Each year, thousands of ships enter and leave the U.S. through seaports, smugglers and terrorists exploit this massive flow of maritime traffic to transport dangerous materials and dangerous people into this country. This legislation would make it a crime to use a vessel to smuggle into the United States either a terrorist or any explosive or other dangerous material for use in committing a terrorist act. The bill would also make it a crime to damage or destroy any part of a ship, a maritime facility, or anything used to load or unload cargo and passengers, commit a violent assault on anyone at a maritime facility, or knowingly communicate a hoax in a way which endangers the safety of a vessel. In addition, the Interagency Commission concluded that existing laws are not stiff enough to stop certain crimes, including cargo theft, at seaports. Our legislation would increase the maximum term of imprisonment for low-level thefts of interstate or foreign shipments from 1 year to 3 years and expand the statute to outlaw theft of goods from trailers, cargo containers, warehouses, and similar venues.

These are improvements we should make to our criminal code. I am under no illusion, however, that enactment of our bill will guarantee the security of our seaports. We need to dramatically increase the financial assistance we are giving our ports so that they can harden their own facilities against potential attackers. I was disappointed to read in the Administration's budget that the President wants to eliminate the Department of Homeland Security's dedicated port security grant program. His budget instead will force our ports to compete against all other transit systems for scarce federal funds. We've spent only about $750 million to secure seaports since September 11th—the Coast Guard reports that is not nearly enough to meet the requirements of the Maritime Transportation Security Act. We also need to increase the number of inspections of ships and shipping containers that are coming into our ports. But the amendments to Federal criminal law that we propose here will provide an important deterrent effect and they will give Federal prosecutors new tools to go after terrorists who would target our seaports. I urge my colleagues to support our bill, and I look forward to its prompt consideration.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DURBIN, and Mr. OBAMA).

S. 379. A bill to build capacity at community colleges in order to meet increased demand for community college education while maintaining the affordable tuition rates and the open-door policy that are the hallmarks on the community college system; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the ''Community College Opportunity Act.'' Community colleges are the gateway to the future—for first time students looking for an affordable college education, and for mid-career students looking to get ahead in the workplace. As college tuition at four-year colleges continues to rise, more and more students are turning to community colleges for the education they need to prepare for 21st century jobs.

Yet soon we may not be able to count on our community colleges being available to everyone. The combination of budget cuts and increased enrollments is forcing community colleges to make tough choices—between raising tuition

and turning students away. This important legislation will help keep the doors of our community colleges open to increasing numbers of students without sending tuition through the roof. My bill authorizes $500 million for a competitive grant program to help community colleges serve more students. Community colleges could apply for a grant to help with the cost of constructing or renovating facilities, hiring faculty, purchasing new computers and scientific equipment, and investing in creative ways of addressing overcrowding—like distance learning.

Why is this important? Community colleges are one of the great American social inventions. I used to teach night school at Baltimore City Community College. I know firsthand the vital role they play in our communities. Their low cost, convenient location, and open door admissions policy have made them the key to the American dream for so many. Many generations of immigrants pursued the American dream by working all day and going to night school at night. After World War II, the GI bill gave returning veterans a chance to get ahead by going to local junior colleges.

Now, more than ever, it's important to invest in community colleges. In the next ten years, 40 percent of new jobs will require college education. At the same time, college tuition is on the rise. Tuition at the University of Maryland is up by as much as 32 percent. That's causing many students to take a second look at community colleges because they're more affordable. They're also leaders in training workers for 21st century jobs—from nurses to computer techies, and even lab techs for new industries, like biotechnology. They're playing a key role in addressing shortages in nursing and teaching. In Maryland, community colleges train 55 percent of new nurses.

Yet our community colleges are bursting at the seams. They're growing faster than 4-year colleges. Enrollment at Maryland's community colleges is expected to grow 30 percent in the next 10 years, while 4-year colleges will grow by 15 percent. Community colleges are holding classes from 7 in the morning to 10 at night, on weekends, and over the internet. In my own State of Maryland, they are starting to turn students away because there isn't enough room. Almost 1,000 students were shut out of Montgomery College last spring because they couldn't get into the classes they needed or they couldn't afford the cost. Prince George's Community College had to turn away 630 prospective nursing students and 1,000 prospective education students.

It's great that so many Americans are going to community colleges. For so many Americans, community colleges are the only way to get the education they need to be competitive for 21st century jobs. Yet the rapid increase of students is threatening the very mission of community colleges. If we want a world-class workforce, we need to invest in higher education. We need to make sure we always have institutions available to everyone who wants a college degree—or just a couple of courses. That means investing in our community colleges, so they can continue to be affordable, accessible, and successful at training the next generation of nurses, teachers, and techies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 379

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

SECTION 1. COMMUNITY COLLEGE CAPACITY-BUILDING GRANT PROGRAM.

Title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

"PART F—COMMUNITY COLLEGES

"SEC. 371. COMMUNITY COLLEGE CAPACITY-BUILDING GRANT PROGRAM.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 399(a)(6) for a fiscal year, the Secretary shall award grants to eligible entities, on a competitive basis, for the purpose of building capacity at community colleges to meet the increased demand for community colleges while maintaining the affordable tuition rates and the open-door policy that are the hallmarks of the community college system.

''(2) DURATION.—Grants awarded under this section shall be for a period not to exceed 3 years.

''(b) DEFINITIONS.—In this section:

''(1) COMMUNITY COLLEGE.—The term 'community college' means a public institution of higher education (as defined in section 101(a)) whose highest degree awarded is predominantly the associate degree.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a community college, or a consortium of 2 or more community colleges, that demonstrates capacity challenges at not less than 1 of the community colleges in the eligible entity, such as—

''(A) an identified workforce shortage in the community served by the community college that will be addressed by increased enrollment at the community college;

''(B) a wait list for a class or for a degree or a certificate program;

''(C) a faculty shortage;

''(D) a significant enrollment growth;

''(E) a significant projected enrollment growth;

''(F) an increase in the student-faculty ratio;

''(G) a shortage of laboratory space or equipment;

''(H) a shortage of computer equipment and technology;

''(I) out-of-date computer equipment and technology;

''(J) a decrease in State or county funding or a related budget shortfall; or

''(K) another demonstrated capacity shortfall.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require by regulation.

''(d) AWARD BASIS.—In awarding grants under subsection (a), the Secretary shall take into consideration—

''(1) the relative need for assistance under this section of the community colleges;

''(2) the probable impact and overall quality of the proposed activities on the capacity problem of the community college;

''(3) providing an equitable geographic distribution of grant funds under this section throughout the United States and among urban, suburban, and rural areas of the United States; and

''(4) providing an equitable distribution among small, medium, and large community colleges.

''(e) USE OF FUNDS.—Grant funds provided under subsection (a) may be used for activities that expand community college capacity, including—

''(1) the construction, maintenance, renovation, and improvement of classroom, library, laboratory, and other instructional facilities;

''(2) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional research purposes;

''(3) the development, improvement, or expansion of technology;

''(4) preparation and professional development of faculty;

''(5) recruitment, hiring, and retention of faculty;

''(6) curriculum development and academic instruction;

''(7) the purchase of library books, periodicals, and other educational materials, including telecommunications program material;

''(8) the joint use of facilities, such as laboratories and libraries; or

''(9) the development of partnerships with local businesses to increase community college capacity.

"SEC. 372. APPLICABILITY.

''The provisions of part G (other than section 399) shall not apply to this part.''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended by adding at the end the following:

''(6) PART F.—There are authorized to be appropriated to carry out part F, $500,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. DEWINE, Mr. BINGAMAN, Mr. SMITH, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 380. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am very pleased today to join several of my colleagues—Senator PRYOR, Senator DEWINE, Senator BINGAMAN, Senator SMITH, Senator LIEBERMAN, and

the Presiding Officer, Senator COLEMAN—in introducing the Keeping Families Together Act. This legislation is intended to reduce the barriers to care for children who are struggling with serious mental illness. It is intended to ensure their parents are no longer forced to give up custody of their children solely for the purpose of securing mental health treatment.

As the Presiding Officer is well aware, because he was an active participant in them, the Governmental Affairs Committee in the last Congress held extensive hearings on this issue.

What we heard was a tragedy. We heard case after case where families made the wrenching choice to give up custody of their children in order to secure the mental health treatment that they needed. No family should ever be forced to make that decision.

Imagine what it feels like for a child who is suffering from mental illness to be wrenched from his family, put into either the juvenile justice system or the foster care system simply because that is the only way to get that child the care that he so desperately needs.

Serious mental illness afflicts millions of our Nation's children and adolescents. It is estimated that as many as 20 percent of American children under the age of 17 suffer from a mental, emotional or behavioral illness. What I find most disturbing, however, is the fact that two-thirds of all young people who need mental health treatment are not getting it.

Behind each of these statistics is a family that is struggling to do the best it can to help a son or a daughter with serious mental health needs to be just like every other kid—to develop friendships, to do well in school, and to get along with their siblings and other family members. These children are almost always involved with more than one social service agency, including the mental health, special education, child welfare, or the juvenile justice systems. Yet no one agency, at either the State or the Federal level, is clearly responsible or accountable for helping these children and their families.

My interest in this issue was triggered by a compelling series of stories by Barbara Walsh in the Portland Press Herald which detailed the obstacles that many Maine families have faced in getting desperately needed mental health services for their children. Too many families in Maine and elsewhere have been forced to make wrenching decisions when they have been advised that the only way to get the care that their children so desperately need is to relinquish custody and place them in either the child welfare or juvenile justice system.

When a child has a serious physical health problem like diabetes or a heart condition, the family turns to their doctor. When the family includes a child with a serious mental illness, it is often forced to go to the child welfare or juvenile justice system to secure treatment.

Yet neither system is intended to serve children with serious mental illness. Child welfare systems are designed to protect children who have been abused or neglected. Juvenile justice systems are designed to rehabilitate children who have committed criminal or delinquent acts. While neither of these systems is equipped to care for a child with a serious mental illness, in far too many cases, there is nowhere else for the family to turn.

In some extreme cases, families feel forced to file charges against their child or to declare that they have abused or neglected them in order to get the care that they need. As one family advocate observed, ''Beat 'em up, lock 'em up, or give 'em up,'' characterizes the choices that some families face in their efforts to get help for their children's mental illness.

In 2003, the Government Accountability Office, GAO, issued a report that I requested with Representatives PETE STARK and PATRICK KENNEDY that found that, in 2001, parents placed more than 12,700 children into the child welfare or juvenile justice systems so that these children could receive mental health services. I believe that this is just the tip of the iceberg, since 32 States—including five States with the largest populations of children—did not provide the GAO with any data.

Other studies indicate that the problem is even more pervasive. A 1999 survey by the National Alliance for the Mentally Ill found that 23 percent—or one in four of the parents surveyed—had been told by public officials that they needed to relinquish custody of their children to get care, and that one in five of these families had done so.

Some States have passed laws to limit custody or prohibit custody relinquishment. Simply banning the practice is not a solution, however, since it can leave children with mental illness and their families without services and care. Custody relinquishment is merely a symptom of the much larger problem, which is the lack of available, affordable and appropriate mental health services and support systems for these children and their families.

Last Congress, I chaired a series of hearings in the Governmental Affairs Committee to examine this issue further. We heard compelling testimony from mothers who told us that they were advised that the only way to get the intensive care and services that their children needed was to relinquish custody and place them in the child welfare or juvenile justice system. This is a wrenching decision that no family should be forced to make. No parent should have to give up custody of his or her child just to get the services that the child needs.

The mothers also described the barriers they faced in getting care for their children. They told us about the limitations in both public and private insurance coverage. They also talked about the lack of coordination and communication among the various agencies and programs that service children with mental health needs. One parent, desperate for help for her twin boys, searched for 2 years until she finally located a program—which she characterized as ''the best kept secret in Illinois''—that was able to help.

Parents should not be bounced from agency to agency, knocking on every door they come to, in the hope that they will happen upon someone who has an answer. It simply should not be such a struggle for parents to get services and treatment for their children.

We also need to question what happens to these children when they are turned over to the child welfare or juvenile justice authorities. I released a report last year with Congressman HENRY WAXMAN that found that all too often they are simply left to languish in juvenile detention centers, which are ill-equipped to meet their needs, while they wait for scarce mental health services.

Our report, which was based on a national survey of juvenile detention centers, found that the use of juvenile detention facilities to ''warehouse'' children with mental disorders is a serious national problem. It found that, over a six month period, nearly 15,000 young people—roughly 7 percent of all of the children in the centers surveyed—were detained solely because they were waiting for mental health services outside the juvenile justice system. Many were held without any charges pending against them, and the young people incarcerated unnecessarily while waiting for treatment were as young as seven years old. Finally, the report estimated that juvenile detention facilities are spending an estimated $100 million of the taxpayers' money each year simply to warehouse children and teenagers while they are waiting for mental health services.

The Keeping Families Together Act, which we are introducing today, will help to improve access to mental health services and assist states in eliminating the practice of parents relinquishing custody of their children solely for the purpose of securing treatment.

The legislation authorizes $55 million over 6 years for competitive grants to states to create an infrastructure to support and sustain statewide systems of care to serve children who are in custody or at risk of entering custody of the State for the purpose of receiving mental health services. States already dedicate significant dollars to serve children in state custody. These Family Support Grants would help States to serve children more effectively and efficiently, while keeping them at home with their families.

The legislation would also remove a current statutory barrier that prevents more States from using the Medicaid home and community-based services waiver to serve children with serious mental health needs. This waiver provides a promising way for States to address the underlying lack of mental health services for children that often leads to custody relinquishment. While a number of States have requested these waivers to serve children with developmental disabilities, very few have done so for children with serious mental health conditions. Our legislation would provide parity to children with mental illness by making it easier for States to offer them home- and community-based services under this waiver as an alternative to institutional care.

And finally, the legislation calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems and the role of those agencies in promoting access by children and youth to needed mental health services. The task force would also be charged with monitoring the Family Support grants, making recommendations to Congress on how to improve mental health services, and fostering interagency cooperation and removing interagency barriers that contribute to the problem of custody relinquishment.

The Keeping Families Together Act takes a critical step forward to meeting the needs of children with serious mental or emotional disorders. Our legislation has been endorsed by a broad coalition of mental health and children's groups, including the National Alliance for the Mentally Ill, the Federation of Families for Children's Mental Health, the Bazelon Center for Mental Health Law, the National Child Welfare League, the National Mental Health Association, the American Correctional Association, the American Psychological Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, and Fight Crime, Invest in Kids.

Mr. President, I ask unanimous consent that their letters of endorsement for the bill be printed in the CONGRESSIONAL RECORD, and I urge all of our colleagues to join us as cosponsors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 14, 2005.

Hon. SUSAN COLLINS,
Hon. MARK PRYOR,
U.S. Senate,
Washington, DC.
Hon. JIM RAMSTAD,
Hon. NANCY JOHNSON,
Hon. PETE STARK,
Hon. PATRICK KENNEDY,
U.S. House of Representatives,
Washington, DC.

DEAR SENATORS COLLINS AND PRYOR AND REPRESENTATIVES RAMSTAD, JOHNSON, STARK, AND KENNEDY: As national organizations representing mental health consumers, families, advocates, professionals and providers dedicated to improving the lives of children and adolescents living with mental disorders and their families, we applaud your leadership in reintroducing the Keeping Families Together Act in the 109th Congress.

This legislation promises to help end a scandal that has lingered too long in states throughout our nation. As you know, thousands of families every year are forced to give up custody of their children to the state in order to secure vitally necessary mental health services. This unthinkable practice tears families apart, is devastating for parents and caregivers and leaves children feeling abandoned in their hour of greatest need.

This practice occurs because most families have discriminatory and restrictive caps on their private mental health coverage or insurers fail to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income. This truly unfortunate practice also exists because of the lack of appropriate mental health services in many states and communities for children and adolescents with mental disorders. This was well documented in President Bush's New Freedom Commission report on mental health (July 2003).

This legislation promises to help end this growing crisis by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. The grants will allow states to build more efficient and effective mental health systems for children and families. It also eliminates barriers to home and community-based care for children by enabling a greater number of children to receive mental health services under the Section 1915(c) Medicaid home- and community-based waiver. The waiver promises to make appropriate services available to children in their homes and communities and close to their loved ones at a considerable cost savings over providing those services in an institutional setting.

The legislation also calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems. A GAO report released in April 2003 showed that when parents give up custody of their child to secure mental health services, those children are placed in one of these two systems—neither of which is designed to be a mental health service agency.

No family in our nation should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment and services.

We welcome this legislation as a critical step toward ending this practice and toward delivering more cost effective and appropriate services for children and families.

Once again, we thank you for your leadership and commitment to ending this practice and for continuing to stand up for children, families and common sense.

Sincerely,

Adoptions Together, Inc.
Alabama Foster and Adoptive Association.
Alliance for Children and Families.
American Academy of Child & Adolescent Psychiatry.
American Correctional Association.
American Counseling Association.
American Mental Health Counselors Association.
American Association for Marriage and Family Therapy.
American Psychiatric Association.
American Psychological Association.
Association of University Centers on Disabilities.
Bazelon Center for Mental Health Law.
Child and Adolescent Bipolar Foundation.
Children's Action Alliance.
Children and Adults with Attention-Deficit/Hyperactivity Disorder.
Child Welfare League of America.
Children Awaiting Parents.
Children's Defense Fund.
Depression and Bipolar Alliance.
Family Voices.
Federation of Families for Children's Mental Health.
Foster Family-based Treatment Association.
Girls Incorporated of Memphis.
Learning Disabilities Association of America.
Lutheran Children and Family Service.
National Alliance for the Mentally Ill.
National Association for Children of Alcoholics.
National Association for Children's Behavioral Health.
National Association of County Behavioral Health and Disability Directors.
National Association of Mental Health Planning and Advisory Councils.
National Association of Protection and Advocacy Systems.
National Association of School Psychology.
National Association of Social Workers.
National Association of State Mental Health Program Directors.
National CASA Association (Court Appointed Special Advocates).
National Foster Parent Association.
National Independent Living Association.
National Mental Health Association.
National Respite Coalition.
Physicians for Human Rights.
School Social Work Association of America.
Suicide Prevention Action Network USA.
Supportive Child Adult Network, Inc. (Stop Child Abuse Now, Inc.)
The Rebecca Project for Human Rights.
Voice for Adoption.
Volunteers of America.
Youth Law Center.

FIGHT CRIME: INVEST IN KIDS,
Washington, DC, February 15, 2005.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the more than 2,000 sheriffs, police chiefs, prosecutors, and victims of violence who constitute the national anti-crime group FIGHT CRIME: INVEST IN KIDS, thank you for introducing the Keeping Families Together Act. This bill would take an important step toward ending the practice of inappropriately placing kids in juvenile detention facilities solely because of the absence of affordable and accessible mental health treatment for them. These placements drain significant resources from an already underfunded juvenile justice system, diverting funding that would otherwise support effective violence prevention programs for at-risk kids and intervention programs for kids who have already committed a criminal or delinquent act.

A July 2003 General Accounting Office report, Child Welfare and Juvenile Justice: Several Factors Influence the Placement of Children Solely to Obtain Mental Health Services, revealed that over 9,000 kids in selected counties in 17 states were placed in

the juvenile justice system merely to obtain mental health services. Furthermore, a House Committee on Government Reform report demonstrated that two-thirds of juvenile detention facilities inappropriately hold kids waiting for mental health services. In 33 states, kids who did not have any criminal charges were held in detention facilities while awaiting community mental health treatment. Other kids had been charged with an offense but would not have been placed in detention but for the lack of available mental health treatment. In fact, the House Committee report revealed that, each night, nearly 2,000 kids wait in detention for community mental health services, representing 7 percent of all youth held in juvenile detention. It is estimated that juvenile detention facilities spend approximately $100 million each year to keep kids who are inappropriately placed as they wait for mental health treatment. This cost does not account for the additional service provision and staff time often needed in juvenile facilities to care for kids with severe mental health problems, although over half of responding facilities reported that staff receives poor, very poor, or no mental health training.

Every year, 1.4 million kids are charged with an offense for which an adult could be tried in a criminal court. The juvenile justice system is responsible for rehabilitating these kids so that they can leave the system and become productive citizens instead of continuing a life of crime, as well as for preventing such acts in the first place. Inappropriately placing kids who need mental health treatment in juvenile detention facilities places an unnecessary financial burden on the inadequately-resourced juvenile justice system, and jeopardizes the safety of our communities. The Keeping Families Together Act would provide grants to help states provide and coordinate the needed array of mental health services to children so that families do not need to relinquish their kids to the juvenile justice system. This legislation would also establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems.

We are proud that our Senator introduced the Keeping Families Together Act to help keep families together, focus juvenile justice resources on delinquent and at-risk kids, and make our communities safer.

Sincerely,

MARK WESTRUM,
Sheriff, Sagadahoc County, ME.

Mr. SMITH. Mr. President, I rise today to join my colleagues, Senator COLLINS and Senator PRYOR, in introducing the ''Keeping Families Together Act''. This bill will expand Medicaid's home and community based services waiver to cover children and adolescents in residential treatment facilities. Currently, most state Medicaid agencies, including Oregon, do not cover this intensive treatment.

In 2001, 101 Oregon children and adolescents were placed in State custody because this was the only way they could get the mental health treatment they need. This situation occurs most often in middle-income families, where the family's employer-based insurance does not cover intensive treatment for serious mental illness, but the family income is too high for them to qualify for Medicaid services. With no other way to get their child treatment, parents are forced to choose between custody and care. Passage of this legislation is urgently needed so that thousands of parents are not forced to relinquish their custody rights to State child welfare or juvenile agencies in order to obtain mental health care for their seriously mentally ill children.

In Oregon, children with serious mental illnesses are being taken away from their families at a time when they most need to be close to home. The availability of family support services, community-based services and other effective interventions will help reduce the need for costly residential care and consequently reduce the need to place children in a setting away from their homes, families and communities. Keeping Families Together Act will also establish a Federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems so that we can hopefully see an end to this practice, not just in Oregon, but in every State in our Nation.

I urge my colleagues to join me in support of this critical legislation.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. SNOWE, and Mrs. CLINTON):

S. 381. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. SMITH. Mr. President, America will soon be facing a new and serious retirement challenge. Americans are living longer. Yet, recent economic and demographic shifts will put the retirement security of many retirees at risk. Current projections regarding the solvency of the Social Security program are not favorable. And, with 77 million baby boomers set to begin retiring in 2008, the number of retirees in the Social Security program is expected to double. In addition, fewer retirees in the future will be able to depend on monthly pension checks that many employers once paid. A growing number of retirees will be facing the difficult challenge of managing their own savings.

In response to these trends, I am offering legislation aimed at assisting Americans maintain their financial independence and their standard of living throughout their retirement by making it easier for them to secure a steady income for life. Under the Retirement Security for Life Act that Senator CONRAD and I are introducing today, a tax incentive would be enacted that encourages retirees to provide themselves with a guaranteed lifetime income. Specifically, the proposal would exclude from federal taxes one-half of the income payments from an annuity purchased with after tax dollars, a so- called non-qualified annuity.

Importantly, we have proposed a cap on the exclusion so that no more that $20,000 could be excluded in a year. For a typical American in the 25 percent tax bracket, this would provide an annual maximum tax savings of up to $5,000. I believe that this modest tax incentive will enable some retirees to consider annuitizing a portion of their nest egg so that they have a guaranteed lifetime of income.

In recent years, the ''retirement security'' debate in Congress has almost entirely focused on the need to accumulate a nest egg prior to retirement. And, Congress is doing much to encourage personal saving and employer-provided retirement plans. I am proud of both our successes and our continuing efforts in these areas. Encouraging more savings is an important step, but it is not enough. What has received little attention is the retirement income or ''payout'' phase of the retirement security equation. That is, we need to be thinking about the management of market and longevity risk so that a life's savings can provide a secure retirement. Longevity risk—the risk of outliving one's savings—is one of the biggest risks facing retirees. While we have some control over when we retire, we have very little control over how long we will live. It is my goal that Americans will be able to enjoy a lifetime of income from their hard-earned savings long after they have put their years in the workforce behind them.

Please join me in supporting our proposal as a crucial step in providing a secure retirement for all Americans. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 381

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 ''Retirement Security for Life Act of 2005''.

SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.

(a) LIFETIME ANNUITY PAYMENTS UNDER ANNUITY CONTRACTS.—Section 72(b) of the Internal Revenue Code of 1986 (relating to exclusion ratio) is amended by adding at the end the following new paragraph:

''(5) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

''(A) IN GENERAL.—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includible (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludible from gross income in any taxable year shall not exceed $20,000.

''(B) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2006, the $20,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.

''(C) APPLICATION OF PARAGRAPH.—Subparagraph (A) shall not apply to—

''(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

''(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

''(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

''(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

''(iii) any annuity contract that is a qualified funding asset (as defined in section 130(d)), but without regard to whether there is a qualified assignment.

''(D) INVESTMENT IN THE CONTRACT.—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.''.

(b) DEFINITIONS.—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) LIFETIME ANNUITY PAYMENT.—

''(A) IN GENERAL.—For purposes of subsection (b)(5), the term 'lifetime annuity payment' means any amount received as an annuity under any portion of an annuity contract, but only if—

''(i) the only person (or persons in the case of payments described in subclause (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

''(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

''(I) the life of the annuitant,

''(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

''(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

''(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

''(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

''(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

''(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date, or

''(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year.

''(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (w), the term 'annuity contract' means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

''(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term 'minimum period of payments' means a guaranteed term of payments that does not exceed the greater of 10 years or—

''(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

''(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary under paragraph (3). For purposes of subsection (w)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

''(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term 'minimum amount that must be paid in any event' means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.''.

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (x) the following new subsection:

''(x) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

''(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5) (relating to lifetime annuity payments), and—

''(A) the series of payments under such contract is subsequently modified so any future payments are not lifetime annuity payments,

''(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

''(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

''(i) due to an event described in subsection (c)(5)(A)(iii), or

''(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)), then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

''(2) RECAPTURE AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the amount that (but for subsection (b)(5)) would have been includible in the taxpayer's gross income if the modification or reduction described in paragraph (1) had been in effect at all times, plus interest for the deferral period at the underpayment rate established by section 6621.

''(B) DEFERRAL PERIOD.—For purposes of this subsection, the term 'deferral period' means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

''(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

''(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

''(B) becomes a chronically ill individual within the meaning of section 7702B(c)(2), or

''(C) encounters hardship.''.

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

''(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

''(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

''(ii) the amount in effect under section 72(b)(5).

''(B) RULES OF SECTION 72(b)(5) TO APPLY.—For purposes of this paragraph, rules similar to the rules of section 72(b)(5) and section 72(x) shall apply, substituting the term 'beneficiary of the life insurance contract' for the term 'annuitant' wherever it appears, and substituting the term 'life insurance contract' for the term 'annuity contract' wherever it appears.''.

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting ''or paragraph (4)'' after ''to the extent not excluded by the preceding sentence''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section 72(c)(5)(A) in the case of a life insurance contract), any

modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

By Mr. McCAIN:

S. 383. A bill to shorten the term of broadcasting licenses under the Communications Act of 1934 from 8 to 3 years, to provide better public access to broadcasters' public interest issues and programs lists and children's programming reports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I rise today to introduce the ''Localism in Broadcasting Reform Act of 2005.'' This legislation would reduce the license term for broadcasters from 8 years to 3 years, thereby requiring broadcasters to provide the Federal Communications Commission (FCC or Commission) with information every 3 years on why their license should be renewed. Prior to 1981, broadcast licenses were granted for a term of 3 years.

The bill would require the full Commission to review 5 percent of all license and renewal applications. Currently, the Media Bureau randomly audits 5 percent of all license renewal applications. The FCC first started an audit process back in the 1980s when the FCC changed its license renewal process from one where stations submitted evidence of ''public interest'' obligations compliance to one where stations self certify compliance, critics call it a ''post card renewal''. This section would take the audit process a step further by requiring the Commissioners to review the applications selected for audit rather than the Media Bureau.

The bill would command broadcasters to post on their Internet sites information detailing their commitment to local public affairs programming and children's programming. The bill also calls for the FCC to complete its proceeding on whether public interest obligations should apply to broadcasters in the digital era.

To ensure that viewers or listeners can fully participate in a broadcaster's license renewal, the bill would codify the Commission's rule that a viewer or listener has standing to challenge a license if he demonstrates either that he resides in the station's service area or that he regularly listens or views the station and that such listening or viewing is not the result of transient contacts with the station.

Lastly, the bill would allow the Commission, during a license renewal proceeding, to review not only the performance of the station seeking renewal, but also the performance of all stations owned by the licensee seeking renewal. The current statute restricts the Commission's review only to that station seeking the renewal.

Last June, FCC Chairman Michael Powell and I challenged all local broadcast television and radio stations to provide their local communities with significant information on the local political issues facing communities, the local candidates' campaign platforms, and the local candidate debates during the 2004 election. In response to the challenge, many broadcasters sent volumes of material detailing their extensive election coverage and committing to increase their coverage in 2004. Today, the Norman Lear Center at the Annenberg School for Communication at the University of Southern California released findings showing that local news coverage of local political campaigns is dismal. Specifically, the study found that 92 percent of the news broadcasts studied contained no stories about races for the U.S. House, State senate or assembly, mayor, city council, law-enforcement posts, judgeships, education offices, or regional or county offices.

Therefore, I feel it is now time to introduce legislation to bring local back into local broadcasting. I believe this legislation is a step in the right direction. It will have a small impact on those stations that are currently meeting their public interest obligations, but it should have a large impact on those citizens whose local broadcaster is not meeting its obligations. I refuse to believe that the ''public interest'' is served by minimal campaign coverage, such as a 12 second sound bite on from a candidate during a half-hour local news program as found in the study. Citizens deserve more from their local broadcaster.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 383

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 ''Localism in Broadcasting Reform Act of 2005''.

SEC. 2. 3-YEAR TERM FOR BROADCAST LICENSES.

(a) IN GENERAL.—Section 307(c)(1) of the Communications Act of 1934 (47 U.S.C. 307(c)(1)) is amended by striking ''8'' each place it appears and inserting ''3''.

(b) EXISTING LICENSES.—The amendment made by subsection (a) shall apply to licenses granted or renewed after the date of enactment of this Act.

SEC. 3. FULL COMMISSION REVIEW REQUIRED FOR 5 PERCENT OF APPLICATIONS.

Section 309(a) of the Communications Act of 1934 (47 U.S.C. 309(a)) is amended by adding at the end the following: ''The determination required by this subsection shall be made by the full Commission en banc in no fewer than 5 percent of the applications filed with it in each calendar year to which section 308 applies.''.

SEC. 4. ISSUES AND PROGRAMS REPORTS; CHILDREN'S TELEVISION REPORTS.

(a) IN GENERAL.—

(1) ELECTRONIC FILING.—The Commission shall amend its regulations to require every broadcaster to file, electronically, a copy of its public interest issues and programs list and its children's programming reports with the Commission, in such form as the Commission may require, within 10 days after the end of each calendar quarter.

(2) WAIVER.—The Commission may waive or defer compliance with the regulations promulgated in paragraph (1) by a broadcaster in any specific instance for good cause shown where such action would be consistent with the public interest.

(b) LICENSEE WEBSITE REQUIREMENT.—The Commission shall amend its regulations to require every broadcast station for which there is a publicly accessible website on the Internet—

(1) to make its public interest issues and programs list and its children's programming reports available to the public on that website; or

(2) to provide a hyperlink on that website to that information on the Commission's website.

(c) COMMISSION WEBSITE REQUIREMENT.—The Commission shall provide access to the public to the public interest issues and programs lists and children's programming reports filed electronically by broadcasting stations with the Commission.

(d) TIMEFRAME.—The Commission shall amend its regulations to carry out the requirements of this section not later than 180 days after the date of enactment of this Act.

SEC. 5. STANDARDS FOR BROADCAST STATION RENEWAL TO INCLUDE REVIEW OF LICENSEE'S OTHER STATIONS.

Section 309(k)(1) of the Communications Act of 1934 (47 U.S.C. 309(k)(1)) is amended—

(1) by striking ''with respect to that station,'' and inserting ''with respect to that station (and all stations operated by the licensee),'';

(2) by striking ''its'' and inserting ''that station's''; and

(3) in subparagraph (A), by striking ''the station has'' and inserting ''the station has, and such other stations have,''.

SEC. 6. PARTY IN INTEREST REQUIREMENT FOR PETITIONS TO OPPOSE THE GRANT OR RENEWAL OF A LICENSE.

Section 309(d) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) is amended by adding at the end the following:

''(3) For purposes of paragraph (1), the term 'party in interest' includes any individual who—

''(A) is a listener or viewer of the specific station to which the application relates (determined without regard to such individual's place of residence);

''(B) asserts an interest in vindicating the general public interest; and

''(C) makes the specific allegations and showings required by this subsection.''.

SEC. 7. COMPLETION OF CERTAIN PENDING PROCEEDINGS.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Commission shall complete action on—

(1) In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00–168; and

(2) In the Matter of Public Interest Obligations of Television Broadcast Licensees, MM Docket No. 99–360.

(b) STANDARDIZED FORMS FOR ELECTRONICALLY FILED REPORTS.—As part of the proceedings described in subsection (a), the Commission shall—

(1) give consideration to requiring standardized forms for broadcasters to use in preparing public interest issues and programs lists for electronic filing; and

(2) if it determines that such standardized forms would be in the public interest, develop and promulgate such forms and require their use by permittees and licensees.

SEC. 8. DEFINITIONS.

In this Act:

(1) BROADCASTER.—The term ''broadcaster'' means a permittee or licensee of a commercial or non-commercial television or radio broadcast station.

(2) CHILDREN'S PROGRAMMING REPORTS.—The term ''children's programming reports'' means the information that a broadcaster is required to provide for public inspection by paragraph (e)(11)(iii) of section 73.3526 of title 47, Code of Federal Regulations.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) PUBLIC INTEREST ISSUES AND PROGRAMS LIST.—The term ''public interest issues and programs list'' means the information that—

(A) a commercial broadcast station is required to provide for public inspection by paragraphs (e)(11)(i) and (12) of section 73.3526 of title 47, Code of Federal Regulations; and

(B) a non-commercial broadcast station is required to provide for public inspection by paragraph (e)(8) of section 73.3527 of title 47, Code of Federal Regulations.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. HAGEL, and Mr. JOHNSON):

S. 385. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, the American people recognize the importance of the family farmer to our Nation, and the need to provide an adequate safety net for family farmers. In recent years, however, assistance to farmers has come under increasing scrutiny.

Critics of farm payments have argued that the largest corporate farms reap most program benefits. The reality is over 72 percent of the payments have gone to only 10 percent of our Nation's farmers. There is good reason to be critical of our farm programs.

What's more, farm payments that were originally designed to benefit small- and medium-sized family farmers have contributed to their own demise. Unlimited farm payments have placed upward pressure on land prices and have contributed to overproduction and lower commodity prices, driving many family farmers off the farm.

The Senate has agreed, by an overwhelming bipartisan vote during the 2002 farm bill debate and two Senate Budget Committee markups that targeting Federal assistance to small- and medium-sized family farmers is the right thing to do.

It has been my hope since the 2002 farm bill conference committee dropped the payment limit amendment that Congress would establish legitimate, reasonable payment limits similar to S. 667, the payment limits bill we introduced last session.

While we have not yet achieved our ultimate goal, no one can question that the votes have been there for payment limits. Unfortunately, a two-thirds majority in the Senate hasn't been enough to protect this issue in conference. But times are clearly changing thanks to the President's support for payment limits in his budget proposal.

The legislation we are introducing today adopts the President's proposed cap of $250,000, while maintaining other concepts from S. 667 that the President has embraced like limiting the subterfuge surrounding the three-entity rule, curtailing the use of generic certificates, and developing a measurable standard to determine who should and should not be receiving farm subsidies.

I look forward to working with Senator DORGAN again on this issue. With the President's support I believe we will have success.

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. 385

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 ''Rural America Preservation Act''.

SEC. 2. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b)(1), by striking ''$40,000'' and inserting ''$20,000'';

(2) in subsection (c)(1), by striking ''$65,000'' and inserting ''$30,000'';

(3) in subsection (d), by striking ''(d)'' and all that follows through the end of paragraph (1) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

''(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $75,000:

''(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

''(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

''(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle, with the gain reported annually to the Internal Revenue Service and to the taxpayer in the same manner as gains under subparagraphs (A) and (B).'';

(4) by adding at the end the following:

''(h) SINGLE FARMING OPERATION.—

''(1) IN GENERAL.—Notwithstanding subsections (b) through (d), subject to paragraph (2), if a person participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the person may receive during any crop year may be up to but not exceed twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(2) INDIVIDUALS.—The total amount of payments or gains (as applicable) covered by this section that an individual person may receive during any crop year may not exceed $250,000.

''(i) SPOUSE EQUITY.—Notwithstanding subsections (b) through (d), except as provided in subsection (e)(2)(C)(i), if an individual and spouse are covered by subsection (e)(2)(C) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(j) REGULATIONS.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations—

''(A) to ensure that total payments and gains described in this section made to or through joint operations or multiple entities under the primary control of a person, in combination with the payments and gains received directly by the person, shall not exceed twice the applicable dollar amounts specified in subsections (b), (c), and (d);

''(B) in the case of a person that in the aggregate owns, conducts farming operations, or provides custom farming services on land with respect to which the aggregate payments exceed the applicable dollar amounts specified in subsections (b), (c), and (d), to attribute all payments and gains made on crops produced on the land to—

''(i) a person that rents land as lessee or lessor through a crop share lease and receives a share of the payments that is less than the usual and customary share of the crop received by the lessee or lessor, as determined by the Secretary;

''(ii) a person that provides custom farming services through arrangements under which—

''(I) all or part of the compensation for the services is at risk;

''(II) farm management services are provided by—

''(aa) the same person;

''(bb) an immediate family member; or

''(cc) an entity or individual that has a business relationship that is not an arm's length relationship, as determined by the Secretary; or

''(III) more than ⅔ of the farming operations are conducted as custom farming services provided by—

''(aa) the same person;

''(bb) an immediate family member; or

''(cc) an entity or individual that has a business relationship that is not an arm's length relationship, as determined by the Secretary; or

''(iii) a person under such other arrangements as the Secretary determines are established to transfer payments from persons that would otherwise exceed the applicable dollar amounts specified in subsections (b), (c), and (d); and

''(C) to ensure that payments attributed under this section to a person other than the direct recipient shall also count toward the limit of the direct recipient.

''(2) PRIMARY CONTROL.—The regulations under paragraph (1) shall define 'primary control' to include a joint operation or multiple entity in which a person owns an interest that is equal to or greater than the interest of any other 1 or more persons that materially participate on a regular, substantial, and continuous basis in the management of the operation or entity.''.

SEC. 3. SCHEMES OR DEVICES.

Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''If''; and

(2) by adding at the end the following:

''(b) FRAUD.—If fraud is committed by a person in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the person shall be ineligible to receive farm program payments (as described in subsections (b), (c), and (d) of section 1001 as being subject to limitation) applicable to the crop year for which the scheme or device is adopted and the succeeding 5 crop years.''.

SEC. 4. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 386. A bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes; to the Committee on Foreign Relations.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 388. A bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, to provide for the establishment of a national greenhouse gas registry, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HAGEL. Mr. President, on Wednesday, the U.N. Global Climate Treaty known as the Kyoto Protocol will enter into force, requiring more than 30 industrialized nations to significantly cut manmade greenhouse gas emissions by 2012.

I rise today to introduce three pieces of legislation which I believe can help contribute to a new domestic and international consensus on climate change. This legislation builds upon three principles: the need for shared responsibilities between developed and developing countries; the linkages between environmental, economic, and energy policies; and the employment of greenhouse gas intensity as the best measurement upon which to build an effective climate policy.

I thank Senators ALEXANDER, CRAIG, and DOLE for their support and for agreeing to cosponsor these bills, which are titled: The Climate Change Technology Deployment in Developing Countries Act; The Climate Change Technology Deployment Act; and, The Climate Change Technology Tax Incentives Act.

Global climate policy affects the world's economic, energy, and environmental policies. These circles of interest in policy are interconnected. Climate change does not recognize national borders. It is a shared responsibility for all nations. Dealing with global climate policy requires a level of diplomatic intensity and coordination worthy of the magnitude of the challenge.

We all agree on the need for a clean environment and stable climate. The debate is about solutions. The question we face is not whether we should take action, but what kind of action we should take.

Climate change initiatives should include commitments to research and development, technology, and a more efficient and productive use of energy and resources.

My climate change legislation authorizes new programs, policies, and incentives to address the reduction of greenhouse gas emissions.

It focuses on the role of technology, private and public partnerships, and developing countries.

Any climate policy initiative must include clear metrics that recognize the links between energy, the economy, and the environment. Too often these policies are considered in vacuums. It is a global issue.

Bringing in the private sector and creating incentives for technological innovation will be critical to real progress on global climate policy. I believe that greenhouse gas intensity, or the amount of carbon emitted relative to economic output, is the best measurement for dealing with climate change.

Greenhouse gas emission intensity is the measurement of how efficiently a nation uses carbon emitting fuels and technology in producing goods and services. It captures the links between energy efficiency, economic development, and the environment.

The first bill, the Climate Change Technology Deployment in Developing Countries Act, provides the Secretary of State with new authority for coordinating assistance to developing countries for projects and technologies that reduce greenhouse gas intensity.

It supports the development of a U.S. global climate strategy to expand the role of the private sector, develop public-private partnerships, and encourage the deployment of greenhouse gas reducing technologies in developing countries. This bill directs the Secretary of State to engage global climate change as a foreign policy issue.

It directs the U.S. Trade Representative to negotiate the removal of trade-related barriers to the export of greenhouse gas intensity reducing technologies, and establishes an inter-agency working group to promote the export of greenhouse gas intensity reducing technologies and practices from the United States.

The legislation authorizes fellowship and exchange programs for foreign officials to visit the United States and acquire the expertise and knowledge to reduce greenhouse gas intensity in their countries. Current international approaches to global climate change overlook the role of developing countries as part of either the problem or the solution.

In July 1997, months before the Protocol was signed, the Senate unanimously passed. S. Res. 98, the Byrd-Hagel Resolution, which called on the President not to sign any treaty or agreement in Kyoto unless two conditions were met.

First, the United States should not be party to any legally binding obligations on greenhouse gas emission reductions unless developing country, parties are required to meet the same standards. Second, the President

should not sign any treaty that ''would result in serious harm to the economy of the United States.''

Kyoto does not meet either of these conditions. As it stands, developing countries are exempt from the Kyoto obligations, leaving more than 30 developed countries to address greenhouse gas emissions. Developing nations are becoming the major emitters of greenhouse gases, but they are exempted from the Kyoto Protocol.

A recent Congressional Budget Office—CBO—report explains that developing countries are projected within the next 20 years to account for two-thirds of the growth in carbon dioxide emissions as their populations and economies expand. There are reasons for this.

Developing nations cannot achieve. greenhouse gas reductions until they achieve higher standards of living. They lack clean energy technology and they cannot absorb the economic impact of the changes necessary for emissions reductions. New policies will require recognition of the limitations of developing nations to meet these standards, and the necessity of including them in any successful future initiative.

Because Kyoto does not include developing countries, its approach is unrealistic. Any reduction in greenhouse gas emissions by the United States and other developed countries will soon be eclipsed by emissions from developing nations, such as China, which will soon be the world's largest emitter of man-made greenhouse gases.

It is in the shared interests of the United States and industrialized nations to help developing countries by sharing cleaner technology. Developing countries can then ''leapfrog'' over the highly polluting stages of development that countries like the U.S. have already been through.

My legislation includes tax incentives for American businesses to work with foreign countries to help develop clean energy projects and fuel-efficient technologies.

Our second bill, the Climate Change Technology Deployment Act, supports establishing domestic public-private partnerships for demonstration projects that employ greenhouse gas intensity reduction technologies. Our plan provides credit-based financial assistance and investment protection for American businesses and projects that deploy advanced climate technologies or systems. Federal financial assistance includes direct loans, loan guarantees, standby interest coverage, and power production incentive payments.

We are most successful in confronting the most difficult issues when we draw on the strength of the private sector. Public-private partnerships meld together the institutional leverage of the government with the innovation of industry.

This bill directs the Secretary of Energy to lead an inter-agency process to develop and implement a national climate strategy provided by the Office of Science and Technology Policy. It establishes a Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund these projects.

Our third bill, the Climate Change Technology Tax Incentives Act, amends the tax code to provide incentives for investment in climate change technology. It also expresses our support for making permanent the current research and development tax credit, which otherwise expires on December 31, 2005. An article in the Wall Street Journal on February 4, 2005, reported on the potential for ''geologic storage'' of carbon dioxide as a means to dramatically reduce carbon dioxide emissions.

Geologic storage involves pumping carbon dioxide into the ground, rather than dumping it into the atmosphere. BP has been using geologic storage in Algeria's Sahara Desert and Statoil has been working on this in Norway's North Sea. Chevron Texaco is planning a project off the coast of Australia.

The article reports that:

> the concept is drawing growing interest because it could curb global warming more quickly than switching to alternative energy sources or cutting energy use.

There is still much work to be done. But this kind of technology that was described in the Wall Street Journal article is the kind of technology that must be employed around the world to achieve results in reducing greenhouse gas emissions. My legislation would support more of this type of activity.

The American people and all global citizens need to better understand global climate change, its connections to our economic and energy policies, and what the realistic options are for addressing this challenge. Any recommendations regarding climate policy must meet the demands of economic growth and development, especially in the developing world. This will require a market-driven, technology-based approach that complements the world's environmental interests, and connects the public and private sectors.

Achieving reductions in greenhouse gas emissions is one of the important challenges of our time. America has an opportunity and a responsibility for global climate policy leadership. But it is a responsibility to be shared by all nations. I look forward to working with my colleagues in the Congress, the Bush administration, the private sector, public interest groups, and America's allies on achievable climate change policy.

By harnessing our many strengths, we can help shape a worthy future for all people, and build a better world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am pleased to be on the floor at this moment to join my colleague CHUCK HAGEL in the introduction of legislation that he has put together out of a variety of avenues of interest and importance to deal with the issue of climate change, a issue in which he and I have been engaged for a good long while. I am not quite sure how many years ago it was that I, as the freshman chairman of the Republican Policy Committee, turned to CHUCK to see if he could bring Senators together in a bipartisan way on what we believed at the moment—and we still believe today—was a critically important issue to be addressed.

Out of that effort grew the Hagel-Byrd resolution which passed this body by an overwhelming vote, and was a very clear message to America—and to the world—on what we believed was necessary and important if we were to responsibly and effectively engage in the debate of climate change outside and well beyond the Kyoto protocol.

The legislation Senator HAGEL brings to the floor today, of which I am proud to be a cosponsor, is what I believe is a needed and necessary next step to work cooperatively with this administration and with countries around the world to begin to recognize all that is the make-up of this issue.

Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources to meet the needs of their people. Yet, at the same time, the initial debate basically suggested that if in fact human involvement in the climate of the world was changing the climate of the world, the only way you could save the climate was to turn the lights out. It did not address the human need. It did not address the economic growth that was critically necessary at that time. That is why our country pushed back and said no, we would not ratify Kyoto; that we would go much further than that in bringing about the changes that were necessary and that this administration engaged in.

This legislation does a great deal more toward recognizing the need for bringing resources together.

Senator HAGEL has made clear the other important things this legislation will do. Above all, this legislation is a true acknowledgment that climate variability and change is a top priority as an issue for the United States—and for all nations—to be involved in.

There can be an honest debate about whether the United States should do more or whether too much reliance is being placed on voluntary initiatives, but to claim that the United States is not acting seriously reflects, at best, a lack of knowledge or, at worst, political posturing.

An objective review of Government and private sector programs to reduce increases in greenhouse gas now and in

the future would have to conclude that the United States is doing at least as much, if not more, than countries that are part of the Kyoto Protocol which will go into effect tomorrow. The best evidence of this is our domestic rate of improvement in greenhouse gas intensity relative to the improvements other countries are making.

The term I just used, ''greenhouse gas intensity,'' is defined in legislation as the ratio of greenhouse gas emissions to economic output. This is a far wiser measure of progress because it complements, rather than conflicts with, a nation's goal of growing its economy and meeting the needs and aspirations of its people.

Too much attention is being paid to the mandatory nature of Kyoto. Too little results are being achieved. It is very interesting to note that most of the countries that ratified Kyoto will not meet the greenhouse gas reduction targets by the deadlines required by Kyoto. Indeed, when I and Senator CRAIG THOMAS and Congressman JOE BARTON were in Buenos Aires at the COP–10 conference in December, many nations were quietly acknowledging that they could not get to where they promised they would get, and, in fact, some have even suggested that by 2012 they would find it incumbent upon themselves and their nations to back out of Kyoto. However, all still recognize the importance of this issue, understanding it, and clearly defining it.

What Senator HAGEL's legislation does is shape for us a variety of things that are already underway, while still allowing us clearly to define them and to say, both here at home with our domestic policy as well as internationally, that we mean what we say and we mean what we do.

The United States is currently spending in excess of $5 billion annually in scientific and technological initiatives. When we were in Buenos Aires, I was very proud to stand before my colleagues from around the world and before nongovernmental organizational groups and state that the United States is spending more on this issue, in both advances in science and technological change, than the rest of the world combined times two. Then I reminded them that all that we do, they could have also: that our technology would be in the world, that our science would be available to them, and that to work our way out of or to change the character of our economies without damaging those economies would in large part be the responsibility of new technologies.

This legislation does not pick one technology over another or one energy source over another. That has always been the debate. Somehow we had to go around and selectively turn out the lights if we were going to change the climate around us. We knew that was not acceptable to the developing world and in large part that is why the developing world would not come along. How can you deny a country the right to use its resources for the economic, humanitarian, and health benefits of its people? You cannot do that. Nor should we be engaged in trying to do that.

What we can do as a developed and advanced Nation is offer up exactly what we are doing; offer up what the Hagel legislation brings together. That is all we are doing now, and advancing and incentivizing, through this legislation, countries to do more in the area of technology.

These programs are designed to advance our state of knowledge, accelerate the development and the deployment of energy technologies, aid developing countries in using energy more efficiently, and achieve an 18-percent reduction in energy intensity by 2012—a phenomenally responsive goal and something we clearly can take to the world community.

Our administration today in a series of bilateral agreements is working with other countries to help them get to where we want and where they want to get, and for the sake of the environment, where we all want us all to go.

I was extremely proud sitting in different forums in Buenos Aires to see the United States talk about the leadership role it has taken and the bilateral partnerships it has agreed to, and all the things that we can help with in the world of change today. It is clearly to our advantage and to the advantage of the world at large.

What Senator HAGEL has effectively done today is to get our arms around this issue to try to more directly define it, and to show that we are sensitive to it; that we are responding to the issue as clearly as our administration has and continues to do.

Domestically, the United States has and continues to make world leading investments in climate change science technology. The United States has also implemented a wide range of national greenhouse control initiatives, cash sequestration programs, and international collaborative programs. All of those are bound up within the bilaterals I have talked about that we are engaged in.

The legislation we have introduced today furthers all of these goals.

President Bush has consistently acknowledged how human activity can affect our climate, and that the climate variability does not recognize national borders. The key issue is not whether there is any human-influenced effect. Instead, the issues are how large any human influence may be as compared to natural variability; how costly and how effective human intervention may be in reversing climate variability; and how and what technology may be required over the near and the long term as determined by developments in climate science.

As I said, there can be a legitimate debate about whether more can be done while meeting our Nation's economic objectives. I, for one, support doing more in the areas of technological development to help lift developing countries from the depths of their plights and to advance their cause as we advance ours. That is why I am proud to be working with my colleagues in the Senate. I thank Senator HAGEL, Senator ALEXANDER, Senator DOLE, and others for the hard work they have put in and the cooperative effort reflected in the bill introduced this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I salute Senator HAGEL for his leadership and his contribution on this issue. I am glad to be here with my colleague, Senator CRAIG, who is one of the Senate's real authorities on energy.

We have had some trouble passing an energy bill in the Senate. We are having some trouble passing a clean air bill in the Senate. If we are being logical—which is hard for a Senate to be—we would set clean air objectives and pass a clean energy bill to help reach that objective, do it at once, and give ourselves a low cost, reliable supply of energy, less dependent on the rest of the world, and do it in a way that is environmentally sound.

That is our objective. We have different approaches on this, but Senator HAGEL has put his emphasis today exactly where it needs to be. The United States of America is a country that has about a third of all the GDP in the world. We have 5 to 6 percent of the people and a third of all the money is one way to put it.

How did we get that money? How did we get our position? The National Academy of Sciences says that since World War II, half our new jobs have come from advances in science and technology. There are other countries in the world—a growing number of countries—that have great capacity for science and technology. Some of the greatest scientists and engineers who have worked in this country have come from other countries in the world. But if any country in the world ought to be putting a focus on science and technology as a way of helping not just their country but the rest of the world deal with the issue of greenhouse gases, it ought to be the United States of America. Senator HAGEL is exactly right to put the spotlight there. He does it in a three-part bill. In the first part, he talks about international cooperation. That also makes a lot of sense.

Three weeks ago, I was visiting with the chairman of one of the largest energy companies in Germany. If there is a country in the world that has a more irrational energy policy than we do, it would be Germany. They have just decided to close 19 nuclear powerplants at

the same time, across the Rhine river, France is 85 percent nuclear power. Of course, Germany will never do that because they will not be able to meet the Kyoto carbon standards if they close the plants. But the point that my friend from Germany was making is that we are headed, in his words, toward an energy catastrophe.

It is a catastrophe of two kinds. One is energy supply, and one is clean air. Now, why is that? It is because other countries in the world are growing. In China, the average Chinese person uses about one-sixth the amount of energy that the average person in the European Union uses, in the 15 original countries. Now, in China, when the average Chinese person, with all the people there, gets up to three-sixths or four-sixths or five-sixths or six-sixths, as they will, there will be an unbelievable demand for energy in this country. We are already seeing it in the prices for natural gas, in the prices for oil.

The figures we heard in our Energy Committee were that over the next 25 years—and my numbers are approximate—China might build 650 new coal plants to begin to supply its energy, and India might build 800. That does not count the rest of Southeast Asia or what Brazil might do. So we cannot just look at this issue in terms of what is happening in the United States.

If there is not a supply of energy, and the other countries are demanding so much, our prices will be so high that our million chemical jobs in the country will move overseas looking for cheap natural gas. And it will not make much difference how we clean the air in the United States of America if China and India and Brazil build so many old coal plants and throw stuff up in the air because it will blow around the world and come over here.

So we have, on two counts, a major, major challenge: energy supply and clean air. It would make enormous sense for the scientists and engineers in the United States to work with the scientists and engineers in Germany who have exactly the same challenge and the scientists and engineers in China who have even more of a challenge. They have just stopped 26 of their coal plants because of environmental concerns, but they will not be able to stop them for long because of their need for an energy supply.

What the Senator from Nebraska has done is to say to us, hey, we are talking about mandates and rules and regulations, but what we ought to be trying to do is to create a solution to the problem using the thing that we in the United States do better than anybody, or historically have, and that is our science and technology. This is the country with the 50 great research universities. This is the country with the 20 National Laboratories. The Oak Ridge National Laboratory, in my home State, is already doing important work on how we recapture carbon.

One of the things we can do in the Senate, without arguing about Kyoto, without arguing about mandates, is to say, let's see if we can—through technology, working with people in other parts of the world, and encouraging our own businesses and laboratories—find better ways to deal with greenhouse gases. I salute the Senator for that. I am glad to have a chance to be associated with this bill.

Now, the second thing I would like to say is that is not all there is to do. We have different opinions in this body about so-called global warming. I believe, of course, there is global warming. Our grandparents can tell us that. The question, as Senator CRAIG said, is, What is causing it? And do we know enough about it to take steps? We have different opinions about that issue. That does not mean we are all unconcerned about it; we just have different degrees of understanding of it and different opinions about the evidence we see.

I have a little different opinion than the Senator from Idaho. I support legislation that Senator CARPER and Senator CHAFEE and Senator GREGG and I supported in the last session of Congress that put modest caps on the utilities section for the production of carbon. I was not willing to go further than that because of the science I read and I'm not sure we know exactly how to solve this problem. My reading of it did not persuade me, one, that we know all that we need to know about global warming; and, two, maybe more importantly, I was not sure we knew what we were doing by just saying, OK, we will do this, and without having the solution.

Again, Senator HAGEL has suggested, well, let's come up with some technology. Let's come up with some science. And then we can make a better assessment about what we would be able to do if we were to put a cap on it.

I would suggest that in addition to Senator HAGEL's technology that he encourages in his legislation—that is one way to do it—a second way to do it is with some kind of caps, and there are a variety of proposals in this body to do that. That also encourages, in my opinion, technology. But then there is also a third point to make, and that takes us out of the debate as to whether it is a good idea or a bad idea to put on mandatory caps.

If China is going to build hundreds of coal-fired powerplants and India is going to build hundreds of coal-fired powerplants because that is the only technology available to them and the only source of fuel they have readily available, then we had better get busy trying to figure out a way to recapture carbon—not to comply with the Kyoto Treaty, but because we are going to have to have it in this world. Any realistic look at the sources of energy in the world says that for the next 20 or 25 years, nuclear power, natural gas, oil, and coal will be almost all of it.

There is a lot of support for renewable energy. Some people want to put up wind turbines taller than football fields covering square miles. I do not. I think that destroys the American landscape, and it does not produce much energy.

But one of the most thoughtful presentations I have heard on the solution to our common issues of clean energy and clean air has come from the National Resources Defense Council, one of the leading environmental organizations in this country. They are in favor of a coal solution—I hope I am attributing this correctly to them—of a coal solution for our clean air, clean energy policy. A big part of their reasoning is, they see what is happening in the rest of the world. If the United States, they reason, can figure out a way to gasify coal and then recapture the carbon, that gets rid of most of the noxious pollutants—sulfur, nitrogen, mercury. It recaptures the carbon, which we have not really figured out how to do yet, but it does not just do that for the United States, it shows the rest of the world how to do it. And then China, instead of building 800 new coal plants with the old technology, will build 800 coal gasification plants and recapture the carbon. India will do the same, and maybe Germany will do the same. There will be more energy, and we will all be able to breathe. And that is quite irrespective of mandatory caps.

One of the things I like about Senator HAGEL's proposal is there is not any way to study the technology of how we deal with greenhouse gases without getting into questions of coal gasification and the recapturing of carbon. There is not any way to do that. He is leading us to the tantalizing possibility that in the United States we might one day be able to say: We are the Saudi Arabia of coal. We have 500 years' worth of it. We can turn it into gas. We can recapture the carbon. We can use that to create the hydrogen for the hydrogen economy that we think might one day be down the road, and that, plus our supplies of natural gas and nuclear power, will give us clean energy and will give us clean air and will show the world how to do the same.

The Senator from Nebraska has put the spotlight where the spotlight ought to be. The United States of America, of all countries, should start with technology and science and say: Greenhouse gases is a problem. We are still researching how much of a problem it is. But we should, working with other countries, use our science and technology to deal with it and, in the process, see if it can lead us toward that brilliant intersection of clean energy and clean air that will one day give us a steady supply of energy and clean air that we can breathe.

I salute the Senator for his leadership and am glad to be a cosponsor. I look forward to working with him. As chairman of the Senate subcommittee on energy, we have some jurisdiction over global warming as well as energy technology commercialization. Senator Domenici, chairman of our full committee, had a full roundtable the other day on natural gas. We have one coming up on coal and coal gasification. I can assure my colleagues that the Hagel legislation will be an important part of that roundtable. I will do my best to make it an important part of energy hearings.

By Mr. DURBIN:

S. 389. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I rise today to introduce the Fire Safe Cigarette Act of 2005. Last year the State of New York enacted a bold new law. As of June 2004, all cigarettes sold in the State are tested for fire safety and required to self-extinguish.

Nationwide the statistics regarding cigarette-related fires are startling. Cigarette-ignited fires account for an estimated 140,800 fires in the United States, representing the most common ignition source for fatal home fires and causing 30 percent of the fire deaths in the United States. Such fires cause more than 900 deaths and 2,400 injuries every year. Annually, more than $400 million in property damage is reported due to a fire caused by a cigarette. According to the National Fire Protection Association, one out of every four fire deaths in the United States are attributed to tobacco products—by far the leading cause of fatal home fires in the United States. Overall, the Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property from not having a fire-safe cigarette standard is approximately $4.6 billion per year.

In my State of Illinois, cigarette-related fires have also caused too many senseless tragedies. In 1998 alone, the most recent year for which we have data, there were more than 1,700 cigarette-related fires, of which more than 900 were in people's homes. These fires led to 109 injuries and 8 deaths.

Tobacco companies spend billions on marketing and learning how to make cigarettes appealing to kids. It is not unreasonable to ask those same companies to invest in safer cigarette paper to make their products less likely to bum down a house. As of today cigarettes are designed to continue burning when left unattended. A common scenario is the delayed ignition of a sofa or mattress by a lit cigarette dropped by a smoker.

The Fire Safe Cigarette Act of 2005 requires the Consumer Product Safety Commission to promulgate a fire safety standard, specified in the legislation, for cigarettes. The CPSC would also have the authority to regulate the ignition propensity of cigarette paper for roll-your-own tobacco products. The Act gives the Consumer Product Safety Commission authority over cigarettes only for purposes of implementing and enforcing compliance with this Act and with the standard promulgated under the Act. It also allows states to pass more stringent fire-safety standards for cigarettes.

Two decades ago Joe Moakley set out to ensure that the tragic cigarette-caused fire that killed five children and their parents in Westwood, MA was not repeated. He introduced three bills, two of which passed. One commissioned a study that concluded it was technically feasible to produce a cigarette with a reduced propensity to start fires. The second required that the National Institute of Standards and Technology develop a test method for cigarette fire safety, and the last and final bill, the Fire-Safe Cigarette Act of 1999, mandates that the Consumer Product Safety Commission use this knowledge to regulate cigarettes with regard to fire safety.

Today I respectfully introduce this bill to bring fire-safe standards to all cigarettes sold in this country. I hope that the Commerce Committee will consider this legislation very soon and that my Colleagues will join me in supporting this effort. Now that New York serves as an example of success, it is time to establish a national standard to ensure that our Nation's children, elderly and families are protected.

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. 389

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 ''Cigarette Fire Safety Act of 2005''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Cigarette ignited fires are the leading cause of fire deaths in the United States.

(2) In 1999 there were 807 deaths from cigarette ignited fires, 2,193 civilian injuries from such fires, and $559,100,000 in property damage caused by such fires.

(3) Nearly 100 children are killed each year from cigarette related fires.

(4) For over 20 years former Member of Congress Joseph Moakley worked on behalf of burn victims, firefighters, and every individual who has lost a loved one in a fire. By securing enactment of the Cigarette Safety Act of 1984 and the Fire Safe Cigarette Act of 1990, Joseph Moakley completed the necessary technical work for a cigarette fire safety standard and paved the way for a national standard.

(5) It is appropriate for the Congress to require by law the establishment of a cigarette fire safety standard for the manufacture and importation of cigarettes.

(6) A recent study by the Consumer Product Safety Commission found that the cost of the loss of human life and personal property from not having a cigarette fire safety standard is $4,600,000,000 per year.

(7) It is appropriate that the regulatory expertise of the Consumer Product Safety Commission be used to implement a cigarette fire safety standard.

SEC. 3. CIGARETTE FIRE SAFETY STANDARD.

(a) IN GENERAL.—

(1) REQUIREMENT FOR STANDARD.—Not later than 18 months after the date of the enactment of this Act, the Commission shall, by rule, prescribe one or more fire safety standards for cigarettes that, except as provided in this Act, are substantively the same as the standards set forth by the State of New York in Part 429 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York, as promulgated on December 31, 2003 (in this Act referred to as the ''New York standard''), including the Appendix to such Part.

(2) CIGARETTES WITH UNIQUE CHARACTERISTICS.—In adapting section 4(c) of such Part 429, if the Commission determines that a cigarette, because of its unique or nontraditional characteristics, cannot be tested in accordance with the test method prescribed by the Commission, the manufacturer of such cigarette may propose a test method and performance standard for such cigarette. If the Commission finds the proposed method and standard to be equivalent to the test method and performance standard otherwise established by the Commission, the Commission may approve the method and standard and the manufacturer of such cigarette may employ such test method and performance standard to certify the cigarette pursuant to rules prescribed by this Act.

(3) COMMISSION.—In this Act, the term ''Commission'' means the Consumer Product Safety Commission.

(b) PROCEDURE.—

(1) IN GENERAL.—The rule under subsection (a), and any modification thereof, shall be prescribed in accordance with section 553 of title 5, United States Code.

(2) MODIFICATIONS.—

(A) MODIFICATION BY SPONSOR.—If the sponsor of the testing methodology used under subsection (a)(2) modifies the testing methodology in any material respect, the sponsor shall notify the Commission of the modification, and the Commission may incorporate the modification in the rule prescribed under subsection (a) if the Commission determines that the modification will enhance a fire safety standard established under subsection (a)(2).

(B) MODIFICATION BY COMMISSION.—The Commission may modify the rule prescribed under subsection (a), including the test requirements specified in subsection (a)(2), in whole or in part, only if the Commission determines that compliance with such modification is technically feasible and will enhance a fire safety standard established under that subsection. Any such modification shall not take effect earlier than 3 years after the date on which the rule is first issued.

(3) INAPPLICABILITY OF CERTAIN LAWS.—

(A) IN GENERAL.—No Federal law or Executive order, including the laws listed in subparagraph (B) but not including chapters 5, 6, 7, and 8 of title 5, United States Code, commonly referred to as the Administrative Procedures Act, may be construed to apply to

the promulgation of the rule required by subsection (a), or a modification of the rule under paragraph (2) of this subsection.

(B) INCLUDED LAWS.—The Federal laws referred to in subparagraph (A) include the following:

(i) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(ii) Chapter 6 of title 5, United States Code.

(iii) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iv) The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), and the amendments made by that Act.

(c) EFFECTIVE DATE.—The Commission shall specify in the rule prescribed under subsection (a) the effective date of the rule. The effective date may not be later than 24 months after the date of the enactment of this Act.

(d) TREATMENT OF STANDARD.—

(1) IN GENERAL.—The fire safety standard promulgated under subsection (a) shall be treated as a consumer product safety standard promulgated under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), except as provided in section 4.

(2) TREATMENT OF CIGARETTES.—A cigarette shall be treated as a consumer product under section 3(a)(1)(B) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)(B)) for purposes of this Act and for purposes of sections 17 and 18 of the Consumer Product Safety Act (15 U.S.C. 2066, 2067).

SEC. 4. PREEMPTION.

(a) IN GENERAL.—This Act, and any cigarette fire safety standard established or modified pursuant to section 3, may not be construed to preempt or otherwise affect in any way any law or regulation that prescribes a fire safety standard for cigarettes—

(1) set forth by the State of New York in the New York standard; or

(2) promulgated by any State that is more stringent than the fire safety standard for cigarettes established under this section.

(b) PRIVATE REMEDIES.—The provisions of section 25 of the Consumer Product Safety Act (15 U.S.C. 2074) shall apply with respect to the fire safety standard promulgated under section 3(a) of this Act.

SEC. 5. SCOPE OF JURISDICTION OF CONSUMER PRODUCT SAFETY COMMISSION.

Except as otherwise provided in this Act, the Commission shall have no jurisdiction over tobacco or tobacco products.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Consumer Product Safety Commission for fiscal year 2006, $2,000,000 for purposes of carrying out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

By Mr. DODD (for himself and Mr. BUNNING):

S. 390. A bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program; to the Committee on Finance.

Mr. DODD. Mr. President, I come to the floor today, along with my colleague Senator JIM BUNNING, to introduce the Screening Abdominal Aortic Aneurysms Very Efficiently SAAAVE Act of 2005. This important legislation would provide Medicare coverage for screening for a dangerous condition known as abdominal aortic aneurysm—or AAA.

The SAAAVE Act is designed to save the lives of those suffering from abdominal aortic aneurysms, a silent killer that claims the lives of 15,000 Americans each year. AAAs occur when there is a weakening of the walls of the aorta, the body's largest blood vessel. This artery begins to bulge, most often very slowly and without symptoms, and can lead to rupture and severe internal bleeding. AAA is a devastating condition that is often fatal without detection, with less than 15 percent of those afflicted with a ruptured aorta surviving. Estimates indicate that 2.7 million Americans suffer from AAA.

With introduction of this important legislation, Congress recognizes abdominal aortic aneurysm screening as essential to stopping its deadly effects. Research indicates that when detected before rupturing, AAAs are treatable and curable in 95 percent of the cases. And while most AAAs are never diagnosed, nearly all can be detected through an inexpensive and painless screening.

I am particularly pleased that the U.S. Preventive Services Task Force recently recommended AAA screening for all men between the ages of 65 and 75 that have ever smoked. This independent panel of experts in primary care and prevention concluded that screening for abdominal aortic aneurysms for this particularly vulnerable population is especially important. The recognition of this screening measure by this respected body makes perfectly clear the lifesaving potential offered by AAA screening.

For more than four decades the Medicare program has provided a literal lifeline for America's seniors and individuals with disabilities. However, for far too long this valuable program—originally crafted only to provide needed care after an illness—failed to cover valuable preventive services. Recently, though, Medicare has evolved to include a number of preventive measures, such as mammography and colorectal screenings. With today's introduction of the SAAAVE Act, we again move Medicare toward greater inclusion of lifesaving preventive measures. This legislation reflects the changing attitudes toward the value of preventive health care services and moves us toward modernizing the Medicare program to better meet the needs of its more than 40 million beneficiaries. With enactment of the SAAAVE Act, instead of waiting to treat a ruptured aorta, Medicare will now help high-risk seniors avert this often-deadly disease through preventive and lifesaving screening.

Lastly, I want to thank the legislation's chief sponsors in the House of Representatives, GENE GREEN and JOHN SHIMKUS. Representatives GREEN and SHIMKUS have been tireless advocates on behalf of patients suffering from abdominal aortic aneurysms and their devotion to modernizing the Medicare program to include greater preventive services is truly admirable. I look forward to continuing working with my colleagues from the House to advance the SAAAVE Act in the 109th Congress.

When Senator BUNNING and I first introduced this legislation in the last Congress, we were joined by patients who had suffered a ruptured aorta as result of an AAA and their families. At this event these patients shared with us their harrowing and personal stories of battling this deadly condition. It is because of struggles like theirs that we are here today at the outset of an effort to prevent abdominal aortic aneurysms from advancing to the point of rupture by providing coverage for a simple yet lifesaving screening. Simply, Mr. President, this legislation is about saving lives. I urge all of my colleagues to support the SAAAVE Act.

Mr. BUNNING. Mr. President, I am pleased to be joining Senator DODD from Connecticut today in re-introducing the Screening Abdominal Aortic Aneurysms Very Efficiently Act of 2005—also known as the SAAAVE Act—in the 109th Congress.

This is an important bill that could potentially save the lives of many Medicare beneficiaries. Unfortunately, too many Americans die from ruptured abdominal aortic aneurysms each year without ever knowing they had this condition. In fact, less than 15 percent of people who have a ruptured abdominal aortic aneurysm survive.

That is why our bill is so important. The SAAAVE Act would add a new screening benefit to Medicare so that people at risk for abdominal aortic aneurysms could be tested. The test is simple. In fact, it's just an ultrasound test, which is painless, non-invasive and inexpensive.

Medicare beneficiaries found to have an abdominal aortic aneurysm could have surgery if needed or could simply be monitored by their doctors.

Early detection is the key to preventing ruptures of these aneurysms and preventing deaths. In fact, these aneurysms can be successfully treated 95 percent of the time if they are detected before rupturing.

The legislation also includes a national educational and information campaign to get the word out about the health risks associated with abdominal aortic aneurysms. Too often, those with these aneurysms simply don't know they have one until it ruptures. The educational campaign requires the Department of Health and Human Services to focus their education efforts not only on the general public, but also among health care practitioners as well.

I am pleased we are introducing this bill today, and I look forward to working with my colleague from Connecticut in getting it passed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 52—HONORING SHIRLEY CHISHOLM FOR HER SERVICE TO THE NATION AND EXPRESSING CONDOLENCES TO HER FAMILY, FRIENDS, AND SUPPORTERS ON HER DEATH

Mrs. CLINTON (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 52

Whereas Shirley Chisholm was born Shirley Anita St. Hill on November 30, 1924, in Brooklyn, New York, to Charles and Ruby St. Hill, immigrants from British Guyana and Barbados;

Whereas in 1949, Shirley Chisholm was a founding member of the Bedford-Stuyvesant Political League;

Whereas in 1960, she established the Unity Democratic Club, which was instrumental in mobilizing black and Hispanic voters;

Whereas in 1964, Chisholm ran for a New York State Assembly seat and won;

Whereas in 1968, Chisholm became the first African-American woman elected to Congress, representing New York's Twelfth Congressional District;

Whereas as a member of Congress, Chisholm hired women only for her staff, was an advocate for civil rights, women's rights, and the poor, and spoke out against the Vietnam War;

Whereas Shirley Chisholm co-founded the National Organization for Women;

Whereas she remained an outspoken advocate of women's rights throughout her career, saying, ''Women in this country must become revolutionaries. We must refuse to accept the old, the traditional roles and stereotypes.'';

Whereas in 1969, Shirley Chisholm, along with other African-American members of Congress, founded the Congressional Black Caucus;

Whereas on January 25, 1972, Chisholm announced her candidacy for President and became the first African-American to be considered for the presidential nomination by a major national political party;

Whereas although Chisholm did not win the nomination at the 1972 Democratic National Convention in Miami, she received the votes of 151 delegates;

Whereas Shirley Chisholm served 7 terms in the House of Representatives before retiring from politics in 1982;

Whereas Shirley Chisholm was a dedicated member of Delta Sigma Theta Sorority and received the sorority's highest award, the Mary Church Terrell Award, in 1977 for her political activism and contributions to the Civil Rights Movement;

Whereas Shirley Chisholm was a model public servant and an example for African-American women, and her strength and perseverance serve as an inspiration for all people striving for change; and

Whereas on January 1, 2005, Shirley Chisholm died at the age of 80: Now, therefore, be it

Resolved, That the Senate—

(1) honors Shirley Chisholm for her service to the Nation, her work to improve the lives of women and minorities, her steadfast commitment to demonstrating the power of compassion, and her dedication to justice and equality; and

(2) expresses its deepest condolences to her family, friends, and supporters.

SENATE CONCURRENT RESOLUTION 12—PROVIDING THAT ANY AGREEMENT RELATING TO TRADE AND INVESTMENT THAT IS NEGOTIATED BY THE EXECUTIVE BRANCH WITH ANOTHER COUNTRY MUST COMPLY WITH CERTAIN MINIMUM STANDARDS

Mr. FEINGOLD submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 12

Whereas there is general consensus among the American public and the global community that, with respect to international trade and investment rules—

(1) global environmental, labor, health, food security, and other public interest standards must be strengthened to prevent a global ''race to the bottom'';

(2) domestic environmental, labor, health, food security, and other public interest standards and policies must not be undermined, including those based on the use of the precautionary principle (the internationally recognized legal principle that holds that, when there is scientific uncertainty regarding the potential adverse effects of an action, a product or technology, a government should act in a way that minimizes the risk of harm to human health and the environment);

(3) provision and regulation of public services such as education, health care, transportation, energy, water, and other utilities are basic functions of democratic government and must not be undermined;

(4) raising standards in developing countries requires additional assistance and respect for diversity of policies and priorities;

(5) countries must be allowed to design and implement policies to sustain family farms and achieve food security;

(6) healthy national economies are essential to a healthy global economy, and the right of governments to pursue policies to maintain and create jobs must be upheld;

(7) the right of State and local and comparable regional governments of all countries to create and enforce diverse policies must be safeguarded from imposed downward harmonization; and

(8) rules for the global economy must be developed and implemented democratically and with transparency and accountability; and

Whereas many international trade and investment agreements in existence and currently being negotiated do not serve these interests, and have caused substantial harm to the health and well-being of communities in the United States and within countries that are trading partners of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That any agreement relating to trade and investment that is negotiated by the executive branch with another country should comply with the following:

(1) REGARDING INVESTOR AND INVESTMENT POLICY.—No such agreement that includes any provision relating to foreign investment may permit a foreign investor to challenge or seek compensation because of a measure of a government at the national, State, or local level that protects the public interest, including, but not limited to, public health, safety, and welfare, the environment, and worker protections, unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against a foreign investor or foreign investment.

(2) REGARDING SERVICES.—Any such agreement, to the extent applicable, shall comply with the following:

(A)(i) The agreement may not discipline a government measure relating to—

(I) a public service, including public services for which the government is not the sole provider;

(II) a service that requires extensive regulation;

(III) an essential human service; and

(IV) a service that has an essentially social component.

(ii) A service described in clause (i) includes, but is not limited to, a public benefit program, health care, health insurance, public health, child care, education and training, the distribution of a controlled substance or product (including alcohol, tobacco, and firearms), research and development on a natural or social science, a utility (including an energy utility, water, waste disposal, and sanitation), national security, maritime, air, surface, and other transportation services, a postal service, energy extraction and any related service, and a correctional service.

(B) The agreement shall permit a country that has made a commitment in an area described in subparagraph (A) to revise that commitment for the purposes of public interest regulation without any financial or other trade-related penalty.

(C) The agreement shall ensure that any rule governing a subsidy or government procurement fully protects the ability of a government to support and purchase a service in a way that promotes economic development, social justice and equity, public health, environmental quality, human rights, and the rights of workers.

(D) The agreement shall not make a new commitment on the temporary entry of workers because such policies should be determined by the Congress, after consideration by the congressional committees with jurisdiction over immigration to avoid an array of inconsistent policies and any policy that fails to—

(i) include labor market tests that ensure that the employment of temporary workers will not adversely affect other similarly employed workers;

(ii) involve labor unions in the labor certification process implemented under the immigration program for temporary workers under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, including the filing by an employer of an application under section 212(n)(1) of that Act; and

(iii) guarantee the same workplace protections for temporary workers that are available to all workers.

(E) The agreement shall guarantee that all governments that are parties to the agreement can regulate foreign investors in services and other service providers in order to protect public health and safety, consumers, the environment, and workers' rights, without requiring the governments to establish their regulations to be the least burdensome option for foreign service providers.

(3) REGARDING POLICIES TO SUPPORT AMERICAN WORKERS AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES.—Any such agreement shall preserve the right of Federal, State, and local governments to maintain or establish policies to support American workers and small, minority, or women-owned businesses, including, but not limited to, policies with respect to government procurement, loans, and subsidies.

(4) REGARDING ENVIRONMENTAL, LABOR, AND OTHER PUBLIC INTEREST STANDARDS.—Any such agreement—

(A) may not supersede the rights and obligations of parties under multilateral environmental, labor, and human rights agreements; and

(B) shall, to the extent applicable, include commitments, subject to binding enforcement on the same terms as commercial provisions—

(i) to adhere to specified workers' rights and environmental standards;

(ii) not to diminish or fail to enforce existing domestic labor and environmental provisions; and

(iii) to abide by the core labor standards of the International Labor Organization (ILO).

(5) REGARDING UNITED STATES TRADE LAWS.—No such agreement may—

(A) contain a provision which modifies or amends, or requires a modification of or an amendment to, any law of the United States that provides to United States businesses or workers safeguards from unfair foreign trade practices, including any law providing for—

(i) the imposition of countervailing or antidumping duties;

(ii) protection from unfair methods of competition or unfair acts in the importation of articles;

(iii) relief from injury caused by import competition;

(iv) relief from unfair trade practices; or

(v) the imposition of import restrictions to protect the national security; or

(B) weaken the existing terms of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, or the Agreement on Subsidies and Countervailing Measures, of the World Trade Organization, including through the domestic implementation of rulings of dispute settlement bodies.

(6) REGARDING FOOD SAFETY.—No such agreement may—

(A) restrict the ability of the United States to ensure that food products entering the United States are rigorously inspected to establish that they meet all food safety standards in the United States, including inspection standards;

(B) force acceptance of different food safety standards as ''equivalent'', or require international harmonization of food safety standards, which undermine the level of human health protection provided under domestic law; or

(C) restrict the ability of governments to enact policies to guarantee the right of consumers to know where and how their food is produced.

(7) REGARDING AGRICULTURE AND FOOD SECURITY.—No such agreement may, with respect to food and other agricultural commodities—

(A) contain provisions that prevent countries from—

(i) establishing domestic and global reserves,

(ii) managing supply,

(iii) enforcing antidumping disciplines,

(iv) ensuring fair market prices, or

(v) vigorously enforcing antitrust laws, in order to guarantee competitive markets for family farmers; or

(B) prevent countries from developing the necessary sanitary and phytosanitary standards to prevent the introduction of pathogens or other potentially invasive species which may adversely affect agriculture, human health, or the environment.

(8) REGARDING TRANSPARENCY.—(A) The process of negotiating any such agreement must be open and transparent, including through—

(i) prompt and regular disclosure of full negotiating texts; and

(ii) prompt and regular disclosure of negotiating positions of the United States.

(B) In negotiating any such agreement, any request or offer relating to investment, procurement, or trade in services must be made public within 10 days after its submission if such request or offer—

(i) proposes specific Federal, State, and local laws and regulations in the United States to be changed, eliminated, or scheduled under such an agreement, including, but not limited to, subsidies, tax rules, procurement rules, professional standards, and rules on temporary entry of persons;

(ii) proposes for coverage under such an agreement—

(I) specific essential public services, including, but not limited to, public benefits programs, health care, education, national security, sanitation, water, energy, and other utilities; or

(II) private service sectors that require extensive regulation or have an inherently social component, including, but not limited to, maritime, air transport, trucking, and other transportation services, postal services, utilities such as water, energy, and sanitation, corrections, education and childcare, and health care; or

(iii) proposes a discipline or process of general application which may interfere with the ability of the United States or State, local, or tribal governments to adopt, implement, or enforce laws and regulations identified in clause (i) or provide or regulate services identified in clause (ii).

(C) The broad array of constituencies representing the majority of the people of the United States, including labor unions, environmental organizations, consumer groups, family farm groups, public health advocates, faith-based organizations, and civil rights groups, must have at least the same representation on trade advisory committees and access to trade negotiators and negotiating fora as those constituencies representing commercial interests.

(D) Any dispute resolution mechanism established in any such agreement must be open and transparent, including through disclosure to the public of documents and access to hearings, and must permit participation by nonparties through the filing of amicus briefs, as well as provide for standing for State and local governments as intervenors.

(9) REGARDING GOVERNMENTAL AUTHORITY.—No such agreement may contain provisions that bind national, State, local, or comparable regional governments to limiting regulatory, taxation, spending, or procurement authority without an opportunity for public review and comment described in paragraph (8), and without the explicit, informed consent of the national, State, local, or comparable regional legislative body concerned, through such means as is decided by such legislative body.

(10) REGARDING ACCESS TO MEDICINES AND SEEDS.—(A) No such agreement may contain provisions that prevent countries from taking measures to protect public health by ensuring access to medicines.

(B) No such agreement may constrain the rights of farmers to save, use, exchange, or sell farm-saved seeds and other publicly available seed varieties.

(11) REGARDING DEVELOPING COUNTRIES.—Any such agreement must grant special and differential treatment for developing countries with regard to the timeframe for implementation of the agreement as well as other concerns.

Mr. FEINGOLD. Mr. President, I am resubmitting a measure to help begin to address one of the central problems our Nation faces, namely the loss of family-supporting jobs because of our flawed trade policies.

Florence, WI is a town in the far northeastern corner of my home State. It is just a few miles from the border with the Upper Peninsula of Michigan.

Like most Americans, the residents of Florence are probably too busy with their own lives to pay close attention to the trade policies of our Nation. But a few weeks ago, a hundred families in that small community got a sharp introduction to the realities of those policies. Pride Manufacturing, the world's largest maker of golf tees, announced that it would be closing down its plant in Florence, and moving that operation and the hundred or so jobs that go with it to China.

That announcement probably wasn't noticed by many people outside of my home State—one company in one small community in the far northeastern corner of Wisconsin leaving for China doesn't raise many eyebrows in Washington or Wall Street. But it is a serious matter for the families whose livelihood is directly affected by the move. And it will certainly have an impact on the community in which they live. Some families may try to stay, but some may be forced to look elsewhere for jobs. The local school district is already trying to cope with declining enrollment and the challenges of a largely rural district. The prospect of losing additional families will only make matters worse. Local businesses that relied on the custom of those families will be hit. Car dealers, grocery stores, hardware stores, clothing stores, everyone will be potentially impacted.

All because a local business is closing down as a result of the trade policies of this government.

We have seen that story repeated across Wisconsin. Our manufacturing sector has been hit particularly hard. And I know Wisconsin is not alone in that experience.

The record of the major trade agreements into which our Nation has entered over the past few years has been dismal. Thanks in great part to the flawed fast track rules that govern consideration of legislation implementing trade agreements, the United States has entered into a number of trade agreements that have contributed to the significant job loss we have seen in recent years, and have laid open to assault various laws and regulations established to protect workers,

the environment, and our health and safety.

Indeed, those agreements undermine the very democratic institutions through which we govern ourselves.

The loss of jobs, especially manufacturing jobs, to other countries has been devastating to Wisconsin, and to the entire country. When I opposed the North American Free Trade Agreement, the Uruguay round of the General Agreement on Tariffs and Trade, Permanent Normal Trade Relations for China, and other flawed trade measures, I did so in great part because I believed they would lead to a significant loss of jobs. But even as an opponent of those agreements, I don't think I could have imagined just how bad things would get in so short a time.

The trade policy of this country over the past several years has been appalling. The trade agreements into which we have entered have contributed to the loss of key employers, ravaging entire communities. But despite that clear evidence, we continue to see trade agreements being reached that will only aggravate this problem.

This has to stop. We cannot afford to pursue trade policies that gut our manufacturing sector and send good jobs overseas. We cannot afford to undermine the protections we have established for workers, the environment, and our public health and safety. And we cannot afford to squander our democratic heritage by entering into trade agreements that supersede our right to govern ourselves through open, democratic institutions.

The legislation I am pleased to reintroduce today addresses this problem, at least in part. It establishes some minimum standards for the trade agreements into which our nation enters. I introduced an identical resolution in the last Congress as a companion to a resolution introduced in the other body by my colleague from Ohio, Mr. SHERROD BROWN).

This measure sets forth principles for future trade agreements. It is a break with the so called NAFTA model, and instead advocates the kinds of sound trade policies that will spur economic growth and sustainable development.

The principles set forth in this resolution are not complex. They are straightforward and achievable. The resolution calls for enforceable worker protections, including the core International Labor Organization standards.

It preserves the ability of the United States to enact and enforce its own trade laws.

It protects foreign investors, but states that foreign investors should not be provided with greater rights than those provided under U.S. law, and it protects public interest laws from challenge by foreign investors in secret tribunals.

It ensures that food entering into our country meets domestic food safety standards.

It preserves the ability of Federal, State, and local governments to maintain essential public services and to relate private sector services in the public interest.

It requires that trade agreements contain environmental provisions subject to the same enforcement as commercial provisions.

It preserves the right of Federal, State, and local governments to use procurement as a policy tool, including through Buy American laws, environmental laws such as recycled content, and purchasing preferences for small, minority, or women-owned businesses.

It requires that trade negotiations and the implementation of trade agreements be conducted openly.

These are sensible policies. They are entirely consistent with the goal of increased international commerce, and in fact they advance that goal.

The outgrowth of the major trade agreements I referenced earlier has been a race to the bottom in labor standards, environmental health and safety standards, in nearly every aspect of our economy. A race to the bottom is a race in which even the winners lose.

For any who doubt this, I invite you to ask the families in Florence, WI who will watch their jobs move to China.

We can't let this continue to happen. We need to turn our trade policies around. We need to pursue trade agreements that will promote sustainable economic growth for our Nation and for our trading partners. The resolution I submit today will begin to put us on that path, and I urge my colleagues to support it.

SENATE CONCURRENT RESOLUTION 13—CONGRATULATING ASME ON THEIR 125TH ANNIVERSARY, CELEBRATING THE ACHIEVEMENTS OF ASME MEMBERS, AND EXPRESSING THE GRATITUDE OF THE AMERICAN PEOPLE FOR ASME'S CONTRIBUTIONS

Mr. SUNUNU submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 13

Whereas in 2005, ASME, incorporated in 1880 as the American Society of Mechanical Engineers, celebrates its 125th anniversary as one of the premier professional organizations focused on technical, educational, and research issues of the engineering community;

Whereas ASME plays a key role in protecting the welfare and safety of the public through the development and promulgation of over 600 codes and standards, including codes governing the manufacture of boilers, pressure vessels, elevators, escalators, petroleum and hazardous liquid pipelines, cranes, forklifts, power tools, screw threads and fasteners, and many other products routinely used by industry and people in the United States and around the world;

Whereas ASME, through its 120,000 members, works diligently to ensure the provision of quality science, technology, engineering, and mathematics education for young people as a way to foster and encourage the advancement of technology;

Whereas industrial pioneers and ASME members such as Thomas Edison, Henry Ford, and George Westinghouse helped to build ASME's engineering society even as ASME was helping to build the economy of the United States;

Whereas ASME members help to ensure the development and operation of quality and technologically advanced transportation systems, including automobile, rail, and air travel;

Whereas ASME members contribute to research and development that identifies emerging and future technical needs in evolving and multidisciplinary areas;

Whereas ASME continues to provide quality continuing education programs designed to keep engineers at the cutting edge of technology; and

Whereas in the aftermath of the terrorist attacks on the United States of September 11, 2001, ASME members have intensified efforts to develop technologies for homeland security and the protection of the critical assets of this Nation: Now, therefore, be it

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

(1) congratulates ASME on its 125th anniversary;

(2) recognizes and celebrates the achievements of all ASME members;

(3) expresses the gratitude of the people of the United States for ASME's contributions to the health, safety, and economic well-being of the citizenry; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of ASME.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 15, 2005, at 9:30 a.m., in open session to receive testimony on the priorities and plans for the Atomic Energy Defense activities of the Department of Energy and to review the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is to ordered:

COMMITTEE ON ARMED SERVICES

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 15, 2005, at 4 p.m., in open session to consider the following nominations:

Mr. John Paul Woodley, Jr., to be Assistant Secretary of the Army for Civil Works; Mr. Buddie J. Penn to be Assistant Secretary of the Navy for Installations and Environment; and Admiral William J. Fallon, USN, for reappointment to the grade of Admiral and to be Commander, U.S. Pacific Command.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 15, 2005, at 10 a.m., on the President's FY 2006 Budget request for the Department of Homeland Security's Transportation Security Administration (TSA) and related programs.

THE PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 15, 2004 at 9:30 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 15, 2005, for a hearing on the administration's proposed fiscal year 2006 Department of Veterans' Affairs budget.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. ISAKSON. Mr. President, I ask unanimous consent that the subcommittee on Energy be authorized to meet during the session of the Senate on Tuesday, February 15th at 2:30 p.m. to receive testimony regarding the prospects for liquefied natural gas (LNG) in the United States (panel 1) and to discuss the safety and security issues related to LNG development (panel 2). Witnesses will be the FERC, the Coast Guard, State authorities, and industry stakeholders. Issues that will be discussed include LNG siting process; risk assessment; and the State and local level's role.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, February 15, 2005, at 9:30 a.m., for a hearing entitled ''The United Nations' Management and Oversight of the Oil-for-Food Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jeff Muhs be granted privileges of the floor during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 13, which was submitted earlier today by Senator SUNUNU.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) congratulating ASME on their 125th anniversary, celebrating the achievements of ASME members, and expressing the gratitude of the American people for ASME's contributions.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 13) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 13

Whereas in 2005, ASME, incorporated in 1880 as the American Society of Mechanical Engineers, celebrates its 125th anniversary as one of the premier professional organizations focused on technical, educational, and research issues of the engineering community;

Whereas ASME plays a key role in protecting the welfare and safety of the public through the development and promulgation of over 600 codes and standards, including codes governing the manufacture of boilers, pressure vessels, elevators, escalators, petroleum and hazardous liquid pipelines, cranes, forklifts, power tools, screw threads and fasteners, and many other products routinely used by industry and people in the United States and around the world;

Whereas ASME, through its 120,000 members, works diligently to ensure the provision of quality science, technology, engineering, and mathematics education for young people as a way to foster and encourage the advancement of technology;

Whereas industrial pioneers and ASME members such as Thomas Edison, Henry Ford, and George Westinghouse helped to build ASME's engineering society even as ASME was helping to build the economy of the United States;

Whereas ASME members help to ensure the development and operation of quality and technologically advanced transportation systems, including automobile, rail, and air travel;

Whereas ASME members contribute to research and development that identifies emerging and future technical needs in evolving and multidisciplinary areas;

Whereas ASME continues to provide quality continuing education programs designed to keep engineers at the cutting edge of technology; and

Whereas in the aftermath of the terrorist attacks on the United States of September 11, 2001, ASME members have intensified efforts to develop technologies for homeland security and the protection of the critical assets of this Nation: Now, therefore, be it

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

(1) congratulates ASME on its 125th anniversary;

(2) recognizes and celebrates the achievements of all ASME members;

(3) expresses the gratitude of the people of the United States for ASME's contributions to the health, safety, and economic well-being of the citizenry; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of ASME.

UNANIMOUS CONSENT AGREEMENT—S. 384

Mr. FRIST. Mr. President, I ask unanimous consent that at 11 a.m. on Wednesday, February 16, the Senate proceed to the consideration of S. 384, a bill to extend the existence of the Nazi War Crimes Working Group; provided that there be 90 minutes of debate equally divided between the majority leader or his designee and the Democratic leader or his designee; provided further that no amendments be in order, and that following the use or yielding back of the time the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent that S. 384 be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 16, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 9:30 a.m. on Wednesday, February 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for morning business for up to 90 minutes, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate proceed to the consideration of S. 384, the Nazi War Crimes Working Group Extension Act as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. REID. Mr. President, if the distinguished majority leader would yield, I am disappointed but I understand that we are not going to be able to move tomorrow to the genetic nondiscrimination matter. It is my understanding that there is a potential blueslip problem with the House. I had hoped we could get that done. That is something that is very important to do. We will be happy to cooperate with the majority leader in any way we can to move that along. It passed last time with 90-some-odd votes. I hope we can get that done. Even with a little bump in the road, maybe we can still get that done this week.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. In response through the Chair, this bill is a critically important bill, in my mind, in that we have worked on it for 7 years. We have passed it with an overwhelming majority in this body. It does good things for people who have a whole range of illnesses. It really represents the great advances in science today, advances in research, advances that come in large part because of what this body did with the human genome project in funding over a period of about 10 years, the unraveling of the genetic code which makes us all human, which is still mind-boggling. With that, it introduces all sorts of privacy issues and a potential for discrimination and this comes back and addresses it head on. It is a bill upon which we generally have all agreed.

We are working with the Finance Committee and with the HELP Committee internally as well as with the House. I do not want to be overly optimistic, but I think by tomorrow we will work this out and get it to the Senate floor.

Mr. REID. Mr. President, if the distinguished leader would yield again, I am sure others have felt this way in the past, but it is interesting to me that anytime there is anything that the distinguished majority leader talks about that deals with medicine, it is almost as if there is a light that comes on. It is just so apparent why he was such a good physician.

Mr. FRIST. Mr. President, we will move on.

The PRESIDING OFFICER. The majority leader.

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will begin consideration of a 2-year extension of the Nazi War Crimes Working Group. We will have limited debate on this measure prior to its passage. We have not received any requests for a rollcall vote on this bill. I anticipate that we can pass it with a voice vote.

For the remainder of the day we will consider any legislative or executive item cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:45 p.m., adjourned until Wednesday, February 16, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 15, 2005:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LESTER M. CRAWFORD, OF MARYLAND, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE MARK B. MCCLELLAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY E. GREEN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GERALD L. DUNLAP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT D. SAXON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD R. GUZZETTA, 0000
ROBERT J. JOHNSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES R. HAJDUK, 0000
FRITZ W. KIRKLIGHTER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRIAN E. BACA, 0000
ANTHONY E. BAKER, SR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

JOHN M. BALAS, JR., 0000
WILLIAM T. BURNS, 0000
LOUIS F. CAMPANA II, 0000
JOSE J. CONDE, 0000
RICHARD F. DRUCKMAN, 0000
JOHN E. DULSKI, 0000
JOHN W. * ETZENBACH, 0000
DAVID K. FIASCHETTI, 0000
ROGER S. FIEDLER, 0000
RAYMOND G. HYNSON, 0000
SHANNON S. MCGEE, 0000
DAVID L. MOSS, 0000
STEVEN ROBERTS, 0000
WALTER F. RONGEY, 0000
STEVEN P. RUBCZAK, 0000
BORIS J. SIDOW, 0000
ASHTON C. TRIER, 0000
DAVID A. VINCENT, 0000
VINCENT P. VISSICHELLI, 0000
JAMES O. WALMANN, 0000
PAUL J. WARDEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ROBERT D. BOWMAN, 0000
NANCY J. HUGHES, 0000
KATHY D. KING, 0000
PAUL M. KONDRAT, 0000
RUTH E. LEE, 0000
LAWRENCE A. MARQUEZ, 0000
BRENDA C. MCDANIEL, 0000
CAROL A. NEWMAN, 0000
TIMOTHY D. REESE, 0000
JUDITH RUIZ, 0000
ARTHUR C. SAVIGNAC, 0000
THERESA M. SULLIVAN, 0000

CONFIRMATION

Executive nomination confirmed by the Senate: Tuesday, February 15, 2005.

DEPARTMENT OF HOMELAND SECURITY

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Tuesday, February 15, 2005

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 15, 2005.

I hereby appoint the Honorable THOMAS E. PETRI 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 4, 2005, 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, but in no event shall debate extend beyond 1:30 p.m.

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

CLASS ACTION REFORM

Mr. DELAY. Mr. Speaker, this week the House will take the first step of the new Congress towards fulfilling our mandate to reform America's legal system, which for decades has been too often and too easily gamed by predatory self-serving personal injury lawyers.

Last week, the Senate passed the Class Action Fairness Act, legislation essentially identical to a bill passed by the House in recent years. This week, we will take it up and pass it again, and send it, along with the final product, to the President for his signature.

This first step, Mr. Speaker, is a giant leap. For the first time in years, the power of trial lawyers to abuse our generous and open legal system will be checked by ensuring that class action lawsuits are both valid and designed to protect victims, not line lawyers' pockets.

It first requires that large interstate class actions be filed in Federal court to streamline the process and make sure that lawyers cannot shop around for the most historically generous State venues.

It puts an end to other tricks certain lawyers use to keep their cases out of Federal court. And it establishes a consumer class action bill of rights that ensures it is the plaintiffs and not just the lawyers who benefit from legitimate class action suits.

This last provision will prevent a repeat of the Shields et al v. Bridgestone/Firestone case in which the plaintiffs got nothing, but their lawyers got $19 million, or of the Microsoft antitrust litigation in which consumers received 5 to $10 in voucher coupons, while attorneys billed hundreds of millions of dollars in fees.

This is a pattern of abuse, Mr. Speaker, greed rewarded on a breathtaking scale by a legal system in desperate need of protection. Class action fairness is not just reform; it is self-defense. After all, our courts are not home to a legal system but a system of justice, justice too long denied American plaintiffs and defendants.

Consumers and businesses alike have been victimized by lawsuit abuse, court dockets are backed up, companies are paying lawyers instead of employees, and our economy is suffering for it all.

With the Class Action Fairness Act, Congress will begin the work of restoring common sense and common decency to our legal justice system, according to the needs of American families and the principles of reform they endorsed in last November's historic election. The 109th Congress has a mandate for reform, Mr. Speaker, and this week we will send the President the first product of that mandate.

MONEY FOR VETERANS HEALTH CARE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Washington (Mr. BAIRD) is recognized during morning hour debates for 5 minutes.

Mr. BAIRD. Mr. Speaker, yesterday President Bush submitted his $82 billion budget for the Iraq supplemental proposal, yet he did not request in that proposal a single dollar to pay for veterans services.

Tens of thousands of our troops will be returning home this year, and yet the VA system is already greatly unfunded, with long waiting lists for services for soldiers and their families. President Bush's supplemental proposal and his budget have failed our Nation's veterans.

Now, it is the responsibility of this body, of this Congress, to make sure that our returning soldiers and their families get the health care services they deserve.

Today, I have been joined by over 50 colleagues in sending a letter to the President and to members of the Committee on Appropriations requesting that the $82 billion supplemental bill include an additional $1.3 billion to provide for our returning soldiers and their families.

This proposal has been endorsed by the Military Officers Association of America, the National Military Families Association, and the Paralyzed Veterans of America.

I urge my colleagues on both sides of the aisle to do the right thing. If we can find $80 billion to send to Iraq, then for goodness sake we can find $1.3 billion to take care of our soldiers and their families.

If we do not do this, what kind of message are we sending to the brave men and women who have served this country? I hope Members on both sides of the aisle will join me in this effort and that the President himself will see fit to support it as well.

THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to tell my colleagues about a piece of legislation that I have put in; it is called the Protection of Lawful Commerce in Arms Act. My cosponsor is Congressman RICK BOUCHER.

Last year we introduced a very similar piece of legislation, and it passed, my colleagues, with overwhelming bipartisan support. Our bill has the support of the U.S. Chamber of Commerce, the National Association of Manufacturers, and the National Association of Wholesalers, among other prominent groups.

What this legislation does is stops baseless lawsuits against gun manufacturers or dealers, based upon the criminal or unlawful third-party misuse of firearms.

Now, some may ask the question, why do we need such legislation? The reason that we need it is because the firearms industry is under attack. Over the last few years, trial lawyers have filed suits against federally licensed

firearm manufacturers across this country in the hopes of bankrupting this industry.

They have been filing frivolous lawsuits that are based on the dubious premise, Mr. Speaker, that gun manufacturers should be held liable for the actions of others who use their products in a criminal or unlawful manner.

In other words, if someone gets a gun and then commits a crime with it, these litigious gun-control advocates believe that gunmakers should be held liable for the damages or injuries that are caused.

Now, that is like holding a car company responsible if a driver gets drunk, gets reckless, and hits someone with a vehicle. A law abiding manufacturer has a constitutional right to engage in interstate commerce without the fear of these frivolous lawsuits. I do not care if it is a business that makes guns, cigarettes, cars, fast food or whatever it is, although firearms are the only product that I have listed here which specifically has constitutional protection under the second amendment.

Over 30 cities and counties, in addition to various individuals, have sued the gun industry since 1998. I am pleased to note that many of these cases have been completely, completely dismissed in various city, State, and Federal courts. In fact, just a few days ago San Francisco, based in California, the appellate court there unanimously upheld a superior court decision dismissing lawsuits filed by Los Angeles, San Francisco, and 12 other California municipalities against members of the firearms industry. I welcome this decision.

However, there are still several lawsuits pending which threaten to devastate the industry. In New York City, recently enacted legislation allows victims of crime to sue the dealers and gunmakers. We also must consider that just the mere threat of these suits, taking the first couple of legal steps to defend these suits can be enough on their own to force some of the smaller companies out of business.

As one prominent person said of this tactic, we are going to make the gun industry die a death by a thousand cuts. So our legislation will end these coercive and undemocratic lawsuits.

Now, I understand there are some of my colleagues that may be hesitant to support my bill since the media and gun control advocates have spent years and millions of dollars vilifying the firearms industry. No one wants to be seen granting the industry special treatment or helping them to get away with something, or so it is perceived.

I have two responses to this. First, the firearms industry has been around and has been respected for generations. They provide a valuable service and a highly desirable product to millions of sportsmen and supporters of those second amendment rights. They provide our law enforcement agencies and our officers with the tools necessary to fight crime in our neighborhoods, and they enable our Armed Forces to protect our freedoms around the world.

The industry employs thousands of hard-working Americans and these Americans support their families like everybody else. These employees and their businesses pay taxes. It is an indisputable fact that the firearms industry has contributed immensely to our society over the years in a very positive way. But this does not mean that if one of these manufacturers purposely or recklessly sold a bad product they should be given a free pass. No, we are not saying that.

Our legislation is very narrowly tailored to allow suits against any bad actor to proceed. It includes carefully crafted exceptions to allow legitimate victims their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gunmaker or seller, or the negligent entrustment of a firearm to an irresponsible person.

In conclusion, Mr. Speaker, I am honored once again to introduce this commonsense bill, and I urge all of my colleagues to join with me in co-sponsoring this piece of legislation.

BUDGET PRIORITIES AND MORAL VALUES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week President Bush delivered to Congress his proposed Federal budget. In the coming months, Democrats and Republicans in Congress will debate budget proposals largely based on divergent cardinal moral values.

We will debate budget cuts that represent more than just program scalebacks. The President's proposed cuts to vital government programs are reflective of differences in core philosophies on the role of our government in serving our people.

Budgets are moral documents that reveal the fundamental priorities of a person, of a household, of a business, of a government. The President's ''every man for himself budget'' disregards millions of Americans and undercuts our Nation's values. There is no better example of where Democrat and Republican values diverge than in Medicaid.

The President claims he only wants to cut programs that are not getting results or that duplicate current efforts or that do not fulfill essential priorities.

Democrats could not agree more on the need for efficient government. That is how we balanced the budget in the 1990s. So we asked then, which of those three, Mr. President, is Medicaid?

There is no question it is getting results. It operates at a lower cost than private health insurance. The fact is, private health insurance has grown historically at 12.6 percent a year. Medicare has grown at 7.1 percent a year. Medicaid has grown at 4.5 percent a year.

The public sector does it more efficiently and delivers to more people fairly than does private insurance. And there is no duplication here. It is the only program of its kind. It fulfills an essential priority. Medicaid is the sole source of nursing home care for 5 million seniors living in poverty.

The President knows Medicaid is already running on fumes, but he made a choice. He chose to give more tax cuts to the most privileged 1 percent of people in this country instead of providing for subsistence care for senior citizens in need, different priorities reflecting a different set of moral values.

Medicaid provides health coverage to 52 million Americans, roughly in my State of Ohio 1.7 million people. It is the only source of coverage for one out of four children in our Nation, and it provides 70 percent of the nursing home funding in most States.

The Bush proposal cuts $60 billion out of the Medicaid program over the next 10 years, again so that the President could deliver to his biggest contributors the tax cut for the wealthiest 1 or 2 or 5 percent. These cuts, in effect, will mean kicking some seniors out of nursing homes. The President's plan would shift tens of billions of costs to States like Ohio already facing severe financial shortfalls.

The President cannot eliminate basic needs by ignoring them. He cannot eliminate the need for nursing home care by ignoring it or by shifting the responsibility to the States. In the short run, his budget cuts will create victims. In the long run, it will force the States to spend more. And how will the States cover these costs?

The States will levy taxes on students through tuition, homeowners through higher property taxes, workers through higher income taxes, consumers through higher sales tax. That is what is happening in State after State, whether it is controlled by Republicans or Democrats, as we cut those programs. Nationally, the States pick them up so the wealthy get their tax breaks, the wealthiest 1 or 2 or 5 percent, and middle-income people get hit hardest by, again, students through higher tuition, consumers through sales tax, and property homeowners by the property tax, and workers through higher income taxes.

Medicaid is a partnership between Federal and State governments. Cutting the Federal share hurts our families, hurts our communities, hurts our schools, hurts our country.

We can give up many things in the name of shared sacrifice, but common sense should not be one of them.

The President's ''every man for himself budget'' neglects our Nation's values, neglects our communities, and betrays our Nation's values.

COMMUNITY HEALTH CENTERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Hampshire (Mr. BRADLEY) is recognized during morning hour debates for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, today I rise with pleasure in support of the administration's budget proposal for our Nation's community health centers. I would also note that community health centers have received bipartisan support over the years.

These health care organizations provide an essential function in all of our districts, and I believe that they are one of the most effective entities in delivering quality care to low-income populations at cost-effective prices.

□ 1245

In my State of New Hampshire alone, over 81,000 citizens received treatment at a community health center in 2004. A substantial portion of these patients, over one-third, were uninsured. The administration has been cognizant of the impact of community health centers, pledging to add 1,200 new centers between 2001 and 2006. The budget released last week completes this commitment and has resulted in increased access to health services for Americans throughout our country.

Community health centers provide vital outreach services to individuals who may otherwise not have access to the care they need. These services include educational campaigns to raise awareness of preventative options in health care such as health screenings and nutritional campaigns. By educating individuals about primary care options, community health centers are able to both improve the quality of life and restrain health care costs.

Dental and behavioral health care services are also critical to the populations served by community health centers. The medical staff of these organizations are often the front line for establishing quality dental health habits and responding to mental health needs as they develop. An established hallmark of community health centers is their ability to intervene in health problems before they become crises.

One of the goals of community health centers is to establish partnerships with local community leaders and coalitions. These individuals and groups are acutely aware of the pulse and the needs of the community and can effectively advocate for appropriate outreach and medical services. The ability of a health organization to understand its community is essential in bringing tailored, efficient, and effective care to the people it serves. It is clear that community health centers are adept at gaining this insight, in turn benefiting all Americans.

As my colleagues can see, community health centers play a vital role in the delivery of care in our communities. Too often, low-income or uninsured patients delay receiving treatment due to the costs, and then they are ultimately forced to receive care at the health industry's most costly access point, which is the emergency room. Community health centers provide quality primary care to patients, often resulting in the prevention of unnecessary ailments. This results in a cost savings to all health care facilities and subsequently yields lower health insurance premiums for Americans. Community health centers have demonstrated that they have a positive effect on both the health and economic well-being of their communities, and indeed our Nation, as a whole.

In particular, I would like to congratulate Lampsey Health Center of Newmarket, New Hampshire, and Ann Peters and her fantastic staff for their service to the people's health care needs in that region of my State. Their efforts and those of their colleagues are particularly noteworthy and worthy of commendation.

EXPRESSING CONDOLENCES ON THE ASSASSINATION OF EX-PRIME MINISTER RAFIK HARIRI

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 4, 2005, the gentleman from Illinois (Mr. LAHOOD) is recognized during morning hour debates for 5 minutes.

Mr. LAHOOD. Mr. Speaker, I rise today to offer heartfelt sympathy to the people of Lebanon and to the many, many leaders of that country who have suffered a great loss yesterday with the assassination of the former Prime Minister, Rafik Hariri.

Over the last 10 years, I have had the opportunity to visit the small country of Lebanon. I have taken an interest in the country because of my Lebanese heritage and the fact that Lebanon needs a few advocates in the House of Representatives, and I have tried to be a strong advocate for this small country.

During the 10 years that I have visited Lebanon, I had the opportunity to become well acquainted with Prime Minister Hariri. Over the 10 years that I have had a chance to visit Lebanon, I have seen the country rebuilt almost literally by the Prime Minister and his efforts and his resources in not only bringing people together but using many of his own resources, certainly, to rebuild the city of Beirut.

Prior to the war, the city of Beirut was known as the Paris of the Middle East. Today, and what happened yesterday, will not only really hurt that opportunity for Beirut to continue to have that kind of a beauty because of what happened yesterday, it will also hurt our opportunities to bring about peace in that region of the world.

Prime Minister Hariri did so much for the country and, in particular, for the city of Beirut. Ten years ago, there were many, many burnt-out buildings. Today, there are many beautiful hotels and condominiums, and the center of the city has a project known as Solidare that the Prime Minister took a great deal of interest in in really rebuilding the business center and creating a business center in downtown Beirut.

He was also responsible for helping over 2,000 students a year by giving them scholarships so that they could attend universities and colleges all over the Middle East and also here in this country. His foundation in this country has been very, very generous. His presence in the country will be sorely missed. He was one who did try and bring about peace, did try and bring people together, did rebuild the country and rebuild the city of Beirut and, in that essence, tried to forge a peace among Nations in that region of the world.

I know for his family this is a terrible loss, and I know for the people of Lebanon it is a terrible loss, and I know for the people of the region, it is a terrible loss.

We will probably never know who those terrorists were who decided to snuff out his life. I hope that at some time we will be able to find them, but for now we say to the Prime Minister's family, to the people of Lebanon, you have suffered a great loss, we have suffered a great loss, those of us that have known the Prime Minister have suffered a great loss. The Prime Minister and his family are in our thoughts and prayers today and will be in the future.

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 53 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

Sovereign Lord, You settled our foundation in faith and raised up this

Nation throughout its history. Today we recall our early days in America's history.

The day after Congress approved the Bill of Rights, it called upon President Washington to ''recommend to the people of the United States a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many signal favors of Almighty God.''

President George Washington responded with these words: ''Lord, it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly implore His protection and favor.''

Lord, may Congress and this Nation be guided by Washington's exhortation both in these days and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

CUBAN GOVERNMENT SHOULD FREE DR. BISCET

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

Mr. PITTS. Mr. Speaker, the Cuban Government thinks that our top diplomat to their nation, James Cason, is a fourth-rate bureaucrat whose mission is to deceive and subvert.

Well, I think he will be the first to admit that if promoting the human rights of all Cubans is subversive, then that is exactly what his mission is. And let me be among the first to say, Mr. Cason is no fourth-rate bureaucrat. No fourth-rate bureaucrat would so openly share the story of Dr. Oscar Elias Biscet.

Dr. Biscet is a physician who has courageously stood for human rights and today sits in a tiny prison cell imprisoned for peaceful protest in April of 2003.

Despite Cuban propaganda, Dr. Biscet is sick and has been denied food and medical attention by his captors. The Cuban Government should allow Dr. Biscet medical care, and it should unconditionally and immediately release him.

Dr. Biscet, we stand with you. And if we had more fourth-rate bureaucrats like James Cason, our world would be a much better place.

DEATH OF MILTON DAVIS

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

Mr. DAVIS of Illinois. Mr. Speaker, I was saddened earlier to learn of the passing of Mr. Milton Davis, the former chairman and president of Shorebank.

Shorebank is one of the most innovative, creative community financing operations in the Nation.

Milton Davis was a pioneer in community banking. I simply want to extend condolences to his family, and I trust that his legacy will continue to live as neighborhoods and communities reap the benefits of the lending policies and practices that he developed.

CARTER WALLACE TRIBUTE

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

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to Carter Wallace, a Brookstone High School student from Columbus, Georgia, who has been named one of the top two youth volunteers in the State.

On Tuesday, Carter accepted the Prudential Spirit of Community Award for his inspiring work on behalf of low-income families in western Georgia.

Carter is the founder of Habi-TOT for Humanity, a nonprofit foundation that purchases and assembles playgrounds for children who move into Habitat for Humanity homes. Carter motivated friends from his Boy Scout troop and Brookstone High School to lend a hand in building the playhouses.

He said he was moved to start this project because many of these children had never had a back yard to play in, and he wanted to make their first one special. Carter's creativity and dedication to low-income children is inspiring.

He organized fundraising bake sales and wrote to nearly a hundred community members soliciting support. His efforts paid off. In the first year and a half, Habi-TOT for Humanity bought, assembled, and delivered 36 playhouses to needy families.

Carter is a role model for us all. He set a fine example of community service for young people across this Nation. Mr. Speaker, I ask that you join me in commending Carter Wallace for this award.

OPPOSING BUDGET CUTS TO EDUCATION

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

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the President's budget proposal to turn his back on low-income and ethnic minority students, particularly Latino and African Americans, and in particular first-generation students who have never had a chance to go to college.

And I say that because in the President's budget proposal he wants to eliminate completely the GEAR UP Program, the Upward Bound Program, and the Talent Search Program. As a result, 1.3 million students, 70 percent who are minorities, will lose a chance to go to college.

California was awarded about 15 percent of the funding for the GEAR UP program. In fact, in my school district in East L.A., El Sereno Middle School and Belvedere Middle School are the recipients of the GEAR UP program, middle school meaning 7th and 8th grade students who are learning about the opportunities to go to college.

How dare the President turn his back on our youth, on those who want to succeed and go on to college. We need to ensure that this President has to keep the compassion that he says that he has for all people of color.

And I would ask my colleagues and urge them to reject these proposals that will put back our community by many, many decades. Let us restore funding in higher education for all of our students.

PROTECTING THE FIRST AMENDMENT, FREEDOM OF THE PRESS

(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, in 1786, Thomas Jefferson said: ''Our liberty cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it.''

Today a Federal appeals court in the District of Columbia upheld a ruling against two reporters who could go to jail for refusing to divulge their confidential sources. Their attorney, Floyd Abrams, said, ''Today's decision strikes a heavy blow against the public's right to be informed about its government.'' And he is right.

Last week the gentleman from Virginia (Mr. BOUCHER) and I introduced bipartisan legislation known as the Free Flow of Information Act, similarly introduced by Senator RICHARD LUGAR in the Senate. It would provide a Federal media statute to protect the confidential source tradition that is at the very center of the freedom of the press, and I urge its support and passage.

In the wake of today's troubling court decision, now is the time for Congress to reassert the first amendment, freedom of the press, vigorously by enacting a Federal media shield. Nothing less than the public's right to know is at stake.

TRIBUTE TO PRIVATE FIRST CLASS JESUS FONSECA

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

Mr. PRICE of Georgia. Mr. Speaker, I rise today with honor and with reverence to pay tribute to a patriot and a hero, Private First Class Jesus Fonseca, 19 years old, of Marietta, Georgia, who died on January 17 in Iraq. He was killed when a car bomb detonated near his position.

He was assigned to the Second Infantry Division based at Camp Casey in South Korea. And prior to enlisting, he was a graduate of Sprayberry High School in my district. He was a mindful young man who earned the respect of his peers and his elders.

It should also be told that this young man was not born in the United States, yet was courageous enough to give his life for our great Nation. Too often, inspirational stories of sacrifice, like Jesus's, are not properly recognized.

He is survived by his wife, his parents, and five siblings. Our hearts and prayers go out to them and everyone in our community affected by this tragic loss.

It is a reminder that we are all indebted to the men and women who serve in the Armed Forces, for it is their exemplary spirit of service, evidenced by Private First Class Jesus Fonseca, which makes this country so noble and so great.

CELEBRATING A CENTURY OF ROTARY INTERNATIONAL'S LEADERSHIP AND SERVICE

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

Mr. WILSON of South Carolina. Mr. Speaker, I am honored to recognize the 100th anniversary of Rotary International, the world's first service organization.

In 1905, Paul Harris had a vision of an organization that would provide service opportunities in Chicago. Today his vision has become a reality, and Rotary International promotes volunteerism throughout America and 166 countries worldwide. With over 1.2 million members, Rotary International is an organization of community leaders that networks to provide humanitarian service, encourages high ethical standards, and helps build goodwill and peace.

Throughout the world, Rotarians are helping to provide scholarships and international group study exchanges. Its Polio Plus Program to eradicate polio is being achieved by vaccinating more than 2 billion children worldwide.

As a past president of the Cayce-West Columbia Club, I have seen first hand the tremendous goodwill spread throughout the world. I am grateful that my chief of staff, Eric Dell, is a charter member of the new Capitol Hill Rotary Club where he is current president. Congratulations on fulfilling the Four-Way Test and the motto of ''Service Above Self.''

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

RECOGNIZING CONTRIBUTIONS OF ''GREENSBORO FOUR'' TO THE CIVIL RIGHTS MOVEMENT

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 25) recognizing the contributions of Jibreel Khazan (Ezell Blair, Jr.), David Richmond, Joseph McNeil, and Franklin McCain, the ''Greensboro Four'', to the civil rights movement.

The Clerk read as follows:

H. CON. RES. 25

Whereas on February 1, 1960, Jibreel Khazan (Ezell Blair, Jr.), David Richmond, Joseph McNeil, and Franklin McCain, four African-American freshman students at North Carolina Agricultural & Technical State University, walked into the F.W. Woolworth store in downtown Greensboro, North Carolina, and sat at the ''whites only'' lunch counter, thereafter becoming known as the ''Greensboro Four'';

Whereas the ''Greensboro Four'' were refused service but continued to sit at the lunch counter in nonviolent protest;

Whereas the sit-in by the ''Greensboro Four'' was an act of courage and conscience, and inspired sit-ins across North Carolina and the southern United States to protest racial segregation in public accommodations and in other areas of life;

Whereas the courageous protest of the ''Greensboro Four'' and all of the sit-in demonstrations made a critical contribution to the civil rights movement, leading to the enactment of the Civil Rights Act of 1964 and the integration of public accommodations; and

Whereas the civil rights movement made our nation more just and decent, and the courage and conscience of the ''Greensboro Four'' should inspire all Americans to act against injustice: Now, therefore, be it

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

(1) applauds the valor and courageous efforts of Jibreel Khazan (Ezell Blair, Jr.), David Richmond, Joseph McNeil, and Franklin McCain, known as the ''Greensboro Four''; and

(2) encourages all Americans to remember the contributions they made to the civil rights movement and to conduct appropriate ceremonies, activities, and programs to commemorate the sit-in of the ''Greensboro Four''.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. 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 concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in strong support of House Concurrent Resolution 25. This important resolution recognizes the tremendous contributions of Ezell Blair, Jr.; David Richmond; Joseph McNeil; and Franklin McCain to the civil rights movement. These four individuals, known as the ''Greensboro Four,'' became tireless icons in our Nation's struggle for civil rights and fairness for all Americans.

Mr. Speaker, on a winter afternoon in North Carolina in 1960, this quartet of college freshmen grabbed the attention of the entire world. It was February 1, 1960, when these four simply took their seats at the lunch counter of F.W. Woolworth's in Greensboro, North Carolina. But there was nothing simple about this act.

As was to be expected at that time, the young men were refused service when they sat at the segregated counter at about 4:30. Each of them sat quietly at the counter until the store closed at 5:30. They returned to sit at the same segregated counter the next day.

□ 1415

This time they were joined by about two dozen other students. The presence of these 30 or so young people overwhelmed the small diner, but again they were denied service. The next day, February 3, students occupied 63 of the 65 available seats at the lunch counter.

These civilized acts of defiance inspired similar sit-ins across North Carolina in the days that followed. By the end of February, such protests were

taking place at eateries all over the South. Ultimately, the Greensboro Four induced the integration of public accommodations throughout many segregated southern States. Even Woolworth's integrated all of its stores in July of 1960.

Mr. Speaker, what an awesome action this was for anyone to take, yet alone four college freshmen. Ezell Blair, David Richmond, Joseph McNeil and Franklin McCain transcended the Nation's civil rights struggle by starting this series of sit-ins. The Greensboro Four deserve the commendation of the Congress 45 years after their historic demonstration for their contribution to the civil rights movement.

I am so pleased to be a cosponsor of House Concurrent Resolution 25. I thank the distinguished gentleman from North Carolina for authoring this meaningful resolution. I urge all my colleagues to support it.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is with great pleasure that I yield such time as he may consume to the gentleman from North Carolina (Mr. MILLER), who is the sponsor of this resolution.

Mr. MILLER of North Carolina. Mr. Speaker, I rise in support of this resolution honoring an act of conscience and courage that forever changed North Carolina, the South, and the Nation.

The Greensboro Four, David Richmond, Joseph McNeil, Franklin McCain and Jibreel Khazan, then Ezell Blair, Jr., changed our Nation's history while freshmen at North Carolina A&T, an Historically Black University in Greensboro.

Like college freshmen everywhere, they spent endless hours in discussions in their dormitory rooms. ''We challenged each other, really,'' Richmond said of their discussions. ''We constantly heard about all the evils that are occurring and how blacks are mistreated and nobody was doing anything about it. We used to question why is it that you have to sit in the balcony? Why do you have to ride in the back of the bus?''

McNeil told friends at the time, ''It is time to take some action now. We have been people who talk a lot, but with very little action.''

McCain said later, ''We had been talking about it for a long time. Each of us had been bugged by it and we felt very strongly. The night before we did it, we had a bull session at McNeil's room that lasted all night long.''

Khazan said, ''It was time to wake up and change the situation. We decided to start here.''

McNeil said, ''From my perspective, it was a down payment on manhood.''

On that dare to each other, the next day, February 1, 1960, at about 3:30 in the afternoon, the four entered the Woolworth's on South Elm Street in downtown Greensboro and sat at the ''whites only'' lunch counter. When they were refused service, they remained seated until the counter closed at 5. They vowed to return the next day and to keep coming back until they were treated the same way that whites were treated.

That night, word spread quickly at A&T and Bennett College, an Historically Black Women's College in Greensboro, about what the four students called their ''sit down'' protest.

The next day they returned with 19 of the other A&T students, some wearing ROTC uniforms, others wearing coats and ties. They were again denied service, and they again remained seated at the lunch counter.

That night the membership of the Greensboro branch of the NAACP voted unanimously to support the student protest.

The next day, the four students returned again, this time with 85 other students from A&T, from Bennett College and from Dudley High School, the black high school from which three of the Greensboro Four had graduated just the year before. That Saturday, 1,000 protesters filled the Woolworth's. McNeil said, ''I guess everybody was pretty much fed up at the same time.''

In the Pulitzer Prize-winning history of the civil rights movement, ''Parting the Waters,'' Taylor Branch wrote, ''No one had time to wonder whether the Greensboro sit-in was so different. In the previous three years, similar demonstrations had occurred in at least 16 other cities. Few of them made the news, all faded quickly from public notice, and none had the slightest catalytic effect anywhere else. By contrast, Greensboro helped defined the decade.''

In the next few days, there were sit-in demonstrations in Winston-Salem, Durham, Raleigh, Fayetteville, Charlotte, and High Point. Two weeks after the first sit-in, Dr. Martin Luther King toured the Woolworth's in Durham that was the target of protests there. That night he spoke at a rally supporting the protests.

''What is fresh, what is new in your fight,'' King said, ''is the fact that it was initiated, led and sustained by students. What is new is that American students have come of age. You now take your honored place in the worldwide struggle for freedom.''

On April 3, Thurgood Marshall spoke at Bennett College and urged the students to continue the protests. On Easter weekend, Dr. King's Southern Christian Leadership Conference organized a meeting at Shaw University in rally of student sit-in protesters. The students formed the Student Nonviolent Coordinating Committee, SNCC, to organize more protests.

In July, the Woolworth's in Greensboro integrated the lunch counter, and the Kress store across the street integrated its lunch counter the same day.

By August of 1961, more than 70,000 people had participated in sit-ins, resulting in more than 3,000 arrests. The sit-ins became an important tributary of the river of the civil rights movement, which resulted eventually in the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Mr. Speaker, there are many Members of this body who were part of that movement. Many more remember the sit-ins as if they were yesterday. I was a 6-year-old child living in Fayetteville, North Carolina. My memories of Jim Crow and of the civil rights movement are dim and distant.

I remember going to the county courthouse on some errand with my father and seeing two water fountains. I assumed that the ''white'' water was like the water that came out of my tap at home. I could not understand why my father would not let me try the ''colored'' water.

I vaguely, vaguely, remember the protests in Fayetteville. I would like to think that if the civil rights movement had been delayed by a decade or by a generation, I would have recognized as I grew up the injustice of segregation and I would have acted against it. I can never know that.

But I am proud to join with the gentleman from North Carolina (Mr. WATT) and the gentleman from North Carolina (Mr. COBLE) and many others in introducing this resolution and to speak for it today.

I realize, as Dr. King said, that we cannot walk alone. The destiny of all Americans is tied up with the destiny of others and the freedom of all Americans is inextricably bound to the freedom of other Americans.

The Greensboro Four remain an inspiration to all Americans not simply to accept the world as we find it, but to recognize injustice, and when it is time to change the situation, start where you are.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time, and the gentlemen from North Carolina for introducing this very important resolution honoring the Greensboro Four.

As the gentleman from North Carolina (Mr. MILLER) said, those of us who were old enough were immediately inspired by the Greensboro Four. They showed the awesome power of nonviolent, collective direct action, and they also showed the vulnerability of the racist power structures in the South.

I was a college freshman at the same time, at Cornell University. And almost immediately, we formed a group and had sit-ins in at the Woolworth's in Ithaca, New York, in solidarity with

those that were going on through North Carolina and other States in the South.

The sit-ins immediately educated us. That is, even though we were informed, even though we were progressive, we had no idea of the specific indignities of the segregated lunch counters, the signs that said ''whites only'' and ''colored'' for drinking fountains. We knew the schools were desegregated supposedly back in 1955. We saw the Montgomery bus boycott in 1956. We saw the power of direct action in the African states who first gained independence at the same time.

But what occurred amongst the students in Greensboro spread throughout the Nation like wildfire, not just in the South but also in the North. We believed what Martin Luther King, Jr. stated so eloquently from the Birmingham jail: ''Freedom is never voluntarily given by the oppressor. It must be demanded by the oppressed.''

And we saw the sit-ins, a simple and quiet act perhaps, but one of great courage, considering the risks they were running, the Ku Klux Klan sitting at the same counters or nearby these first demonstrators.

Those of us in the North who thought we were brothers and cousins of those in the South started talking about what we should do, how we should help.

I remember, in fact, meeting the gentleman from Georgia (JOHN LEWIS), a colleague of ours from Atlanta, just a few months after that, and we ended up on the same bus to Jackson, Mississippi, and the Freedom Rides that took place to help desegregate the interstate facilities that were still segregated. We saw the interstate facilities as a focal point for Federal action. And those of us who went to jail managed to bring those cases before the Supreme Court, and just as the sit-inners had got the desegregation of the lunch counters so quickly, the interstate and other related facilities were desegregated because of the Freedom Rides.

I see the gentleman from North Carolina (Mr. WATT) here today. I know he was personally inspired by what was happening with the Greensboro Four. Many of us in this Congress, as the gentleman from North Carolina (Mr. MILLER) pointed out, were so inspired. We put our bodies on the line, we put our beliefs in action, and the Greensboro Four helped to shape and inspire the movement all across the country.

So we honor the Greensboro Four for demanding freedom for the oppressed, and we once again look to them today for inspiration in our struggle against the more subtle forms of racism that still exist today and the injustices that continue to plague our Nation. We will continue to look to the Greensboro Four for inspiration as we continue the still unfinished journey of America to become a Nation that is free from discrimination and racism.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from North Carolina (Mr. WATT), a cosponsor of this resolution and Chairman of the Congressional Black Caucus,

Mr. WATT. Mr. Speaker, I thank my colleague for yielding me time.

There are so many angles that I could approach this debate from, but I am just so delighted today to be able to rise in a bipartisan and biracial coalition to honor four great Americans who contributed so much to us.

I could talk about the fact that North Carolina A&T State University and Bennett College, which was also referred to in the statement of the gentleman from North Carolina (Mr. MILLER), both of them are located in my congressional district.

I could talk about the fact that despite the fact that the lunch counter itself is now in the congressional district of the gentleman from North Carolina (Mr. MILLER), it was also in my congressional district up until the last round of redistricting.

I could talk about the fact that Franklin McCain, one of those four courageous individuals, is a resident of my congressional district, a successful business leader in the City of Charlotte, North Carolina, today, one of two surviving members of that famous four.

I could talk about other acts of heroism that came about as a result of these four students sitting down. One recollection that comes to me immediately is, as was happening quite often throughout the South, the power establishment would try to intimidate the black leaders, and the story has it that the powers, the political and business leadership in the City of Greensboro, approached the President of North Carolina A&T State University to try to intimidate him into having his students refrain from this kind of agitation, these sit-ins. And the President of North Carolina A&T, one of the Historically Black Colleges and Universities, drew a line in the sand and said, ''there is no way I am intervening to stop my students from agitating against this kind of injustice.''

I could talk about how I got connected to the civil rights movement even in that time, not as a personal involvement, but hearing my mother say to my oldest brother, 4 years older than me at that time, ''Don't you get involved in those demonstrations. It is dangerous out there,'' and then turning on the TV at 6 o'clock that evening and seeing my brother right in the middle of the demonstration that took place in Charlotte, North Carolina, following the Greensboro Four's courageous action.

□ 1430

There are just so many ways that I could approach this debate that bring back so much emotion for me, because not long after that I returned to Charlotte and to North Carolina to join a civil rights law firm that took on school desegregation, that took on employment discrimination, that took on other racial policies and practices that were taking place that were accepted as part of the day until those courageous students at North Carolina A&T said enough is enough.

So this is a wonderful, wonderful day for me just to see the bipartisanship, the biracial support that we have in support of this resolution in this Congress, but knowing full well that some years ago when it was not fashionable, when it was dangerous, when those kids' parents were telling them, I sent you to school to get an education, not to be involved in a demonstration, they stood and said enough is enough; we are going to take action to change America.

And, Mr. Speaker, they did, and today our country is better for it.

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

Mr. Speaker, it is with great pride and admiration that I rise to support H. Con. Res. 25, recognizing the contribution of Jibreel Khazan, David Richmond, Joseph McNeil and Franklin McCain, the Greensboro Four, to the civil rights movement.

Mr. Speaker, on February 1, 1960, Franklin McCain, Jibreel Khazan, Joseph McNeil, and David Richmond sat down for lunch at the counter of a Greensboro, North Carolina, Woolworth's. This may not seem like much today, but in 1960 that was an extraordinary act. Extraordinary because the four men were black and the counter inside Woolworth's was segregated. They did not serve people of color.

When the four young men from North Carolina A&T were refused service, they remained seated. The restaurant called the police in an attempt to force them to leave. When the police and other white people in Woolworth's used threats of violence and imprisonment to force the four men to leave, they remain seated. This form of resistance became known as a sit-in, a form of peaceful protest that was used extensively during the civil rights movement. The idea worked so well that, rather than serve the four men, the owner closed the store early.

Undeterred, the Greensboro Four returned to Woolworth's the next day and sat at the counter. This time, however, they brought with them reporters and local TV news crews to cover the story. By the following day, news of the sit-in had spread and was receiving national attention. The sit-in had grown to include whites as well.

After months of sit-ins, Woolworth's decided that they had had enough. On July 26, 1960, they agreed to the Greensboro Four's demand that they

integrate the restaurant. This may seem like a small victory in light of later accomplishments in the civil rights movement, but victories like this one laid the foundation for many of the rights people of color enjoy today.

The surviving members of the group, Joseph McNeil, Franklin McCain, and Jibreel Khazan, have settled into their own private lives; but their impact on race relations in the United States was profound. It is only fitting that we honor them today in this manner.

Mr. Speaker, I reiterate my strong support for this legislation, remember my own days as a student at that time, not in North Carolina but in the State of Arkansas where conditions were very similar, and all of us were touched, moved, inspired, motivated, and activated by the Greensboro Four. I thank the gentleman for introducing this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a proud cosponsor of H. Con. Res. 25 which recognizes the contributions of Jibreel Khazan (Ezell Blair, Jr.), David Richmond, Joseph McNeil, and Franklin McCain, known as the ''Greensboro Four'' for their historic contribution to the civil rights movement. I want to thank my colleague Representative MILLER of North Carolina for properly recognizing these four gentlemen in this body. Without their contribution to the civil rights movement it may have taken many more years to break the barrier of segregation that use to be so common place in our Nation.

On Feb. 1, 1960 four black freshmen at North Carolina A&T State University, Franklin McCain, Joseph McNeil, Jibreel Khazan (Ezell Blair, Jr.), and David Richmond, took seats at the segregated lunch counter of F. W. Woolworth's in Greensboro, N.C. They were refused service and sat peacefully until the store closed. They returned the next day, along with about 25 other students, and their requests were again denied. The Greensboro Four inspired similar sit-ins across the state and by the end of February; such protests were taking place across the South. Finally, in July, Woolworth's integrated all of its stores.

This single act forever changed the way black Americans were able to live in society. Much like Rosa Parks who refused to give up her seat simply because of her race and inspired the movement to integrate the bus system; and much like Jackie Robinson who refused to observe the color barrier in our nation's pastime of baseball and blazed the path for all future black athletes; the Greensboro Four similarly broke down one of the key barriers that kept black Americans from receiving equal treatment under the law. This small act of peaceful defiance inspired others to act in protest and became a tidal wave for change. The fact is that in any movement against injustice, the great majority of the population will feel oppressed and disenfranchised, but few will be ready to act, out of fear due to the threat of violence from their oppressors. However, there will be those brave few who will stare down this threat and act to undo the injustice they face. The Greensboro Four represent those brave few who dared to act in the face of oppression, they refused to be ruled by fear and they helped bring out others who could now see their way past their fears and into their hope for a better future.

The act of being able to eat in a dining establishment of our choice is one we take for granted in today's America. It seems like such a simple issue, yet it was the simplest matters that were at the crux of the oppression faced by black Americans. Whether it was basic housing, transportation or security issues, black Americans were kept from realizing equal rights and equal protection. The Greensboro Four refused to accept this situation as a fact of life. They were surely angry at their plight, but they did not choose a path of violence, no instead they chose a path of civil disobedience, in which their cry for justice grew louder and louder with each protest until it became too much for their oppressors to bear. The Greensboro Four stood up for millions of Americans with the simple act of sitting down at a lunch counter. Often it is not the amount of action taken that is important, but the meaning behind the act. I stand with my colleagues in this body today to recognize the Greensboro Four for their act of brave civil disobedience and the proud legacy that it has left.

Mr. JACKSON of Illinois. Mr. Speaker, on May 17, 1954, the U.S. Supreme Court declared two things: (1) segregated schools are illegal; and (2) the legal principle of ''separate but equal'' was dead.

Philosophically the Court was saying if our public institutions are equal, why separate them? And, practically and historically, if they are separate we know they will be unequal.

Thus, the Brown decision laid the legal foundation for attacking all segregated institutions in America.

There had been sit-ins in the 1940s and '50s—in Chicago, St. Louis, Baltimore and elsewhere—but without the legal foundation of Brown.

During this period of increasing civil rights activity, CORE, the Fellowship of Reconciliation, and SCLC clergy trained young people in nonviolent direct action. Rev. James Lawson and others did such training in Nashville at Tennessee State, the American Baptist Theological Seminary and at Fisk University.

The students at North Carolina A & T State University, my alma mater, didn't know about the activity in Nashville. But freedom was increasingly in the air.

So, on February 1, 1960, four young African American men—Franklin McCain, Joseph McNeil, Ezell Blair Jr. and David Richmond—all freshmen on academic scholarships at North Carolina A & T, sat down at a ''whites only'' Woolworth's lunch counter in Greensboro. They wanted to be served, but were refused and physically abused. They responded to violence with nonviolence.

The media focused on what was happening in Greensboro, and African American college students across the South were inspired to begin a lunch counter sit-in movement. They filled jails, got out, sat-in again, and went back to jail. They marched, picketed and refused to stop until the ''Cotton Curtain'' fell.

Ten years after Brown, their dream was achieved when Congress passed the 1964 Civil Rights Act outlawing segregation in public institutions. But it all began with four students at North Carolina A & T. The nation owes them a great debt of gratitude.

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

Mr. DENT. Mr. Speaker, I urge all Members to support and agree to House Concurrent Resolution 25.

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 gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 25.

The question was taken.

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

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

The yeas and nays were ordered.

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

ARTHUR STACEY MASTRAPA POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 324) to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the ''Arthur Stacey Mastrapa Post Office Building''.

The Clerk read as follows:

H.R. 324

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

SECTION 1. ARTHUR STACEY MASTRAPA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, shall be known and designated as the ''Arthur Stacey Mastrapa 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 Arthur Stacey Mastrapa Post Office Building.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. 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. 324.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 324, a bill to designate the U.S. postal facility at 321 Montgomery Road in Altamonte Springs, Florida, as the Arthur Stacey Mastrapa Post Office Building. I thank the gentleman from Florida (Mr. FEENEY) for sponsoring this legislation to honor Sergeant Mastrapa, a courageous American hero whom our Nation lost in the war on terror.

Sergeant Arthur Mastrapa of Apopka, Florida, an Army Reservist and military police officer, was killed in a rocket attack at a logistics support facility in Balad, Iraq, on June 16, 2004. He was 35 years old. His loss was made more tragic because it came just 2 days before he was due to return home with his comrades in the 351st Military Police Company, based in Ocala, Florida. He is survived by his loving wife, Jennifer, and his two loving children, Marisa and Reese.

Nothing could be more appropriate or fitting than to name this post office after Sergeant Mastrapa. Mastrapa was a Reservist and a postal letter carrier who worked full time at this post office on Montgomery Road in Altamonte Springs. I hope and pray that the dedication of this facility in Altamonte Springs will be a meaningful reminder of Arthur's life and service to his family, friends, colleagues, and neighbors. The Mastrapa family needs to know that the heartfelt thoughts and prayers of all the Members of the House of Representatives are with them. We join them in mourning their loss.

The United States of America owes its security and freedom to people like Arthur Mastrapa. Sergeant Mastrapa and our Armed Forces have helped to prevent another attack against America since September 11, 2001, by taking the war on terror straight to where our enemies live and plot. Certainly, the wonderful democratic election in Iraq on January 30 was in no small part possible to Sergeant Mastrapa's heroism.

I know the Iraqi people, like all Americans, would thank Arthur if they could.

Mr. Speaker, I thank the House leadership for selecting this bill for floor consideration, and I greatly thank my distinguished colleague from Florida for working on H.R. 324. I urge all Members to support this honor for Sergeant Arthur Mastrapa.

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. 324, legislation naming the postal facility in Altamonte Springs, Florida, after Arthur Stacey Mastrapa. This measure, which was introduced by the gentleman from Florida (Mr. FEENEY) on January 25, 2005, and unanimously reported by our committee on February 9, 2005, enjoys the support and co-sponsorship of the entire Florida delegation.

Mr. Mastrapa was a city letter carrier at the Arthur Springs Post Office who served in the United States Army Military Police in Iraq when he was killed in action on June 16, 2004. He was 35 years old and due to return home the week that he was killed.

Arthur Stacey Mastrapa joined the U.S. Army in 1992 and served at the Redstone Arsenal in Alabama and later in Germany. He left active duty in 1998 and joined the U.S. Army Reserve. He became a letter carrier casual in Altamonte Springs and soon earned a career appointment.

Sergeant Mastrapa was called back to active duty in 2003 to serve in Operation Enduring Freedom. During his military service, he earned medals for good conduct and service in the national defense. He received two Army Achievement medals and ribbons for service in military law enforcement.

Sergeant Mastrapa was a loving family man. He left behind a wife and two children and many, many relatives in the central Florida area, Cuba, Michigan, and Australia. He was also loved and respected by his co-workers at the post office.

Designating the post office in Altamonte Springs, Florida, is an excellent way to honor the memory of Arthur Stacey Mastrapa.

Mr. Speaker, I commend my colleague for sponsoring this measure. I urge swift passage of the bill.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FEENEY), my distinguished colleague, the sponsor of H.R. 324.

Mr. FEENEY. Mr. Speaker, I thank my friends from Pennsylvania and Illinois who did a great job describing the sacrifice that Mr. Mastrapa gave to his country on behalf of the citizens of Iraq and, actually, freedom throughout the world.

Mr. Speaker, today we honor a man who honored us and dedicated his life to serving others. I thought I would take a few minutes to share some of the hometown effects of the loss of Sergeant Mastrapa.

Arthur Stacey Mastrapa put country and others above self. He possessed a unique calling for both service and optimism that left a mark on the lives of all he met.

His sister-in-law, Tracy Mastrapa, described this calling: ''He dedicated his life to public service, first in active duty as a military police officer, then as a postal worker, and finally as a Reserve MP. He was called to serve his country, which he did proudly with the utmost integrity.''

His calling led him to join the Army in 1992 and then as he left the Army, to reenlist in the Army Reserves after his active duty years ended.

His career outside the Reserve was also in service of his fellow citizens, this time in central Florida. As a postal worker in Altamonte Springs, Florida, he earned the respect of those around him. One of his colleagues said of his work, ''I respected him for his positive outlook and his level head. Also, his customers remarked how much they liked him and appreciated his dedication. He was a hard worker and good family man.''

Two years ago, Sergeant Mastrapa answered the call to serve for what turned out to be the final time. He and his Reserve unit, the 351st Military Police, were deployed to Iraq. Last June in Iraq, Sergeant Mastrapa made the ultimate sacrifice.

All human beings strive to occupy a valued place. One observer has offered this definition for this desire: ''You occupy a valued place if other people would miss you if you were gone.''

Mr. Speaker, Arthur Mastrapa occupied a valued place. He left behind a wife, Jennifer, and two children Marisa and Reese. They, along with the rest of his family, miss him terribly.

His co-workers miss him as well. One described Sergeant Mastrapa as a man who ''loved his job, loved his family, loved his country.''

Another said, ''I only knew him a short time but it was long enough to know what a great guy he was. Arthur was a family man. He loved his kids and wanted them with him all of the time.''

□ 1445

So in an attempt to honor a man who occupied a valued place, his coworkers requested that a special place be named for him, the post office in Altamonte Springs, Florida, the very place Sergeant Mastrapa worked prior to leaving for Iraq for what turned out to be his final journey.

Today, we are here to carry out his colleagues' wish so they are reminded of Arthur Mastrapa when they arrive for work each new day, and so his wife, his children, his family and his friends can come to see his name and remember his service, his sacrifice and his decency.

In closing, I would like to borrow from the words of President Harry Truman who said, ''We know that helping others is the best way, probably the only way to achieve a better future for ourselves.''

Arthur Stacey Mastrapa's desire to help others and serve his country has made the future a better place to live. I urge my colleagues to approve H. Res.

324 and create a lasting memorial to Sergeant Mastrapa's name.

Mr. DENT. Mr. Speaker, I urge all Members to support H. Res. 324, 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 Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 324.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONGRATULATING THE NEW ENGLAND PATRIOTS FOR WINNING SUPER BOWL XXXIX

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 86) congratulating the New England Patriots for winning Super Bowl XXXIX.

The Clerk read as follows:

H. RES. 86

Whereas on February 6, 2005, in Jacksonville, Florida, the New England Patriots defeated the Philadelphia Eagles by a score of 24 to 21 in Super Bowl XXXIX to win the National Football League (NFL) Championship;

Whereas the Patriots' victory in Super Bowl XXXIX resulted in their third championship in the last four years, the first being a 20 to 17 victory over the St. Louis Rams in Super Bowl XXXVI and the second being a 32 to 29 victory over the Carolina Panthers in Super Bowl XXXVIII;

Whereas the Patriots' victory over the Eagles clinched back-to-back championships for the first time in franchise history;

Whereas in winning Super Bowl XXXIX, the Patriots became only the second franchise in NFL history to win three Super Bowls in four years;

Whereas beginning during the 2003 season and stretching into the 2004 season, the Patriots won 21 consecutive games, 18 during the regular season and 3 during the post-season, setting franchise and league records for consecutive victories;

Whereas owner Robert Kraft, through sound management and by instilling a team-first philosophy, has made the Patriots the model NFL franchise;

Whereas Head Coach Bill Belichick, Offensive Coordinator Charlie Weis, and Defensive Coordinator Romeo Crennel, stressing teamwork and determination, led the Patriots to their ninth straight playoff victory by winning Super Bowl XXXIX and to their second consecutive 14 win regular season, advancing to the Super Bowl by defeating the record-setting Indianapolis Colts and the number one seeded Pittsburgh Steelers in the American Football Conference (AFC) playoffs;

Whereas the Patriots' ability to win despite serious injuries is a testament to the coaching staff and the desire of the team to defend their title and win another Super Bowl;

Whereas wide-receiver Deion Branch, who had a record-tying 11 catches for 133 yards, was selected as the Most Valuable Player (MVP) of the Super Bowl for the first time, joining two-time Super Bowl MVP quarterback Tom Brady as the only Patriots in NFL history chosen to receive this prestigious award; and

Whereas all of New England is proud of the accomplishments of the entire Patriots organization and the dedication of the faithful New England fans throughout the 2004–05 NFL season: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Football League Champion New England Patriots on their extraordinary victory in Super Bowl XXXIX.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 86, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I am truly honored to be a new Member of the House. I look forward with great anticipation to this body's numerous deliberations on consequential issues in the months and years ahead. Engaging in debate for this resolution, however, is unfortunately not one that I have looked forward to.

Mr. Speaker, House Resolution 86 congratulates the New England Patriots on winning Super Bowl XXXIX over the Philadelphia Eagles 24 to 21 on February 6, Super Bowl Sunday. As a big Eagles' fan myself, I know the rules of the House preclude me from wearing this hat, but I thought I would just show it to our audience. I am a dear and devoted Eagles' fan, but I had a very tough day, as did millions of other Eagles' fans across the country.

With this Super Bowl title, their third in the last four seasons, the Patriots have indeed earned their place atop the football world, and they deserve this honor from the House.

On behalf of all Members, I salute the Patriots for solidifying their place as one of the most successful dynasties in NFL history.

In this era of great parity in the NFL, the Patriots' recent success may not soon be replicated. Their three Super Bowls put New England in a class with other great franchises in pro-football history, like the Pittsburgh Steelers in the 1970s, the San Francisco 49ers in the 1980s, and the Dallas Cowboys in the 1990s.

This was the Patriots' ninth straight win in the playoffs over the past 4 years, which equals the great run of Vince Lombardi's Green Bay Packers during the 1960s as the best pro-season stretch of all time. Led by their infallible coach Bill Belichick, quarterback Tom Brady, safety Rodney Harrison and Super Bowl MVP Deion Branch, the Patriots continued to do whatever it takes to win big games, and the Brady branch connection proved too much for the Eagles. They have won each of their three Super Bowls by just three points, but Mr. Speaker, I want to take a moment to recognize our Philadelphia Eagles for their outstanding season as well.

The Eagles went 13–3 during the regular season and reached the Super Bowl for the first time since 1981 and the second time in team history. Quarterback Donovan McNabb has been their catalyst all season. He threw for a whopping 357 yards and three touchdowns on Super Bowl Sunday, and wide receiver Terrell Owens, who broke his leg and tore a knee ligament just 7 weeks before the Super Bowl, returned for the first time and remarkably caught nine passes for 122 yards.

Over 130 million Americans are estimated to have watched at least part of the Super Bowl, nearly half of all residents. Super Bowl Sunday has become an unofficial holiday in this country, and for the third time in 4 years, the New England Patriots, and the Brady branch connection in particular, proved to all of us that they are indeed the champions of football.

Mr. Speaker, while I am indeed heartbroken and crestfallen in the wake of the Eagles' loss, I want to sincerely congratulate my colleague, the gentleman from Massachusetts (Mr. FRANK) both for the success of his Patriots and for moving forward this resolution on the team's behalf.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Massachusetts (Mr. MARKEY), a son of New England and a very proud Patriots fan.

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for the time.

I thank the gentleman from Massachusetts (Mr. FRANK) for asking for this time for a resolution to honor our great New England Patriots who now go down into history as one of the greatest football teams of all time, and in honor of that, I have a very brief poem that I thought I would read to honor this great family and great team.

To the New England Patriots:

The New England Patriots we proudly honor today, they've won three Super Bowls in 4 years with their remarkable play.

From top to bottom, the Patriots have clearly shown why in football's history books they will be known.

For their great example both on and off the field the principles of hard work and team play they never yield.

It starts with Bob Kraft, Myra and kin, whose motto is simple, with class we shall win.

Belichick and Pioli then constructed their teams about which others could only have dreams.

Because the coaching is so great on both defense and offense the outcomes of Pats games are almost never in suspense.

But on the field, it's the players who win each big game and every one of them belongs in a winner's Hall of Fame.

Quarterback Tom Brady is a football legend in the making. He's never lost a playoff game, leaving opponents with heads shaking.

Corey Dillon in the backfield, Deion Branch the Super Bowl MVP; and how about Troy Brown playing not just one way but three?

Rodney Harrison at safety, Teddy Brewski linebacker inside and veterans McGinest and Vinatieri playing with great pride.

So after a season with 14 victories, the playoffs were ready to begin. Peyton's Colts came calling first, but Romeo's ''D'' made their heads spin.

The next stop was Pittsburgh for an appointment with Big Ben, but the rookie was no match for the Pats. They won by two scores and then.

They faced off against the Eagles in Super Bowl XXXIX and victory, sweet victory, was theirs for a third time.

Discipline and focus, a new standard for teamwork has been set with Kraft and Belichick at the helm, more trophies they are sure to get.

Now one thing is for certain, fans and experts all agree, the New England Patriots are football's newest world-class dynasty.

We honor Bob Kraft and his wife Myra, his son Jonathan, his entire family, the coaches, the players and the greatest fans in the world, the New England fans, for the incredible season that just culminated with great anticipation for the one that will begin again this fall.

I thank again the gentleman from Massachusetts (Mr. FRANK) for this resolution, and I thank the gentleman from Illinois for recognizing me.

Mr. Speaker, I rise in support of Mr. FRANK's resolution and join with the entire New England delegation in honoring the remarkable achievements of the Super Bowl Champion New England Patriots. In the interest of good sportsmanship, I also want to commend the Philadelphia Eagles and their owner Jeffrey Lurie for a terrific season.

Mr. Speaker, the New England Patriots have redefined teamwork. Even as individual accomplishments are recognized and rewarded at every turn in professional sports, the New England Patriots have demonstrated that winning championships is all about teamwork. Without question the Patriots are a team filled with extremely talented football players, but each puts the team ahead of his own statistics and accolades.

This philosophy, and this incredible record of winning with class, is a tribute to Robert Kraft, owner of the New England Patriots, and the organization he has built. His son Jonathan has been there every step of the way as this team has traversed the path to greatness.

The team is fortunate to have Bill Belichick, who brings an outstanding work ethic and knack for teaching football to this enterprise. And Scott Pioli continues to be a player personnel phenom. As every fan in New England knows, Bill is a coaching genius, and a man who now finds himself in the elite company of the legendary Vince Lombardi. What's more, he assembled an outstanding staff of assistants, notably Defensive Coordinator Romeo Crennel and Offensive Coordinator Charlie Weis. The coaches' game day schemes kept opponents guessing all through this past season as the Patriots won 14 games, through the playoffs in blowout victories over Indianapolis and Pittsburgh, and right on into the Super Bowl match-up and win against the Philadelphia Eagles.

So the Patriots have a great owner and great coaches—and they have certainly demonstrated that they also have great players—guys who put the team first—and guys who can win championships. Led by the amazing Tom Brady who has never lost a playoff game—he can beat you with his heart or his head. The team has an outstanding offensive line and receiver corps—Deion Branch tied a Super Bowl record for receptions and was named the game's Most Valuable Player. In the backfield, the combination of Corey Dillon and Kevin Faulk wore down defenses and racked up yards. On defense, everyone contributed—Tedy Bruschi, Mike Vrabel, Ted Johnson, Richard Seymour, Roosevelt Colvin—the secondary led by Rodney Harrison, and the omnipotent Willie McGinest, the wily veteran who hasn't lost a step. And then you have the extraordinary Troy Brown. He exemplifies how Patriot players put the team first. Troy is a receiver and returns punts ordinarily, but when injuries began piling up in the Patriots secondary—Troy learned to play in the defensive backfield.

Mr. Speaker, the New England Patriots have left an indelible mark in the football history books, clearly establishing themselves as the first sports dynasty of the 21st Century. They represent the very best of New England and have earned the adoration of their fans—Patriot Nation. I congratulate Bob, Myra and Jonathan Kraft, Coach Belichick and all of the coaching staff and each and every player for an exciting season, and a fantastic post-season, and for winning their third world championship in four years.

I thank Mr. FRANK for introducing this resolution.

Mr. DENT. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY), my distinguished colleague.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank the gentleman very much for the time, and I would like to thank my distinguished colleague for such a gracious introduction to this resolution, especially from Pennsylvania, which not only saw the Patriots beat one Pennsylvania team but two Pennsylvania teams. So I thank him for that very gracious recognition.

The New England Patriots have a motto. It is always team first and team above everything else, and when we talk about the New England Patriots, we talk about the full roster of 53 people and how from 1 to 53 they play as a unit, and they subvert all of their individual goals to that of the team winning and the team winning playoff games.

It begins with the ownership of the team, the Kraft family, who have shown vision and determination in building a new stadium and bringing a top-quality product to all of us in New England.

It then goes through the coaching staff with Coach Belichick, who has shown tenacity, creativity, hard work and planning for every eventuality that has made the Patriots just a little cut above its competitors in record fashion, winning three Super Bowls in the last 3 years, a 21-game winning streak, winning 34 of the last 36 games.

As we talk about the Patriots' success, though, it is also important to pay tribute to worthy opponents, in particular, in the playoffs, the Indianapolis Colts, Pittsburgh and Philadelphia teams, all of whom played tremendously well, had great seasons and, in particular, Philadelphia who came so close in that game.

For those of us from New England, we saw a hero in Curt Schilling in the World Series that brought the Red Sox for the first time in 86 years to the World Series and knew from the Eagles' point of view how another hero, Terrell Owens, who is not only able to talk the talk as we all know, but in the Super Bowl he clearly walked the walk; and from all of us from New England who appreciate heroes, Terrell Owens certainly earned his stripes in that game.

But if there is one person on the Patriots that we would pay tribute to, it would be a person who has been an offensive player for all of his 12 years for the Patriots, that being Troy Brown. This year, with injuries in the depleted secondary, Troy Brown was asked to play defense, and he had to go to team meetings on both the offensive side of the ball and the defensive side of the ball, as well as continuing with his punt return duties.

Troy Brown epitomized what it means to be a Patriot. Yes, he clearly probably would have preferred to be a pass receiver, but when duty called, he did what it took to help the Patriots win their third Super Bowl in a row. Troy Brown epitomizes the spirit of the Patriots.

We hope for a successful year next year, and we know that there are 31 other teams, including two from Pennsylvania, who would like to knock off the Patriots next year, and we cannot wait for the next season of football.

I ask for my colleagues' support for H. Res. 86.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Illinois for the time, and Mr. Speaker, I want to join with my other New England colleagues in congratulating the world champion New England Patriots for their victory from Super Bowl XXXIX.

Over the past few years, the Patriots have put the rhetoric of teamwork into practice on the field. They work hard without show-boating or glory-seeking to be the best football team possible.

□ 1500

They deserve the mantle of dynasty, and we are proud of their success. I particularly want to congratulate owner Bob Kraft and head coach Bill Belichick for their hard work and dedication, not just to the game of football but also to our community. And of course I want to congratulate the magnificent players.

Mr. Speaker, all of us in Massachusetts, indeed all of us throughout New England, have been given an embarrassment of sports riches in the last year. First, our beloved Red Sox ended 86 years of misery, first by coming from behind to defeat the New York Yankees in the American League Championship Series, and then sweeping the St. Louis Cardinals in the World Series. And now the Patriots are once again world champions.

I hope that the rest of the country is patient with those of us in New England as we adapt to these new circumstances. After all, we have much more practice with frustration and heartbreak.

Mr. Speaker, again, I want to congratulate the Patriots for their tremendous season, and I look forward to watching them continue their success in the years to come.

I urge my colleagues to support this resolution.

Mr. DENT. Mr. Speaker, I have no other requests for time at the moment. I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, I rise today to support H. Res. 86, which pays tribute to the New England Patriots, their owner, Robert Kraft, their coach, Bill Belichick, and their dedicated fans for the team's historic achievement of winning Super Bowl XXXIX.

As an avid, patient, and optimistic Chicago Bears fan, I understand how having a great football team can lift the spirits of an entire community. The fans of New England have stood loyally with the Patriots in tough times since their inception in 1962. However, over the last 4 years their dedication has been rewarded with three Super Bowl victories.

In spite of their previous success, this season's Super Bowl championship did not come easily. Headed into the playoffs, the Patriots suffered two disappointing losses, and it was predicted by many that they would lose their first playoff game.

The Patriots had a different plan. They first shut down Peyton Manning and the Indianapolis Colts in New England by a score of 20 to 3. The Patriots then headed to Pittsburgh to play their rivals, the Steelers, a team that had beaten them decisively earlier in the year.

Despite being dubbed the ''team with no stars,'' the Patriots easily disposed of the Steelers by winning 41 to 27, and quieted their critics. Their final test would come in the Super Bowl. Technically favored to win the Super Bowl in Jacksonville, many people believed that Coach Belichick and his players would be outplayed by Donovan McNabb, Terrell Owens, and the rest of the Eagles' high-scoring attack.

Once the game was played, however, it was the Patriots who celebrated. After falling behind early in the game, the Patriots players displayed the hearts of champions by clawing their way back and ultimately winning the game by a score of 24 to 21.

By winning their third championship, the Patriots solidified their place as one of the National Football League's greatest teams.

Mr. Speaker, I take a moment to commend the efforts of the mastermind behind the operations, Coach Bill Belichick, who has solidified his standings as one of the great coaches in National Football League history. With this win, Bill Belichick improves his playoff record to 10 and 1, the best playoff record of any coach with three Super Bowl wins. His record even eclipses that of the legendary coach, Vince Lombardi.

Congratulations to the New England Patriots and their fans and, once again, for a terrific year. I am sure that it will not be their last, and I know that the Chicago Bears have been waiting and watching and hoping to emulate their success.

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

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume. On behalf of the Commonwealth of Pennsylvania, the Philadelphia Eagles, and the Pittsburgh Steelers and all of their fans, I urge all Members of the House to support the adoption of House Resolution 86.

Mr. LANTOS. Mr. Speaker, at the risk of being as repetitive as the New England Patriots, I rise to extol one of San Mateo, California's favorite sons, the quarterback of the Patriots, Tom Brady. His continued success in the National Football League is a source of great pride for the city of San Mateo, which is located in my congressional district, and for the entire Bay Area as well.

After leading the New England Patriots to a spectacular 14-win regular season, Tom continued his winning ways in a post-season that culminated in the Patriots' third Super Bowl victory in four years. As we have come to expect, Tom Brady guided his team to victory with a near flawless performance. He completed 23 of the 33 passes he threw with zero interceptions, and finished with a higher quarterback rating than either of his previous Most Valuable Player performances.

Mr. Speaker, Tom Brady's extraordinary play in the Super Bowl is even more remarkable when one considers the great personal grief he had to overcome when his grandmother passed away just five days before the big game. Instead of allowing his loss to overwhelm him, Tom demonstrated his professionalism by remaining focused and played a great game. I am sure that even though she could no longer attend his games, Margaret Brady, known as Peggy to her friends and family, cheered her grandson on as he performed on one of the world's largest stages and proudly cheered him on as she had done since his school yard days.

Mr. Speaker, I am delighted to pay tribute to Tom Brady, who has been thrilling football fans since he was the quarterback at Junipero Serra High School, home of the Padres in San Mateo. By leading the New England Patriots to victory in Super Bowl XXXIX, Tom Brady joins Terry Bradshaw, Troy Aikman and his boyhood idol, Joe Montana, as the only quarterbacks to win at least three NFL titles. On behalf of the city of San Mateo and football fans everywhere, I wish him continued success in his already remarkable career.

Mr. BISHOP of Georgia. Mr. Speaker, it is an honor for me to rise in support of H. Res. 86, congratulating the New England Patriots on winning Super Bowl XXXIX. The Patriots's victory is indeed cause for celebration in my district as fans in Albany, GA, and throughout all of southwest Georgia watched with pride as our native son, Deion Branch led his team to victory as this year's most valuable player. We could not be more proud.

We salute the New England Patriots for their third Super Bowl Victory in 4 years. Only one other team has ever won the Lombardi Trophy so many times in so few years, yet no other receiver in history has put together back-to-back performances like Deion Branch. In Super Bowl XXXVIII, which the Patriots won 32–29 over the Carolina Panthers, Deion Branch caught 10 passes for 143 years, including the game's first touchdown and the

catch that set up the Patriot's winning field goal. He should have won MVP then, but this year he bested even himself, tying the Super Bowl record with 11 catches for a total of 133 years.

From the days when he was deemed too small for middle school football, to his years on the Monroe High School team to the University of Louisville, to his historic career in professional football, Deion Branch has made up for what he lacks in size with a spirit and a talent that defines him as one of the best to ever play the game.

On behalf of the city of Albany, the 2nd Congressional District and football fans everywhere, I wish him continued success in his already remarkable career and strongly urge my colleagues to vote in favor of H. Res. 86 congratulating the New England Patriots on their outstanding achievement.

Mr. MEEHAN. Mr. Speaker, I rise in enthusiastic support of H. Res. 86, congratulating our New England Patriots on winning their third Super Bowl in 4 years.

The word "dynasty" has become synonymous with the New England Patriots. And deservedly so. Only one other team has accomplished what the Patriots have done—the Dallas Cowboys of the early 1990s. I believe that these Patriots have staked a real claim on the moniker of "America's Team."

But when the history of this team is written, there is one word that seems most fitting: class.

Class means many things, especially in the world of sports.

Class means a head coach, such as bill Belichick, who immediately after overtaking Vince Lombardi as the NFL coach with the best playoff winning percentage talks about "starting at the bottom of the mountain" next season. It also means a coach who deflects personal credit as adroitly as he outsmarts opposing coaches. Similarly, class seems suitable for a coach who should rather talk endlessly about his role models than about himself, even after he eclipses those role models in all measures of success.

Class also means a team that overcomes injuries to two key starters, Ty Law and Tyrone Poole, when unheralded players, such as Randall Gay and Asante Samuel, play like seasoned veterans in the most stressful situations imaginable, to the disbelief of all observers. It means a group of players whom many outside New England don't recognize by name or face but only as part of a team. And class might also describe a team whose accomplishments are sometimes dismissed as "luck" even when, by definition, "luck" can't explain continuous triumph, game after game, season after season, at home and on the road, in close games and blowouts, in air-conditioned domes and Foxborough blizzards.

Class refers to players, such as Tom Brady and Deion Branch, who would rather credit their teammates than tout their own efforts. Class describes players such as Willie McGinest and Tedy Bruschi, who would rather win Super Bowls than All-Pro invitations, as well as players such as Corey Dillon and Rodney Harrison, who have silenced past critics with their on-field performance not their off-field remarks.

Class means owners who care as much about the team as does the most passionate fan. The Kraft family, longtime New Englanders and Patriots' season ticket holders, seem to fit that description to a tee. Like the rest of Patriots Nation in 1994, Robert and Myra Kraft were devastated to see the team on the verge of moving to St. Louis. So much so, in fact, that they spent $200 million to prevent that from happening.

Class also means owners who view their role in the community with dignity and responsibility. Although the Kraft family builds championships and unrivaled proficiency, their off-field victories may be even more impressive. Through the Patriot Charitable Foundation, the Krafts have made charitable affairs an integral part of their community presence, and as important a goal as any Super Bowl victory.

And perhaps most importantly, class means never describing oneself as a "dynasty," because dynasties are never proclaimed, but only earned—something a team with class, like the New England Patriots, knows quite well.

I join my colleagues in saluting the unsurpassed accomplishments of the New England Patriots.

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

The SPEAKER pro tempore (Mr. CHOCOLA). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the resolution, H. Res. 86.

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.

RECOGNIZING VIRGINIA FIRE CHIEFS ASSOCIATION ON ITS 75TH ANNIVERSARY

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 80) recognizing the Virginia Fire Chiefs Association on the occasion of its 75th anniversary and commending the Virginia Fire Chiefs Association for sponsoring annually the Mid-Atlantic Expo and Symposium, as amended.

The Clerk read as follows:

H. RES. 80

Whereas every State in the United States has established a fire chiefs association;

Whereas fire chiefs associations provide comprehensive and integrated statewide public safety efforts, thereby enhancing the quality of life of American citizens by reducing the effects of fire, medical, and environmental emergencies;

Whereas all fire chiefs associations serve to provide educational resources to firefighters, facilitate information exchange and regional cooperation between firefighting entities, and provide professional development workshops and training to all statewide and regional firefighters;

Whereas the mission statements of all fire chiefs associations have continuously broadened beyond the original goals of working for the promotion of fire prevention and protection from and extinguishment of fires to keep pace with the new challenges and demands facing the 21st Century, working in conjunction with the Nation's efforts in securing the homeland;

Whereas to accommodate the homeland security needs facing the Nation, the mission statements of fire chiefs associations today include facilitating the exchange of regional and national information, organizing annual conferences and symposiums to discuss ways of improving life-saving procedures, assisting in research studies, assisting in the development of public education in fire prevention programs, and supporting and encouraging the delivery of prehospital emergency medical services by the fire service to relieve human suffering;

Whereas the Virginia Fire Chiefs Association serves as a fine example of such a State fire chiefs association, which has recognized the aforementioned needs and broadened its mission to serve not only statewide interests, but regional and national interests;

Whereas upon realizing the need for regional cooperation toward the advancement of fire service in the United States, the Virginia Fire Chiefs Association established the Mid-Atlantic Expo and Symposium, which annually draws from States within the Mid-Atlantic region of the United States and which serves to educate firefighters on new techniques; and

Whereas on the occasion of their 75th Anniversary, the Virginia Fire Chiefs Association, will be once again hosting their annual Mid-Atlantic Expo and Symposium, on February 24, 2005: Now, therefore, be it

Resolved, That the House of Representatives commends all fire chiefs associations on the outstanding service that they provide to the citizens of the United States.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. 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 resolution under consideration.

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

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, House Resolution 80, as amended, commends all State fire chiefs associations. Every State in the Union has a fire chiefs association.

These groups provide valuable leadership skills to career and volunteer chiefs, chief fire officers and managers of emergency service organizations throughout the United States.

The members are literally on the front lines of the homeland security effort, ready to respond in a moment's notice to crisis situations anywhere in America. Fire chiefs are unquestionably the world's leaders in fire fighting, first response, emergency medical services, natural disasters, search and rescue, and many other areas of public

safety. Their efforts largely go unnoticed, which is why I am so pleased that the House is taking time to recognize fire chiefs associations today.

Mr. Speaker, my thanks go to the gentleman from Virginia (Mr. GOODE) for introducing this resolution. I urge the adoption.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume. Mr. Speaker, every year fires and other emergencies take thousands of lives and destroy property worth billions of dollars.

Fire fighters help protect the public against these dangers by rapidly responding to a variety of emergencies.

They are frequently the first emergency personnel at the scene of a traffic accident or medical emergency and may be called upon to put out a fire, treat injuries, or perform other vital functions. State fire chiefs associations serve to provide educational resources to fire fighters, to facilitate the exchange of information, to promote regional cooperation between firefighting entities and to provide professional development workshops and training to all state-wide and regional fire fighters.

These efforts in recent years have been broadened to include protecting the homeland. The Illinois Fire Chiefs Association is dedicated to promoting excellence in the fire service by providing the network of information sharing and opportunities for its diverse membership and associated partnerships through education, legislation, and technical means.

The fire chiefs associations help us do our jobs, which is to serve and protect the American public. I commend the Illinois Fire Chiefs Association and all fire chief associations for their hard work and dedication. They function for all of us and in our best interest.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 80, which recognizes the Virginia Fire Chiefs Association on the occasion of its 75th anniversary and commends the Virginia Fire Chief's Association for being an annual sponsor of the Mid-Atlantic Expo and Symposium.

Fire chiefs throughout the Nation provide decisive leadership that is key to the success of America's firefighters and first responders. The fire chief's associations in each State play a critical role in coordinating this important effort. Their members are literally on the front lines of the homeland security effort, ready to respond in a moment's notice to crisis situations anywhere in America.

I have been able to witness the firm dedication and guidance the fire chiefs in my congressional district have provided. Unfortunately, their selfless efforts largely go unnoticed, which is why I am pleased the House is taking this opportunity to recognize the Virginia Fire Chiefs Association for their great achievements today.

Mr. Speaker, I applaud Congressman VIRGIL GOODE of my home State of Virginia for introducing this important resolution and urge an "aye" vote.

Mr. GOODE. Mr. Speaker, I offer my strong support of passing H. Res. 80, which honors the Virginia Fire Chiefs Association on reaching their 75th anniversary and commends them for annually hosting the Mid-Atlantic Expo and Symposium, and honors all Fire Chiefs Associations across the United States of America for their hard work on behalf of the all citizens in this country. The Virginia Fire Chiefs Association serves as an outstanding model for the importance that fire chiefs associations serve in our country, while confronted with new challenges facing fire services in ensuring the safety of our citizens and in protecting our homeland. I congratulate the Virginia Fire Chiefs Association on reaching its 75th Anniversary. I hope that all will vote for H. Res. 80, the Virginia Fire Chiefs Resolution, and hope the U.S. House of Representatives will support this resolution and pass it today.

Mr. DENT. 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 Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the resolution, H. Res. 80, as amended.

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

The title of the resolution was amended so as to read: "A resolution commending fire chiefs associations.".

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 3 o'clock and 7 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

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

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL 5 P.M. FRIDAY, FEBRUARY 25, 2005 TO FILE REPORT ON H.R. 27, JOB TRAINING IMPROVEMENT ACT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce may have until 5 p.m. on Friday, February 25, 2005, to file a report to accompany H.R. 27.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 25, by the yeas and nays;

H.R. 324, by the yeas and nays.

RECOGNIZING CONTRIBUTIONS OF "GREENSBORO FOUR" TO THE CIVIL RIGHTS MOVEMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 25.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 25, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 32]

YEAS—424

Abercrombie	Brown (OH)	Cummings
Ackerman	Brown (SC)	Cunningham
Aderholt	Brown, Corrine	Davis (AL)
Akin	Brown-Waite, Ginny	Davis (CA)
Alexander	Burgess	Davis (FL)
Allen	Burton (IN)	Davis (IL)
Baca	Butterfield	Davis (KY)
Bachus	Buyer	Davis (TN)
Baker	Calvert	Davis, Jo Ann
Baldwin	Camp	Davis, Tom
Barrett (SC)	Cannon	Deal (GA)
Barrow	Cantor	DeFazio
Bartlett (MD)	Capito	DeGette
Barton (TX)	Capps	Delahunt
Bass	Capuano	DeLauro
Bean	Cardin	DeLay
Beauprez	Cardoza	Dent
Becerra	Carnahan	Diaz-Balart, L.
Berkley	Carson	Diaz-Balart, M.
Berman	Carter	Dicks
Berry	Case	Dingell
Biggert	Castle	Doggett
Bilirakis	Chabot	Doolittle
Bishop (GA)	Chandler	Doyle
Bishop (NY)	Chocola	Drake
Bishop (UT)	Clay	Dreier
Blackburn	Cleaver	Duncan
Blumenauer	Clyburn	Edwards
Blunt	Coble	Ehlers
Boehlert	Cole (OK)	Emanuel
Boehner	Conaway	Emerson
Bonilla	Conyers	Engel
Bonner	Cooper	English (PA)
Bono	Costa	Etheridge
Boozman	Costello	Evans
Boren	Cox	Everett
Boswell	Cramer	Farr
Boucher	Crenshaw	Fattah
Boustany	Crowley	Feeney
Boyd	Cubin	Ferguson
Bradley (NH)	Cuellar	Filner
Brady (PA)	Culberson	Fitzpatrick (PA)
Brady (TX)		Flake

Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Baird
Eshoo
Hulshof
Miller (FL)
Stark
Stupak
Wamp
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1855

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARTHUR STACEY MASTRAPA POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 324.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 324, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 33]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh

Wasserman Schultz	Weldon (PA)	Wilson (SC)
Watson	Weller	Wolf
Watt	Westmoreland	Woolsey
Waxman	Wexler	Wu
Weiner	Whitfield	Wynn
Weldon (FL)	Wicker	Young (AK)
	Wilson (NM)	Young (FL)

NOT VOTING—13

Andrews	Fattah	Stupak
Baird	Hulshof	Wamp
Crowley	Miller (FL)	Waters
DeGette	Murtha	
Eshoo	Stark	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 310, BROADCAST DECENCY ENFORCEMENT ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–6) on the resolution (H. Res. 95) providing for consideration of the bill (H.R. 310) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 5, CLASS ACTION FAIRNESS ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–7) on the resolution (H. Res. 96) providing for consideration of the Senate bill (S. 5) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH, New Jersey, Cochairman,
Mr. WOLF, Virginia,
Mr. PITTS, Pennsylvania,
Mr. ADERHOLT, Alabama,
Mr. PENCE, Indiana.

STABBING VETERANS IN THE BACK

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is National Salute to Hospital Veterans Week, and just on Sunday I had the opportunity to visit my veterans hospital in our community in Houston, visiting veterans and speaking to them and thanking them for their service.

Mr. Speaker, not one of them, not one of them had one moment of regret for the service to their Nation. That is why I stand here today to read the words of Al Marlowe, the 75-year-old, eighth district commander for 17 Houston-area American Legion posts: ''It's a stab in the back,'' he says. ''It's stab in the back,'' says Marlowe, 75, a Korean War veteran. ''This is what they do behind closed doors in Washington if you want the real truth.''

It is a stab in the back because we have cut veterans benefits. We are asking them to enhance the copay of veterans who have served this country.

□ 1915

When they served, we promised them benefits for life. It seems a shame on this House if we cannot come together and establish priorities and begin to give back to veterans who have given to this Nation.

This is a national salute to veterans who are hospitalized, Mr. Speaker, but there are many more veterans who come to outpatient clinics at veterans hospitals all over America. It is time to stop stabbing them in the back and provide them the lifetime benefit for serving this country.

INTRODUCTION OF THE DAWSON COMMUNITY FAMILY PROTECTION ACT OF 2005

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

Mr. CUMMINGS. Mr. Speaker, I rise tonight to announce the fact that I introduce tonight the Dawson Community Family Protection Act of 2005.

In my district in Baltimore, unfortunately, about 2 years ago we had A family of seven incinerated in the middle of the night because they wanted to cooperate with the police, and drug thugs made a decision that they would burn them up instead of allowing them to cooperate with the police.

The Dawson Family Community Protection Act would require the director of National Drug Control Policy to direct each year a minimum of $5 million in HIDTA funds to support HIDTA initiatives aimed at increasing safety and encouraging cooperation in neighborhoods like the Dawson's.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND IRAQ'S ELECTIONS

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

Ms. WOOLSEY. Mr. Speaker, I am beginning to lose count of the number of reasons why we went to war in Iraq. First it was because Saddam Hussein was closely linked to al Qaeda, the terrorist group that conducted the terrorist attacks in New York on September 11.

After that theory was disproved, the reason for going to war became the imminent and immediate threat that Saddam posed to the United States. According to the White House, Saddam possessed stockpiles of nuclear and biological weapons.

When we learned that Saddam's nuclear weapons program had actually been dismantled after the 1991 Gulf War, which was a full 12 years ago when the U.S. began its first invasion of Iraq, the Bush administration changed its rationale yet again. This time the reason for going to war was for the very cause of democracy itself, to bring democracy to the Iraqi people.

Some have said that Iraq's recent elections are the very embodiment of Iraq's quick embrace of democracy. It is important right now to commend the brave 58 percent of registered Iraqis who voted in these elections, voted to select the legislators who will write the Iraqi constitution.

In fact, Iraq's voter turnout was higher than the turnout in most American elections. Believe me, the people who live in my congressional district, Marin and Sonoma Counties, north of San Francisco, across the Golden Gate Bridge, know how important elections are to keeping a viable and vital democracy in a country. In last November's election, we voted with a record 89.5 percent of registered voters turning out.

Sadly, despite Iraq's elections, the Middle East is as unstable as it has ever been. The war in Iraq has made Iraq a more violent and unstable place, making America less secure from the threat of terrorism by creating a terrorist breeding ground in a country that had never been a haven for terrorist groups like al Qaeda in the first place.

Some members of the Bush administration have expressed their disappointment with the high Shiite turnout of Iraq's elections, fearing that significant participation by religious Muslims may lead to the creation of an overly religious Iraqi constitution, but that is the danger, the danger risked by invading a country when you will not admit the real reason you are there in the first place.

Are we there to stabilize Iraq so we can control their oil resources? Are we there to force our notions of democracy onto the Iraqi people? Or are we there to honor the Iraqi voters, voters who went to the polls because they want to control their own destiny?

The most important thing to recognize is that Iraq will not resemble the United States, and Iraq's constitution will not be an updated version of our own. Mr. Speaker, it has become clear that we cannot keep our troops stationed halfway around the world with the hope that Iraq will become a Middle Eastern version of the United States.

But the elections do demonstrate that the Iraqi people are prepared to manage their own affairs. That is why, now that Iraq's elections are completed, the United States must ensure that the people of Iraq control their own affairs as the country transitions towards democracy.

We can do this by supporting the Iraqi people, not through our military, but through international cooperation to help rebuild Iraq's economic and physical infrastructure.

We owe this to the people of Iraq, who are being killed by the thousands. We owe it to our troops who are sitting ducks for the terrorists, and we owe it to the nearly 1,500 American troops who have died in this ill-conceived misadventure, as well as the 11,000 who have been severely wounded.

To help the situation in Iraq, I have introduced H. Con. Res. 35, which is legislation that will help Iraq secure its own future and ensure that America's role in Iraq actually does make America safer. So far, 27 of my House colleagues have signed on as cosponsors of this important legislation.

My plan for Iraq is part of a larger strategy that I call SMART security, which is a Sensible Multilateral American Response to Terrorism that will ensure America's security by relying on smarter politics.

Mr. Speaker, let me be clear; we should not abandon Iraq. There is still a critical role for the United States in providing the developmental aid that can help create a robust civil society, build schools and water processing plants, and ensure that Iraq's economic infrastructure becomes fully viable.

Instead of troops, we need to send scientists, educators, urban planners and constitutional experts to help rebuild Iraq's flagging economic and physical infrastructure.

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Georgia (Mr. PRICE).

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

There was no objection.

INTRODUCTION OF THE FEDERAL YOUTH COORDINATION 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 spent a good part of my life in coaching, dealing with young people, and not long ago, I had a call from a young man whom I had not heard from for about 7 or 8 years.

This young man was abandoned by his father in infancy and then by his mother when he was 12, and he spent basically 2 years on his own on the streets, and he spent some time in a group home and, needless to say, had a very difficult life. Maybe things are getting a little better now, but unfortunately, this story is not unusual. It happens more and more frequently.

The National Academy of Sciences estimates that 10 million teens, which is one-fourth of our teenagers, are at serious risk of not achieving a productive adulthood. There are 22 million fatherless children in our country. Fifty percent of our children currently grow up without both biological parents. We are the most violent Nation in the world for Nations that are not at war for young people in regard to homicide and suicide. We have 3 million teenagers addicted to alcohol and hundreds of thousands addicted to other kinds of drugs.

I would submit, Mr. Speaker, that this level of dysfunction among our young people is a greater threat to the long-term well-being of our Nation than terrorism. That is an extreme statement, but I really believe it is true.

The Federal Government has responded to this problem by creating more than 150 youth-serving programs spread over 12 agencies. Most of these programs are in Health and Human Services, Department of Education, Department of Justice.

The problem is that many of these programs are duplicative. Most have not been evaluated for effectiveness. Many of them do not serve the function for which they were designed. Many have no clear mission or goals. There is often little communication between agencies and programs, and there is unnecessary complexity in obtaining youth services. For instance, someone in foster care may have to deal with four or five different agencies, and for a young person in foster care that is almost impossible to negotiate.

The General Accounting Office calls Federal response to youth programs a perfect example of ''mission fragmentation,'' and it recommends coordination, consolidation and streamlining of youth-serving programs.

The White House Task Force on Disadvantaged Youth did a study and they arrived at a similar conclusion, that we had a tremendous amount of dysfunction and disorganization in our youth-serving programs.

Therefore, at the request of numerous youth-serving agencies, we have drafted the Federal Youth Coordination Act which will be introduced tomorrow. This bill creates a council composed of members of all 12 youth-serving agencies. This council will have to meet at least four times a year. The Council will be charged with basically five different tasks.

Number 1, they will be asked to evaluate youth-serving programs to make sure they are accomplishing what they were designed to do.

Number 2, they are charged with coordinating and consolidating across agencies. In many cases, the way the language of the bill is written, they cannot even talk to each other if they are in different agencies.

Number 3, provide an annual report on progress on coordination, streamlining and consolidation.

Number 4, set quantifiable goals for Federal youth programs and develop a plan to reach those goals. In other words, they have to, in some way, quantify and measure what it is they are trying to do and how far they have gone in achieving those goals.

Number 5, hold Federal agencies accountable for achieving results.

I would ask my colleagues to please support the Federal Youth Coordination Act. This bill will help the Federal Government deliver more services more effectively to a greater number of children. It will be more cost-effective, and I hope that it will receive broad bipartisan support.

ORDER OF BUSINESS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

COMMENDING MASTER SERVICE AGREEMENT BETWEEN R.R. DONNELLEY AND ALL PRINTING GRAPHICS

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to commend R.R. Donnelley

& Sons Company for being a leader in minority business development by entering a multiyear master service agreement with All Printing and Graphics Incorporated, a certified minority business enterprise headed by Mr. Hoyett Owens.

This agreement goes beyond the ordinary tier one vendor relationship and creates a new model that encompasses the spirit of minority business development. This alliance enables an important minority-owned business in Chicago to draw on R.R. Donnelley's manufacturing, information technology and product development resources, making All Printing and Graphics one of the leading minority-owned printing companies in the country.

R.R. Donnelley is a premier, full-service global print provider and the largest printing company in North America. It was founded 140 years ago and serves the largest companies in the world through a comprehensive range of verifiable printing services and market-specific solutions.

All Printing and Graphics provides award-winning graphic design and imprinting services. Under the leadership of Mr. Hoyett Owens, it developed from a small printing company to a multimillion-dollar business that was selected by Chicago's Civic Committee of Inner City Business Development and the city of Chicago for a unique program connecting strong minority companies with large corporations.

The relationship between R.R. Donnelley & Sons Company and All Printing and Graphics, Incorporated, can serve as an example of a possible solution to the problems facing small businesses.

There are an estimated 25 million small businesses in America. They employ half of our workers that account for half of our gross domestic product and create three out of every four new jobs. Small businesses have and will continue to pull the U.S. economy out of recession. They anchor our neighborhoods, employ and train our workers, and take care of our families. They are the reason that the United States economy has consistently been known as the strongest in the world.

Despite all of their contributions, they still have many problems and face many barriers, access to capital, opportunity for new markets.

The agreement between R.R. Donnelley and All Printing and Graphics is an example of something called BusinessLINC, where a major business links with a smaller business in order to provide not only resources but also technical assistance and open markets for the smaller unit.

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And so I commend R.R. Donnelley and All Printing and Graphics as an example of how to strengthen and develop small business enterprises in this country and make sure that small businesses continue to grow, thrive and develop.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. ROHRABACHER).

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

There was no objection.

DRUG PRICES IN AMERICA

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

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that is not new to this Congress and certainly is not new to the American people, and that is the price that Americans pay for prescription drugs relative to the rest of the industrialized world.

I started this pilgrimage about 5 or 6 years ago. Many Members do not know how I got involved in this, but the issue that got me involved was the price of pigs. Because about 5½ years ago, the price of live hogs in the United States collapsed. It dropped from about $37 per hundred-weight down to about $7 per hundred-weight. So these farmers started to call me and say, Can't you do something about this, Congressman? And I said, Well, I don't know what we can do. They said, At least can you stop all these Canadian pigs from coming across our border making our market even more difficult?

So I did what any good Congressman would do, I called the Secretary of Agriculture, I called the Secretary of Commerce, and essentially I got the same answer. And the answer was: Well, that's called NAFTA. That's called free trade. We have open borders. I said, You mean we have open borders when it comes to pork bellies but not open borders when it comes to Prilosec? And the Secretary of Commerce literally said to me, Well, I guess that's right. I said, Well, that doesn't sound right to me.

So I got some charts and started comparing what Americans pay for drugs compared to Canada and Europe, and I started bringing these charts down to the floor of the House and talking about those differences and saying essentially that if we are going to have open markets that our farmers have to compete with, then the big pharmaceutical companies ought to have to compete as well.

Last year, I had a chart from Germany, and we have some relationships now with some of the pharmacies around the world, and they give us regular prices in terms of what they are charging for the drugs. Last year, the difference between Germany and the United States, depending on how you look at it, about a 40 percent difference.

Over the last year, the price of the American dollar has declined by over 20 percent relative to the Euro. So when we got these charts, I was afraid the differences would have all but evaporated. Lo and behold, the prices are even more exaggerated today than they were a year ago. In other words, prices here in the United States, the differential is even greater today than it was a year ago, even though the value of the dollar has declined by 20 percent.

Let me give a couple of examples of drugs people might recognize. One is the drug Nexium, the new purple pill. At the local pharmacy in Rochester, Minnesota, a 30-day supply of Nexium, 20 milligrams, is $145. You can buy that same package of Nexium at the Metropolitan Pharmacy in Frankfurt, Germany for $60.25.

Norvasc, 30 tablets, $54.83 in the United States, $19.31 over in Germany.

But here is one that really got our attention: Zocor. In the United States, $85.39; in Germany, $23.83. What is interesting there is we negotiate and get good deals for Federal employees. The Federal copay right now for Zocor is $30. In other words, you can buy it walking in off the street with a prescription in Frankfurt, Germany, cheaper than you can the copay for Federal employees.

Mr. Speaker, I just want to serve notice tonight that this issue is not going to go away, I am not going to go away, and the people of not only my State but people all over the country are only demanding we get fair prices. We as Americans subsidize the pharmaceutical industry in three separate ways. First of all, we pay for a big share of the research. This year we will spend about 27 billion taxpayer dollars to fund basic research and research in drugs and chemicals and so forth to determine what might work. And many of those things are given to the pharmaceutical industry, essentially, and then they patent those drugs. So we do subsidize a big part of their research.

Second, we subsidize them through the Tax Code. Literally, they write off all the costs they have for research. In fact, in some cases they get tax credits, research and development tax credits.

Finally, we subsidize them through the prices we pay.

Now, I believe in patents, and I do not believe anybody should be stealing other people's patents. And I do not believe that we as Americans should escape paying our fair share for the cost of these drugs. I think it is fair we pay our fair share. I think we should subsidize the people in sub-Saharan Africa, for example. But I do not think Americans should be forced to continue to subsidize the starving Swiss and the

starving Germans and the people in the industrialized world.

It is time Americans have access to world-class drugs at world market prices. I hope my colleagues will go to my Web site at gil.house.gov. We have a site there with great charts and a lot of information. If people will just study this, be objective, I think they will come to the same conclusion, that it is time to open up markets for the pharmaceutical companies the way our farmers have to compete in a world marketplace.

PRESIDENT'S BUDGET

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

Mr. BROWN of Ohio. Mr. Speaker, last week, President Bush delivered to Congress his proposed Federal budget. In the coming months, Democrats and Republicans in Congress will debate budget proposals largely based on divergent cardinal moral values. We will debate budget cuts that represent more than just program scale-backs. The President's proposed cuts to vital government programs are reflective of differences in core philosophies on the role of our government in serving our people.

Budgets are moral documents that reveal the fundamental priorities of a person, of a household, of a government. The President's ''every man for himself'' budget disregards millions of Americans and undercuts our Nation's values. There is no better example of where Democratic and Republican values diverge than Medicaid. The President claims he only wants to cut programs that are not getting results or that duplicate current efforts or that do not fulfill essential priorities.

So which of these is Medicaid? There is no question it is getting results. It operates at a lower cost than private health insurance, in spite of what my friends on the other side of the aisle like to say about Medicaid. In fact, private health insurance has grown historically at 12.6 percent a year; Medicare costs have grown at 7.1 percent a year; and Medicaid has grown at 4.5 percent a year. So government-delivered health care through Medicare and through Medicaid has been significantly more efficient than wasteful, profitable private insurance.

There is no duplication here, because Medicaid is the only program of its kind. It fulfills an essential priority. It is the sole source of nursing home care for five million seniors living in poverty.

The President knows that Medicaid is already running on fumes, but he made a choice. He chose more tax cuts for the wealthiest 1 percent of Americans instead of providing for subsistence care for America's seniors. He chose tax cuts for the most privileged Americans instead of subsistence care for America's seniors through Medicaid. Different priorities reflecting a different set of moral values.

Medicaid provides health coverage to 52 million Americans, including roughly 1.7 million in the home State of myself and the gentlewoman from Ohio (Ms. KAPTUR). It is the only source of coverage for one in four of Ohio's children. It provides 70 percent of the nursing home funding in Ohio, as it does in most States.

The Bush plan cuts $60 billion out of Medicaid over the next 10 years. Different priorities reflecting a different set of moral values.

These cuts mean kicking seniors out of nursing homes. And the President's plan, in addition to doing that, shifts tens of billions of dollars in costs to States like Ohio. He gives a tax break to the wealthiest people in the country, then he shifts costs by cutting spending in Ohio and the other 49 States, all of which have to make up for that to take care of Medicaid.

The President cannot eliminate basic needs by ignoring them. He cannot eliminate the need for nursing home care by ignoring it or by shifting responsibility to the States. In the short run, his budget cuts will create victims; in the long run, they will force the States to spend more.

And who will have to cover these costs? Students will pay as a result of the Bush tax cuts for the wealthy and Medicaid cuts. Students in my State, and every State, will pay through higher tuition; homeowners will pay through higher property taxes; consumers will pay through higher sales taxes; workers will pay through higher income taxes, all to make up for the President's tax cuts for the wealthy in Washington and cuts in Medicaid to the States.

Medicaid has always been a partnership between Federal and State governments. Cutting the Federal share hurts our families and our communities and our States and our country. We can give up many things, Mr. Speaker, in the name of shared sacrifice, but common sense should not be one of them. The President's ''every man for himself'' budget neglects our communities and betrays our values as a Nation.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ENERGY AND COMMERCE, 109TH CONGRESS

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

Mr. BARTON of Texas. Mr. Speaker, pursuant to clause 2(a)2 of Rule XI of the Rules of the House of Representatives, I hereby submit the Rules of the Committee on Energy and Commerce for the 109th Congress for publication in the CONGRESSIONAL RECORD. The Committee adopted Rules on February 2, 2005, and amended the Rules on February 9, 2005, both in meetings that were open to the public.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE

Rule 1. General Provisions. (a) Rules of the Committee. The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the ''Committee'') and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is nondebatable and privileged in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

Rule 2. Time and Place of Meetings. (a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) Additional Meetings. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) Vice Chairmen; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Except as provided by the Rules of the House, each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda. The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

Rule 4. Procedure. (a)(1) Hearings. The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one

week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) Meetings. The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(3) Motions. Pursuant to clause 1(a)(2) of rule XI of the Rules of the House, privileged motions to recess from day to day, or recess subject to the call of the Chair (within 24 hours), and to dispense with the first reading (in full) of a bill or resolution if printed copies are available shall be decided without debate.

(B) Other Meetings. The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b)(1) Requirements for Testimony. Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or sub grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c)(1) Questioning Witnesses. The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5–minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(2) Questions for the Record. Each member may submit to the Chairman of the Committee or the subcommittee additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The Chairman shall transmit all questions received from members of the Committee or the subcommittee to the appropriate witness, and include the transmittal letter and the responses from the witnesses in the hearing record.

(d) Explanation of Subcommittee Action. No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening Statements. (1) All written opening statements at hearings conducted by the Committee or any of its subcommittees shall be made part of the permanent hearing record.

(2) Statements shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members. With the consent of the Committee, prior to the recognition of the first witness for testimony, any Member, when recognized for an opening statement, may completely defer his or her opening statement and instead use those three minutes during the initial round of questioning.

(3) At any hearing of the full Committee, the chairman may limit opening statements for Members (including, at the discretion of the Chairman, the chairman and ranking minority member) to one minute. At any hearing conducted by any subcommittee, the chairman of that subcommittee, with the consent of its ranking minority member, may reduce the time for statements by members or defer statements until the conclusion of testimony.

Rule 5. Waiver of Agenda, Notice, and Layover Requirements. Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records. (a)(1) Journal. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) Record Votes. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

Rule 9. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

Rule 10. Reference of Legislation and Other Matters. All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

Rule 11. Ratio of Subcommittees. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate

that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 12. Subcommittee Membership. (a) Selection of Subcommittee Members. Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittees.

(b) Ex Officio Members. The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 13. Managing Legislation on the House Floor. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 14. Committee Professional and Clerical Staff Appointments. (a) Delegation of Staff. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) Sufficient Staff. The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) Fair Treatment of Minority Members in Appointment of Committee Staff. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services. Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 15. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

Rule 16. Committee Budget. (a) Preparation of Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 109th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Monthly Expenditures Report. Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 17. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

Rule 18. Comptroller General Audits. The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the Committee.

Rule 19. Subpoenas. The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

Rule 20. Travel of Members and Staff. (a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

ORDER OF BUSINESS

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

HISTORY AND SIGNIFICANCE OF THE C–130J

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

Mr. GINGREY. Mr. Speaker, as many of my colleagues now know, the C–130J multiyear procurement contract was canceled in the administration's recent budget proposal. I want to spend a few minutes speaking about the history and the significance of the C–130 Hercules program and why we in Congress need to continue to fund this crucial airlift program.

Mr. Speaker, the C–130 aircraft has been the workhorse of the military's tactical airlift fleet for more than 50 years. The versatile Hercules was originally designed in the 1950s as an assault transport. Over the years, however, it has been adapted for a variety of important missions, including special operations, close-air support and air interdiction, mid-air space capsule recovery, search and rescue missions, aerial refueling of helicopters, weather mapping and reconnaissance, electronic surveillance, firefighting, aerial spraying, Arctic-Antarctic ice resupply and natural disaster missions. It has even landed and taken off from a carrier deck without the benefit of arresting gears or catapults.

Currently, the Hercules primarily performs the intra-theater portion of the Air Force's tactical airlift mission. This medium-range aircraft is capable of operating from rough dirt strips and is the prime transport for paratroop and equipment drops into hostile areas, including Iraq and Afghanistan.

Currently, more than half the fleet of combat delivery C–130s is over 30 years old. Although their longevity is clearly a testament to the value of these crucial aircraft, we should be very concerned that the C–130 E and H models continue to age at alarming rates, putting our tactical airlift capability at risk in the near term.

In fact, yesterday, the Air Force announced that they are grounding much of the C–130E models because of severe fatigue in their wings, including a dozen that have been flying missions in and out of Iraq and Afghanistan. Mr. Speaker, some of these planes were used in Vietnam, and we are literally flying their wings off in the Middle East.

The Air Force has long anticipated the aging of the older models, which only makes it more remarkable that the multiyear contract to replace these planes has been carved out of the budget.

Another astonishing fact is that the Department of Defense will not save any money. In fact, the perceived savings generated by the proposed cuts will unquestionably be consumed by over $800 million in termination liability costs and billions of dollars in increased costs to support aging and less capable aircraft.

Consequently, this proposal to end the C–130J program could end up costing the American taxpayer more than the cost of completing the multiyear contract, and it will leave our military with far less capable planes.

Furthermore, not a single study or any analysis of the total effect of terminating this program was conducted prior to the cancellation decision. And that, Mr. Speaker, is troubling.

□ 1945

If left unchecked, this dismantling of our aerospace manufacturing base will also come just when subsidized foreign competitors are jockeying to displace United States manufacturing. Once lost, hard-acquired industrial skills will not easily return to our workforce. In some cases, they will never come back. Once the Department of Defense inevitably realizes they cannot continue to rebuild old planes, their only viable option to replace the medium-range tactical airlift would be to purchase new aircraft from France.

Mr. Speaker, it is important that my colleagues realize that the C–130J is not just designed to replace the older models. In reality, the J model has revolutionized the world of tactical airlift. In addition to being 15 feet longer, the J is faster, more powerful, more reliable, easier to maintain, more technologically advanced and capable of flying higher and farther than ever before. Today, both U.S. and Allied C–130Js are performing operational missions in the Middle East in support of our warfighters, as well in support of the tsunami relief effort in Southeast Asia. The J is performing superbly and testimonials from the pilots using the new planes have been extremely positive.

Mr. Speaker, there is a glimmer of hope that the Department of Defense has realized the negative implications of this decision in the short and long term and may be working to reverse the decision. But we in Congress must continue to do everything in our power to ensure America's ability to transport troops and supplies and to perform critical humanitarian missions both today and in the future.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

BUDGET AND TRADE DEFICITS CONTINUE TO RISE

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

Ms. KAPTUR. Mr. Speaker, last week the President sent his 2006 budget request to Congress. Just yesterday, he added to that request for supplemental funds for fiscal year 2005. His own estimate shows staggering budget deficits to be handed down to the next generation, and to many future generations. In fact, this administration is setting new world records all over the place. Not only record budget deficits but also, importantly, record trade deficits. In fact, they have now created a two-headed monster. This administration is exporting its bankrupt economic policies around the world through failed trade policies. Just look at the numbers. Never has America had trade deficits over one-half trillion dollars. Last year, $617 billion, every year going deeper and deeper, sinking deeper into trade deficit with our trade competitors around the world. This is not an issue for Republicans and Democrats. This is going to hit everybody's wallets, from Wall Street to Main Street.

The trade deficit for calendar year 2004 smashed every record on the books. That is right. Over one-half trillion dollars. Now, who are these deficits with? Let us start with China. If you go out to San Diego and Los Angeles harbor, you can see ships coming in from Asia as far as the eye can see. Every single year of this Presidency, we have seen the red ink from China get deeper and deeper. In fact, last year we were in debt to them, just for last year, over $162 billion. That was up almost a third from the prior year. The manufacturing portion of our overall deficit worsened to $465.8 billion, 16 percent more than the record set the prior year. With every billion dollars, 20,000 more jobs in this country vanish. The deficit in advanced technology products, which was supposed to save us, worsened to $37 billion in 2004, fully 38 percent worse than the record the year before. One can look in every sector with almost every major trading nation and America is deep in red ink.

One other dubious record. People talk about NAFTA. Here are the figures for Canada for 2003, the highest level on record, over $67 billion. And with Mexico under NAFTA, the budget last year was close to $50 billion, nearly a $110.8 billion deficit in trade with those two countries under NAFTA in 2004. The net result of all of this is the weakening of our dollar. Even Bloomberg says the steady decline in the dollar is likely to resume again. Secretary Snow says the administration believes in a strong dollar, but what is happening does not match his rhetoric. Meanwhile, prices go up for our consumers in everything, including petroleum, which is the basis for gasoline, and prices have been going up there.

Make no mistake, America ends up owing somebody else. But, in fact, it is

our children and grandchildren that end up becoming less independent as a nation because of these deficits as we see one industry after another decline. The President's trade deficits and budget deficits are setting these all-time records.

I ask myself, in the major sector of deficit, which is oil, when is America going to wake up? When are we going to have real leadership here in Washington for new sources of energy so that these numbers stop heading in a downward direction? Dependence is not what America's founders had in mind. They did not envision an America in hock to the world. We want an America that is strong and independent, not saddled with debt and beholden to foreign banks.

It is time to tell our President to stop; stop letting our trade partners walk all over us; stop negotiating trade deals like CAFTA that hurt our workers and give workers in other places no chance to improve their lot when there are no labor standards and environmental standards that are enforceable; stop trading away America's economic future. America needs a positive economic future that will help create good jobs, new wealth and new opportunity, not the Bush administration's bankrupt trade and fiscal policies that send our jobs overseas, our wealth to banks in Beijing and Saudi Arabia, to whom we now owe interest, and the bill for all this nonsense to our children and grandchildren.

HONORING STAFF SERGEANT RAY RANGEL'S SERVICE AND ULTIMATE SACRIFICE

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

Mr. CUELLAR. Mr. Speaker, I rise today to honor the exceptional service of Staff Sergeant Ray Rangel and the ultimate sacrifice he paid to the country.

Ray Rangel had hopes of returning home this Valentine's Day. Unfortunately, a heroic act prevented this from happening. He was part of the Seventh Civil Engineering Squadron that was ordered to stay in Iraq. At age 29, Ray had been in Iraq since September and was proud to be part of Operation Iraqi Freedom.

Staff Sergeant Ray Rangel's ultimate sacrifice for his country devastated his parents, Federico and Priscilla Rangel. He was their only son and he acknowledged to them that if anything ever happened to him while he was overseas, to remember that he was doing what he loved to do and, that is, helping people.

A San Antonio native, Ray had attended South San Antonio High School and was a defensive back on the high school football team. He was well liked by all who met him. His sense of humor and his habit of cracking jokes earned him the nickname ''Crazy Ray'' among his teammates. After high school, Ray married his high school sweetheart, Selena, and together they had three sons and a daughter. Despite their busy schedules, Ray coached his oldest son's youth football team while Selena coached the cheerleaders for their daughter. Their three sons are now ages 7 to 11 and their daughter is now 5 years old.

Federico and Cynthia remember Ray as a devoted son and father. Through his own example, Ray taught his children of respect, discipline and service. Two years ago when Cynthia had to have surgery, Ray took leave in order to spend time and take care of her. In his spare time he would often take friends and family on fishing and hunting outings.

Growing up in a family with a history of military service, Ray enlisted in the Air Force soon after his high school graduation in 1994. This year would have been his 11th year serving in the U.S. Air Force. Ray had considered going to college after serving out his first enlistment contract. However, he found the Air Force to be such a rewarding experience and the people so inviting that he decided to re-enlist and serve in the Air Force as a lifelong career.

Ray was well aware of the dangers that he would have to endure during his time in Iraq. He had to deal with being away from his family and friends. It was especially hard since Ray had to spend Thanksgiving and Christmas apart from his family and his wife and his young children for the first time. To cope with tough times, Ray would often make jokes to his family while he was away, saying that he was one of the lucky ones.

A firefighter based at Dyess Air Force Base near Abilene, Texas, Ray lost his life trying to rescue fellow soldiers that had fallen into a canal while their particular Humvee flipped over. Ray's mother was told that her son was the first to jump in the water to help the soldiers, and his selflessness in this act demonstrates the best a person can be.

Ray Rangel is the first Air Force member from South Texas killed in Iraq. He is also the ninth U.S. service member from the San Antonio area and the 42nd from South Texas killed in support of Operation Iraqi Freedom. Ray's parents remember that despite criticism leveled at President Bush over the U.S. occupation of Iraq, Rangel did not want his family to be bitter if he got hurt or killed. He would often remind his family that he loved his country and he wanted to serve the best that he could.

Mr. Speaker, I am privileged to have had this time to honor Staff Sergeant Ray Rangel, a true hero that exemplifies the noblest qualities of the human spirit.

EXCHANGE OF SPECIAL ORDER TIME

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. EMANUEL).

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

There was no objection.

WAR FUNDING ACCOUNTABILITY ACT

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

Mr. CARDOZA. Mr. Speaker, I rise to express my support for the War Funding Accountability Act, a bill that has been endorsed by the Blue Dog Coalition, a group of moderate to conservative Democrats with reputations for being fiscal and defense hawks. The members of the Blue Dog Coalition are some of the most pro-defense, pro-military Members of Congress, from either party. We are dedicated to seeing our troops achieve success in Iraq and Afghanistan and we applaud the Iraqi people for their recent election success.

The War Funding Accountability Act, sponsored by the gentleman from California (Mr. THOMPSON), is about those troops, the dedicated men and women of the United States Armed Forces who put their lives on the line every single day to defend our way of life.

Mr. Speaker, I believe, as people across our Nation believe, that we must provide our men and women in uniform the resources they need to complete their mission as safely and securely as possible. Our military has performed brilliantly, protecting civilians, maintaining order and promoting democracy while facing threats and guerilla-style attacks every single day. My support for our troops is unwavering, and for that reason I have supported the supplemental requests that have come before this Congress. However, the job of Congress is to make sure that the money we are spending in Iraq is going to the appropriate places, going to our troops to keep our Nation's sons and daughters out of harm's way. We must make sure this job gets done right and gets done as soon as humanly possible.

So until all of our troops are withdrawn from Iraq, we need an accurate accounting method of where the money is being spent so that we can make sure our soldiers are adequately equipped and prepared. Accountability is not only patriotic, it is often determining of success or failure. If our troops do not have proper equipment, such as vehicles without armor plating, rather than them scrounging for scrap metal for do-it-yourself armor plating, we as Members of Congress can and

should do something about it by redirecting the money.

The Department of Defense has received $201 billion to date for the war on terrorism. While they have provided an allocation of some of these funds, they have not given Congress a full accounting. The White House has announced today that it will request $81 billion more for these operations in its fiscal year 2005 wartime supplemental, including $75 billion for the DOD. In addition, the Congressional Budget Office has estimated that the costs for the war could approach $500 billion between this year and the year 2015.

There have been reports of wasteful spending. One private contractor, for example, overcharged DOD by $61 million to import gasoline into Iraq from Kuwait where the government agency provided the same service for less than one-third the price.

□ 2000

The same contractor reportedly charged taxpayers $10,000 a day for unauthorized and unnecessary expenses at the Kuwait Hilton, even though the same people could have stayed in air-conditioned tents like those used by our troops for less than $600 per day. The entire justification for having private companies is that contractors can supposedly save the taxpayers money, not cost the taxpayers dollars.

With the War Accountability Act we have an opportunity to regain the oversight voice that has been lost for too long.

Congress should not give up its oversight powers, Mr. Speaker, the power of the purse. And it should not write the Defense Department a blank check. The President needs to be held accountable for where our money is going. This is a responsibility that we have to the men and women serving in combat, to their parents, and to all American taxpayers who are footing the bill to ensure that the billions of dollars in supplemental funds are going to be spent in the most effective and efficient way possible.

I hope all of my colleagues will stand with the Blue Dog Coalition and start to support the War Funding Accountability Act, an act for America.

PRESIDENT BUSH'S FISCAL YEAR 2006 BUDGET

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, when President Bush submitted his budget to Congress last week, he said it represented his values and his priorities. If that is indeed the case we really should question both.

One really has to wonder if this budget document represents his priorities. You will remember 2 weeks ago during his State of the Union address, President Bush spent the majority of that speech talking about his Social Security privatization plan and the continued war in Iraq. Supposedly these were his priorities for the upcoming year.

And yet the President did not include the additional $80 billion needed to fund the Iraq war or the trillions that will be needed over the next decade to fund his costly Social Security privatization proposal in his budget.

Mr. Speaker, it is impossible for the President to reverse our Nation's fiscal collapse if he continues to send incomplete budgets to Capitol Hill. The President can say that he is going to cut the Federal deficit in half in several years; but the fact is, that cannot happen if the President does not send us an honest budget.

If Social Security and the war in Iraq are the President's priorities, then he should have no problem placing them in his budget and explaining to the American people why these billions of dollars must be used in Iraq and on his Social Security privatization plan.

Mr. Speaker, President Bush also said this budget represents a vision of his values. Now, if that is the case, one really has to question the President's dedication to one of government's main rules, helping those less fortunate. Once again, the President's budget helps provide the blueprint for Republicans to help the wealthiest in our Nation become even wealthier. That is to the detriment of middle-class and lower-income Americans who greatly benefit from many of the programs the President now wants to cut or eliminate, and for what, more tax breaks that primarily benefit our Nation's wealthiest 1 percent?

The President's budget shows his lack of compassion for programs that benefit my State of New Jersey, our middle- and lower-income families in particular. By drastically cutting housing, education, community policing environmental protection and Medicaid programs, the President is turning his back on middle- and lower-income families in my State of New Jersey.

President Bush's budget makes substantial cuts in important education proposals that are important to my State. The budget provides only half of the funding promised for after-school programs.

In New Jersey, these cuts will mean nearly 33,000 New Jersey children will no longer have access to critical after-school programs. The President's budget also cuts 440 million in Safe and Drug Free School grants, 500 million in education technology State grants, 325 million for the Even Start Literacy program, and 280 million for the Upward Bound program for inner-city youth.

Now, this may sound like a lot of bureaucracy, but these are real education cuts that are going to hurt children. And yet the President has no problem cutting those programs while at the same time continuing his policy of providing large tax breaks to the wealthiest Americans.

Now, these are certainly not my values; I would hope that they were not the President's values. But certainly the budget says the opposite. The President also proposes huge cuts in the Medicaid program. Now, this program serves nearly 930,000 children, seniors and people with disabilities in my State of New Jersey.

It is estimated that the $60 billion in cuts that the President is proposing will cut one-fourth of the Medicaid money sent to my State over the next decade. And, Mr. Speaker, New Jersey and other States simply cannot pick up this slack. We have a budget shortfall in New Jersey; we cannot pick up the Medicaid slack.

At a time when 45 million Americans are without health care, the President shows absolutely no compassion for the uninsured by proposing these devastating health care cuts.

The President also refused to follow through with his promise during last week's State of the Union address, or I should say a couple of weeks ago, when he said he would do everything possible to help our soldiers and veterans recover.

Well, if you look at the budget, there is a pitiful half a percent, that is half a percent increase in veterans affairs funding. Now, that is a slap in the face to the millions of men and women who have fought for our country. Congress should not neglect these brave Americans and should instead reject the President's budget proposal when it comes to veterans.

Mr. Speaker, finally I just want to say, the President's budget values and priorities are, in my opinion, not in the best interests of America. It is time that congressional Republicans stand up to this President and let him know that his priorities are not the priorities of their constituents, and I know they are not.

I hope Congress will reject the President's budget proposal in the upcoming months in favor of one that truly takes the needs of working families into consideration. I think this is a very important issue; and I cannot stress enough, and I speak on behalf of my follow Democrats, in saying that the Bush budget simply cannot be allowed to stand.

PUBLICATION OF THE RULES OF THE COMMITTEE ON GOVERNMENT REFORM, 109TH CONGRESS

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to clause 2(a)2 of Rule XI of the

Rules of the House of Representatives, I hereby submit the rules of the Committee on Government Reform for the 109th Congress for publication in the CONGRESSIONAL RECORD. These rules were adopted by voice vote on February 9, 2005 at an open meeting of the Committee.

THE RULES OF THE COMMITTEE ON GOVERNMENT REFORM

RULE 1. APPLICATION OF RULES

Except where the terms ''full committee'' and ''subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

RULE 2. MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least 3 calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

RULE 3. QUORUMS

(a) A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(b) The Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. Members appointed to such temporary positions shall not be voting members. The Chairman shall give reasonable notice of such temporary assignment to the ranking members of the committee and subcommittee.

RULE 4. COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2 and 4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(1) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be 3 calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5. PROXY VOTES

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

RULE 6. RECORD VOTES

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

RULE 7. RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the roll call votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

RULE 8. SUBCOMMITTEES; REFERRALS

(a) There shall be seven standing subcommittees with appropriate party ratios. The Chairman shall assign members to subcommittees. Minority party assignments shall be made only with the concurrence of the Ranking Minority Member. The subcommittees shall have the following fixed jurisdictions:

(i) Subcommittee on National Security, Emerging Threats, and International Relations—All matters relating to the oversight of national security, emerging threats, veterans affairs, homeland security, and international relations, including anti-terrorism efforts, both foreign and domestic, and international trade.

(ii) Subcommittee on Criminal Justice, Drug Policy and Human Resources—All matters relating to the criminal justice system, the Nation's counter-narcotics programs, both foreign and domestic, and food and drug safety; all matters relating to the oversight of the Judiciary, public health and welfare, education, arts, the humanities, publicly sponsored media, and the National Parks.

(iii) Subcommittee on Government Management, Finance, and Accountability—All matters relating to financial management of executive departments and agencies, excluding acquisition; all matters relating to governmental accounting measures; all matters relating to the overall efficiency and management of government operations including program assessment and review and excluding Federal property; all matters relating to public records, including presidential records, the public access to records, advisory committees, and the Archives; and all matters relating to the oversight of financial services, government-sponsored enterprises, and the nation's economic growth.

(iv) Subcommittee on and Regulatory Affairs—All matters relating to regulatory reform, Congressional review, the costs of regulation, and paperwork reduction measures; and all matters relating to the oversight of tax policy.

(v) Subcommittee on Federalism and the Census—All matters relating to inter-governmental relations and aid to the States and localities, including unfunded mandates, grant management reform, brownfields clean-up and redevelopment, and infrastructure; all matters relating to population and demography generally, including the Census, and the Bureau of Economic Analysis. All matters relating to the oversight of housing and urban development.

(vi) Subcommittee on Energy and Resources—All matters related to the oversight of environmental policy, natural resources, and federal land; and all matters related to the oversight of energy policy, commerce, housing, and urban development.

(vii) Subcommittee on the Federal Workforce and Agency Organization—All matters relating to the federal civil service, including personnel, compensation, employment benefits and employee relations; all matters relating to reorganizations of the executive branch including the study of redundancy; and all matters relating to the oversight of workforce, retirement, and health policy.

(b) The full committee shall retain jurisdiction over federal acquisition policy, federal property, information management, technology policy, the Postal Service, and the District of Columbia.

(c) Bills, resolutions, and other matters shall be expeditiously referred by the Chairman to subcommittees for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the Chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

RULE 9. EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the

subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 10. STAFF

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

RULE 11. STAFF DIRECTION

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12. HEARING DATES AND WITNESSES

(a) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(b) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(c) The chairman of each subcommittee shall set hearing and meeting dates only with the approval of the Chairman with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(d) Each subcommittee chairman shall notify the Chairman of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request.

(e) Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

RULE 13. OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

RULE 14. FIVE-MINUTE RULE

(a) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(b) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(c) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(d) Nothing in paragraph (b) or (c) affects the rights of a Member (other than a Member designated under paragraph (b)) to question a witness for 5 minutes in accordance with paragraph (a) after the questioning permitted under paragraph (b) or (c). In any extended questioning permitted under paragraph (b) or (c), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (c) to members.

RULE 15. INVESTIGATIVE HEARING PROCEDURES

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

RULE 16. STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17. AUDIO AND VISUAL COVERAGE OF COMMITTEE PROCEEDINGS

(a) An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(b) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) Personnel providing coverage of an open meeting or hearing of the committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

RULE 18. ADDITIONAL DUTIES AND AUTHORITIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee, which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Designate a vice chairman from the majority party.

(h) The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

RULE 19. SUBJECTS OF STAMPS

The committee has adopted the policy that the determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

RULE 20. PANELS AND TASK FORCES

(a) The chairman of the committee is authorized to appoint panels or task forces to carry out the duties and functions of the committee.

(b) The chairman and ranking minority member of the committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the committee. The ranking minority member shall select a ranking minority member for each panel or task force.

(d) The House and committee rules applicable to subcommittee meetings, hearings, recommendations and reports shall apply to the meetings, hearings, recommendations and reports of panels and task forces.

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

THE LIFE AND TIMES OF THE HONORABLE SHIRLEY CHISOLM

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida, I am honored to share my thoughts with you about this amazing lady.

Upon her passing, let's pause to reflect upon her life and times, and how she has influenced our world today. During her hard fought rise to the halls of Congress and her permanent place in the history of our Nation; she was on time to fight for truth, justice, humanity, and the rights of the have-nots; she was where she needed to be to raise the consciousness of a nation, and shed light on the plight of others.

She led a battle that was personal, one that was rooted deep in the soul of the oppressed, the forgotten and the disenfranchised. Hers was a fight to make this Nation live up to its promise—liberty and equality for all. This great

battle was more than just politics—it was a fight to garner the hopes of the few and infuse them with the dreams of the many. This was the struggle for the humanity of human kind; the reminder that the prize was always in view, yet denied by those who sought to keep their dreams squandered.

As a founding Member of the Congressional Black Caucus, Shirley Chisholm was a driving force behind the Caucus' mission to serve as the 'Conscience of the Congress,' and the fight to include women, children, and people of color in the public policy debate that so deeply affects their own lives. It is from her example and spirit that we continue to fight for the ideals that she held so close.

Shirley Chisholm joins the ranks of countless other civil rights leaders to whom we owe our strength. Today, we bless and honor her by keeping her struggle, and our struggle, alive. I will miss her dearly, and both she and her family will always remain in my thoughts and prayers.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to be before the House of Representatives to speak directly to our colleagues. I think it is important for us to remember that in this democracy of ours it is important that we share good information and accurate information on the issues that are being debated here in this Chamber and in the capital city, and I think it is also important for us to remember that many Americans counts on us to represent them in a way that is an honorable way, a way that will give them good information so when they stand in time of judgment on who their leadership will be here in Washington, D.C., that they can make a sound decision.

There have been a lot of things that have been going on in the last couple of weeks. We have heard reference by other Members on both sides of the aisle to the President's budget and also to the President's State of the Union, but we also have a great deal of responsibility to the American people to make sure that we represent this branch of the government, which is the legislative branch.

This is our 30-something Hour that has been designated by the gentlewoman from California (Ms. PELOSI), Democratic leader. This is now going on our third year of putting voice to many of the issues that are not only facing young people in America but also facing their parents and their grandparents. We try to make the direct connection between those that are trying to help themselves, that go to work every day, go to school every day, to those parents that know what it means to punch in and punch out every day to supply the necessary resources for their family to have a better opportunity than what they have had; all the way to the grandparents that, of course, their hope and prayer is to make sure that their grandchildren and their children are able to provide for future generations.

And so this brings us to Social Security, and in the 30-something Hour I am so glad to be here once again with the gentleman from Ohio (Mr. RYAN), whom I admire quite a bit, who serves with me on the Committee on Armed Services.

I just want to briefly say, as it relates to Social Security, when people think of Social Security they think of silver and blue hair. That is not necessarily what Social Security is all about. There are millions of Americans, I must add, that count on that Social Security promise that they were made in their years of working and providing for this great country of ours. And I must say that there are 48 million people that are receiving benefits, and they are not all over the age of 60, and they are not over the age of 55. They go all the way down into the younger years, and 17 percent of our young people are benefactors of survivor benefits of Social Security.

Also, when we look at it, there are 33 million retirees that are receiving Social Security, and we also have seniors that are looking at an average of $955 from their Social Security benefits every month.

So when we talk about Social Security, we are talking about the real backbone, the real backbone of what we do and what we are all about here in the U.S. Congress in providing the leadership to make sure that it is solvent. We do know that it will be solvent for another 47 years, and we even know that after that period, 80 percent of the benefits that are being paid out now will still be able to be paid out. So the fact that there is a three-alarm fire on Social Security, that is not necessarily the case.

But to the gentleman from Ohio (Mr. RYAN), it is just such a pleasure. I was really looking forward to this. Last week when we left, I just could not wait until Tuesday night when we could get back in this Chamber again and share very good information with our colleagues and hopefully continue to stay in the fight to make sure that Social Security is here not only now but also for future generations.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from Florida for yielding to me, and I would like to say how much I enjoy this as well.

And those of us who ran for these positions and had to ask 700,000 American citizens to give us their blessing to come here and represent them, there is nothing better than having a vigorous, honest debate about an issue that faces the whole country and do it in a way that is not personal. I am sure the President in many ways thinks that his plan is the best plan, and we in many ways think it is not and in the long term it will end up hurting many of these 48 million people, the 48 million people that this program lifts out of poverty.

I would like to take this opportunity tonight here in Congress to talk a little bit about the situation that the country is in right now. I do not think we can have this Social Security debate in a vacuum, just saying here is the little program and it has no effect on anything else that is going on around it. So we have some charts here that many of our colleagues have been using, and I think they are going to be very important to impress upon the American people exactly where we are fiscally in the United States of America. So I have this chart here that talks about the deficit that we are in, and then we will get into the plan later, and we will discuss the different approaches.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, what plan?

Mr. RYAN of Ohio. The blueprint.

Mr. MEEK of Florida. Mr. Speaker, I mean, we need to make sure the American people understand there is no plan. There is no plan. We said last week that I have not received a bound copy from the President's office or from the majority about a plan on Social Security. There is no plan. So we need to make sure that people understand. I mean, people can talk concepts and philosophy all day; but it is important that once we start talking about a plan, then we can have a true debate, especially if it is a plan from both sides of the aisle, Democrats and Republicans.

And the last time we dealt with this, Mr. Speaker, before our time here in the Congress, Democrats were in control and worked with Ronald Reagan, God bless his soul, in coming up and saving Social Security. And it was a true crisis then. They had to act right then. They did not have an opportunity to play around and dance around a tree and do the old Potomac two-step with the American people. They made it happen and they made it solvent, and that is the reason why beneficiaries, young and old, are able to celebrate that here today. But right now I just want to make sure that people understand, because I had an opportunity to check the different reports that are around. We get the Congressional Daily a.m. and the p.m. and the Congressional Quarterly, and there are a lot of publications that are around.

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I can tell you that with administration, this is not about the President;

this is about a philosophy that is on the majority side to privatize Social Security. That is what it is all about.

It started back in 1978 with the President. In 2000 he said he was very adamant about wanting to privatize Social Security. Then in 2001 the President appointed a commission to develop a privatization plan for him. Then in December of 2001 the commission gave the President three options to privatize Social Security. In December 2001. Silence. Nothing.

The President, you would have thought he would run to the Hill with the bill. Still nothing. Still no plan produced. In 2004, running for reelection, the President again said he was adamant about private accounts and a solution for Social Security. Then days after the 2004 election he said he has the ''political capital'' to come to the Hill and make it happen. Still no plan. I just think it is important for us to share this with folks.

Then the budget that was just submitted that we are all talking about, Democrats and Republicans, because there are a lot of good things in there, it is all about our principles and our values here in this Chamber; what we believe is important to the American people. Still no mention, still no plan, still no numbers on his privatization plan for Social Security.

There are now a number of press accounts saying there may very well be no plan for this year. So when we start with the President flying around burning all kinds of Federal jet fuel, taxpayers' money, talking about his philosophy, Social Security is such a deep issue from young to old that we cannot walk around and start talking about, ''well, we think'' and ''we believe,'' because the Congress, I hope, will not go for it.

So I just want to make sure. I know the gentleman is leading up to that. In some instances they say, ''Let's put the cookie on the bottom shelf so everyone can reach it and understand that there is no plan.'' So when folks start talking about Democrats, saying ''Where is your plan,'' there is not a plan out there now.

Our plan is to make sure we pay for every dollar we spend or someone may borrow to make the deficit greater, to be able to pay it back. It is not a Federal emergency right now to protect Social Security.

So I think it is important. I think this chart is good. I apologize, but this is something I wanted to say.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, I appreciate the gentleman's passion on the issue, and I think he is absolutely right. There is not a plan.

Basically what we are talking about and what the President last hinted for sure is he wants private accounts. He has made that perfectly clear. He has made it clear that privatization, throughout his career, since the time he ran for Congress in the seventies, he has been advocating these kinds of plans, where the private accounts go. Somehow, through a lot of fuzzy machinations, he figures out a way to say that will somehow shore up the system.

What I want to do is basically paint the picture of where we are now, because you cannot say we are going to implement this ''option two'' of the commission's plan or the blueprint that the President has insinuated or indicated portions of. But we know he is for the private accounts, and many on the other side are for the private accounts as well. But we cannot just do it.

My point is this: Here is a graph of the annual deficit that we have in the United States of America as of 2004. Now, the debt is the overall deficits all added up over time. We just raised the debt ceiling last year, I think it is over $8 trillion. Or the majority did. They raised the debt ceiling to $8 trillion. But here is what is basically happening.

Here in 1989, we had a deficit in 1989 of about $153 billion for that year. It continued to slide. You remember President Bush-1 said ''Read my lips, no new taxes,'' and then he ended up putting some taxes on and cut some spending and put some caps on some programs.

Then, in 1993, we still had in 1992 a $290 billion annual deficit. All these numbers are adding up to create our national debt.

Then the Democratic House, Democratic Senate and President Clinton in 1993 passed the budget, and it was after that budget that we started to begin to reduce the deficit. Then we had all the economic growth, 22 million new jobs because of the balanced budget, low interest rates, and we all remember what it was like in the nineties, until we got to a $236 billion surplus.

To make a long story short, since 2000–2001 with the decline, now here we are with over a $400 billion deficit for 2004; red ink as far as the eye can see. So right now we have to borrow over $400 billion from the Social Security Trust Fund, the Chinese and Japanese primarily, the same China that is cleaning our clock in manufacturing. So we are borrowing this money from the Chinese.

Now, the President's plan, and let me just show real quick, that is the deficit, this is the debt, which is all the deficits added up. In 2004, the Republican House, Senate, and President Bush raised the debt ceiling to $8 trillion, and the projection by the Congressional Budget Office is by 2014 the debt will be $13.6 trillion. That is a heck of a debt to have as a Nation, very unhealthy for our economy. So right now we are borrowing over $400 billion.

The President's proposal, what little of it we have about the private accounts, the gentleman and I, should we choose to access one of these private accounts, would take a part of the money, a percentage of the money we put into Social Security, the 6.2 percent we put in, and we will divert that over into a side account, which leaves a gaping hole for our parents and grandparents in the Social Security system.

So we have to borrow, if we do the private accounts, which the President has said he wants, $1.4 trillion, with a ''t,'' $1.4 trillion over the next 10 years. Because everyone has thrown their money in these side accounts, we have to plug that hole.

So we do not have, as evidenced from this chart here, we do not have the money, because we are already borrowing $400 billion. If we were in surplus we would be having a different debate right now, but we are not. We are borrowing $400 billion now. Then we are saying over the next 10 years you have to borrow another $1.4 trillion, and over the next 20 years we have to borrow $5 trillion to pay for private accounts.

We cannot afford to do that. We cannot afford to borrow $5 trillion. And if one thinks we are going to be able to run this scheme and our taxes are not going to go up, then you are missing the point. You are not being responsible to what the facts are.

What happens is as the government is going out and borrowing money in the international market from China, there is less money for the private sector to go and get, which will raise interest rates for average citizens who want to buy a house or a car.

That is kind of the background of where we are right now.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, this is just so very important to the American people, and also Members of Congress. I put a great deal of responsibility on Members of Congress.

I do not take great pleasure, even though I am honored to serve in this institution of the U.S. Congress, elected by my constituents, representing not only my district but the State of Florida, but we are U.S. Members of this great House.

I must say that we have to make sure that we frame this correctly, that we are in the minority. The Democrats are in the minority in the House and have been during the time of that great dive that we see on that chart that the gentleman just illustrated to the Members of the House.

We have a great deal of responsibility. We are serving in the House, in the legislative branch, that is overseeing, or watching, I should say, the largest deficit in the history of the Republic. Not once before was it like this. This is the largest deficit in the history of the Republic.

Can the gentleman put the chart back up on ''backsliding into the deficit ditch?'' I think this is important, because I think that nose-dive, you can see in the blue you have President Bush-1. You have the green, Bill Clinton and the Democratic House and other body that did what it took when the going was tough to say that we wanted to bring about surpluses.

I will tell you in this House, I believe there were only five or six Republicans that joined the Democratic majority in passing that budget that took us into a surplus. One of the main themes was making sure that we could provide and keep the Social Security Trust Fund in good shape. We made the tough decisions. Back when President Reagan and this House, Democratic House, I must add, at that time, did what it took to make sure that Social Security was there for those that are receiving checks now and benefits now from Social Security, even survivors, they did what they had to do.

Guess what? Two-thirds of the Democrats in this House voted in the affirmative to make the right decision to make sure that the guarantee we told the American people we would provide, that we did. I am proud of those Members and individuals that made that vote.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, those of us in this business and those at home obviously interested in this kind of debate and what is going on in your community and country, looking back and having all the anger and personal issues that we have today here in Washington, D.C. and in our State capitals, politics has gotten so bitter and so personal, can you imagine President Reagan and Tip O'Neil strolling out saying, ''We did it. We sucked it up for the American people and did what was best; and part of it was your idea and part was our idea; and part was conservative and part liberal. But we made it work for the American people, for the people who this program lifts out of poverty and the 48 million people that get it.''

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I am saying all of that to say we have to work together. You cannot come to the Hill with a plan and say ''It is our plan; and, guess what, if you do not like it, so what?''

This is Social Security. The campaign is over. For folks who did not get the news flash, our colleagues, the campaign is over. The signs are down, the commercials are no longer on television, and it is important that we actually work towards what the American people would like for us to work towards: bipartisanship.

I will tell the gentleman what is also important in this debate: If there was a Democratic majority here in this House and a Democratic majority in the other body across the hall and there was a Democrat in the White House, guess what? Democrats could not pass a plan by themselves without Republican input. Because do you know something? When Mrs. Johnson goes to that mailbox counting on that Social Security check to be there, and when that 21-year-old young man or young woman that has a benefit from their father, who worked his entire life and was cheated on his job because the pension plan was raided and Social Security was the only thing there, his only financial legacy is that benefit to his child in Social Security. You cannot play around with that.

You cannot be a Democrat or Republican or an independent when it comes down to that. You have to be an American, and you have to come clean with the American people.

There is one other thing the gentleman mentioned that I think is very, very important and that we definitely need to highlight and illuminate as much as we can. What we tell the American people is important, and I will say to the Members that are watching us now, I am not going to go back to ancient-time double-digit years. I did not have to run over to the Library of Congress to look this up. This was just within the last 12 months.

During the Medicare debate that took place right here on this floor, where the clock was held until 4 a.m. in the morning, arms were being twisted, Members were trying to make the right decision but were not allowed to, I must say here on this side of the aisle, Democrats stood firm, because the Medicare prescription drug plan was important to those that put it on the line for this country and allowed you and me to have an America that we can be part of and represent.

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During the Medicare debate, the other side, the majority side, the Republican side, said that the true costs of the Medicare prescription drug plan, what the administration said and the majority embraced, that the bill would only cost $350 billion. I remember that just as clear as my daughter going to school for the first day. I can remember that number because it was a number that was highly suspect because there was just no way in the world that you can satisfy pharmaceutical companies and provide a benefit to the American people.

Now, that is what makes me very concerned about this Social Security plan or, I'm sorry, not plan, but concept, that folks are talking about around here on the majority side, saying that there is a 3-alarm fire.

We were originally told $350 billion. Then it slowly moved up after someone got fired in one of the budget offices and said, well, I do not know. This fell behind the copier. We did not necessarily get this page. There is a page 3 to the 3-page document or 2-page documents that you received. It slowly moved up to $400 billion. That is a lot of money, $400 billion.

Then sure enough after the debate, we returned back here after the campaign and the signs went down, and then someone lo and behold said, you know, the true cost, the really true cost of the prescription drug plan that was put forth by the administration, it started off at $350 billion. This is real money. This is not chump change. It started off at $350 billion. The true cost is $530 billion. It stops there. What are we going to hear in another couple months? $700 billion?

Like my mother used to say, money does not grow on trees. The gentleman just mentioned China. I am not upset with China for making an investment in our country; but, you know something, I have a problem if they ask to cash in, because we will be in trouble. They are backed by U.S. bonds and what-have-you; but we are going to go through some real financial issues, and we are now.

So when we talk about Social Security, I know the reason why, I am sorry. I stopped at $530 billion. I am sorry. The true cost, since this continues to go up, this is the fourth number that has now come in, is $724 billion. It is continuing to inch up.

So what we are hearing now may well be the message that we are being told by the majority in this House and by the administration over on Pennsylvania Avenue right down the street from this Capitol building, what we want to hear, telling people over 55 they do not have anything to worry about. Do not worry. You can go to sleep. It is those folks 50 and below that may have some concerns as it relates to privatization accounts and cutting benefits.

But, you know something, this is America and we should not and we will not as far as we are Members here, and I stand firmly with our Democratic leader, the gentlewoman from California (Ms. PELOSI), and not budging and saying we are not playing generational warfare. One thing about grandparents I can tell you, I have learned a lot about them and I have children and all, they will turn on you when it comes down to those kids. But they will not turn on the financial future of their grandchildren and children's retirement. They will not. And this administration and the majority is going to be up for a rude awakening when it comes to judgment time in 2006 if they continue to play around with the Social Security and the security of American families and their retirement.

So I do not think that we are wasting our time, not a bit, by coming to the floor on a 30-something Working Group to say not only are we speaking and

giving some voice that people care about, and I know the gentleman has some e-mails that he will read later on. This is serious business.

One other thing. I flew back to my district. When you go back to your district and you see your constituents and they say, please do not allow the Congress or the administration to cut my benefits I worked for for my entire life. We have watched veterans go through it. We have watched the copayments go up for veterans. Guess what? At the VA they do not ask you your party affiliation. They just tell you that your copayment has gone up and that your wait time has gone up to see the ophthalmologist or whomever you may want to see at the VA.

But when you come down to 48 million Americans that what they were told and promised what would be at the end of the rainbow as it relates to their hard work over the years and that people who have died, have passed on, gone on to heaven, knowing that their children will receive their death benefits, we cannot break that deal. And we cannot sit idly by and watch them broken.

I want to commend here in this House and in the other body and those that are willing to leader up enough to tell their constituents, I am not on this philosophy that the administration, the majority side, is on in this House of saying that there is a 3-alarm fire. Now we have to privatize Social Security that will bring $940 billion-plus to Wall Street. I am with the American families.

Mr. RYAN of Ohio. Mr. Speaker, I could not agree with the gentleman more, and I think he spoke on behalf of a lot of us. I have two stacks of letters about this high over in my office from seniors. We have got 2,400 as of last week, and I have not got the update yet this week, but 2,400 letters from seniors in my district saying that they are against this proposal. They do not want their benefits cut, and one phone call that says, support the President and the President's private accounts.

But what has been amazing is on several of the letters of those 2,400 that have come in, the senior citizens will write a little note on there, and just typical of our grandparents' generation, they say, I am not worried about my benefits, but please fight to make sure that my grandkids will have Social Security when they get older.

Now, is that not typical of that generation, of the Greatest Generation who made sacrifice after sacrifice after sacrifice until this day to not worry about Social Security for them but worried about it for their grandchildren?

Mr. MEEK of Florida. Mr. Speaker, I will tell the gentleman, those are the kinds of values that we talk about as it relates to our communities and our neighborhoods and our families. That is what it is all about. Those are true American family values.

Like I said, I have kids and I watch grandma. They push me aside and say, I am on their side, and say, we are against you; and they spoil them and then they say, now you take them home. But as it relates to the financial viability of the bloodline of the family, grandparents and even parents, they do not say, I have mine, get yours, son. I am 56; you are 30. Good luck. They do not say, well, I have all my benefits, but I do not know about yours.

And guess what, I want to make sure that people understand because sometimes, yes, the campaign is over; but in our democracy, there will be other elections. And people need to take into account that sometimes, not from what you receive in the mail, not the phone call which you receive, not someone coming to tell you where you should stand on a particular candidate because he is our guy or our gal. It is what that individual has done or what that individual will do as an elected Member of this Congress as it relates to what is happening in my family economically.

I have to make sure that my daughter, if someone is receiving benefits now and they are called to glory, they have to make sure that their daughter is going to be able to receive their benefits; and Social Security is pretty much all they have. It is the guarantee. It is not the Enron plan. It is not some of these companies that are going belly up and then you see folks crying on television saying, I paid in for years and years on that pension plan. So it is important that people understand.

I just want to say it kind of hits home here in the Congress today; two of our colleagues said that they went to school on the survivor benefits. The gentleman from North Dakota (Mr. POMEROY) and the gentleman from Mississippi (Mr. THOMPSON), who is the ranking member on the Select Committee on Homeland Security. They talked about growing up where they lived and if it was not for Social Security, they would not have been educated. And there are stories like that throughout America. We talked about a few of those last week, and we will continue to talk about those stories.

We are here to say if we want to make sure that Social Security is solvent beyond the 47 years, it is going to be able to provide 100 percent benefits that it is providing now, then let us have bipartisanship.

The gentleman from New York (Mr. RANGEL), the ranking member, said this past week on one of the Sunday shows that Social Security screams of bipartisanship and that it demands bipartisan input, and that is what we have to have. It cannot be Democrats against Republicans or Republicans against Democrats because, guess what, the majority in this House right now as it stands and as it has been for double-digit years, 10 years or so, set the agenda, set what comes to the floor, talks about what legislation will move and what legislation will not move. It sets the agenda on what amendments will come to the floor. It sets who the committee chairpersons will be. It sets pretty much when we come to Washington and when we do not come to Washington. And if the majority said, there is no session this week of the House, then there will be no session of the House.

So I must make sure that we remind our colleagues of the power that they have, the power we have to make the right decision or the American people will make it for them. So those are true American values that the gentleman has outlined.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman. Just to follow up, the number of people, Social Security beneficiaries, 15 million of the 48 million recipients, 30 percent receive disability or survivor benefits. We all grew up with kids in our schools that one of their parents got killed or one of their parents had cancer and passed away at a very early age. Those kids, our friends, received benefits from the Social Security system. This is a social insurance program. This is not the mega-millions lottery system, multistate lottery system. This is a social safety net, and you do not play games with this kind of system.

You do what you did and what we did in 1983: in a bipartisan fashion sit down like adults and fix the problem and not try to destroy the system. I mean, I am not the sharpest knife in the drawer, but when I went through all these and we had a briefing today from people.

Mr. MEEK of Florida. The gentleman is sharper than he thinks.

Mr. RYAN of Ohio. I spoke with some people today who study this and understand this system, and after hearing all the facts and after studying this for the past few months of what the President's proposal is or what little of it that we know about, we need to make sure that we save this system and protect this system. That is really what we need to do.

What an honor it is for us to be joined here by a great friend, great athlete, great baseball player on the congressional Democratic baseball team, the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I appreciate the opportunity to speak tonight. I consider myself an honorary member of the 30-something Group now that I have passed 40. I am here strictly as a visitor. But I was taken by some of the discussion that was going on here on the floor, and I want to make one philosophical point and one economic point to essentially affirm some of the things that the gentlemen were saying.

First of all, there is a great deal of discussion inherent in the President's

debates that seeks to drive a wedge between two generations. The beauty of the Social Security program is it was a classic generational compact. One generation supports the other. And the President when he embarked on his campaign across the country kept saying, well, seniors, you do not need to worry about this. We are not touching your benefits. This is entirely about the next generations.

□ 2045

This is the first time in my memory, and we, the three of us, have not been around as long as some other Members of this august body, that you did not hear the President seeking to unify the country around an agenda. You heard him trying to divide the country to perpetuate an agenda, and I think that most Americans realize, whether they be younger or older, that at the end of the day the Social Security program has worked exactly as it was intended since the moment it was passed.

Sometimes you build up large surpluses and you spend them down as the next generation retires. Sometimes you have gifts, sometimes you have ebbs and flows, and there has been inherent in this debate a certain sense of it is about me now, rather than the idea that we are going to be there for the next generation the same way they were there for us.

If I could just make an economic point based on the charts that you have been showing, some people say and even some economists say, well, deficits really do not matter. There are a lot of people in this matter who are in the deficits-do-not-matter school. Well, that may have been true in the 1940s and 1950s and 1960s because, frankly, there was no place else on Earth for someone to invest their money except in U.S. dollars. If you ran up a big deficit, it did not matter. It is not going to stop someone from coming in here and saying, well, if you are the Chinese, as my colleague so aptly put, if we are the Saudis or Egyptians, if we want to put our money someplace safe, we have to buy Treasury bills and invest in the economy, we have no other choice. What choice do we have? There is no other economy in the world that can sustain it.

Well, for the first time the Euro has now become a reserve currency of the world that is competing with us. So what does this mean to the average New Yorker, the average person who lives in Ohio or Florida?

What it means is that we, the Federal Government, are going to have to compete with Europe in terms of who is going to have the higher interest rate. What does that mean? That means that not only are T-bills going to be higher, your interest rates on our credit cards is going to be higher. Your interest on your bank loans is going to be higher. Your interest rate on your mortgage is going to be higher. If you think this only matters to you, you are 30 years from retiring or getting a Social Security check today, you are completely wrong.

If we keep going on this path, what we are going to be doing is essentially competing with ourselves for interest, and it is going to wind up costing average Americans hundreds and hundred of dollars each month on their dollars. If we have one good thing going for us in the last couple of years, it is low interest rates. If it were not for low interest rates driving demand for homes and cars, this economy would be in a worse rut than it has been in the last several years, and we are putting that at risk, and that is why deficits matter.

Deficits matter for another reason. Those of us in this House, and I think the three of us are in this crowd, who are true conservatives when it comes to money, we look at the idea of being a conservative person is to say, look, I derive certain debts, I rack up certain debts, whether I borrow money or I spend freely, it is my obligation to be responsible for those things. Anyone who sits in this Chamber, who campaigns as a fiscal conservative, who supports the continuation of that chart that is to your right is simply not a conservative. You cannot legitimately make that claim.

I believe that in the years that you refer to when Tip O'Neill and Ronald Reagan got together and did things, frankly sometimes did a half-a-loaf thing that neither side was completely happy about, the one thing they did have was this intellectual consistency about saying if we are going to spend it, we are going to pay for it; if we are going to augment the Department of Defense, we are going to do the best we can to pay for it.

We even reached a moment in this House when our deficits were at the paltry amount of $250- or $260 billion, where we said we are going to pass laws to restrict ourselves. The Gramm-Rudman-Hollings Act said you cannot spend a single dime unless you pay as you go. A lot of people said it was really bad because it hurt some programs more than others, but at least it was an acknowledgment in this House, an acknowledgment that the government has, at the end of the day, to be responsible for the deficit.

Today, the philosophy is entirely different. Today, it is not our problem, which brings us back to the original problem, that we have now started to say it is all about us, it is all about this moment in time, not thinking at all about the next generation, not thinking at all about the past generation. That is why deficits matter. That is why the President's plan matters to wherever you are on the demographic scale, this is an issue that matters to all Americans.

I want to thank the gentleman from Ohio (Mr. RYAN) because he has been out here many times talking about this. People have been sending e-mails and saying we get it. That is where fundamentally the President has to understand. This is not a matter of going out and doing a campaign swing like you mentioned. This is a matter that fundamentally people understand it is our obligation, both in the Social Security system and fundamentally to our children, that we do not continue exacerbating that problem.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman has an issue of concern, I just want to say that it is important that the American people understand that Social Security is not a program for the poor. Social Security is a program for everyone in America. It does not matter if you started off with a small business, a hammer and two nails, and you became the largest business in your community. If you are paying in your contributions to Social Security, you are going to receive a benefit from it.

What is important is that people understand that this is not, and when we say Social Security program, I want to make sure people understand, this is for everyone. This is also dealing with survivors, and so many of them are helping themselves through the contribution of their parents, and many of them are no longer with us. So this is the only real legacy that they have, financial legacy, to be able to move on their aspirations.

One thing that I must say that we are saying on this side of the aisle, and I think the majority needs to take some responsibility for this, too, you mentioned how can you say you are conservative, meanwhile you are seeing a nose-dive there at 450 with a ''t'' trillion, to 425 trillion, I mean down, nose-dive. How in the world can you say that you are a conservative? Now when we look at it, we know that.

Our colleagues, some that put it on the line literally for us to go up to the 236, it was a price to pay.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, I am sorry to interrupt. I just want to make this point.

As we run these deficits, as the gentleman from New York just stated, it is not free. We are borrowing, money and we have got to pay interest on it. The interest payments and the money that we have got to pay on our debt becomes a greater portion of the budget that we have every year here, and that is less money that we have for Pell grants, that we have for investing in the health and education and general welfare of our society in order to lift more people up, to create taxpayers.

Mr. WEINER. Mr. Speaker, if the gentleman would yield, it is national defense and it is antiterrorism programs. It is all of the things that all of

us fight tooth and nail for here every year.

I would argue that interest on the national debt that we are racking up every year is an expenditure that we get no value for. It is essentially foreign aid is what it really is because so much of these payments are going overseas because so much of our debt is held by overseas entities, but we do not get anything for that.

You cannot go back to your district and say now we have 20 percent of the budget is going to just make these payments.

Let us not forget something. The Social Security program is not supposed to be a profit retirement plan. The President is absolutely right. If we invested since 1935 every dollar in the stock market, we would have a lot more money in the trust fund for sure. The problem is the line would not go like this. It would go like this.

The program was intended to be fundamentally an antipoverty program, a safety net program. It is a program that is there for everyone, and also, the idea you are getting out a lot more than when you put in. The President says that it is a sign that the program is broken. No. That is the way it was created because we assume that from generation to generation, just as your generation did for us, we would be creating a stronger economy with more coming into the Social Security program.

He said there are so many fewer children supporting the parents. Yeah, but we are making a lot more. Thank goodness that economic growth continues growing which is even more preposterous, that when the budget actuaries concluded we are going to start going broke in the year 2042, they based it on a presumption that for the first time we are going to have a 20-year-period where we start going in the other direction. Some optimistic projection.

I keep hearing about the President being the ultimate optimist. Well, not if you believe the Social Security actuaries.

So the idea that somehow we get some value by doing this, I defy my colleagues on the other side of the aisle that if you want to pay for homeland security, which I do, if you want to pay for national defense, which I do, and if you want to pay for farm subsidies, as many of you do, we do not actually have farms in Brooklyn, but then you cannot do any of those things if you are paying that much in interest.

Mr. RYAN of Ohio. Mr. Speaker, the other point is, as my colleague so aptly put this, the up, down and the ebb and flow of the stock market. Some of the plans that are being offered from the other side say no matter what your savings account or your private account, where it is, if it is down at the bottom, you rode the wave and then you started losing money, like if you wanted to draw out your private account in 2001, in 2002 when your 401(k) was cut in half, some of our friends on the other side of the aisle are saying it is okay, there is a guaranteed minimum benefit for you, which sounds good.

So here is a guy who, instead of paying into the Social Security system, is paying into the private accounts, and then when the private account goes belly up, the government will come back in again for the second time and bail them out with a guaranteed benefit. There are so many risky propositions here.

Mr. MEEK of Florida. Once again, there is no plan. It is almost like saying I want to build a house but we do not have a blueprint, but we are going to build it and we are going to build it on philosophy and we are going to build it on what we may put out as guiding principles.

I do not know if you heard us a little earlier, but at the top of this hour we talked about the majority side are saying, well, you are saying that we need to do something about Social Security, but where is your plan? The same thing, where is their plan? I mean, the President came into this Chamber there at that podium and said there was a state of emergency, urgency, about dealing with Social Security.

This is not the Weiner-Ryan-Meek report saying that Social Security will be solvent for years. They made the tough decisions back when Reagan and Tip O'Neill was running this House, this House and even the leadership in the other body. So it is important that we come clean with the American people.

If we can, I know that we have some e-mails that some folks sent to us, but we have to make sure that we are asking that the American people and also that Members of Congress are even asking some of the tough questions of the administration.

I want to commend especially some of our colleagues on the other side that have said I am not comfortable with this guiding principle thing; I am not comfortable with the fact that people may lose benefits or will lose benefits under these private accounts.

□ 2100

And I do not believe that I can support it.

Now, I hope that their back is strong, because I can tell those on the majority side that that is the same debate we had with the Medicare vote. The gentleman from New York was here on the floor. He saw that debate. We all have constituents, and now we are up to 740-something billion dollars, starting from 350.

Mr. WEINER. Mr. Speaker, I tell my colleagues that the ultimate decider of this issue is not going to be the three of us. The ultimate decider will be the numbers of people sending e-mails to 30somethingdems@mail.house.gov and who contact their elected officials who say, before you go anywhere on this, you should all understand there are some issues that still unify a country that is 50–50, and Social Security is one of them.

The endearing beauty of the Social Security system is that across demographic lines, across political lines in all parts of this country, just about every American has a story within their family about how the Social Security has worked for them. Now, some of our colleagues on the other side of the aisle are famous for standing up in March against something and then meekly, no pun intended, in June, voting for it. We saw that with the Medicaid bill.

But at the end of the day, if we get a sufficient number of calls or e-mails to 30somethingdems@mail.house.gov, we are going to have the ability to say, you know what, this is pure politics now. And if we let that voice go out there that this is not going to be touched, we will eventually win enough of them. And we will do this the old-fashioned way.

There will be a core on the other side of the aisle that says we are unprepared. Now, admittedly, their ancestors in the Republican Party did not cast a single vote for this in 1935 either, so I am not so sure that they have the ownership that we do of it. And we are proud this is a Democratic legacy program, but it is also one that has helped millions and millions and millions of Republican families in suburban areas and rural areas and everywhere else.

So the die has not been cast. This is ultimately going to be up to the people of the United States of America. And they are going to see, just like they got sold a pig in a poke with the Medicare bill, we are not going to let that happen with this as well.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman. The more cynical side of me, and being a 30-something I should not be cynical just yet, but that side of me says that this whole thing may be a big side show. While we are having this debate here and we are all focused on Social Security, we have a budget coming up here that is ugly. We have a budget that is coming up here that is going to slash food stamps and Medicaid and increase the Pell grant by $100 a year for 5 years when tuition costs have doubled.

To those listening at home, I think we need to keep our eye on a couple of these issues here. Social Security is definitely one of them, but I think it is very important we understand there is this other game going on here with the budget and how dangerous that may be for the long-term consequences of the country.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, I want my colleague from Ohio to get to those e-mails. I want to make sure we talk about if someone starts in a company with a hammer and two nails, and then works for that company, not own that company, but that paid into Social Security, and maybe became the foreman or forewoman or whatever it may be, the supervisor, that that individual is counting on one thing. They may not be able to count on the company pension plan, but they can count on Social Security being there for them. Democrat, Republican, Independent, Green Party, what have you, it is there. And that is what it is intended for.

If my colleague from Ohio could, so we can let some of the folks know that our e-mails, of course we cannot bring in the reams of paper and e-mails, and I am not being funny, I am just saying that I want to commend those that have e-mailed in and voiced their opinions.

Mr. RYAN of Ohio. Mr. Speaker, just to remind everyone of the e-mail real quick: 30somethingdems@mail.house.gov. Send us your thoughts on this.

We have a couple here: one from a Harvey Johnson from Baltimore, who says the ''issue of privatization of Social Security hits home with my mom, the age of 81, recently widowed, now lives on a total income of $1,000 a month from just Social Security. When you factor in the cost of much-needed medicine, bare essentials such as rent, utilities, and food, I still supplement her income nearly 50 percent just to make minimal ends meet. The thought of a drastic reduction in her benefit would force us to make even further tough decisions, including possibly the loss of some of her independence if she were to need to move again. Frankly, the more I hear of the President's proposals, the more upset I get.''

That is from Harvey.

Earl watched on C–SPAN last week. He wanted us to make sure to mention that the ''current system also provides disability and survivor benefits.''

Earl, we did talk about that. We took note of your e-mail here, and we did make sure we mentioned that here tonight. ''If a younger worker becomes disabled for any reason, he or she would be guaranteed a disability benefit, including benefits to their dependents.''

That is the thing. We are borrowing the money from China, and we have to compete with this great rising power in the world. And if we do not have every person on the field playing for us, we are at a disadvantage. This is also an economic argument, not even about compassion. Although some of us may feel that way, this is an economic argument. If one of your parents dies prematurely and society does not come in and step in and try to help, that is one less person on our team.

One last one here, Mr. Speaker, from Karan who says she watched the '30–Something Dems' last week and related to a lot of the topics: taxes, deficits, veterans, and said ''after watching last week's talk, I feel more at home with the Democrats and would love to know more about how to become involved.''

So we are getting people engaged in the process.

Mr. WEINER. And let me just reiterate, Mr. Speaker, and perhaps I have a less cynical perspective than my colleague does.

I think something good is coming out of this in that our generation is remembering again that there was a time in this country, in the early to mid-1930s, where we had a poverty rate among seniors that was approaching 40 percent; that we had just come through the tremors of the Great Depression that had left, frankly, our economy in a shambles, and there were certain things we did that made fundamental sense that have endured throughout time.

People sometimes do not understand what the Social Security is and what it is supposed to be. But if we can start to animate a discussion in this country among people of all generations about why this is important and why we should not be so sanguine about the idea that we are paying for a lot of this by borrowing out of Social Security today. If the President was so concerned about how solid the Social Security would be, one thing he could do is stop borrowing from that trust fund today.

So I think, frankly, having this discussion is going to turn out to be very salutary if we prevail. If we do not prevail, and if the President is successful in pulling hundreds of millions of dollars out of the Social Security system, we are quite literally, our generation, will be the one to live to regret it first. Every other generation since the 1930s, our parents and grandparents, have benefited from this program, and we are the ones that will wind up having to fix it.

Mr. Speaker, so much of what we do around here, unfortunately, is going to be left to others; my colleague's young child is going to be left to clean up the mess being created by the 107th, 108th Congress; and it is very important that we keep doing this.

It is also important that people continue to send their e-mails to 30somethingdems@mail.house.gov, because for every letter that we get, there is evidence that there are 100 or 200 that we are not actually receiving.

One final point on this: for those of a generation who are not yet ready to get Social Security, this is an economic issue for you today, but it is also an economic issue for you tomorrow. Just the same way you would be smart in investing in your 401(k), we should be smart about legislating.

Mr. MEEK of Florida. Mr. Speaker, I thank my colleagues for their time and for being allowed to address the American people.

IRAQ WATCH

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we are moving swiftly into the Iraq Watch time, and many other Members will be down here shortly to talk about a couple of different issues, one would be the issue of Iraq that has been going on for some time in a working group here.

Congress has been talking about this issue over and over and trying to bring some awareness and some clarity to many of the people of this country who are very concerned with what is going on in Iraq. I would also like to, since we claimed the time here, I would also like to talk a little bit about the veterans and a little bit about what is going on here with the budget.

As we just talked about, and as the gentleman from New York articulated and the gentleman from Florida articulated as well, there is some real pressure being put on the budget here in the United States Congress, and I did mention it towards the end. One of the programs that is going to take a real beating here in the 2005 budget is going to be the issue of veterans.

Now, the President has made a formal request of this body for another $80 billion to help fund the Iraq war, and this will take the grand total over $300 billion that we will spend on the Iraq war. And that is just today. That is up to this point. This $80 billion may get us through the year, but some analysts say it may not. We are going to be over $300 billion in what we have spent in Iraq.

Now, there is nobody in this Chamber who will not support the troops, who need our support. Many of us have argued, and I was on the Committee on Veterans' Affairs in the last Congress, many of us argued vehemently that we need to fully fund veterans health care in the United States of America. If we are going to continue to say there are other priorities in the budget, or that a certain amount of people who make a certain amount of money, a lot of money, the Bill Gateses of the world, should somehow get a tax cut and that we should do it on the backs of the veterans of the United States of America, and tell them their copay is going to go from $2 to $7, $7 to $15; that their annual fees are going to be increased up to $250 if they are a category seven or eight veteran, then this is an issue that I think as much as Social Security attacks some of the fundamental concepts and promises of this country.

Is there anything more despicable than to go out and tell a veteran who has left a limb somewhere across the world that somehow he is not going to be able to get the kind of benefits he was promised? That is what is happening with the irresponsibility of the budgeteering that is going on in the United States Congress today.

We showed the deficits: $450 billion. We are out borrowing money, paying interest on it, and eating up a bigger share of the budget in years to come. And we are not challenging the top 1 percent, or people making $1 million a year or more to somehow pay their fair share, to say they do not have to on the backs of the veterans.

And no one can squirm out of this one. This is one you just cannot get away from. You can maybe talk private accounts will yield more interest and at least get people thinking, but how can you not ask people who benefit the most from the capitalistic system to pay and meet their obligation to the rest of society? Because if it were not for those people, if it were not for the veterans of the United States military, there would be no capitalistic system for anyone else to make money off of. That is the fundamental premise. So we need to make sure that we find the resources in the Congress to do it.

I would like to just take this opportunity to acknowledge the gentleman from New Jersey (Mr. SMITH), who was the Republican chairman of the Committee on Veterans' Affairs, who was a great advocate for veterans in this country and who was removed from the chairmanship of the committee because he was too strong of an advocate because he wanted more resources put in.

I live in Ohio, and a lot of those folks have moved into the State of Florida, south Florida, Miami, and they have some sun and fun; but there are a lot of veterans who have stayed in my community and who are having a lot of difficulties accessing the system. So I think it is appropriate that we are here following this debate, the generation that gave us Social Security, the generation that freed Europe, the generation that saved southeast Asia in many ways, and who created a lot of the opportunities that we have here today and set us on this path of democracy and fiscal responsibility for years to come, social justice. I think we have an opportunity to honor those folks, especially as we have more people from our generation coming back.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Ohio for his comments, and I am very excited about the fact that some Members of the Congress are watching out for our veterans, making sure our veterans are receiving what they deserve.

We talk about silver and blue hair once again, but there are a number of veterans that were in the first Gulf War, in Korea, even some in Grenada, definitely in Vietnam and World War II, and other conflicts that we have been involved in over the years; and it is important they receive the care they need not only at our veterans hospitals but also because these veterans were told when they signed up and they went into harm's way on behalf of this country, on the philosophy of our leadership and this Congress, that we would provide those kind of benefits.

That is the reason why in the President's budget, as we heard in the last hour where we said how can we talk about Social Security and not talk about the budget, that it is important that we realize that this budget is deplorable as it relates to keeping our promise to our veterans and to our young veterans. We have a lot of young veterans out there that are trying to raise families and dealing with real issues. Some are on 50 percent benefits, some are on 100 percent benefits because they laid it down for this country, Democrats and Republicans.

□ 2115

I will tell you once again, when you see the land of milk and honey, when it comes down to the top 1 percent and what they get and the promise that is kept to them by this administration and by the majority side, it is really night and day. If you are in the top 1 percent, you are in good shape right now. You are receiving every tax cut that you could possibly get at this particular time, and I am pretty sure there are some Members of this body that would have some other great ideas for you. But what happens to that individual that works every day? What happens to that individual that puts it on the line every day?

We are talking about Iraq Watch, and this is the hour that usually our colleagues come to the floor to talk about Iraq. I just recently returned with a bipartisan group going to Iraq and Afghanistan to visit our troops and also to visit some of the civilians that are over there. I will tell you that news reports are not even covering half of what is happening there. Tomorrow we will have the opportunity on the Committee on Armed Services to hear from Secretary Rumsfeld. We will have an opportunity to hear the administration's vision as it relates to Iraq, and also to talk about this budget in the Department of Defense. But it is important that we have past statements and hopefully not to say that we want to have the Secretary responding to misstatements or anything of that nature, but we want to make sure that we are giving voice to those future veterans and we are giving voice to the troops that are over there in harm's way right now. There are individuals, and God bless them, they want to do and they are doing the right thing that they are being told to do. But we just had the Iraqi elections. New elections are going to be coming up in December. Hopefully the Iraqis will be ready or close to being ready for taking responsibility for their country and for the security of their country.

Mr. RYAN of Ohio. Just as we are talking about this and all the sacrifices that are being made over there and all the questions that are coming up and what is going on, before I yield to the gentleman from Ohio, there are a couple of statistics that I think we need to share with the American people about the investment in our veterans, because we have to focus on the ones that are coming back and new veterans that are being created every day. I know the gentleman has been out to Walter Reed and I have been out to Walter Reed several times. There is nothing more tragic for any of us who serve in this body than to go over there and see some of these soldiers and the sacrifices that they have made for the country, and to come and look at some of what is happening here in the Congress, where our President's budget for health care programs provides only 106 million more dollars than last year, $3.5 billion less than the veterans service organizations that come here and testify before the Committee on Veterans' Affairs and meet here say they need. The veterans groups, the American Legion, they are not going to come before Congress and ask for anything more than their soldiers that they served with need. And they say they need $3.5 billion more. And so when you are telling us that you are only going to increase it by $106 million in the President's budget, it is outrageous.

I yield to the fine gentleman from Ohio whom I split Mahoning County with in the great State of Ohio.

Mr. STRICKLAND. I thank the gentleman from Ohio for yielding. We also have with us tonight the gentleman from Washington (Mr. INSLEE). There are some things that I think the American people need to understand about what is happening here in Washington, D.C., especially as we discuss the budget and its relevance to the veterans population. I am amazed. I am truly amazed and puzzled. I really do not understand why the President and why the Republican leadership in this House would choose to treat veterans with such disdain.

Why do I say that? I will share with you some recent history with this administration. One of the first things the President did after becoming President during his first term was to increase the cost that a veteran pays for a prescription drug from $2 a prescription to $7 a prescription. I introduced legislation to repeal that increase but unfortunately I was unable to get that legislation passed. So now many veterans, thousands of veterans, pay $7 for

each prescription they get through the VA. Seven dollars may not sound like a lot of money, but many of the veterans who are in need of medication take 10 or more prescriptions a month, and many of these people are on fixed incomes. Many of them have fought our wars. In fact, you can be a combat-decorated veteran and you can be a priority 8 veteran. That is the veteran that the administration says makes too much money to currently qualify to participate in VA health care. Or you can be a priority 7 veteran, and a priority 7 veteran is a veteran that has a medical need but the medical need is not a direct result of the military service, and so they are charged more for the VA health care they receive.

So the President increased the cost of a prescription drug from $2 to $7. Shortly after, the VA issued a new policy. It was in the form of a memo that went to all the VA health care providers. It said basically, and I am summarizing, but it said too many veterans are coming in for service and we cannot afford to treat all these veterans and consequently there are waiting lines; and so we are going to solve this problem by rationing care to veterans, and we are going to ration care by prohibiting our nurses and social workers and physicians from proactively informing veterans of the services they are entitled to receive under the law.

We are talking about services that lawfully were made available to them by the actions of this Congress. I thought that was egregious. I have filed suit against the Veterans' Administration in conjunction with the Vietnam Veterans of America to try to overturn this egregious policy. That suit is currently before the court. I am hopeful the court will recognize that the VA is in violation of law and will force them to withdraw this onerous gag order.

We see a pattern developing here. Because then the VA decided that they were going to create a brand-new category or priority group for veterans, and they called that new category priority group 8. They said, this group just simply can no longer enroll and receive VA health care. And why? Well, because they make too much money, so they should not be able to get health care. The formula that is used to determine if a veteran is high income and no longer entitled to receive VA health care is based on a Housing and Urban Development formula.

In my district, you can make as little as $22,000 a year and the VA will consider you high income and tell you that you can no longer receive VA health care. Think of that. Those of us who serve in this Chamber, the American people have a right to know that, make over $150,000 a year. Maybe we can pay $7 a prescription for our prescription medications if we need to. Maybe we can find the ability to afford the kind of health insurance that will take care of our medical needs if we need to. But I submit to you that if you make $22,000 a year, you are not high income. I think it is shameful, I use that word, but it is shameful that this government would make a decision to treat our veterans in that manner.

And now, before I yield back to my friend from Ohio, the Republican leadership in this House has done something just very recently that the American people have a right to know about. Because over the last Congress, Democrats and Republicans worked together on the VA Committee to preserve adequate funding. It was not as much as I wanted it to be, but at least it was enough to maintain at least the current level of services. And we did that with the help of some of our Republican colleagues. The chairman of the VA Committee in the last Congress really enabled us to keep VA funding at a level that enabled current services to continue. That Republican Congressman's name was CHRIS SMITH. He is a Republican Congressman from the State of New Jersey. Many people who watch C–SPAN know CHRIS SMITH because he frequently stands in this Chamber and he argues and advocates for an end to abortion. I would call CHRIS SMITH, at least in my judgment, he is the most pro-life Member of this House. I just point that out to emphasize that he is a true conservative. He is a true conservative.

CHRIS SMITH had served on the Committee on Veterans' Affairs for 24 years, nearly a quarter of a century. He had been the chair of the VA Committee for the last 4 years. But because he was an advocate for veterans, Speaker HASTERT and the leadership in this House decided they were going to strip him of his chair's position. Not only did they do that, they removed him from this committee that he had served on for 24 years, and they did that in the face of opposition from 10 of the national veterans service organizations. I am talking about the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the AMVETS, the Vietnam Veterans, the Paralyzed Veterans of America, the Noncommissioned Officers, the Jewish War Veterans. All of these veterans organizations wrote Speaker HASTERT a letter, they all signed their name to that letter, and they said to Speaker HASTERT, it would really be a shame for CHRIS SMITH to be taken out of the chair's position and to be removed from this committee because he has been our friend. He has been an advocate for veterans. What was Speaker HASTERT's response? CHRIS SMITH was stripped of his chair's position, removed from the VA Committee.

I am asking my friend from Ohio, do you see a pattern here? It seemed that time after time after time, this administration and the leadership in this House of Representatives, they are taking steps that are harmful to veterans.

Mr. RYAN of Ohio. We just had an hour where we discussed Social Security and the private accounts, not to get back into it, but this many Members on the other side are willing to borrow $5 trillion over the next 20 years to pay for the privatization plan. If you had come here and said, you know, we maybe need to borrow $3.5 billion to fully fund veterans, I think many of us on this side of the aisle would say, well, we think we should balance the budget, we probably think that there is a better way of doing it, but what a much better reason to go out and borrow money, $3.5 billion compared to $5 trillion granted, to meet the obligation that we have.

I thought it would be interesting just to show since 2001, I have these charts working tonight so I am going to do one final chart. This is the increase, funding increases since 2001. This is the percent of increase in funding. The red is defense, the lavender is homeland security, and the blue is 9/11 response, New York City, international and airline relief. This is 2004, 2003, 2002, 2001. In 2004, 69 percent of the increase in funding from this Congress went for defense, 9 percent for homeland security, and 12 percent for 9/11.

These are three priorities I think the whole Congress could agree on. But to have a 70 percent increase in the military? You are telling me we could not find $3.5 billion that could not get to Halliburton in order to fund some of this for our veterans? My point is that this is an issue of priorities. This comes down to one word, choice.

□ 2130

What is the choice that this Congress wants to make?

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

Mr. RYAN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, what the gentleman says is true. There are several ways we can find the money to pay for veterans health care. For one thing, we can cut back on these tax cuts that have gone to the richest people. There are people in this country who have never served in the military, never put their lives on the line; and yet this President, during this time of war, has decided to give them a huge, huge tax cut, while our veterans, many of them becoming increasingly elderly and disabled, are being deprived of adequate health care, having to wait for weeks and months to get a doctor's appointment. That is just wrong.

So the President had a choice: tax cuts for the richest people in America or adequate funding for VA health care. He chose tax cuts for the richest among us.

There is something else I would like to share with my friend from Ohio. We

are spending in Iraq today about $1.25 billion a week. Think of that. And we cannot find an additional $3.5 billion for our veterans, all of our veterans. I do not want to choose among our veterans. I do not want to say this veteran is worthy and this veteran is not worthy. All of these people have served the country. They are in need of help and health care, and I am getting sick and tired of hearing about focusing on the core constituency. Of course we need to focus on the core constituency. But that does not mean that we should neglect other veterans as well. And that is what is happening. And I hope the people in this country, especially the veterans and the families of veterans, are paying attention because we are treating our veterans in a shabby manner.

The President's budget that he sent us a couple of weeks ago is a shameful document. It cuts back on nursing home care for veterans. It is a shameful document. And I do not want to hear my colleagues over there say these are tight budgetary times, we just do not have the money.

We have the money, Mr. Speaker, to pay for what we think is important. We have the money for that. The fact is that President Bush and this leadership do not consider America's veterans a priority. They cannot run from that fact. And I would just invite any of my Republican friends to come to this floor and let us discuss this openly. Let us discuss the fact that President Bush is asking that our veterans pay increased costs for medications, that he wants to impose a $250 annual user fee for many of our veterans to use a hospital. I think it is shameful. I really think it is shameful.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I appreciate the comments, and I have just got to say it is stunning. We are down here a lot and we get wrapped up and frustrated and upset about this; but I mean, when we take a step back, this is stunning what we are doing. It is absolutely stunning that we can somehow expect the American people and the veterans that are sitting at home tonight who make $22,000 a year, who struggle and many people in our community in northeast Ohio who have lost their steel jobs or their rubber jobs and have moved into the VA health, they have moved into VA health because they do not have anything else. But they made the sacrifice. When the bell rung, they were there.

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

Mr. RYAN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, as I say, I would invite any of my Republican friends to come down here and challenge what we are saying because what we are saying is the truth.

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

Mr. RYAN of Ohio. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, let me add just to what the gentleman from Ohio (Mr. STRICKLAND) was saying. He was asking why this administration cannot make veterans a priority, but I would suggest that we are not so much even asking the administration to recognize veterans as a priority, but just asking them to give them a decent kind of regular order priority, because the fact of the matter is this administration, and it is sad to say, has not only failed to give the veterans priority. They have really treated them like about second- or third-class citizens.

The administration really has decided to put veterans, some of whom have lost limbs and health and their lives in Iraq, on a second or third tier below other folks that the administration values more highly. That is a fairly dramatic thing to say, but let me back up what I mean by that.

The administration has decided to put people who earn over $400,000 a year and got about almost a third of the tax breaks that the President handed out, the President refuses to ask any of those folks to contribute in any way to the Iraq war, and so basically the administration has put veterans behind those folks on a lower tier. He has not just put them on a lower priority. He has put them on a second-class tier, but it is not just folks earning a high income.

The President has also put Halliburton on a higher tier than the veterans who have actually fought the wars. We have not seen this administration really get aggressive about the misuse of funds in Iraq.

We Democrats had to hold sort of a rump hearing. The gentleman from California (Mr. WAXMAN) and the Senator from North Dakota had a hearing to find out what happened to all this money that disappeared into the financial swamps of Iraq.

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

Mr. RYAN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, the fact is that, as I understand it, about $9 billion is unaccounted for.

Mr. INSLEE. Exactly, Mr. Speaker. And if the gentleman will continue to yield, three times, three times the amount of money it would take to fix this problem with veterans so they would not have to stand in line for 6 months to get treatment when they come back from Iraq, this administration lost three times as much money in the financial netherworld of Iraq, and they refuse to do anything about it because it is embarrassing.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I would just like to say that that would not be the least embarrassing thing about this war.

Mr. INSLEE. Mr. Speaker, let me mention maybe one of the most embarrassing things, and I read about this today. When I said that this administration has put veterans on a lower tier of value, let me tell my colleagues the sort of icing on the cake. Today, I read that a group of veterans from the first Persian Gulf War who were tortured by Saddam Hussein in the Abu Ghraib prison brought a lawsuit in the American courts against Iraq, the Iraqi Government, and they were granted a significant judgment, several millions of dollars for the abuse, and it was horrendous abuse. These were fliers who went down in the first Persian Gulf War, were captured by Saddam's forces, and were terribly tortured; and they won a judgment that seemed to me to make the right decision considering what they went through. They now are attempting to enforce that judgment against Iraq and against the oil revenues that are generated in Iraq.

So what did the administration do? Did it come to the aid of these veterans who were so terribly tortured at Abu Ghraib? No. This administration went to court to refuse to pay these veterans the judgment they had received against the Iraqi oil field money, essentially, which is now pouring into Iraq.

And the irony of this is pretty amazing because our Secretary of Defense, Rumsfeld, has said we are going to pay damages to the Iraqis who were subject to the abusive conditions in Abu Ghraib by our forces. The same defense Secretary who said we ought to pay the Iraqis who were abused in Abu Ghraib, unfortunately, in our situation, in our custody, now steps in and refuses to allow our Americans to get payment when Saddam Hussein tortured them. What kind of convoluted cockamamie, knuckleheaded policy is that.

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

Mr. RYAN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, I have introduced legislation to make this government stop what they are doing, stop fighting these veterans, these tortured veterans. The gentleman explained it well, but I would like to just take a stab at it as well because what we have here is these are soldiers that were captured during the first Gulf War, and they were terribly tortured under Saddam Hussein's regime. This government, as my colleagues recall, had held on to billions of dollars that were Iraqi dollars, and when these tortured Americans sued and won their suit, they were laying claim on those dollars that this country had possession of, and this administration returned that money to Iraq and literally used the Justice Department to go to court to try to set aside that judgment that would compensate these soldiers.

And the gentleman from Washington State is right. At the same time, here is Secretary Rumsfeld speaking of the

Iraqis who were abused at Abu Ghraib prison saying they are going to be compensated. So our Secretary of Defense is willing to use American dollars to compensate Iraqis who had been abused by Americans, and at the same time this government is fighting to keep our American troops who were tortured in Iraq from being compensated with Iraqi dollars. How can one explain that to the American people? It is unbelievable.

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

Mr. RYAN of Ohio. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, there is an explanation, and it is very clear what the explanation is. The explanation is that this administration puts on a higher tier of value the Iraqi provisional government in dollars than these American veterans who were tortured. They put them on a higher tier, number one. Number two, the administration puts Halliburton on a higher tier than veterans because they refused to give this $9 billion back that could be used to finance veterans, number two. Number three, this administration puts people who earn over $400,000 a year and got a tax cut that the administration refuses to even talk about now, it puts them higher than the people who went to Iraq and came home sometimes without legs.

I do not believe that is consistent with American values on how we ought to look at respective contribution by Americans to our freedom, which was the ultimate contribution of these veterans. But it shows a skewed value judgment by the administration. That explains why this administration takes the position.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will continue to yield, I think it shows a moral blindness. I really do. I mean, we are talking here about decisions that are made that affect the lives of American soldiers, and in this case soldiers who were tortured. There is no question that they were tortured. There is no question about that. There is no question as to who was responsible. It was the Iraqi Government under Saddam Hussein.

Now this administration is trying to play, I think, word games because they are saying, well, that was the government that existed under Saddam Hussein and now that Saddam Hussein has been removed from office, this new government is not responsible for what happened under Saddam Hussein. But I would remind the gentleman from Washington State the money that we were holding on to here was money that was from the Saddam Hussein government and regime. So I would like to ask the President if I had a chance to talk with him, I would like to say: Mr. President, why do you think Iraqis who were mistreated at Abu Ghraib deserve to be compensated with American tax dollars and at the same time you do not believe that American soldiers who were tortured when they were captured and held in Iraq should be compensated with Iraqi dollars? That seems like a fairly straightforward question, and I just wonder how the President would answer that.

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

Mr. RYAN of Ohio. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I think I know, if I can posit a hypothesis, in general how the President would answer, perhaps in more diplomatic terms than I will offer, but I think he would say: Mr. STRICKLAND, with all due respect, you just do not get it. Our administration has made a decision for the first time in American history to fight a war, but the only people we are going to ask to sacrifice are veterans. Nobody else is going to have to sacrifice.

Mr. STRICKLAND. And the soldiers that are active duty.

Mr. INSLEE. And the soldiers that are active duty.

Mr. STRICKLAND. And Reservists and Nation Guard.

Mr. INSLEE. And Reservists, some of whom are going to have to go back for a second and third deployment. These are the only Americans that we have asked to suffer and sacrifice because I, as President of the United States, do not think this is worth fighting enough to ask any other Americans to sacrifice rather than that small, less than ½ percent of the population. So as a result, I, as President, have made a decision that if the veterans get in my way by needing health care or if the veterans get in my way by having a judgment because they got tortured by Saddam Hussein and if they get in my way because they want to get Halliburton to pay the 9 billion bucks back that was fraudulently used by at least somebody over in Iraq, then it is just tough.

□ 2145

They are not going to get in my way, because I as president am not going to touch tax cuts, I am going to do deficit spending, I am going to continue to cut these veterans off from getting payment, because if I get away with it, that is good enough for me. That is the only answer I can think of.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield further, we are standing here and talking about this, and there are probably Americans watching and perhaps a few listening to us, and what we are saying sounds almost unbelievable.

I understand how someone listening to this may be puzzled, because there is no rational explanation, as far as I am concerned. Why should this government put a greater value on compensating Iraqis than on compensating tortured Americans? It just does not make sense. And it does not fit the image that is usually presented to the American people by this administration, because you hear a lot of rhetoric about how much we appreciate our soldiers, how much we appreciate what the military does for us, but the world now knows, and certainly most Americans that have paid attention, that we did send our soldiers into battle without adequate body armor, and we have them driving around in vehicles in Iraq that are not properly armored, and we have people over there conducting patrols and driving long distances and taking fuel from one part of Iraq to the other part of Iraq without night vision goggles. So we know there has been that kind of neglect.

But what my friend has brought to our attention here tonight regarding these tortured Americans and the administration's fighting them through the courts to keep them from getting compensated by the Iraqi government is nearly unbelievable.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I think if you are sitting at home listening to this debate that we are having here, the discussion we are having here, there is a real key component, and I mentioned it earlier and I think it is worth reiterating: Every major veteran's service organization is against what the President and this Congress is doing.

This is the most noble generation in the history of our country. They are fiscally conservative. They are Republicans and Democrats. They are frugal. They saved. They never had the kind of personal debt that our Nation has today, not their generation.

They are not going to ask for money just to ask for it. They need it, and they see the need with their friends, within their organizations, and they are asking for it. If you do not believe the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. RYAN) or the gentleman from Florida (Mr. MEEK), believe all the veterans organizations that are out there sticking up for their membership. If there is anybody you should believe, it is them.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield further, I want to tip a hat to these veterans groups, who are really one of the least demanding groups of people I have ever worked with, considering how they have been mistreated since this Iraq war started and since this administration started to cut health care. Incredibly, they have been respectful in bringing this to our attention. But, frankly, if they were yelling at the top of their lungs and circling the White House with pitchforks and torches, I think that would be, frankly, understandable.

I was talking to somebody the other day saying if you are a World War II

veteran right now and you have a urological concern and you want to get an exam, you have to wait like four months in the State of Washington to get in for an examination. That is just not right. Those lines are getting longer, and they will continue to get longer because of these cuts in the general VA budget.

The gentleman from Ohio (Mr. STRICKLAND) has talked with some eloquence about raising the deductible that individual veterans have to pay. Now they are also trying to soak veterans for $250 up front before you get your first dollar of health care payments, if you make the enormous sum of $22,000, which puts people right up in the Donald Trump category, I am sure.

They are also cutting the general budget, or not raising it to the level it demands, for the whole hospital system, which means these waiting lines get longer, just as the number of people who need them get larger. So it is a multiple. It is like a death by a thousand cuts.

Let me suggest one reason why we do not hear as much as we should about this issue. If you look at the pictures of our Iraqi veterans who are coming home, and we in Congress on both sides of the aisle have visited with them and know how courageous these mostly young and not-so-young people are, if you look at pictures of them, they are a lot of times alone. They have gone back a lot of times to a small town and are living in somebody's basement, and you see them sitting on the edge of a chair with a missing limb. They are kind of alone. There is not a big group around them except maybe their immediate family. They do not have a blaring group of bugles and a press corps to advocate their cause. Maybe that is what we ought to be doing here tonight, and in some small way I guess we are.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield further, why is there not an outcry about this? I think one of the reasons is that the American people are not fully aware of what is happening and find it hard to believe. I can understand why someone listening to us tonight would find it hard to believe what we have said, because it is so outrageous.

It is outrageous. As I said a little earlier, it is contrary to the public image we get from this administration, because if you listen to rhetoric coming from the White House and coming from the leadership in this House here, you would think that they really appreciate the veterans and they care for veterans and they were going to do everything they could to care for veterans. But the facts just do not match the rhetoric.

You could also wonder why is there not an outcry from many of the Republicans who I know care about veterans? I have friends on that side of the aisle that I know are veterans themselves, and they deeply in their hearts care for veterans. The gentleman from New Jersey (Mr. SMITH) was one such person that I mentioned, the former Chair of the committee. But I think there is a hesitancy to speak out, because if you speak out and you challenge the leadership over there, there is a price to pay.

The gentleman from New Jersey (Mr. SMITH) found that out. When he spoke up for veterans, he was stripped of his chairman position and he was taken off of a committee that he had been on for 24 years. That is almost unbelievable. Twenty-four years, a quarter of a century almost, this man had served on that committee.

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, when they stripped the gentleman from New Jersey (Mr. SMITH) of his chairmanship, he was sort of politically decapitated, if you will, because he had a dissenting voice in the Republican caucus. He wanted to bring to the country's attention the fact that veterans were not getting their due. That was a courageous step by him. As a result, the leadership essentially lynched him and excommunicated him from the leadership position he held, after 25 years.

Think of what that message is to Iraq. We saw Iraqis really courageously go to the polls. That was amazing. They had a 58 percent or 60 percent turnout, almost 82 percent in a lot of the Shiite areas. There were people who walked through violence to get to the polls. This was a lot of personal courage there that we should respect in a lot of ways. One would think we ought to honor that and send some messages to Iraq about how to run a democracy.

Well, look at just three examples, how under the leadership of the current House, what our lessons to Iraq are. Number one, to the Sunnis, we want the Sunnis to come into the Iraqi government. We want the minority group to participate in the government, because if we do not get the Sunnis involved in the Iraqi government, this insurgency is going to continue to bloom. So our message is to the Shiites, embrace the Sunnis. Let them come in and have a voice in your government. Let dissent have a voice. Reach a consensus through embracing the minority.

What do they do here in the House of Representatives? To their own Member, the gentleman from New Jersey (Mr. SMITH), who had a dissenting viewpoint, kind of the position the Sunnis are in as a minority, boom, off with his head, silence him. Take him out of the political discourse here by removing his chairmanship. That is not a good message to the Iraqis about how democracy ought to run.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield further, I do not think is it is a good message to the rest of the Republicans who serve there. The message is if you challenge us, you are in trouble. So it silences even their own Members. It keeps them from having the ability to speak up and speak out.

I have said before, we are elected to come here to represent the people who vote for us and make us their representative. We do not come here to serve the gentleman from Illinois (Speaker HASTERT). We do not come here to serve the gentleman from Texas (Mr. DELAY) or the gentlewoman from California (Ms. PELOSI). We come here to represent the people who send us here.

If my Republican friends do not have the freedom to speak up and speak out about what they think is right for their constituents without getting a committee taken away from them or getting a position taken away from them, well, then they become impotent, quite frankly. They are not able to be a true representative.

I ask this question: Where are the friends of the gentleman from New Jersey (Mr. SMITH)? Where are they in the Republican caucus? I want to tell you, if that happened to my friend from Washington State, if our Democratic leadership did that, or if our Democratic leadership did that to my colleague from the State of Ohio, I would be outraged, and I think Members of our caucus would be outraged. We would not stand for it.

But there is a silence over there that is very, very troubling. What it means is there is one or two or three people who are in charge of what happens in this House, and the others go a long to get along.

I quoted this statement from Ben Franklin before. I think it is good and applicable. Ben Franklin said, ''If you act like sheep, the wolves will eat you.'' I wonder if my colleagues over there are not acting like sheep? They are being awfully quiet. They let an honored, respected, hard-working, committed, devoted, dedicated member of their caucus be treated in that manner, be treated in that manner, and I did not hear any public outcry at all. None at all.

I think it must be because of fear, because I know there are people over there who respected the gentleman from New Jersey (Mr. SMITH), who believed he was right in his thinking and in the position he was trying to take as an advocate for veterans. Yet I did not hear any public outcry.

I think it is a shame that this House would be so constrained out of fear of what the leadership may do if the individual members speak up and speak out.

Mr. INSLEE. If the gentleman will yield further, the President had some eloquent language about freedom around the world, which is something

we all aspire to. I guess we are saying people ought to have freedom in the House of Representatives to stand up for veterans, and not be punished as the gentleman from New Jersey (Mr. SMITH) was. That is wrong, and we are going to continue to be a voice for veterans so this administration does not cut their health care.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I would like to thank both gentlemen tonight and just say we are willing to work with the other side to find the $3.5 billion, whether it is out of the $500 billion or $600 billion increase to the Medicare program that we just found out about, we could squeeze $3.5 billion out of that, or whether it is asking the wealthiest to help. We are willing to work with them and follow the veterans organizations and do what is right to our veterans who made the sacrifices.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, FEBRUARY 1, 2005 AT PAGE 1097

EXECUTIVE COMMUNICATIONS, ETC.

448. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities [Docket No. 03–080–3] (RIN: 0579–AB73) received January 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. WAMP (at the request of Mr. DELAY) for today on account of a family commitment.

Mr. MILLER of Florida (at the request of Mr. DELAY) for today on account of weather-related travel delays.

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. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. THOMPSON of California, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and February 16 and 17.

Mr. TOM DAVIS of Virginia, for 5 minutes, today.

Mr. POE, for 5 minutes, February 16.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 16, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

799. A communication from the President of the United States, transmitting a request for FY 20054 supplemental appropriations for ongoing military and intelligence operations in support of Operation Iraqi Freedom, Operation Enduring Freedom, and selected other international activities, including tsunami relief and reconstruction; (H. Doc. No. 109–9); to the Committee on Appropriations and ordered to be printed.

800. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Corpus Christi-Port Aransas Channel-Tule Lake, Corpus Christi, TX [CGD08-05-009] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

801. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway — Bayou Boeuf, Amelia, LA [CGD08-05-007] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

802. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-04-157] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

803. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Houma Navigation Canal, Houma, LA [CGD08-05-004] (RIN: 1625-AA09) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

804. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation, Gulf Intracoastal Waterway, Houma, LA [CGD08-05-003] (RIN: 1625-AA09) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

805. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-05-004] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

806. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River [CGD05-05-006] (RIN: 1625-AA00) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

807. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Jacksonville, Florida [COTP Jacksonville 04-133] (RIN: 1625-AA00) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification to Class E Airspace; Mena, AR [Docket No. FAA-2004-19405; Airspace Docket No. 2004-ASW-14] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OR [Docket No. FAA-2003-16137; Airspace Docket 03-ANM-07] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cozad, NE [Docket No. FAA-2004-17422; Airspace Docket No. 04-ACE-23] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

811. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Melbourne, AR [Docket No. FAA-2004-19406; Airspace Docket

No. 2004-ASW-15] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

812. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mount Vernon, TX [Docket No. FAA-2004-19407; Airspace Docket No. 2004-ASW-16] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

813. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas 5103A, 5103B, and 5103C, and Revocation of Restricted Area 5103D; McGregor, NM [Docket No. FAA-2004-17773; Airspace Docket No. 04-ASW-11] (RIN: 2120-AA66) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

814. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scribner, NE [Docket No. FAA-2004-19327; Airspace Docket No. 04-ACE-56] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Imperial, NE [Docket No. FAA-2004-19329; Airspace Docket No. 04-ACE-58] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2002-NM-182-AD; Amendment 39-13882; AD 2004-24-06] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2003-NM-97-AD; Amendment 39-13909; AD 2004-25-21] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2002-NM-347-AD; Amendment 39-13908; AD 2004-25-20] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. FAA-2004-19862; Directorate Identifier 2004-NM-228-AD; Amendment 39-13907; AD 2004-25-19] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

820. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GE Aircraft Engines (GE) CF34-3A, CF34-3A2, CF34-1A, CD-34-3A1, CF34-3B, and CF34-3B1 Series Turbofan Engines [Docket No. 2003-NE-67-AD; Amendment 39-13914; AD 2004-26-02] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

821. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-179-AD; Amendment 39-13911; AD 2004-25-23] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2000-NE-62-AD; Amendment 39-13915; AD 2004-26-03] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

823. A letter from the Chief, Regulation Management, Office of Regulation Policy and Management, VBA, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Implementation of Public Law 107-103 (RIN: 2900-AL23) received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

824. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Income Attributable to Domestic Production Activities [Notice 2005-14] received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. CAPITO: Committee on Rules. House Resolution 95. Resolution providing for consideration of the bill (H.R. 310) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes (Rept. 109–6). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 96. Resolution providing for consideration of the bill (S. 5) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes (Rept. 109–7). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GORDON (for himself, Mr. CALVERT, Mr. BOEHLERT, Mr. DAVIS of Tennessee, Mr. JENKINS, Ms. WOOLSEY, Mr. COOPER, Mr. CASE, Mr. ETHERIDGE, Mr. BAIRD, Mr. WU, Mr. LARSEN of Washington, Mr. MATHESON, Mr. BOSWELL, Mr. LATHAM, Mr. COSTELLO, Mr. MCINTYRE, Mr. UDALL of Colorado, Mr. CRAMER, Ms. BORDALLO, Mr. MELANCON, Mr. AL GREEN of Texas, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SOUDER):

H.R. 798. A bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Science.

By Mrs. MALONEY (for herself, Mr. SANDERS, Ms. WATSON, Ms. WATERS, Mr. GEORGE MILLER of California, Mr. ENGEL, Mr. MCDERMOTT, Mr. WEINER, Mr. GUTIERREZ, Mr. JACKSON of Illinois, and Mr. CUMMINGS):

H.R. 799. A bill to amend the Expedited Funds Availability Act to redress imbalances between the faster withdrawals permitted under the Check 21 Act and the slower rates for crediting deposits, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS (for himself, Mr. BOUCHER, Mr. SMITH of Texas, Ms. HART, Mr. BARTLETT of Maryland, Mr. BASS, Mr. ROGERS of Michigan, Mr. BLUNT, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. REYNOLDS, Mrs. CUBIN, Mr. BRADY of Texas, Mr. BOEHLERT, Mr. NUSSLE, Mr. TERRY, Ms. PRYCE of Ohio, Mr. BAKER, Mr. BRADLEY of New Hampshire, Mr. SIMPSON, Mr. BOEHNER, Mrs. BLACKBURN, Mr. MCHUGH, Mr. SOUDER, Mr. WICKER, Mr. CANNON, Mr. BOYD, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. MANZULLO, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. MARSHALL, Mr. BONILLA, Mr. CANTOR, Mr. BACA, Mr. TANNER, Mr. LEWIS of Kentucky, Mr. SCOTT of Georgia, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. HOLDEN, Mr. BERRY, Mr. TAYLOR of North Carolina, Mr. MCCRERY, Mrs. JO ANN DAVIS of Virginia, Mr. GARY G. MILLER of California, Mrs. MILLER of Michigan, Mr. SWEENEY, Mr. PENCE, Mr. DAVIS of Tennessee, Mr. AKIN, Mr. CHOCOLA, Mr. THOMAS, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. SULLIVAN, Mr. STRICKLAND, Mr. FOLEY, Mr. NUNES, Mr. ROGERS of Kentucky, Mr. CULBERSON, Mr. OTTER, Mr. WALDEN of Oregon, Mr. REHBERG, Mr. GOHMERT, Ms. HERSETH, Mr. GIBBONS, Mr. BURGESS, Mr. WESTMORELAND, Mr. CARTER, Mr. SESSIONS, Mr. ENGLISH of Pennsylvania, Mr. RENZI, Mr. BONNER, Mr. KANJORSKI, Mr. SHUSTER, Mr. GENE GREEN of Texas, Mr. PICKERING, Mr. GOODE, Mr. ROGERS of Alabama, Mr. GORDON, Mrs. CAPITO, Mr. EVERETT, Mr. YOUNG of Alaska, Mr. TAYLOR of Mississippi, Mr. HENSARLING, Mr. MORAN of Kansas, Mr. BARRETT of South Carolina, Mr. RYUN of Kansas, Mr. MARCHANT, Mr. MACK, Mr. ADERHOLT, Mr. HEFLEY, Mr. COOPER, Mr. CALVERT, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. ISSA, Mr. DINGELL, Mr. TANCREDO, Mr. RAHALL, Mr. SIMMONS, Mr. MILLER of Florida, Mr. THORNBERRY, Mr. POMBO, Mr. KELLER, Mr. HERGER, Mr. DOOLITTLE, Mr. SCHWARZ of Michigan, and Mr. NORWOOD):

H.R. 800. A bill to prohibit civil liability actions from being brought or continued

against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages or injunctive or other relief resulting from the misuse of their products by others; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. HALL, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RANGEL, Mr. SPRATT, Mr. FORD, Mr. TANNER, Mr. TOWNS, Mr. WILSON of South Carolina, Mr. OWENS, Mr. DAVIS of Tennessee, and Mr. STARK):

H.R. 801. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage under the Medicare and Medicaid Programs of certain screening procedures for diabetic retinopathy, and to amend the Public Health Service Act to establish pilot programs to foster such screening, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. CALVERT, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, and Mr. BACA):

H.R. 802. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. PLATTS):

H.R. 803. A bill to require entering students who will reside in on-campus housing at postsecondary institutions to have received meningococcal vaccinations; to the Committee on Education and the Workforce.

By Mr. BAKER:

H.R. 804. A bill to exclude from consideration as income certain payments under the national flood insurance program; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. BISHOP of Georgia, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. EVANS, Mr. FILNER, Mr. GORDON, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. KIND, Ms. LEE, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SERRANO, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. WYNN, Mrs. LOWEY, Mr. REYES, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. MARKEY, and Mr. LIPINSKI):

H.R. 805. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 806. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; to the Committee on Rules, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. CASE, Mr. FOLEY, Mr. INSLEE, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. SNYDER, and Mr. THOMPSON of California):

H.R. 807. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mrs. CHRISTENSEN, Mr. TOM DAVIS of Virginia, Mr. EDWARDS, Mr. FILNER, Mr. FOLEY, Mr. GREEN of Wisconsin, Mr. HOLT, Mr. JENKINS, Mr. JONES of North Carolina, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. MCCARTHY, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. WOLF, and Ms. WOOLSEY):

H.R. 808. A bill to amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation; to the Committee on Armed Services.

By Mr. CANTOR (for himself, Mr. RYAN of Wisconsin, Mr. ENGLISH of Pennsylvania, Mr. REYNOLDS, Mr. MCCRERY, Mr. LEWIS of Kentucky, Mr. HERGER, Mr. CAMP, and Mr. MCCAUL of Texas):

H.R. 809. A bill to make permanent the individual income tax rates for capital gains and dividends; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Ms. DEGETTE, Mr. BASS, Mr. DINGELL, Mr. FOLEY, Mr. WAXMAN, Mrs. BONO, Mr. STARK, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mr. KIRK, Ms. SLAUGHTER, Mrs. KELLY, Mr. EVANS, Mr. SHAYS, Mr. RANGEL, Mr. SIMMONS, Mr. CONYERS, Mr. BOEHLERT, Mr. LANGEVIN, Mr. SCHWARZ of Michigan, Mr. UDALL of Colorado, Mr. GIBBONS, Ms. BALDWIN, Mr. GILCHREST, Ms. PELOSI, Mr. PORTER, Mr. ABERCROMBIE, Mr. RAMSTAD, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADLEY of New Hampshire, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HONDA, Ms. HOOLEY, Mr. HOLT, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KOLBE, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. DENT):

H.R. 810. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

H.R. 811. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. CUMMINGS (for himself and Mr. SOUDER):

H.R. 812. A bill to amend the Office of National Drug Control Policy Act Reauthorization Act of 1998 to ensure that adequate funding is provided for certain high intensity drug trafficking areas; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. SNYDER, Mr. REYES, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. HINCHEY, Mrs. MALONEY, Mr. PAYNE, Ms. WOOLSEY, Mr. BERRY, Mr. KENNEDY of Rhode Island, Mr. ENGEL, Ms. DELAURO, and Mr. FRANK of Massachusetts):

H.R. 813. A bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Ms.

BORDALLO, Mr. MORAN of Virginia, and Mr. GRIJALVA):

H.R. 814. A bill to amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship by certain individuals born in Korea, Vietnam, Laos, Kampuchea, or Thailand; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. TANCREDO, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. WELDON of Florida, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, and Mr. HOSTETTLER):

H.R. 815. A bill to amend section 5318 to prohibit the use of identification issued by foreign governments, other than passports, for purposes of verifying the identity of a person who opens an account at a financial institution, and for other purposes; to the Committee on Financial Services.

By Mr. GIBBONS:

H.R. 816. A bill to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. BARTLETT of Maryland, Mr. CHABOT, Mr. CHOCOLA, Mr. GALLEGLY, Mr. BLUMENAUER, Mr. ANDREWS, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. PETERSON of Minnesota, Mr. KOLBE, Mr. MORAN of Virginia, Mr. BASS, Mr. SANDERS, Mrs. KELLY, Mr. OWENS, Mr. PLATTS, Mr. MCNULTY, Mrs. JOHNSON of Connecticut, Mr. SABO, Mr. PAYNE, Mr. HONDA, Mr. BERMAN, Mr. MCDERMOTT, Ms. HARMAN, Ms. SLAUGHTER, Mr. VAN HOLLEN, and Ms. WOOLSEY):

H.R. 817. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. CONYERS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Mrs. MCCARTHY, Mr. MCNULTY, Mr. GARY G. MILLER of California, Mr. NADLER, Mr. ROYCE, Mr. SANDERS, Mr. SCHIFF, Mr. TOWNS, Mr. WAXMAN, Mr. WOLF, Ms. WOOLSEY, and Mr. WYNN):

H.R. 818. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. TANNER, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, Mr. RAMSTAD, Ms. HART, Mr. PAUL, Mr. GORDON, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Mr. JEFFERSON, Mr. ANDREWS, Mr. SIMMONS, Mr. LARSON of Connecticut, and Mr. LEWIS of Kentucky):

H.R. 819. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Ms. HARMAN, Mr. ISSA, Mr. GARRETT of New Jersey, Mr. BARTLETT of Maryland, Mrs. MCCARTHY, Ms. LINDA T. SÁNCHEZ of California, Mr. GENE GREEN of Texas, Mr. WEINER, Mr. BISHOP of New York, Mr. CARDOZA, Mr. SERRANO, Mr. ETHERIDGE, and Mr. OTTER):

H.R. 820. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. EVANS):

H.R. 821. A bill to amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error; to the Committee on Veterans' Affairs.

By Ms. MILLENDER-MCDONALD:

H.R. 822. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, and Mr. CASTLE):

H.R. 823. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 824. A bill to award a congressional gold medal to Ray Charles in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 825. A bill to require certain conditions to be met before the International Monetary Fund may sell gold; to the Committee on Financial Services.

By Mr. SERRANO:

H.R. 826. A bill to authorize the appropriation of funds to be used to recruit, hire, and train 100,000 new classroom paraprofessionals in order to improve educational achievement for children; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself, Mr. GENE GREEN of Texas, and Mr. LEWIS of Kentucky):

H.R. 827. A bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 828. A bill to establish the Commission on American Jobs; to the Committee on Education and the Workforce.

By Ms. WATERS:

H.R. 829. A bill to make certain companies that have outsourced jobs during the previous five years ineligible for the receipt of Federal grants, Federal contracts, Federal loan guarantees, and other Federal funding, and for other purposes; to the Committee on Government Reform.

By Ms. WATERS:

H.R. 830. A bill to limit the redistricting that States may do after an apportionment of Representatives; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 831. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans buried in private or State-owned cemeteries; to the Committee on Veterans' Affairs.

By Ms. WATERS:

H.R. 832. A bill to amend title 10, United States Code, to increase to $100,000 the amount payable under the Department of Defense death gratuity program and to amend title 38, United States Code, to increase to $400,000 the maximum coverage under the Servicemembers' Group Life Insurance program; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 833. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. STRICKLAND (for himself, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, and Mr. LANTOS):

H.R. 834. A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; to the Committee on House Administration.

By Mr. STRICKLAND:

H.R. 835. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 19. A joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 20. A joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mrs. CAPITO (for herself, Mr. KANJORSKI, Mr. ROGERS of Kentucky, Mr. RANGEL, Mr. GOODE, and Mr. BROWN of Ohio):

H. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that a

postage stamp should be issued honoring the Nation's coal miners; to the Committee on Government Reform.

By Mr. HOLT (for himself, Mr. BROWN of South Carolina, Mr. TANNER, Mr. SERRANO, Ms. CARSON, Mr. WYNN, Mr. RANGEL, and Mr. OWENS):

H. Con. Res. 62. Concurrent resolution expressing support for the designation and goals of ''Hire a Veteran Week''; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Ms. MILLENDER-MCDONALD, Mr. CANNON, Mr. CANTOR, Mr. LANTOS, Mr. PORTER, and Mr. LATOURETTE):

H. Con. Res. 63. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. SHAW:

H. Con. Res. 64. Concurrent resolution expressing the sense of the Congress that there should be established a National Teacher Appreciation Day; to the Committee on Government Reform.

By Mr. WHITFIELD (for himself, Mr. WEXLER, and Ms. GRANGER):

H. Con. Res. 65. Concurrent resolution commending the Republic of Turkey for assuming the leadership of the International Security Assistance Force in Afghanistan and for its ongoing contribution to the war against terrorism; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia:

H. Res. 92. A resolution providing amounts for the expenses of the Committee on Government Reform in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H. Res. 93. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. GOODLATTE:

H. Res. 94. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. FEENEY (for himself, Mr. GOODLATTE, Mr. DELAY, Mr. SENSENBRENNER, Mr. CHABOT, Mr. SMITH of Texas, Mr. CANNON, Mr. KING of Iowa, Mr. BAKER, Mr. HAYWORTH, Mr. CHOCOLA, Mr. JONES of North Carolina, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. TERRY, Mr. PICKERING, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. FRANKS of Arizona, Mrs. JO ANN DAVIS of Virginia, Mr. BACHUS, Mr. SULLIVAN, Mr. SOUDER, Mr. BOOZMAN, Mr. FORTUÑO, Mr. CANTOR, Mr. DOOLITTLE, Mr. FORBES, Mr. POE, Mr. HOSTETTLER, Mr. CARTER, Ms. GINNY BROWN-WAITE of Florida, Mr. GALLEGLY, Mrs. MUSGRAVE, and Mr. MACK):

H. Res. 97. A resolution expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. CASE, Mr. FILNER, Mr. POMEROY, Mr. STUPAK, Mr. MELANCON, Mr. HASTINGS of Florida, and Mr. PETERSON of Minnesota):

H. Res. 98. A resolution expressing the sense of the House of Representatives with respect to free trade negotiations that could adversely impact the sugar industry of the United States; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself and Ms. BERKLEY):

H. Res. 99. A resolution expressing the condolences of the House of Representatives to the families of the victims of the terrorist attacks in Madrid that occurred one year ago, on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain; to the Committee on International Relations.

By Mr. OXLEY:

H. Res. 100. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. SAXTON (for himself, Mr. WEXLER, Mr. ENGEL, Mr. CHABOT, Mr. CANTOR, Ms. ROS-LEHTINEN, Mr. MENENDEZ, and Mr. ACKERMAN):

H. Res. 101. A resolution urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 102. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H. Res. 103. A resolution recognizing the importance of honoring the Nation's children and expressing the sense of the House of Representatives that a National Children's Day should be established; to the Committee on Education and the Workforce.

By Mr. COX (for himself and Mr. THOMPSON of Mississippi):

H. Res. 104. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Ninth Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. BUTTERFIELD, Mr. UDALL of New Mexico, Mr. DAVIS of Illinois, and Mr. PETERSON of Minnesota.

H.R. 16: Mr. CAMP and Mr. RANGEL.

H.R. 22: Mr. BAIRD and Mr. HOLT.

H.R. 23: Mrs. CAPPS, Mr. PETERSON of Minnesota, Ms. KILPATRICK of Michigan, Mr. JENKINS, Mr. MILLER of Florida, Ms. ESHOO, and Mr. BISHOP of Georgia.

H.R. 25: Mr. DAVIS of Kentucky.

H.R. 29: Mr. DINGELL and Mr. DOYLE.

H.R. 32: Mr. MENENDEZ, Mr. GARRETT of New Jersey, and Mr. BROWN of Ohio.

H.R. 40: Mr. MORAN of Virginia and Mr. BISHOP of Georgia.

H.R. 47: Mr. JONES of North Carolina and Mr. EVERETT.

H.R. 63: Mr. MOORE of Kansas.

H.R. 64: Mr. TERRY, Mr. BERRY, Mr. STEARNS, Mr. SCHWARZ of Michigan, Mr. HEFLEY, and Mr. BOUSTANY.

H.R. 68: Mr. BILIRAKIS and Mr. RANGEL.

H.R. 69: Mr. SANDERS.

H.R. 98: Mrs. DRAKE and Mr. PLATTS.

H.R. 99: Mr. DANIEL E. LUNGREN of California.

H.R. 134: Mr. HOLT, Ms. LEE, Mr. HINOJOSA, Mr. MCDERMOTT, Mrs. MCCARTHY, Mr. DELAHUNT, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mr. ANDREWS, Mr. MENENDEZ, Ms. WATSON, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. DOGGETT, and Mr. ALLEN.

H.R. 135: Mr. SESSIONS and Mr. SCOTT of Georgia.

H.R. 136: Mr. EVERETT, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. LEWIS of Kentucky.

H.R. 213: Mr. GEORGE MILLER of California and Ms. SLAUGHTER.

H.R. 239: Mr. SAM JOHNSON of Texas.

H.R. 282: Mr. KLINE, Ms. SCHWARTZ of Pennsylvania, Mr. MCCAUL of Texas, Ms. SCHAKOWSKY, Mr. ISSA, Mr. BONILLA, Mr. STEARNS, Mr. MCNULTY, and Mr. BAKER.

H.R. 284: Mr. OSBORNE.

H.R. 297: Mr. GEORGE MILLER of California, Mrs. LOWEY, Mrs. MALONEY, and Mr. KUCINICH.

H.R. 302: Mr. CASE and Mr. SCHIFF.

H.R. 303: Mr. HAYES, Mr. FOLEY, Ms. BERKLEY, Mr. CHANDLER, Mr. PAUL, and Mr. FILNER.

H.R. 304: Mr. DAVIS of Florida, Mr. HOSTETTLER, Mr. BOYD, Mr. TAYLOR of Mississippi, and Ms. HARRIS.

H.R. 305: Mr. BOOZMAN, Mr. BACHUS, Mr. MCCAUL of Texas, and Mr. PITTS.

H.R. 313: Mr. CRAMER and Mr. WAMP.

H.R. 314: Mr. RAMSTAD, Mr. GILLMOR, Mr. THORNBERRY, Mr. CRAMER, and Mr. TIAHRT.

H.R. 333: Mr. PALLONE, Mr. PETERSON of Minnesota, and Mr. BLUMENAUER.

H.R. 354: Mr. HOLDEN.

H.R. 356: Mr. PLATTS, Mr. LINDER, Mr. BARTLETT of Maryland, Mr. MORAN of Kansas, Mr. RAHALL, Mr. GILLMOR, and Mr. LATHAM.

H.R. 358: Mr. JEFFERSON, Mr. MCGOVERN, Mr. HOLT, Mr. SCHIFF, Mr. DAVIS of Alabama, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. LEACH, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. BROWN of South Carolina, Mr. KILDEE, Mr. BURTON of Indiana, Mr. MICHAUD, Mr. SAM JOHNSON of Texas, Mr. DINGELL, Mrs. CAPPS, Mr. STRICKLAND, Ms. SOLIS, Mr. LARSON of Connecticut, Mr. ROTHMAN, Mr. LEVIN, Mr. EHLERS, Mr. GEORGE MILLER of California, Mr. WEINER, and Mr. DAVIS of Illinois.

H.R. 371: Mr. LANTOS and Mr. GENE GREEN of Texas.

H.R. 389: Mr. SMITH of New Jersey, Mr. BARTLETT of Maryland, and Mr. GUTIERREZ.

H.R. 461: Mr. DAVIS of Illinois.

H.R. 500: Mr. BACHUS, Mr. KING of Iowa, Mr. GUTKNECHT, and Mr. GOODLATTE.

H.R. 514: Mr. MCDERMOTT.

H.R. 515: Mr. POMEROY and Mr. BACA.

H.R. 521: Mr. RADANOVICH, Mr. BOYD, Mr. PLATTS, Mr. HINCHEY, and Ms. MOORE of Wisconsin.

H.R. 525: Mr. EVERETT, Mr. THOMAS, Mr. BLACKBURN, Mr. CONAWAY, Mr. BLUNT, Mr. ROGERS of Alabama, and Mr. GINGREY.

H.R. 533: Mr. STARK, Mr. MCGOVERN, Mr. CASE, and Ms. SOLIS.

H.R. 535: Mr. EVANS, Ms. SLAUGHTER, Mr. KUCINICH, Mr. CONYERS, Mrs. CAPPS, and Mr. COSTA.

H.R. 554: Mr. KLINE, Mr. JINDAL, Ms. HART, Mr. EVERETT, Mr. REGULA, and Mr. CANNON.

H.R. 556: Mr. CAMP, Ms. HARMAN, Mr. CAPUANO, Mr. CARDOZA, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. SOLIS, Mr. BACA, and Mr. MENENDEZ.

H.R. 557: Mr. HAYWORTH and Mr. DREIER.

H.R. 558: Ms. HART and Mr. SOUDER.

H.R. 559: Mr. CUMMINGS, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. MCDERMOTT.

H.R. 577: Ms. HART, Mr. FORTUÑO, Mr. CAPUANO, and Mr. DAVIS of Illinois.

H.R. 595: Mr. CLEAVER, Mr. PALLONE, Mr. ABERCROMBIE, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. RUSH, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, and Ms. ESHOO.

H.R. 596: Mr. STEARNS, Mr. EVERETT, and Mr. DAVIS of Illinois.

H.R. 602: Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. CARSON, Mr. SCHIFF, Mr. GORDON, Mr. BOUCHER, Mr. LANTOS, Mr. CHANDLER, Mr. CLAY, Ms. ZOE LOFGREN of California, Mr. OWENS, Ms. KILPATRICK of Michigan, Mr. OLVER, Mr. GUTIERREZ, Mr. WEXLER, Mr. LARSON of Connecticut, Mr. ROGERS of Alabama, Ms. SLAUGHTER, Mrs. CAPPS, and Mr. DOYLE.

H.R. 606: Mrs. TAUSCHER and Ms. ESHOO.

H.R. 611: Mr. SIMMONS and Mr. DAVIS of Illinois.

H.R. 613: Mr. TERRY and Mr. OTTER.

H.R. 616: Mr. OWENS, Mr. HONDA, Mr. SOUDER, Mr. PETERSON of Minnesota, Mr. MCDERMOTT, Mr. SCHIFF and Mr. BERRY.

H.R. 623: Mr. HAYES, Mr. REHBERG, Mr. BACHUS, and Mr. BASS.

H.R. 624: Mr. MCCAUL of Texas and Mr. FRANK of Massachusetts.

H.R. 625: Ms. SLAUGHTER and Mr. BLUMENAUER.

H.R. 652: Ms. BERKLEY, Mr. CANTOR, Mr. GERLACH, Mr. HULSHOF, and Mr. MICHAUD.

H.R. 668: Ms. CARSON.

H.R. 689: Mr. SIMPSON, Mr. BLUNT, Mr. ROGERS of Alabama, and Mr. HERGER.

H.R. 692: Mr. FOLEY, Mr. GRIJALVA, and Mr. LEVIN.

H.R. 713: Mr. MCCAUL of Texas.

H.R. 728: Mrs. JO ANN DAVIS of Virginia, Mr. CONYERS, Mr. STUPAK, Mr. CLAY, and Mr. WYNN.

H.R. 748: Mr. EVERETT, Mr. MORAN of Kansas, Mr. HERGER, Mr. TAYLOR of Mississippi, and Mr. OTTER.

H.R. 759: Mr. OWENS, Mr. MORAN of Virginia, Ms. DEGETTE, and Mr. FILNER.

H.R. 768: Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of North Carolina, Ms. WATERS, Mr. MICHAUD, Mr. ROTHMAN, Mr. THOMPSON of California, and Mr. KENNEDY of Rhode Island.

H.R. 771: Mr. RANGEL, Mr. COSTELLO, and Mr. LARSEN of Washington.

H.R. 772: Mr. BISHOP of Georgia, Ms. BALDWIN, Mr. SERRANO, Mr. ISRAEL, Ms. NORTON, Mr. PAYNE, Mr. COOPER, Mr. ETHERIDGE, Mr. RYAN of Ohio, Mr. HOLDEN, Mr. RANGEL, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. OWENS, Mr. BERRY, Mr. TOWNS, Ms. KAPTUR, Mrs. MALONEY, Ms. LEE, Mr. SCHIFF, Mr. CONYERS, and Mr. RENZI.

H.R. 775: Mr. CHABOT and Mr. SOUDER.

H.R. 791: Mr. RANGEL, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, and Mr. MCDERMOTT.

H.R. 792: Mr. HIGGINS and Mr. LIPINSKI.

H.J. Res. 10: Mr. CULBERSON and Mr. EVERETT.

H.J. Res. 18: Ms. BEAN and Mr. ISSA.

H. Con. Res. 18: Mr. SCHIFF.

H. Con. Res. 25: Mr. MCCOTTER, Mr. FATTAH, and Mrs. MYRICK.

H. Con. Res. 32: Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. SCHIFF, and Mr. HERGER.

H. Con. Res. 38: Mr. CUMMINGS, Mr. MCDERMOTT, and Mr. PAYNE.

H. Con. Res. 45: Mr. KUHL of New York, Mr. KUCINICH, Mr. WALSH, Mr. WEXLER, Mr. PAUL, Mr. BISHOP of New York, and Mr. CONYERS.

H. Res. 22: Mr. MCCAUL of Texas.

H. Res. 38: Mr. FRANKS of Arizona and Mrs. LOWEY.

H. Res. 54: Mr. GONZALES, Mr. MCHUGH, and Mr. WILSON of South Carolina.

H. Res. 61: Ms. WASSERMAN SCHULTZ and Mr. DAVIS of Illinois.

H. Res. 67: Ms. ESHOO and Mr. SMITH of Washington,

H. Res. 70: Ms. CORRINE BROWN of Florida, Mr. BACA, Mr. OWENS, Mr. SCOTT of Virginia, Mr. GONZALEZ, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. HENSARLING, Mr. CUMMINGS, and Mr. FORD.

H. Res. 84: Mr. DREIER, Mr. SHAYS, Mr. MANZULLO, Mr. EHLERS, Mr. HOEKSTRA, Mr. KENNEDY of Minnesota, and Mrs. MILLER of Michigan.

EXTENSIONS OF REMARKS

A TRIBUTE TO MS. GABRIELLA F. KOSZORUS-VARSA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to an extraordinary and remarkable artist, Ms. Gabriella F. Koszorus-Varsa. Ms. Koszorus-Varsa's work has been displayed internationally, from Santa Cruz, California, to Munich, Germany, including being featured prominently in the U.S. Capitol and the Hungarian Embassy in Washington, D.C. and in the Carnegie Hall in New York City. She has been heralded as a master of portraits, and figure compositions as well as sculptures.

Ms. Koszorus-Varsa's depiction of the charge of the cavalry during the battle of Charleston in ''Fidelissimus ad Mortem'' is a magnificent painting. Highlighting the contribution of Colonel Michael Kovats de Fabricy in the Revolutionary War, this painting was displayed in my office in the Capitol for many years. Using the closing line of the letter Colonel Kovats wrote to Benjamin Franklin when he offered his expertise in fighting for our independence, ''Fidelissimus ad Mortem'' (most faithful unto death) symbolizes how far a foreign national would go to help us achieve the ideal of freedom. After meeting with General Washington, he was given the charge of training the American Light Cavalry. Colonel Kovats led the light cavalry; the hussars, which were a legion made up of French, German, Poles and other nationalities. Colonel Kovats died in the battle of Charleston, South Carolina, on May 11, 1779.

Mr. Speaker, Ms. Koszorus-Varsa displayed her deft touch in creating this magnificent painting. Wanting to replicate the battlefield charge truthfully, she researched everything down to the most intricate detail—from the color of the uniforms to the kind of horses that would have been ridden and the formation that the hussars would use when attacking. The blue cloaks of the men flanking Colonel Kovats came from a book in the Library of the ''Daughters of the American Revolution'' as they paraded through Philadelphia. Colonel Kovats wears the prominent red uniform which he wore in one of his services as commander of the ''Free Hussars'' in the Army of Frederick the Great, King of Prussia.

Ms. Koszorus-Varsa, who memorialized the heroic deeds of Colonel Kovats, grew up in Budapest, Hungary as the daughter of the renowned art professor Elemer Fulop de Felsoeor. Following in her father's footsteps, she earned a Master's Degree from the Academy of Fine Arts in Budapest, Hungary, and began teaching at the American University in Heidelberg, Germany in 1947. Ms. Koszorus-Varsa and her husband, Colonel Ferenc Koszorus who was one of the great heroes of the Hungarian Holocaust, immigrated to the United States in 1951 with their son.

Mr. Speaker, she was commissioned to paint some of the most important moments and persons in American history. Dr. Robert Hutchings Goddard and his wife's bas-reliefs, commissioned by the Ramsey Fund at the National Air and Space Museum were made by Ms. Koszorus-Varsa. Her ''Composition in Memoriam of the Late Astronauts: Virgil Grissom, Edward H. White, and Roger B. Chaffee'' is currently being exhibited at the Alabama Space and Rocket Center. The Fleetwood Cover Service commissioned three First Day Cover designs from her: ''O! Say, Can You See'', ''Civil War Centennial'', and ''Champion of Liberty, Lajos Kossuth''. I also recall her wonderful painting of the first king of Hungary, Saint Stephen that was displayed at the Hungarian Embassy in Washington, D.C., which also houses her life-sized bust of Lajos Kossuth.

Mr. Speaker, Ms. Gabriella F. Koszorus-Varsa's work is inspiring and has the enduring quality that many artists seek. She has ensured that Colonel Kovats is properly remembered, as well as the astronauts who lost their lives in our quest to go to the moon. I invite my colleagues to view all of her wonderful paintings and sculptures.

A TRIBUTE TO THE HONORABLE DONALD M. PAYNE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life and work of a fellow colleague, The Honorable Donald M. Payne of New Jersey's 10th Congressional District Mr. Payne was recognized on Tuesday, February 15, 2005 as a recipient of the Essex County Dr. Martin Luther King, Jr. Leadership Award. It is only fitting that we honor our colleague Mr. Payne, in this, the permanent record of the greatest freely elected body on Earth.

Mr. Payne is truly a role model for the African-American community. His devotion to advancing human and civil rights on an international scale is unparalleled. While he is a proven leader in the Congress, Mr. Payne's devotion to improving the community at large began as a result of his deep roots in Newark, New Jersey.

A native of Newark, Mr. Payne attended Seton Hall University. After completing his undergraduate education, Mr. Payne pursued graduate studies at Springfield College in Massachusetts. His professional career commenced in the Newark Public Schools where Mr. Payne taught. He went on to hold an executive position with the Prudential Insurance Company following his tenure as Vice President of Urban Data Systems, Inc.

In 1988, Donald Payne achieved a milestone not only for himself, but for the entire African-American community of New Jersey. He was elected to the serve in this great body, the first for an African-American from New Jersey. Mr. Payne has used his position as a Member of Congress to further the cause of human and civil rights throughout the world.

His efforts have enabled Mr. Payne to travel throughout the globe to represent the United States government. He was one of five Members of Congress asked to accompany President and Mrs. Clinton on their six nation tour of Africa. As a member of the Balkans Caucus he met with NATO officials in Brussels to asses the crisis in Kosovo. This mission brought Mr. Payne to the frontlines of the devastation caused by the inhumane acts committed there.

Mr. Payne's diligent efforts to restore democracy and human rights throughout the globe have led him to bring to light the recent atrocities in Sudan. In the 108th Congress, Mr. Payne successfully guided the passage of a resolution declaring genocide in Darfur, Sudan. Additionally he saw the Sudan Peace Act come to fruition. This law, a comprehensive solution to the war in Sudan as well as a plan for famine relief efforts, was the result of more than 2 years work by many organizations. Anti-slavery groups, churches and community groups were among the organizations involved in working with Mr. Payne on this most important issue.

Mr. Payne has done much humanitarian work on both the international and local level. He has served on the board of directors of the National Endowment for Democracy, Trans-Africa, Discovery Channel Global Education Fund, The Boys and Girls Clubs of Newark, The Newark YMCA and the Newark Day Center.

While many of his efforts focus on correcting atrocities in developing nations, the implications extend far beyond the regions involved. His goal to improve the quality of life for those who cannot defend themselves is remarkable. Donald truly exemplifies the notion of a global community and that we are all responsible for our fellow man.

Mr. Speaker, I am honored to share the responsibility of representing communities in Essex County, New Jersey along with Mr. Payne. He is a true humanitarian and is more than deserving of the honor bestowed upon him today. I ask you to join with a grateful County of Essex and our colleagues in recognizing the truly outstanding achievements of the Honorable Donald M. Payne.

HONORING OAKLAND COMMUNITY HOUSING, INC.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the outstanding work of Oakland Community Housing, Inc. For the past 30 years, OCHI has provided a truly invaluable service to the community by producing and managing quality affordable housing throughout the East Bay.

OCHI came into existence in 1974, when the construction of Oakland's City Center resulted in the demolition of 12 square blocks in the downtown district. When grassroots organizations, including the Black Panther Party, the Oakland Citizens' Committee for Urban Renewal, and the Oakland Legislative Council for Seniors successfully sued the city for the replacement of the over 300 lost units, OCHI received the grant for that rebuilding project. That project was the first step in a journey which has enriched countless lives over the past 30 years.

Since the completion of that first project, Eldridge Gonaway Commons, in 1982, OCHI's construction on new projects has been continuous. In working to meet the rental and homeownership needs of low-income families, single adults, the formerly homeless, persons with substance abuse issues, mentally challenged adults, and seniors, OCHI has successfully completed over 1,000 units of affordable housing units on 18 properties. In addition to developing properties in a variety of ways to meet the diverse needs of the populations it serves, OCHI has also developed some of its properties in partnership with less experienced community housing developers as an investment in community capacity building. Indeed, when OCHI undertakes to construct or renovate a property, it not only builds a home for its future residents, but creates a new beginning that changes entire neighborhoods for the better.

OCHI recently celebrated its 30th anniversary, and I would like to take this opportunity to recognize its incredibly important work. With quality affordable housing so scarce in the Bay Area, OCHI has provided an invaluable resource to the communities it has served. I salute OCHI for its dedication to meeting the housing needs of low-income homeowners and renters in dozens of communities over the past 30 years, and for the profound and lasting impact its tireless work has had on countless lives.

HONORING DR. CATHERINE WINCHESTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Catherine Winchester for receiving the American Heart Association's Giving Heart Award. Dr. Winchester will be honored at the American Heart Association's Go Red for Women Luncheon on Thursday, February 17, 2005, in Fresno, CA.

In 1995, Dr. Catherine Winchester attained her Doctor of Medicine degree from the University of California-Irvine, College of Medicine. After receiving her degree she completed her internal medical residency at Stanford University Medical Center and completed a cardiology fellowship at University of California-Davis.

Dr. Winchester has tirelessly worked to raise awareness of the fact that heart disease is the No. 1 killer of women in the United States. She served as keynote speaker of last year's Go Red for Women luncheon and, as the only female cardiologist in California's Central Valley, she has empowered women to live longer and stronger lives through her efforts to help women identify risk factors for heart disease.

She is an ardent supporter of the American Heart Association's work to further medical research and advance knowledge in the areas of prevention and treatment of heart disease and stroke.

Mr. Speaker, it is my pleasure to honor Dr. Catherine Winchester for receiving the American Heart Association's Giving Heart Award. I urge my colleagues to join me in praising Dr. Winchester's efforts and in wishing her many years of continued success.

ESSEX HIGH SCHOOL MEDALS IN FIRST APPEARANCE IN CHEERLEADING CHAMPIONSHIP

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. SANDERS. Mr. Speaker, it is with great pride that I salute the Essex High School Cheerleaders, from Essex Junction, Vermont, for winning third place in the National High School Cheerleading Championship on February 12 in Orlando, Florida.

The Hornet cheerleaders were competing for the first time. But they knew they had something going for them, despite their relative inexperience: They had already won the first place award at the New England Regional qualifier last fall. That victory, of course, put them on a collision course with the nation's very best cheerleading teams, all thirty-one of them. After a tough preliminary round, Essex was in fourth place, one spot out of the medals. But they bore down in the finals, and leaped into the medals with a third place, outpaced only by the three-time national champion, Sparkman High of Alabama, and a talented team from Archbishop Shaw High School in Louisiana.

These exceptional young athletes and their coaches at Essex High School have worked long and hard to achieve this national recognition. Combining grace with athleticism, they have shown the nation that with determination and the desire to excel, any door may be opened, even a door leading to a top place in national competition.

All of Essex High School, all of Essex and Essex Junction, all of Vermont, are proud of these young women and men. May this be the beginning of a proud new tradition.

CONSUMER CHECKING ACCOUNT FAIRNESS ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mrs. MALONEY. Mr. Speaker, today I am reintroducing the Consumer Checking Account Fairness Act. This bill solves a pressing consumer banking problem. Under the Check 21 Act that we passed last year, money will leave consumers' accounts faster, but become available at the same old pace. Current check hold times, combined with the speeding up of check processing, create real problems for consumers.

The new Check 21 law facilitates the electronic clearing of checks, which means that checks consumers write will clear sooner. However, banks are still allowed to place the same long check holds on consumers' deposits.

For example: Jane Doe gets paid on Friday, deposits her paycheck Friday evening, and writes a check at the grocery store the next day. The check to the grocery store on Saturday clears on Sunday or Monday, but because Jane's bank puts a hold on her deposit, her paycheck funds cannot be used to cover her checks until the next Wednesday—even if the paycheck has in fact already cleared. If Jane's employer uses a non-local bank to issue her paycheck, Jane's bank can make her wait till the next Monday—ten calendar days—before her pay is available to cover the checks she writes.

Even if Jane's paycheck actually clears within a day or two, her bank does not have to lift the hold. Instead, Jane's bank can: bounce her check and charge her a "non-sufficient funds", NSF fee of$20 to $35. The grocery store may also charge a returned check fee or clear the check but charge a $20 to $35 "bounce protection" fee, and possibly a per day fee as well for each day before deposited funds are available to cover the check. Bounce protection may be a service she has never requested—and it may be invoked by the bank even though Jane had made a deposit to cover the check before writing the check.

This is patently unfair to consumers. Check hold times should be shortened, so consumers can use their deposits to cover the checks they write after making a deposit.

Check 21 only required that the Federal Reserve Board study check hold times, and gave the Federal Reserve Board until March 2007 to finish that study.

The "Consumer Checking Account Fairness Act" solves this problem. The bill:

Reduces check hold times by a day for deposits up to $7,500.

Counts Saturday as a business day toward the check hold period if the bank takes money out of consumer accounts on Saturdays.

Requires banks to process credits before debits: i.e. add deposits before deducting checks.

Prevents banks from charging bounced check fees when the deposit to cover the check has actually cleared but the hold period has not yet been completed.

Increases the ''small check'' amount, for which there is faster funds availability, from $100 to $500.

Requires banks that wish to charge for so-called ''bounce protection'' to get the consumer to request this feature before charging fees to the consumer for it.

Clarifies that deposits at proprietary ATMS are cleared as fast as deposits at a teller.

Requires that banks who charge a fee for a ''substitute check'' under Check 21 cannot insist that the consumer get a substitute check in order to have the bank put funds missing due to a processing error back into the consumer's account within ten business days.

The Consumer Checking Account Fairness Act is balanced and sensible. It preserves the ability of banks to prevent fraud. For example, it leaves in place the ability of a bank to impose a longer hold period for special circumstances, such as a new account or a recent history of bounced checks on an account. Also, the bill does not require banks to issue ''substitute checks'' under the Check 21 law without any fee; instead it simply says that if the bank decides to charge for the substitute check, then the bank cannot insist that the consumer get that document in order to exercise the consumer's right to a ten business day timeframe to get back funds lost due to a check processing problem, such as a check being paid twice.

Banks benefit from faster check-processing facilitated by Check 21. They should also have to give their customers faster credit for deposits.

FIRST LIEUTENANT KEVIN R. DENECKE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Michigan State Police, First Lieutenant Kevin Denecke. On January 28th, F/Lt. Denecke retired as the Commander of the Manistique State Police Post in Michigan's Upper Peninsula, closing the final chapter of his career dedicated to serving the people of the State of Michigan. F/Lt. Denecke's 25 years as a law enforcement officer and leader stand as a shining example to us all.

A native of the Detroit area, Kevin R. Denecke graduated from Edsel Ford High School in Dearborn, Michigan in 1974. He then went on to attend Northern Michigan University in Marquette where he earned a Bachelor of Science degree in law enforcement and security administration, graduating cum laude in 1978.

In the fall of 1979, Kevin began his career with the Michigan State Police as a graduate of the 96th Recruit School, and was assigned to the Munising Post. Over the years he has served in communities across the State of Michigan as a shift supervisor, a narcotics officer, on the Governor's security detail, and as a unit commander.

In May 1989, he was promoted to Detective Lieutenant and became the commander of the Upper Peninsula Substance Enforcement Team (UPSET). During his final tenure as commander of UPSET, his multi-jurisdictional street narcotics team covered twelve counties of Michigan's Upper Peninsula.

After three years leading UPSET, Mr. Denecke was promoted to First Lieutenant, and made commander of the Manistique Post. Known as ''the LT'' to the officers at the post, F/Lt. Denecke has earned a reputation throughout his career as a strong leader who goes out of his way to help the officers under him grow and advance professionally.

On a personal note, Mr. Speaker, as a former State Trooper myself, I have had the pleasure of knowing F/Lt. Denecke over the years, particularly during his time undercover and when he was on the Governor's detail. I have always enjoyed his friendship, and admired his service to the people of Michigan's First Congressional District.

Although F/Lt. Denecke's career with the Michigan State Police has ended, he will continue to serve the public as the Michigan Municipal Risk Management Authority's Upper Peninsula representative. In this new role, he will be helping local governments reduce their personal and liability risks while better serving their residents.

Mr. Speaker, I ask the House of Representatives to join me in thanking First Lieutenant Kevin R. Denecke for his 25 years of service to the people of the State of Michigan and in wishing him well in his new position. His commitment to community and to justice have been a model of public service. He will be missed by the Michigan State Police and the people he so competently and bravely served.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. FEENEY. Mr. Speaker, on the dates of February 8–10, 2005, I was absent from session attending to personal matters following the death of a family member. I was unable to attend 12 votes held during my absence. I would like to note for the record that had I been present I would have voted as follows:

''Yea,'' rollcall 20, February 8, H. Res. 46, on motion to suspend the rules and agree; ''yea,'' rollcall 21, February 8, H.R. 315, on motion to suspend the rules and pass; ''yea,'' rollcall 22, February 8, H.R. 548, on motion to suspend the rules and pass; ''yea,'' rollcall 23, February 9, H. Res. 71, on consideration of the resolution; ''yea,'' rollcall 24, February 9, H. Con. Res. 6, on motion to suspend the rules and pass; ''yea,'' rollcall 25, February 9, H. Con. Res. 26, on motion to suspend the rules and agree; ''yea,'' rollcall 26, February 9, H. Con. Res. 30, on motion to suspend the rules and agree, as amended; ''yea,'' rollcall 27, February 10, H. Res. 75, on agreeing to the resolution; ''nay,'' rollcall 28, February 10, H.R. 418, on agreeing to the amendment (NADLER); ''nay,'' rollcall 29, February 10, H.R. 418, on agreeing to the amendment (FARR); ''nay,'' rollcall 30, February 10, H.R. 418, on motion to recommit with instructions; ''yea,'' rollcall 31, February 10, H.R. 418, on passage.

HONORING ANNE MARIE FERGUSON OF THE LADIES ANCIENT ORDER OF HIBERNIANS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. WALSH. Mr. Speaker, I rise today to recognize the accomplishments and dedication of Anne Marie Ferguson to the Ladies Ancient Order of Hibernians State Board of New York State.

Anne Marie Ferguson, the LAOH New York State President, has been a dedicated member for 36 years. She is a Syracuse native who graduated from Bishop Ludden High School and then went on to graduate from Maria Regina College in Syracuse.

Her many years of dedication to the LAOH resulted in her becoming a board member some 12 years ago. This in turn led to her election as State President in July 2003 where she serves as a respected leader of this very important organization. The Hibernians clearly recognized the talent of this special person. I must also acknowledge with pride her continuing role as both mother and grandmother to her three children and two grandchildren. They are very proud of her with good reason.

It is an honor and a privilege to recognize the dedication of Anne Marie Ferguson to the Ladies Ancient Order of Hibernians State Board of New York State. Her service and dedication to this organization is greatly appreciated.

IN HONOR OF THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. CASTLE. Mr. Speaker, each year America hosts thousands of foreign students from around the globe. For those of us who develop a professional or personal relationship with any of these individuals, we are truly enriched by their different perspective on the world. My staff has been fortunate enough to host a young woman from Australia, Rhiannon Riches. Driven by her insatiable desire for knowledge and experience, Rhiannon has quickly become an asset to me, my staff, and the state of Delaware. Every day, her presence reminds us of the innumerable benefits available through cross-cultural exchange.

For over 100 years, Australia and the United States have enjoyed a unique partnership that has endured world wars, economic malaise, and our current battle with terrorism. This tradition continues through the Uni-Capitol Washington Internship Program, which provides Australian students with the opportunity to experience American democracy first-hand through internships with Congressional offices.

The Uni-Capitol Program is the pro bono effort of former long-time House and Senate staffer Eric K. Federing. During the 1990s, Mr. Federing made extensive visits to Australian universities, where he lectured on government, politics, and news media. These visits were his impetus for the successful program that Uni-Capitol is today.

Currently, there are seven universities participating from across Australia. A dozen students travel to Washington, DC annually as part of the exchange, which has received support from both the U.S. and Australian governments. In 2004, Mr. Federing's firm, KPMG LLP, recognized the significance of the program with a Chairman's Award for Excellence in Volunteerism. However, according to Mr. Federing, the enthusiastic students who embrace this incredible opportunity are the true beating heart of the program.

Mr. Speaker, I know that our experience has not been unique. The other students and congressional hosts in 2005 should be congratulated for participating in this exchange: Julian Barendse (Melbourne University) in the office of Sen. CHUCK HAGEL of Nebraska; Anna Birmingham (University of Western Australia) in the office of Rep. BOB NEY of Ohio and the House Administration Committee, majority; Kirstan Fulton (University of Wollongong) in the office of Rep. SAM FARR of California; Alethea Giles (Macquarie University) in the office of Rep. JERROLD NADLER of New York; Sana Nakata (Melbourne University) in the office of Rep. ALCEE HASTINGS of Florida; Yvonne Oberhollenzer (University of Queensland) in the office of Rep. LORETTA SANCHEZ of California; Lauren Reed (Deakin University) in the office of the House Transportation and Infrastructure Committee, minority; Peita Richards (Macquarie University) in the office of the House Administration Committee, minority; Anthony Skews (Melbourne University) in the office of the House Science Committee, majority; Luke Toy (University of Canberra) in the office of Sen. CHRISTOPHER DODD of Connecticut; and, Ariella Webb (Melbourne University) in the office of the House Small Business Committee, majority.

In closing, Mr. Speaker, I am grateful to our Australian friends for their unbridled enthusiasm, tireless work ethic, and friendship over these past two months. The relationships we have forged here will last a lifetime, and it is my sincere hope that every congressional office partake in a similar endeavor.

HONORING FREDERICK DOUGLASS IN CELEBRATION OF BLACK HISTORY MONTH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. WOLF. Mr. Speaker, in celebration of Black History Month, I would like to honor Frederick Douglass, a great advocate of human rights. The Caring Institute along with the National Park Service is celebrating the 187th birthday of Frederick Douglass with an event called "Honoring Frederick Douglass: A Celebration of Black History." The celebration was held at Ford's Theatre on February 14.

Frederick Douglass was born into slavery, and after eventually buying his freedom he went on to become a popular orator, author and publisher. He fought against discrimination of all types throughout his lifetime. Mr. Douglass played a great role in bringing about the abolition of slavery in America. He worked for women's rights as well, stating, "I would give women the vote, precisely as I insisted upon giving the colored man the right to vote. Right is of no sex—truth is of no color—God is the Father of us all and we are all brethren." Toward the end of his life, Mr. Douglass served as a recorder of deeds and marshall for the District of Columbia and also as an ambassador to Haiti.

I encourage my colleagues to remember this great man during this month honoring those who have played such an important part in our Nation's history.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Ms. ESHOO. Mr. Speaker, due to reasons beyond my control, I was unable to vote February 8 through February 10 of this year. I would like the RECORD to reflect how I would have voted on the following votes.

On rollcall vote No. 20 I would have voted "yea," on rollcall vote No. 21 I would have voted "yea," on rollcall vote No. 22 I would have voted "yea," on rollcall vote No. 23 I would have voted "no," on rollcall vote No. 24 I would have voted "yea," on rollcall vote No. 25 I would have voted "yea," on rollcall vote No. 26 I would have voted "yea," on rollcall vote No. 27 I would have voted "no," on rollcall vote No. 28 I would have voted "yea," on rollcall vote No. 29 I would have voted "yea," on rollcall vote No. 30 I would have voted "yea," on rollcall vote No. 31 I would have voted "no."

INTRODUCTION OF BIKE COMMUTER ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. BLUMENAUER. Mr. Speaker, today, Congressman MARK FOLEY and I are introducing legislation to extend commuter benefits to bicyclists. This important legislation includes bicycles in the definition of transportation covered by the qualified transportation fringe benefit.

Currently, employers may offer a Transportation Fringe Benefit to their employees for commuting to work. Employees who take advantage of this program may receive a tax exemption benefit totaling $200 for participating in qualified parking plans or $105 for transit or van-pool expenses. Employees may also opt to take cash compensation instead, which is subject to employment taxes. The Bike Commuter Act would extend these same Transportation Fringe Benefits to employees who choose to commute by bicycle, eliminating the disincentive for this alternative mode of transportation.

It's time to level the playing field for bicycle commuters. Bicycling is one of the cleanest, healthiest, most energy-efficient and environmentally friendly modes of transportation that exist today. Nearly 500,000 Americans already ride their bicycles to work on a daily basis, and 52 percent of Americans want to bike more than they do. According to the Bureau of Transportation Statistics, bicycles are second only to cars as a preferred mode of transportation, demonstrating their significant potential for commuter use. Many Americans own one or more bicycles, but limit their use to recreational purposes. At a time when communities across the country are seeking to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, and decrease petroleum dependence, bicycles offer a wonderful alternative to driving for the more than 50 percent of the working population who commute five miles or less to work. In addition, since the adoption of ISTEA in 1991, Federal spending on bicycle facilities and infrastructure has increased dramatically, contributing to a significant improvement in the bicycling environment in a variety of communities.

This legislation is an important step in making the Federal Government a better partner for more livable communities. The Federal Government should further support these goals by providing transportation benefits to people who choose to commute in a healthy, environmental, efficient and neighborhood-friendly fashion.

A TRIBUTE TO JOYCE WILSON HARLEY, ESQ.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a woman I am proud to represent in Congress, Joyce Wilson Harley, Esq. Ms. Harley was recognized as a recipient of the Essex County Dr. Martin Luther King, Jr., Leadership Award on February 15, 2005.

It is only fitting that Joyce Wilson Harley be honored in this, the permanent record of the greatest freely elected body on Earth, for she has a long career of dedication to public service.

Joyce's recognition today as a recipient of the Essex County Dr. Martin Luther King, Jr. Leadership Award is quite appropriate. As the first African American elected to the Board of Trustees for the Village of South Orange, Joyce has been a leader and a role model in the African-American community.

After completing her honors degree at the Douglass College of Rutgers University, Joyce went on to complete her Juris Doctorate at Rutgers Law School. In addition to serving as a Village Trustee in South Orange, Joyce was also elected Village President.

Prior to assuming her current position as Executive Director of the Newark Downtown

District, Joyce has held numerous positions in the area of community and neighborhood development. One of her most prominent roles was during her tenure as the Executive Director of the New Jersey Multi City Local Initiatives Support Corporation (LISC). Under her leadership, NJ LISC expanded its investment in the 14 municipalities it serves to twice its original size.

Ms. Harley's devotion to community development extends far beyond simply completing the task at hand. Her efforts were instrumental in the state of New Jersey implementing a Neighborhood Revitalization Tax Credit law. This law brings $20 million in new investment in New Jersey's most distressed cities.

Beyond her post with the Newark Downtown District, Joyce also donates her time for other worthy projects. She is currently the president of the Board of Trustees of the Newark Emergency Services for Families. Ms. Harley is also a past president of the Association of Black Women Lawyers of New Jersey.

Mr. Speaker, I am far from the first to recognize the outstanding contributions of Ms. Harley. In addition to receiving numerous awards for her work as the Director of Community Development for First Union and Fleet Banks, Joyce has also been recognized twice by the New Jersey State Legislature.

The New Jersey State Council on the Humanities awarded Joyce its first ever Civic Leadership award. In 2003 the Women in Support of the Million Man March awarded Joyce the coveted Community Relations award for her leadership in facilitating the receipt of financial assistance by community groups throughout the state in order to complete much needed neighborhood revitalization projects.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to learning about and recognizing the extraordinary efforts of individuals such as Ms. Harley. I ask that you join our colleagues, Joyce's family and friends, the County of Essex, New Jersey and me in honoring Joyce Wilson Harley, Esq. for her history of leadership and community service.

HONORING THOMAS C. FLEMING

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary contributions of Thomas C. Fleming, an icon in the history of African-American journalism. Tom has led a distinguished career as a print journalist for more than 70 years, working during the majority of that time for the African-American newspaper he co-founded in 1944, the San Francisco Sun-Reporter. On this date, the day before his 97th birthday, Tom will be recognized in a ceremony marking not only the renaming of the library at New College of California, East Bay in his honor, but also a lifetime of truly outstanding achievement and leadership within the black community as well as the journalistic profession.

Born in Jacksonville, Florida, Tom spent his early childhood years there with his grandmother, who he believes was a former slave. He then spent a brief period living in Harlem during the years leading up to World War I, before finally moving to Chico, California in 1919. Upon his graduation from Chico High School in 1926, Tom worked as a bellhop for the Admiral Line, and then as a cook for Southern Pacific Railroad before entering the field of journalism in the 1930s as an unpaid writer for the Spokesman, a progressive black newspaper in San Francisco. He soon returned to Chico, however, and studied political science at Chico State University for three semesters during the height of the Great Depression. He then returned to the Bay Area, where he worked briefly for the Oakland Tribune in 1934, making him the only black journalist to work for a daily newspaper on the West Coast.

In 1944, Tom became the founding editor of a San Francisco newspaper called the Reporter, which was soon merged with a paper owned by his closest friend, legendary civil rights leader Dr. Carlton B. Goodlett. The publication that emerged, the San Francisco Sun-Reporter, is still in print, and is one of the longest-running African-American newspapers in the country. During the civil rights movement, when many African-American publications struggled to find enough advertising money to keep them in business, Tom remained devoted to the black press, and became renowned for the work he did reporting on this era. Throughout the 53 years he spent writing for the Sun-Reporter, Tom met and shared the struggles of several historic figures in the black community, such as Langston Hughes, Malcolm X, Thurgood Marshall, and Dr. Martin Luther King, Jr. He also became well-known for writing a series of eighty columns entitled ''Reflections on Black History,'' and for receiving the Career Achievement Award for Print from the Northern California Chapter of the Society of Professional Journalists.

Although Tom retired from writing full time for the Sun-Reporter in 1997, he still writes a column and editorials for the paper, in which he continues to be an advocate for truth, equality, and social justice. By remaining active in and dedicated to this work for over 70 years, Thomas Fleming has contributed immeasurably to Alameda County and the San Francisco Bay Area. On behalf of the 9th Congressional District, I salute and congratulate him for his many years of invaluable service.

HONORING MICHELLE GIANNETTA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Michelle Giannetta of Fresno, CA upon receiving the Champion of Hearts Award from the American Heart Association. Mrs. Giannetta will be presented with the Champion of Hearts A ward at the American Heart Association's Go Red for Women Luncheon on Thursday, February 17th, 2005 in Fresno, CA.

Michelle Giannetta is a true inspiration to us all. As an active volunteer for her local American Heart Association chapter, Michelle has offered her personal experience to help others recognize the risk of heart disease.

Young and athletic, Michelle received the shock of her life when she discovered she suffered from a rare heart condition. At the age of 28, Michelle endured a near fatal heart attack when the artery into her heart spontaneously dissected. It is the same rare heart condition that took the life of actor John Ritter.

After undergoing a grueling triple bypass operation, she remained under close watch in an intensive care unit, surviving with the aid of a balloon pump. Young and in peak physical condition, she realized that many, especially young women, need to understand the threat of heart disease.

Since then, Michelle has worked tirelessly to increase awareness of heart disease throughout her community. She serves on numerous committees of her local American Heart Association chapter and has helped to organize events, such as the Fresno Heart Walk, an offshoot of the American Heart Association's National Heart Walk, an event that occurs each year in some 600 cities and has raised more than $406 million for research and educational programs. In addition, Michelle is a local spokeswoman for the American Heart Association's Go Red for Women campaign launched in February 2004.

In addition to her volunteer efforts, Michelle Giannetta continues to help others by serving in my Fresno congressional district office as a Staff Assistant, specializing in immigration matters.

Michelle, together with her husband Bret, have two sons, Alex and Matthew.

Mr. Speaker, I rise today to honor Michelle Giannetta on the occasion of receiving the American Heart Association's Champions of Heart Award. I urge my colleagues to join me in wishing Michelle many more years of continued success.

RECOGNIZING THE IMPORTANCE OF ''NO FEAR NO FUTURE'' PROGRAM IN LAFAYETTE, LA

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize the importance of NO FEAR NO FUTURE: A Campaign Against Drinking and Driving. This very worthwhile program is sponsored by the Junior League of Lafayette, LA and is being presented today and tomorrow to the very distinguished students of Acadiana High School.

The purpose of this program is to promote responsible decisionmaking by high school students regarding drinking and driving. The program demonstrates how irresponsible decisions can end all dreams for both those who choose to drink and drive and those who end up being the innocent victims of those drivers. Too many families have been shattered because of irresponsibility, and it is my hope that this program can change the mindset of our young people and save lives.

I applaud the Junior League of Lafayette for taking an interest in bettering the lives of our future generations, and I applaud the students of Acadiana High School for taking it upon themselves to guarantee that their friends and classmates do not become a statistic. There are choices that every student will be faced with. My hope is that through this campaign, the bright students of Acadiana High School and of all schools throughout the 7th District, realize that drinking and driving is never an option. NO FEAR really does mean NO FUTURE.

CHINA'S ANTI-SECESSION LAW

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. SESSIONS. Mr. Speaker, in mid-January China and Taiwan agreed to allow direct flights between the Chinese mainland and Taiwan during this year's Lunar New Year holidays. This agreement was considered a breakthrough in cross-strait relations and could signal the beginning of a thaw in relations. Unfortunately, we learned that in March this year Beijing will enact an anti-secession law, the intent of which is to force unification on Taiwan.

The anti-secession law assumes China's jurisdiction over Taiwan and gives China the right to invade Taiwan when and if China considers the invasion necessary. This law severely erodes Taiwanese people's goodwill for China. In recent years, Taiwanese businesses have invested as much as $100 billion in China and have directly created the Chinese miracle of unprecedented economic growth and prosperity. Instead of reciprocating Taiwanese goodwill, China is now attempting to lay the legal groundwork for China's possible invasion of Taiwan.

Mr. Speaker, it is now time for us to speak up against China's proposed anti-secession law. It is an unfriendly law against the Taiwanese people as well as a provocative law threatening to change the status quo in the Taiwan Strait. It is possible that the peace-loving Taiwanese people may seek their own legislation against China's annexation attempt. This will, in turn, inflame Chinese leaders and provoke them to enact even harsher legislation against Taiwan. Consequently tensions will rise and war in the Taiwan Strait will become a possibility.

It is still not too late for the Chinese authorities not to enact the anti-secession law against Taiwan. Taiwanese people and their leaders are all peace-loving people who do not seek to change the status quo in the Taiwan Strait. Why must China take upon itself to unilaterally change the status quo?

Friends of Taiwan in the United States must make clear to China that the United States will not stand idly by if China uses force against Taiwan. Taiwan Relations Act assures Taiwan of our concern over any military action against Taiwan. The United States will not allow China to impose its own style of government on the unwilling Taiwan. Taiwanese people must be given their own voice of self-determination regarding their future, and their liberty mustn't be taken away from them by any adversary.

IN MEMORY OF MUFF SINGER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to the memory of Muff Singer, my former administrative assistant and dear friend. After a long and bitter fight with ovarian cancer Muff died on January 16, 2005.

Muff was born in Chicago, February 14, 1942, and early in life she became involved with the struggle for progressive social change through the political process. While at the University of Texas in the early 1960s she participated in civil rights picket lines, protesting the racial segregation of the University dormitories and Austin movie theaters. Muff led the way for the racial integration of one of the University's honor societies. She graduated Phi Beta Kappa in 1964 and then attended New York University for a year of graduate work in history. She joined the Peace Corps in 1965 and taught language for two years at the Iwahig Penal Colony on the Island of Palawan, Philippines. She returned to California to work in the presidential campaign of Senator Robert F. Kennedy in 1968 during which time she met her future husband Rick Tuttle.

I was introduced to Muff through Rick Tuttle, my good friend from UCLA. Muff became my campaign coordinator for my first race for the California State Assembly, performing Herculean tasks 18 hours a day, seven days a week, for more than seven months. In an unbelievably chaotic, extremely competitive and often nasty political campaign, she conducted herself with strength, determination, grace and aplomb.

For ten years, she was my Administrative Assistant, running my district office while I served in the State Assembly. I could have done no better. She led, inspired and motivated a remarkable staff and dealt with a plethora of constituent demands—always with dedication, good judgement and tenacity. With Muff at the helm, I was able to concentrate on my legislative and political goals in Sacramento, confident in the knowledge that she was taking care of the home front, representing me with dignity, loyalty, competence and integrity. Many of my constituents lives were better because of her efforts.

A study in contrasts, Muff was slight of build and soft of voice but had a ferocity and passion for the righteous way that could bowl over those that stood in her way. Her earnest and serious demeanor belied an incredibly droll wit and joyful bemusement for life's whimsical turns. She was immune to the common political affliction of taking herself too seriously. She saw and participated in the defeat and compromises of political life on a regular basis, yet it never diminished her ardor for justice or her commitment for the less fortunate. She was thrust into the flare of public life, but remained a very private person. In a preening and boastful profession, she always maintained the modesty, humility and empathy that attracted so many of us to her in the first place.

Muff left the Assembly in 1981 to become a full time mother and begin a new career—author of children's books. She had already published her first book, the "Mystery Reader's Quiz Book", co-authored with Robert A. Wager and Aneta Corsault. Muff wrote or co-wrote more than 35 books for toddlers and preschoolers. In addition to picture books, she co-wrote with Nancy Lamb a book for older children, "The World's Greatest Toe Show," which received great reviews. She often said her favorite book was one written with her daughter Sarah called "Look Around with Little Fish."

Muff is survived by her husband, former Los Angeles City Controller Rick Tuttle, her daughter Sarah, her parents Bernard and Goldryn Singer, sister Caren and a niece and nephew.

Mr. Speaker, I asked my colleagues to join me to honoring the legacy of Muff Singer who lived an incredible, fulfilling and inspirational life.

HONORING AFRICAN AMERICAN HISTORY MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Ms. SOLIS. Mr. Speaker, I rise to recognize and honor the past and present achievements of African Americans as we celebrate African American History Month.

African Americans in arts, business, education, literature, music, politics, science and sports have helped shape the nation. Overcoming enormous obstacles and racial barriers, the African American community has made enormous contributions to our everyday world. Let us remember not only outstanding heroes such as Dr. Martin Luther King Jr., Frederick Douglass, and former Congresswoman Shirley Chisholm, but also the extraordinary lives of ordinary people who have helped build our great nation.

This year, I want to acknowledge and thank the thousands of the African Americans serving in the Armed Services. African Americans have fought with distinction in every war since the Revolutionary War. We honor this proud history and all African Americans who risk their lives defending freedom and democracy. We are grateful for their service.

During this month and throughout the year, I encourage those living in California's 32nd Congressional District and around the country to take the time to learn about the vast accomplishments of African Americans and honor African American history.

INTRODUCING THE KEEPING FAMILIES TOGETHER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. STARK. Mr. Speaker, I rise to join Congressmen RAMSTAD and KENNEDY in introducing the bipartisan, bicameral "Keeping

Families Together Act.'' This bill would help parents obtain necessary mental health treatment for their severely emotionally disturbed children without being forced to relinquish them into State custody to get that care. Senators SUSAN COLLINS (R–ME) and MARK PRYOR (D–AK) are introducing the companion legislation in the Senate.

No family should be required to relinquish legal custody of their mentally ill child to a State child welfare agency or the juvenile justice system as their only means of obtaining desperately needed mental health services. Yet as Maryland resident Diana Miller recounted to me last year, State officials gave her this exact ultimatum when she sought potentially life-saving mental health care for her daughter, Erica.

Tragically, Diana and Erica Miller are not alone in their predicament. In April 2003, the GAO reported that parents in 19 States placed over 12,700 children in State child welfare or juvenile justice agencies in 2001 to obtain mental health services for them. We know that the nationwide number is even higher because 31 States did not respond to the survey.

According to GAO, these middle class parents find themselves trapped between not having the resources to pay for private mental health care and making too much money for their children to be eligible for Medicaid. Parents are therefore forced to choose between not treating their child's severe illness and transferring custody to the State, which has the resources to provide the necessary care. Families wind up torn apart at the expense of the taxpayers.

A Bazelon Center for Mental Health Law further elaborated on the situations that cause parents and guardians to give up their seriously emotionally disturbed children to State agencies. These situations include the following:

The family has either exhausted their private health insurance benefits, or their benefits do not cover required mental health services (e.g. Residential Treatment Program).

The family lives in a State or jurisdiction in which Medicaid services do not adequately address mental health needs, and agency placement provides access or priority status for entry into needed care.

The family lives in a State or jurisdiction in which children are deprived of federally mandated mental health services through the Individuals with Disabilities Act (IDEA) as a result of an exceedingly restrictive definition of serious emotional illness. That is, these schools often label these children as solely ''discipline problems.''

The family lives in a State or jurisdiction in which the local child welfare system erroneously interprets Federal law (Title IV–E of the Foster Care and Adoption Assistance Program) as requiring relinquishment of custody even for temporary out-of-home placements.

As all of these reports highlight, families are acting out of desperation to get immediately needed mental health services for their children. The juvenile justice and child welfare systems have become the mental health providers of last resort for far too many families.

Both the child welfare system and juvenile justice systems are ill-equipped to meet these children's needs. Even worse, the psychological bond between parent and child is unnecessarily disrupted. Their children feel abandoned and their parents feel guilty over turning their parental rights and decisionmaking authority to a State agency.

The stigma is real to families themselves and to those around them. Good parents don't have their children taken away. But, in fact, the need to relinquish custody in these instances doesn't have anything to do with parenting skills. It has everything to do with our system being broken and continuing to allow these children with significant mental health needs to fall through the cracks.

We have known about this problem for many years. In fact, I first introduced legislation in 1995 attempting to address this issue. Since then I have been working with my colleagues to educate the public and other members of Congress about this issue and to find a bipartisan solution.

Our legislation, the ''Keeping Families Together Act'' is the result of this bipartisan and bicameral process. Our bill provides new funding to States that are willing to develop systems that assure these children get the mental health services they need without pulling apart their families.

It provides $55 million over 6 years in new family support grants to States that are willing to end the practice of child custody relinquishment and cover all these children's mental health services under Medicaid, CHIP or any other health program of their choosing. These monies can then be used to improve access to mental health and family support services that keep families together. They can also be used to create Statewide care coordination programs and to deliver mental health care and family support services for these families.

Additionally, the bill establishes a Federal interagency task force. The task force will monitor the family support grants and work with representatives of affected families to make recommendations to Congress to improve mental health services and to foster interagency cooperation. The task force is also required to provide biannual reports to Congress on its progress in improving the delivery of mental health services to seriously ill children.

The bill also provides States with the option of moving children out of hospital-based psychiatric care and into home- and community-based care options, which will allow them to remain with their families.

The ''Keeping Families Together Act'' is an important first step toward eliminating child custody relinquishment. I look forward to working with my colleagues to quickly enact this legislation so States can develop innovative new programs that address these children's mental health needs while keeping their families together. Once we've learned what has effectively worked at the State level to restructure these programs, we will need to return to this issue at the Federal level and enact broad legislation to end the practice of forced child custody relinquishment nationwide.

TRIBUTE TO ADA'S GIVE KIDS A SMILE PROJECT

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. CANTOR. Mr. Speaker, earlier this month, on Friday, February 4, the American Dental Association marshaled thousands of dentists and other volunteers across the country to provide dental services to hundreds of thousands of children who otherwise would not receive them.

The year 2005 marks the third consecutive year for the ADA's Give Kids A Smile/National Children's Dental Access Day, a project the ADA and its 152,000 member dentists are committed to continuing until the nation's most vulnerable children have access to proper dental care.

In what former Surgeon General Dr. David Satcher called a ''silent epidemic,'' millions of American children suffer with painful, disfiguring and preventable dental disease. They cannot eat or sleep properly, cannot pay attention in school, cannot smile. They deserve better.

ADA, its corporate partners and the thousands of individuals who participate in Give Kids A Smile are determined to wake the nation up to the extent and severity of untreated dental disease among disadvantaged children. I urge every member of this House to join them in that effort. One important way we can do that is to show our support by attending one or more Give Kids A Smile events in our home districts. You may be dismayed by the conditions some of these children live with, but you'll also be inspired by the spirit, energy and generosity of your constituent volunteers.

Please contact your state or local dental association and show your support for Give Kids A Smile. Your doing so will lend momentum to the quest for long-term solutions and be a wonderful inspiration to the volunteers.

CHINA'S PROPOSED ANTI-SECESSION LAW

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. SIMPSON. Mr. Speaker, I join my colleagues in expressing my grave concern over China's proposed anti-secession law. This highly provocative law greatly increases the risk of a military confrontation across the Taiwan Strait. Specifically, it assumes China and Taiwan are now unified, and it gives China the right to punish anyone expressing separatist sentiments or engaging in separatist activities. Ultimately, China may use force to push for unification with Taiwan, a scenario we all must work to prevent. This law would have serious consequences for relations between China and Taiwan, and it would threaten stability in the region.

In my district, Idaho State University has developed a unique program, the only program of its kind in the United States, to provide a

language and cultural education program for junior diplomatic officers in the Ministry of Foreign Affairs. I have spent time discussing the American political system and current events in Taiwan with the junior diplomats, and they have repeatedly expressed their country's desire to avoid confrontation with China. These students look to the United States as a model of freedom and democracy.

Mr. Speaker, we do not need military confrontation in the Taiwan Strait now or anytime in the future. I urge the Chinese leaders to reject the anti-secession law, and I hope the international community will join us in voicing their disapproval of this provocative and dangerous law. Inaction by the United States will only serve to encourage China to escalate its political rhetoric and belligerent action against the democratic Taiwan.

TRIBUTE TO THE CENTRAL BRANCH OF THE ST. LOUIS PUBLIC LIBRARY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to the Central Branch of the St. Louis Public Library. I am extremely honored to commend them for being recognized as one of the 12 most beautiful and historic libraries in the world. They further hold the distinction as being only one of three U.S. libraries chosen for this honor.

The Central Library building is one of St. Louis's architectural treasures. Architect Cass Gilbert who was the architect for the Saint Louis Art Museum, the U.S. Supreme Court Building in Washington, DC, and the Woolworth Building in New York City was selected to design the building, which opened in 1912.

The Central Branch occupies one city block and features beautiful stained glass windows, hand-stenciled ceilings and glass floors. The exterior of the building is granite with marble panels and relief carvings, decorative medallions, notable authors and inspirational inscriptions. The Periodical Room's carved ceiling is adapted from Michelangelo's design for the ceiling of the Laurentian Library in Florence and boasts more than 800 current magazines and newspapers.

While an architectural marvel, the library also assists the community with bridging the link between all cultures and nationalities by providing special services to Bosnian, African, Hispanic, German and Asian members of the community through extensive access to books and films in their own language. The Library is also involved in community outreach efforts providing book services to day care and senior centers. It also provides the gift of reading to those who are home-bound by operating bookmobiles and sending books through the mail.

Mr. Speaker, the Central Branch of the St. Louis Public Library has been recognized for its historic beauty and architectural wonder, and its commitment to serving an ever changing landscape of cultures and nationalities; it deserves to be honored for its vital role in educating the leaders of tomorrow.

A TRIBUTE TO THE HONORABLE WILLIAM D. PAYNE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life and work of a man whose many achievements I am proud to recognize today, the Honorable William D. Payne. Assemblyman Payne was recognized as a recipient of the Essex County Dr. Martin Luther King, Jr. Leadership Award. It is only fitting that he be honored in this, the permanent record of the greatest freely elected body on Earth.

After completing a Bachelor of Arts in Political Science at Rutgers University, Bill began his professional career with the Essex County Welfare Board as a caseworker. His commitment to public service commenced during his tenure as a caseworker and continues today.

Bill's involvement in politics started long before his career in the New Jersey Legislature. As the chairman of the Payne Congressional Campaign Committee in 1988, Bill successfully led the effort to elect his brother, DONALD, to the United States House of Representatives. This was not only a victory for the Payne family, but one for the African American community of New Jersey as well. DONALD PAYNE was the first African-American elected to represent New Jersey in the House of Representatives.

Bill has held several positions that exemplify his devotion to his community. As executive director of One to One New Jersey, Bill oversaw a non-profit organization dedicated to encouraging volunteerism and mentoring among New Jersey adults. The participants in the program worked to improve the quality of life for disadvantaged youths and their families.

His commitment to the Essex County community was evident during his tenure with the Essex County Improvement Authority and the Newark Housing Authority, the country's 8th largest public agency. Bill has also donated his time to the Greater Newark Chamber of Commerce Executive Committee, the United Negro College Fund Corporation Committee and the Federal Reserve Bank of New York Small Business Advisory Council.

Prior to his election to the New Jersey General Assembly, Bill bad transitioned into the private sector, establishing William Payne and Associates. Having an extensive background in community service, international government relations and the corporate world; Assemblyman Payne's company specializes in government relations and marketing.

In 1998, William Payne reached the pinnacle moment of his career, when he was elected to represent the 29th Legislative District of New Jersey. Bill holds many positions within the legislature including Commissioner of the Amistad Commission. This commission is a result of his diligent efforts to pass The Amistad Act, a law which requires the inclusion of African-American history in the year-round curriculum for New Jersey's public schools.

The County of Essex and I are far from the first to recognize the many accomplishments of Assemblyman Payne. He has been honored by many community organizations including The Jaycees, the NAACP, The North Ward Cultural Center and the Newark Board of Education to name a few.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the extraordinary efforts of public servants like Bill Payne. I ask that you join our colleagues, Bill's family and friends, the great County of Essex, New Jersey and me in recognizing Assemblyman William D. Payne for his long history of leadership and community service.

A PROCLAMATION RECOGNIZING JO ANN DAVIDSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Jo Ann Davidson has been selected to serve as the co-chairman of the national Republican Party; and,

Whereas, Jo Ann Davidson was the first woman to serve as Speaker of the Ohio House, maintained a 20 year career in the Ohio House, and was a driving force behind the passage of a complex electricity deregulation bill in 1999; and

Whereas, Jo Ann Davidson should be commended for her work during the grassroots efforts of the 2004 Ohio Republican Party campaign in the Ohio Valley region.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Jo Ann Davidson for her outstanding appointment.

LEADER IN EDUCATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor and congratulate Dr. Pete Mehas, of Fresno California. Dr. Mehas has been Fresno County's Superintendent of Schools since 1990, and is being honored by the Kremen School of Education and Human Development.

Dr. Mehas was born and raised in Fresno, graduated from Fresno High in 1957, and earned his Bachelor's degree from California State University, Fresno. He continued his education at University of California, Los Angeles, where he received his Master's degree, and went on to University of Southern California, where he secured a Doctorate in Education.

Pete has served the public for many years as an educational advocate. He was Secretary of Education to Governor George Deukmejian, and also a member of the California State Board of Education and Board of Governors for California Community Colleges.

His efforts have not gone unnoticed—Dr. Mehas has been appointed by four presidents

and three governors to major commissions, boards, and advisory committees committed to making education a priority throughout our Nation. He has appeared on national television's NBC's "Today" show and ABC's "Good Morning America," and was the only educator invited to address the National Republican Convention in Houston, Texas in 1992.

Dr. Mehas' accomplishment list is long and includes USC School of Education Distinguished Lecturer, CSU Fresno School of Social Science Distinguished Alumni Award, Honorary Life Member in the National Congress of Parents and Teachers, NAACP Presidents Award, Rose Ann Vuich Ethical Leadership Award, and most recently the Kremen School of Education and Human Development "Noted Alumni Recipient" for significant contributions in the field of education.

His efforts have been exhaustive, and we are continually lucky that his family, wife Demi and daughters Alethea and Andreanna have been willing to share all that Dr. Mehas has to offer—he has made an amazing impact on our community.

SIKH LEADER AGAIN SPEAKS OUT FOR FREEDOM FOR KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. TOWNS. Mr. Speaker, there are encouraging developments in the fight for freedom for minorities in India. It looks like the people of Nagaland are making progress in their negotiations with India to achieve autonomy. This is a potentially significant development that will begin, at long last, the unraveling of the web of Indian oppression. Can Kashmir and Khalistan be far behind?

To add to this, the fire of freedom continues to burn as brightly as ever in Punjab, Khalistan. On December 7, a Sikh leader named Simranjit Singh Mann, who is a former Member of India's Parliament and has held events right here in the Capitol and met many Members of Congress, again spoke out for independence for the Sikh homeland, Khalistan. Mr. Mann put his party, the Akali Dal, Amritsar, on record for independence. He pledged that he would lead a peaceful movement for independence, which he said was a dream of the Sikh people that "will be materialized one day." It looks like that day is getting closer.

The government of Punjab acted last year to cancel all water agreements with the other states in India, by which Punjab's water was being diverted to those other states. In so doing, they declared the sovereignty of the state of Punjab. Imagine that, Mr. Speaker. They are openly claiming their sovereignty. This is good to see.

Mr. Speaker, when India became independent, the Sikhs were supposed to get an independent state in Punjab. But the Indian leaders assured them they would have "the glow of freedom" there, so they stayed with India. Well, that "glow of freedom" has taken the lives of over 250,000 Sikhs as well as over 300,000 Christians in Nagaland, over 89,000 Kashmiri Muslims, and tens of thousands of other minority people. It has resulted in 52,268 Sikhs being held as political prisoners under a repressive law called TADA that expired in 1995. It is time for real freedom for the Sikhs, the Nagas, the Kashmiris, and all people in the subcontinent.

The essence of democracy is self-determination. If India wants to be treated as a democracy, it must allow self-determination and all other rights to all its citizens. We should not provide any money to India until it does. In 1948, India promised to hold a plebiscite to let the people of Kashmir decide their status. It's now 56 years later and they are still waiting. Similarly, the demand for self-determination in Khalistan, in Nagaland, and elsewhere has been met with nothing but violent resistance. Is that democracy, Mr. Speaker? Is that freedom?

The Tribune, a newspaper in Chandigarh, Punjab, carried excellent coverage of Mr. Mann's remarks in its December 8 issue. I would like to place that article in the RECORD at this time for the information of my colleagues.

[From the (Chandigarh, India) Tribune, Dec. 8, 2004]

MANN REVERTS TO SOVEREIGN PUNJAB THEME

LUDHIANA, Dec. 7.—Shiromani Akali Dal (Amritsar) supremo Simranjit Singh Mann yesterday reverted to the theme of sovereign Punjab, declaring that his party would launch a peaceful movement to realise this dream. He said his party had never given up the demand for a separate and sovereign Punjab as the Sikhs' was a separate nationality, foundations of which had been laid down by Guru Gobind Singh himself.

Mr. Mann, who was here to preside over a meeting of the party office-bearers at Gurdwara Akalgarh, said to ensure lasting peace in South Asia in the face of deep hostility between "Hindu civilisation (India) and Muslim civilisation (Pakistan)", it was in the interest of the people of the region to create a neutral and buffer sovereign state.

He maintained that the foundations for a separate sovereign Sikh state had been laid down by Guru Gobind Singh and Banda Singh Bahadur followed by Maharaja Ranjit Singh. This dream was furthered by "Sant Jarnail Singh Bhindranwale" and "would be materialised one day". He said since both Pakistan and India had nuclear weapons, it was necessary that some buffer state should be created so that the two countries did not come face to face with each other.

Mr. Mann refused to give the geographical outline of the "sovereign state" envisioned by him. He evaded an answer to a question whether it included the part of the state which is now with Pakistan.

Welcoming the close cooperation between the Pakistani Punjab and the Indian Punjab, Mr. Mann claimed it was he who had initiated this move by demanding way back in 1990 that the border between the two Punjabs should be opened up for the people to cross over.

To a question on the demand of the Dal Khalsa that ban on cow slaughter in Punjab should go, Mr. Mann said he or his organisation had nothing to do with that organisation (Dal Khalsa). At the same time, he said, he or his party would not like to hurt the sentiments of a majority of people as "Hindus held the cow to be sacred and their sentiments should be respected".

Mr. Mann also accused Shiromani Akali Dal leader Parkash Singh Badal of having connived with Hindu organisations in demolishing the Babri mosque. He alleged that Mr. Badal had sent a special jatha, led by Mr. Avtar Singh Hit, to Ayodhaya on December 6, 1992, to join the kar sevaks for demolishing the Babri mosque.

IN HONOR OF JOE HARRIS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the life-long service of Joe Harris. Mr. Harris, hailed as a man who always put everyone before himself, spent the last 34 years of his life serving my constituents as a fire fighter in the City of Denton, Texas. Mr. Harris not only served the people of Denton County but also his family and co-workers with the encouragement, warmth and generosity that defined his life.

The recent death of Mr. Harris came after years of fighting cancer. He had recently retired so he could spend more time with his family. During his career as a public servant, Mr. Harris took pride in each task that he was given. His contagious personality and love for those whom he saw day after day went far beyond his call of duty. A life-long citizen of my district, Mr. Harris served not only my constituents but our country in the United States Coast Guard. Mr. Harris was steadfast in his life of service, and I have no doubt that he has inspired everyone who came to know him.

Mr. Speaker, it is with great honor that I stand here today to commemorate the life of Joe Harris; one of our fellow public servants. May his work be a guide and inspiration to us all.

PERSONAL EXPLANATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. BARTLETT of Maryland. Mr. Speaker, on rollcall vote No. 31, I had thought that I had voted and that the machine had accepted my vote. Apparently, it did not; therefore, I ask unanimous consent that the CONGRESSIONAL RECORD show that had my vote been accepted, I would have voted "yes" on rollcall No. 31.

A PROCLAMATION HONORING GLENNA BLACK ON HER 92ND BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Glenna Black was born on February 16, 1913 and is celebrating her 92nd birthday; and

Whereas, Glenna Black has been a positive influence on those individuals who have been fortunate to meet her; and

Whereas, Glenna Black has remained active among her community and friends; and

Whereas, Glenna Black has exemplified a life of love and dedication to all of her family and friends.

Therefore, I join with the family and friends of Glenna and the residents of the entire 18th Congressional District of Ohio in wishing Glenna Black a very happy 92nd birthday.

SIKHS ARRESTED FOR RAISING FLAG ARE DENIED BAIL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. TOWNS. Mr. Speaker, on January 26, India celebrated its Republic Day, the anniversary of the adoption of its constitution. On that day a group of Sikh activists raised the Sikh flag at a Gurdwara in the city of Amritsar in accordance with Sikh tradition. For this, complaints were issued against 35 Sikhs and 31 have been arrested.

Now eleven of them have had their bail denied, keeping them in detention. The Punjab and Haryana High Court has ruled that speaking out for Khalistan is not a crime, yet they are charged with ''sedition'' and ''making inflammatory speeches'' for raising a flag and speaking out for freedom for the Sikh homeland.

Mr. Speaker, what kind of democracy is this? The Movement Against State Repression (MASR) was already reporting that India held 52,268 political prisoners. These activists add 11 to that number.

This is just the latest illustration that exercising your freedom of speech can be a very dangerous thing in India if you are a minority. India has a pattern of repression. It has killed over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Kashmiri Muslims, thousands of other Christians and Muslims throughout the country, and tens of thousands of Assamese, Bodos, Dalits (the aboriginal people of South Asia), Manipuris, Tamils, and others. The U.S. State Department reported in 1994 that the Indian government had paid over 41,000 cash bounties to police officers for killing Sikhs. One such bounty went to an officer who killed a three-year-old boy.

We must not just sit and watch while a country that proclaims itself ''the world's largest democracy'' tramples on the most basic of democratic freedoms, such as the freedom to speak out and to hold a peaceful demonstration. That is not the hallmark of a democracy. It is the hallmark of a police state.

The time has come to let India know that we are watching and to let them know that this is unacceptable.

There are steps that we can take to support the rights of all people in south Asia. It is time that we take these steps. They include cutting off our aid and trade with India and putting the Congress on record in support of self-determination for the Sikhs of Punjab, Khalistan, the Christian people of Nagaland, the Kashmiris, and all the people of South Asia who are seeking freedom. Only by exercising their right to self-determination, which is the essence of democracy, can the people there finally live in freedom, peace, and prosperity.

Mr. Speaker, I would like to place the Council of Khalistan's very informative press release on the denial of bail to these Sikh activists into the RECORD at this time.

[From Council of Khalistan]

BAIL DENIED FOR 11 SIKHS ARRESTED FOR HOISTING SIKH FLAG IN AMRITSAR—IS THIS DEMOCRACY, FREEDOM OF SPEECH?

Eleven Sikhs who were arrested for raising the Sikh flag on Republic Day, January 26, have been denied bail. Thirty-five Sikhs were charged and 31 are being held. They raised the saffron flag of Khalsa Raj at Gurdwara Shaheed Ganj in Amritsar. They have been charged with sedition and ''making inflammatory speeches.'' Khalsa Raj Party President Dr. Jagjit Singh Chohan said that they had raised the flag according to Sikh tradion.

Punjab Pradesh Congress Party President Hanspal said, ''We will not allow them to raise their heads for Khalistan.'' Maninder Singh Bitta, President of the All-India Youth Congress, demanded that Dr. Chohan and others be deported to Pakistan, claiming they are Pakistani agents. Former Chief Minister Badal said, ''We will not permit the militancy to raise its head again.''

''How can India call itself democratic when it suppresses a basic right like freedom of speech?,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for freedom. ''The Punjab and Haryana High Court has already ruled in the case of the late Colonel Partap Singh that speaking in support of freedom for Khalistan is not a crime,'' Dr. Aulakh said. ''How can these activists be arrested for something that is not a crime?''

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.'' According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs and tens of thousands of other minorities are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! We demand the immediate release of all these political prisoners.

''The Sikh Nation is indebted to the leaders of Dal Khalsa who raised the Sikh flag, including Harcharan Singh Dhami, President, Kanwarpal Singh Bittu, General Secretary, Satnam Singh Paonta Sahib, and others,'' said Dr. Aulakh. ''We praise Dr. Chohan for his remarks. But how can Sikhs like Badal, Hanspal, Bitta, and others call themselves Sikhs when they deny the Sikh aspirations for freedom? Clearly, they are doing the bidding of the Indian government, which controls them.''

The Sikh Nation declared its independence from India on October 7, 1987 and formed the Council of Khalistan at that time to lead the struggle for independence. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have ''the glow of freedom'' and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849 and were recognized by most of the countries of the world at that time. Sikhs do not accept the Indian constitution. No Sikh representative has ever signed it.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had pad over 41,000 cash bounties for killing Sikhs.

India is not one country; it is a polyglot thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Last year, the Punjab Legislative Assembly passed a bill cancelling the government's daylight robbery of Punjab river water. The Assembly explicitly stated the sovereignty of Punjab.

''I urge the international community to help us free Khalistan from Indian occupation,'' Dr. Aulakh said. ''Freedom is the birthright of all people and nations,'' he said. ''The arrest and denial of bail for these activists for raising the Sikh flag and making speeches shows that there is no freedom for Sikhs within India,'' he said. ''As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh','' Dr. Aulakh noted. ''We must continue to press for freedom,'' he said. ''Without political power, religions cannot flourish and nations perish. A sovereign Khalistan is essential for the survival of the Sikh religion and the Sikh Nation.''

LEADER IN EDUCATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor and congratulate Rutherford ''Bud'' Gaston, Sr., of Fresno, California. Bud has received many noted awards throughout the years and most recently he is a recipient of the Kremen School of Education and Human Development ''Noted Alumni Award''.

Mr. Gaston was born in Georgia, but attended high school in Brakenridge, Pennsylvania where he graduated from Har Brack High School. Then Bud moved to Fresno, where he attended California State University, Fresno and received a Bachelor's degree in Education, and a Master's Degree in Education Administration.

Bud joined Fresno Unified School District in 1953 as a teacher at Columbia School. After ten years, he became Principal of Tielman and Emerson Elementary School, and stayed with Fresno Unified until he retired in 1986.

Beyond his scholastic achievements, Mr. Gaston has also served the country well. He gave the United States Army five years of service and moved up the ranks to become

Second Lieutenant before he was honorably discharged.

Bud has not only served his country, but also served his community through many affiliations. He is a member of the Board of Directors of the Boys and Girls Clubs of Fresno, a Foundation Board Member for Saint Agnes Medical Center, a member of Kiwanis Club of Fresno, and a member of NAACP Black Political Council.

As a result of the tremendous efforts Bud has made within his community, he has been honored with many awards: The Black Educators' of Fresno Award, the Troy Award for Education, the Fresno Mall Dedication Plaque, Second Baptist Church Laymen's Award, Kids Day Award, Elementary Partnership Program Award, KSEE 24 Portraits of Success Award, and the Fresno District Fair Appreciate Award are just a few of such examples.

Our community has truly been blessed by the contributions Bud has made, and we are thankful for his dedication.

RECOGNIZING DEXTER SLAGLE AND DONNA CHASTEEN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. SKELTON. Mr. Speaker, it is with great pleasure that I announce the upcoming union of Dexter Slagle and Donna Chasteen, two long time residents of Morgan County, Missouri, and dedicated public servants.

Dexter has been a business owner in Versailles for 42 years and served his neighbors as City Alderman and as Morgan County Surveyor. Donna has also owned her own business for 35 years and for 12 years held the position of County Clerk. These are two individuals who have dedicated their time, money and energy to making the City of Versailles and Morgan County better places to live and raise a family.

Mr. Speaker, on February 20, Dexter and Donna, along with their children, Amy and Windy and Barbara and Bert, and their grandchildren will become one family. I am sure my fellow Members of the House will join me in wishing them all the best as they start their new life together.

A PROCLAMATION RECOGNIZING RUSSELL McCALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Russell McCall has demonstrated ongoing commitment to education for the residents of the Muskingum Valley; and

Whereas, Russell McCall has attended 500 consecutive board meetings of the Muskingum Valley Educational Service Center without absence; and

Whereas, Russell McCall has served as a board member since 1963, served on the New Concord-Union Local Board of Education for 4 years, was a founding member of the Mid-East Career and Technology Center's Board of Education for 19 years, and was a founding member of the Zane State College Board of Trustees for 19 years; and

Whereas, Russell McCall served in the United States Army during World War II and was awarded a bronze star; and

Whereas, Russell McCall is a lifelong member of College Drive Presbyterian Church and was active in the New Concord Grange and Muskingum County Pomona Grange.

Therefore, I join with the residents of the Muskingum Valley and the entire 18th Congressional District of Ohio in recognizing Russell McCall for his longtime dedication to the residents and children of Coshocton, Morgan, and Mukingum Counties.

LEADER IN EDUCATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor and congratulate Dr. Walter L. Buster, of Prather, California. Dr. Buster is a recipient of the Kremen School of Education and Human Development "Noted Alumni Award."

Dr. Buster received his Bachelor of Arts in English from Westmont College in Santa Barbara, then went on to attain his Master of Arts from Chapman College in Orange, California. He then moved to Montana and attended University of Montana to receive his Doctorate in Curriculum Development.

Walt moved back to California where he began his teaching career in Fullerton, then became Superintendent of Fairfax School District in 1984. In this position, Walt acted as the Chief Executive Officer for a K–8 district with 600 students in Marin County. He developed a plan for consolidation with the San Anselmo School District that was approved by the voters, and was responsible for cooperatively merging the Fairfax School District with the San Anselmo School District into the new Ross Valley School District.

He continued on as Superintendent, helping other school districts succeed, and finally came to Clovis and joined our community as Superintendent of Clovis Unified School District. After seven years with Clovis Unified, Walt became the Director of the Central Valley Education Leadership Institute at California State University, Fresno.

Walt's success has been great, and he has served on numerous committees and councils, such as the Fresno Compact Board of Directors, California State University, Fresno, Superintendents' Advisory Council, ACSA/CSLA Executive Leadership Planning Committee and Seminar Facilitator.

As gratitude for his service, Dr. Buster received the Robert Alioto Award for Instructional Leadership from the California School Leadership Academy, and the Citizen of the Year Award from the Clovis Chamber of Commerce. Most recently he is being honored by the Kremen School of Education and Human Development. Walt has given so much to his communities, and we are grateful for his leadership.

INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. DREIER. Mr. Speaker, I rise today to reintroduce the Inland Empire Regional Water Recycling Initiative, to authorize water recycling projects under the U.S. Bureau of Reclamation's Title XVI program. This legislation, which passed the House in the 108th Congress, is an important component of southern California's regional water management.

This Initiative includes two projects, the first of which will be constructed by the Inland Empire Utilities Agency (IEUA) and will produce 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District (CVWD), will produce an additional 5,000 acre feet of new water annually. Between these two projects, 95,000 acre feet of new water will be produced annually before the end of the decade.

With the recent passage of the CalFed authorization, it is imperative that we continue to approve measures preventing water supply shortages in the Western United States. The Inland Empire region is one of the fastest growing areas in the nation. Reducing our dependence on imported water from the Colorado River and northern California will have significant regional benefits including reduced water shortages, energy savings, improved water quality, and job creation. The passage of the Inland Empire Water Recycling Initiative will continue the federal-local partnership to bring a significant amount of new water supply to the region.

IEUA produces recycled water for a variety of non-potable purposes, such as landscape irrigation, agricultural irrigation, construction, and industrial cooling. By replacing these water-intensive applications with high-quality recycled water, fresh water can be conserved or used for drinking, thereby reducing the dependence on expensive imported water. In addition, by recycling water which would otherwise be wasted and unavailable, IEUA provides that the water available goes through at least one more cycle of beneficial use before it is ultimately returned to the environment.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana (through the Fontana Water Company), Ontario, Upland, Montclair, Rancho Cucamonga (through the Cucamonga Valley Water District), and the Monte Vista Water District.

I want to thank the House Resources Committee, and Chairman RICHARD POMBO, for moving this bill to successful passage on the House floor during the last Congress. I look forward to working closely with him again, and

with the new Water and Power Subcommittee Chairman GEORGE RADANOVICH. I also want to thank my colleagues, KEN CALVERT, GRACE NAPOLITANO, GARY MILLER, and JOE BACA for cosponsoring the Inland Empire Water Recycling Initiative. And last but certainly not least, I commend the hard work and dedication of Mr. Robert DeLoach, General Manager of the Cucamonga Valley Water District, and Mr. Rich Atwater, CEO and General Manager of the Inland Empire Utilities Agency, who both work tirelessly on behalf of the Inland Empire.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 31–32 on February 15, 2005. These were suspension votes on H. Con. Res. 25 and H.R. 324. Due to inclement weather conditions, my travel to Washington, DC was not completed until following the conclusion of votes this evening.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 31, Recognizing the contributions of the "Greensboro Four" to the civil rights movement "aye"; rollcall vote No. 32, the Arthur Stacey Mastrapa Post Office Building Designation Act "aye."

A PROCLAMATION HONORING ALICE CAVITT ON HER 100TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Alice Cavitt was born in Carrol County, Ohio on December 23, 1904 and is celebrating her 100th birthday; and

Whereas, Alice Cavitt, a devoted wife to her husband, William Cavitt, and mother to her children Pearl and Harold, is active in the Presbyterian Church; and

Whereas, Alice Cavitt has exemplified a love for her family and friends and must be commended for her lifelong dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Alice Cavitt a very happy 100th birthday.

HONORING MICHIGAN ROTARIANS ON 100TH ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. MCCOTTER. Mr. Speaker, I rise today to acknowledge and honor the thousands of Michigan Rotarians as they celebrate the 100th anniversary of the founding of Rotary, the world's first service club.

On February 23, 1905, The Rotary Club of Chicago was established by Paul Harris, an attorney who wished to recapture through a professional club the same friendly, small town spirit he experienced in his youth. Finding like-minded committed individuals, over time the organization was called the Rotary, because of the club's early practice of rotating meetings among members' offices.

From this humble but hearty beginning, Rotary's popularity burgeoned and clubs were formed from New York to San Francisco. By 1922 the organization began to expand outside of the United States, and so it adopted the name Rotary International to evidence its member clubs on six continents.

Throughout the years the organization has been remarkable for "doing good in the world." For example in 1985, Rotarians made a commitment to immunize all of the world's children against polio. Today, contributions to the Rotary Foundation total more than $80 million annually and support a wide range of humanitarian grants and educational programs; and Rotarians have mobilized hundreds of thousands of volunteers and have immunized more than one billion children worldwide. In point of fact, by the end of 2005 Rotary will have contributed close to $500 million to this cause alone.

Mr. Speaker, for 100 years Rotary has striven to meet the challenges of a changing world, including such pressing issues as environmental degradation, illiteracy, world hunger, and at risk children. Let us then pause our own hectic pace and honor Rotarians for bringing hope and help to all humanity.

ENCOURAGING CROSS-STRAIT RELATIONS BETWEEN CHINA AND TAIWAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. ORTIZ. Mr. Speaker, one of the most important Pacific Rim relationships is the one between China and Taiwan. I want to commend both nations for their work to find common ground.

I am so pleased that cross-strait relations have been improving in recent days. On January 15 of this year China and Taiwan agreed to direct flights during the Lunar New Year holidays and both sides agreed to continue to work toward restoring direct trade, transport and postal ties—the "three links". Moreover, the economies of China and Taiwan have grown increasingly interdependent as Taiwanese businesses have invested as much as $100 billion in China and as many as one million Taiwanese now live and work on the mainland.

For the last several decades, U.S. policy has been to encourage amicable relations between Taiwan and China so that they may work out whatever differences they may have through peaceful means. We in the international community should make sure the peace and prosperity of the 23 million people in Taiwan is maintained.

A PROCLAMATION HONORING MR. AND MRS. BUCHSIEB

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Richard and Beatrice Buchsieb were united in marriage January 15, 1955, and are celebrating 50 years of marriage; and

Whereas, Richard and Beatrice Buchsieb were married January 15, 1955, at 3rd Ave. United Methodist Church in Columbus, OH; and

Whereas, Richard and Beatrice Buchsieb are the loving parents of four children and four grandchildren;

Therefore, I join with the residents of Cambridge, and the entire 18th Congressional District of Ohio in congratulating Richard and Beatrice Buchsieb as they celebrate their 50th Wedding Anniversary.

CELEBRATING THE 35TH ANNIVERSARY OF VALLE DEL SOL, INC.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. PASTOR. Mr. Speaker, I rise before you today to celebrate the 35th Anniversary of Valle del Sol, Inc., a nonprofit, community-based organization in Phoenix, Arizona which has helped thousands of individuals each year through its extensive behavioral health and social services.

Valle del Sol was created in 1970, at a time when behavioral health services in Phoenix were nearly non-existent for Latino families. The organization was originally established to address opiate addiction in the community, and although it has expanded its services over the years, Valle del Sol has always maintained its commitment to providing bilingual and culturally relevant services for the Latino community.

As one of the largest Hispanic behavioral health and social service organizations in Maricopa County, Valle del Sol's culturally diverse, bilingual staff provides a wide range of programs and services for the entire family. These programs are designed to address the increasing social and community needs related to family and behavioral health problems, and include counseling, substance abuse treatment, adult education, advocacy, services for seniors, and an adolescent therapeutic group home. Valle del Sol's commitment to excellence in customer service, financial viability, planned growth, and community development in Arizona has positively contributed not only to Latino families, but to the entire Arizona community. I am particularly proud of Valle del Sol's achievements in becoming an $11 million agency with nearly 200 employees.

Valle del Sol has been instrumental in providing a base of leadership for the Latino community. Many Latino leaders in Arizona, including myself, have served on Valle del Sol's Board of Directors, or have attended Valle del Sol's Hispanic Leadership Institute (HLI). HLI has provided leadership training for over 18 years and is offered to community members who are dedicated to addressing Latino issues. Under HLI training, participants gain a comprehensive understanding of issues affecting the Latino community, as well as practical leadership skills. The goal of HLI is to arm leaders with the valuable tools to effectively advocate for issues important to the Latino community.

I would like especially to acknowledge Valle del Sol's current leadership, headed by President and CEO Luz Sarmina-Gutierrez. Ms. Sarmina-Gutierrez's efforts to maintain Valle del Sol's high quality of service was duly recognized, and Valle del Sol was awarded accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) for four of its programs that specialize in substance abuse and mental health. This accreditation is the highest achievement an organization can receive from CARF and is the second time a three-year accreditation was awarded to Valle del Sol. The CARF accreditation demonstrates to the public that Valle del Sol's services meet stringent standards in following with its polices, procedures and practices, including health and safety standards.

Mr. Speaker and Colleagues, please join me in honoring and congratulating Valle del Sol, its leadership, and its employees upon the celebration of its 35th Anniversary. It is with great pride that I celebrate Valle del Sol's outstanding contributions to the Arizona community and its unwavering commitment to public service, and I wish them many more years of success.

IN SPECIAL RECOGNITION OF THE 80TH WEDDING ANNIVERSARY OF CLARENCE AND MAYME VAIL OF HUGO, MN

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to call attention to the 80th wedding anniversary of Clarence and Mayme Vail of Hugo, Minnesota.

Eighty-two years ago, Clarence and Mayme met when Clarence's family moved to Hugo and he joined Mayme's eighth grade class. Clarence and Mayme were the only two from this class to continue into high school, though they both left school early a few years later. They left for a good reason: to get married. Although the couple heard people say that they were too young to be married—he was eighteen and she was just sixteen—they began their wedded lives together on February 17, 1925.

For the first few years they were married, Clarence and Mayme lived in the telephone office where Mayme's mother worked. Their first children were born in that office. Since then, Clarence and Mayme have lived in two homes, both in Hugo, and they now have six children, 39 grandchildren, 98 great-grandchildren, and 32 great-great grandchildren.

Before retiring, Clarence worked as a machine and tools salesman, and after their children were older Mayme worked at the local grocery store. Now, in their retirement, Clarence and Mayme spend their time reading, playing cards, and attending church every morning. Mayme also enjoys making quilts for local charities.

Mr. Speaker, it is my privilege to recognize Clarence and Mayme Vail on their 80th wedding anniversary as an example which we should all try to follow. Clarence and Mayme have been married for a near-record number of years, and it is likely that they hold the record for being the longest-married couple in Minnesota history. I admire the love and dedication which this couple has shared for so many years, and I wish them many more years of happiness together.

REMARKS ON THE SITUATION IN IRAQ

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. DAVIS of Illinois. Mr. Speaker, we may soon know the official count from the elections in Iraq but it is already very clear we will not know the real long term impact and results for some time.

Will the election unite the Iraqi people or further divide them? Will the new government represent the interests of all sectors of Iraqi society? Will the rights of minorities be protected? Will the new laws of the land be promulgated on a secular or religious basis?

The elections do nothing to increase the legitimacy of our so-called "preventive war." The official end for the search for weapons of mass destruction confirms what a majority of the American people have known for some time: we were misled as to the need for military action in Iraq.

There was no link between Saddam Hussein and 9/11. U.N. sanctions and inspections were, in fact, highly effective in disarming Iraq after the 1991 war.

There is no doubt that those Iraqis who did vote, and already the controversy is growing over what share of the population participated, were expressing their profound hope for an end to the violence, for an improvement in the quality of their lives, for a say in their own futures and an end to the occupation of their country.

And why not? Estimates by reputable experts such as the British medical journal, The Lancet are that more than 100,000 Iraqis have died as a result of the war and the on-going violence under the occupation.

The Iraqi government has reported that malnutrition among young children has doubled since the war began and that they are experiencing soaring rates of disease exacerbated by a decimated health system.

Iraq is no closer to a stable democracy today than it was two years ago. The Iraqi insurgency appears to be growing significantly faster than the security forces we have attempted to train. It is questionable if Iraqi security forces can ever achieve authority as long as our troops have the real responsibility for maintaining order.

The presence of more than 130,000 U.S. troops has, in fact, become a rallying point and an endless source of fodder for propaganda by terrorists.

At a time when American prestige and leadership is more necessary than ever, when the light of hope for a peaceful, just and lasting solution to the conflict between Israel and the Palestinian people once again flickers to life, U.S. ability to serve as a broker for peace has been crippled by the perception of many of our actions in Iraq.

We face the massive and difficult task of rebuilding international alliances and renewing the mechanisms of international diplomacy and security. And what has been the cost to America? As of yesterday, 1,449 American troops killed. 10,740 wounded as of the end of January. Extended time of service for tens of thousands of service men and women and reservists at immense cost to families.

The diversion of tens of billions of dollars from homeland security, health, education, housing, and a host of other needs have left some of our most urgent needs here at home untended and unaddressed. The long term impact on our military has not yet been examined, but based on our experience after Vietnam there is good reason to expect that there will be a negative impact.

Mr. Speaker, in the interests of stabilizing the situation in Iraq, in the interests of peace and security in the region, in the interests of our homeland security, and in support of our troops, it is time to bring our troops home.

HONORING MR. WILLIAM BERTRAND TURNER ON HIS 100TH BIRTHDAY

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor a great man, Mr. William Bertrand Turner on this, his 100th birthday.

Mr. Speaker, William Bertrand Turner was born on February 28, 1905 in Elizabeth City, North Carolina and grew up a stone's throwaway from the famous Pasquotank River. Mr. Turner grew up there, was educated in the public school system, and eventually graduated from Elizabeth City State University.

Mr. Turner's love for science lured him to Shaw University in the Capital city of North Carolina. He pursued his interest in Organic Chemistry during the height of the "Roaring 20's" and graduated in 1929, during the beginning stages of the Great Depression.

Mr. Speaker, after his graduation from Shaw University, William Turner set his sights North, and began a quest for his Master's Degree at the renowned Cornell University in New York. Mr. Turner received his Masters Degree in his passion, Organic Chemistry in 1936.

In 2001, Mr. Turner was awarded an Honorary Doctorate Degree from the American

Chemical Society, the highest honor bestowed by that Society.

Mr. Speaker, Mr. Turner has been married to Ms. Margaret Turner for 75 years. I am told that their love and admiration for one another is just as strong as the day they were married.

Mr. and Mrs. Turner currently reside in Brownsmills, New Jersey; and while all North Carolinians long for their return, we wish them a wonderful life in New Jersey.

Mr. Speaker, I ask my colleagues to join me in honoring my constituent, Mr. William Bertrand Turner on his 100th birthday. I pray for many more to come.

IN HONOR OF JESSICA GOVEA THORBOURNE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a true heroine, Jessica Govea Thorbourne, who passed away on January 23 after a 12-year battle with breast cancer. Throughout her 58 years, Jessica worked tirelessly to improve the lives of immigrant farm workers and to strengthen the labor movement in California, nationally, and in Central America. She was a courageous, effective, and visionary leader, and a wonderful person. She will be sorely missed.

Born in Porterville, California, Jessica began working in the cotton fields at the age of 4. By the age of 9 she was distributing leaflets alongside her father, Juan Govea, a respected leader of the Mexican American community of Bakersfield. He had been recruited by Fred Ross Sr. and Cesar Chavez to help organize local workers for the Community Service Organization, CSO. Her mother Margaret also became a very effective advocate of CSO. At the age of 12, as the president of the Junior CSO, Jessica led other child farm workers in a successful petition campaign for a neighborhood park.

After graduating valedictorian from Bakersfield High School, Jessica completed one year of college. She made the sacrifice of foregoing college to begin working closely with Cesar Chavez and the United Farm Workers, UFW. It was there as a caseworker that Jessica first called attention to the adverse effects of pesticide exposure on farm workers. While most believed that the rashes, headaches and dizziness were from heat exposure, Jessica having suffered the same symptoms herself, believed it to be pesticide poisoning. Her persistence gave fuel to union boycotts and eventually gained national attention when it became the focus of the 1969 Senate hearing on migrant workers.

When she was 21, she was sent to Canada to enlist supporters in the union's fight against grape growers. Her passion and eloquent speaking ability won broad support from students, laborers, and church groups and drew millions of Canadians into the boycott. The success of the boycott gave the UFW the critical leverage it needed to win contracts with the entire California grape industry. Because of her warnings, these contracts contained clauses banning the use of dangerous pesticides. Later, Jessica served as the National Director of Organizing for the UFW and was elected to the national executive board.

Jessica spent countless hours registering voters and turning out the vote for numerous elected officials, including Jerry Brown in his successful bid for governor of California in 1974, and Robert Kennedy in his bid for the California Democratic 1968 presidential primary.

As Chair of the California Democratic Party, I worked closely with Jessica in 1982. She demonstrated extraordinary leadership, energy, and commitment as the head of a crucial state-wide voter registration and get-out-the-vote drive. In 1992, she worked with Fred Ross Jr., at Neighbor to Neighbor, training leaders of SICAFE, the coffee workers' union of El Salvador, and with workers targeted by Salvadoran death squads.

For the last two decades, she continued her work as labor educator at Rutgers and Cornell Universities. At Cornell she directed the Labor In-House Programs in the School of Industrial and Labor Relations. There she trained and inspired many organizers including Chinese-speaking health care workers, who with her assistance became activists and leaders in Local 1199 of the Service Employees International Union.

Despite her poor health from her battle with cancer, which she believed was caused by exposure to pesticides in the fields, she continued to be an invaluable colleague in the labor movement fighting for economic and social justice.

We thank Jessica for her leadership, her courage, and her dedication to the labor movement and to our nation. Her work will continue in the laborers she empowered and the students she inspired.

Our thoughts and prayers are with Jessica's husband, Kenneth Thorbourne Jr., her mother, Margaret Govea, and her siblings. I hope it is a comfort to them that so many people share their loss and are praying for them at this sad time.

INTRODUCTION OF BILL TO PROVIDE PERMANENT FUNDING FOR THE PAYMENT IN LIEU OF TAXES (PILT) PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, together with my Colorado colleague, Representative JOHN SALAZAR, I am introducing legislation to provide permanent funding for two programs that are very important to counties and other local units of government in Colorado and many other States.

Our bill is identical to one introduced in the 108th Congress by Scott McInnis when he represented Colorado's 3rd Congressional District. He was a leader on this issue, and we are joining to work to complete this job that he began.

Under the bill, the full amounts authorized under both the payments in lieu of taxes (PILT) program and the refuge revenue sharing program would be made available to the Secretary of the Interior annually, for distribution to eligible local governments in accordance with those programs.

This would eliminate the requirement for annual appropriations for PILT and refuge revenue sharing purposes and would shield them against the kind of political shortsightedness demonstrated in the budget recently submitted by President Bush, which proposes to inflict a severe cut in the funding available for PILT.

While both programs are significant, PILT is particularly important for counties in Colorado and other states that include large expanses of federal lands. In 2004, for example, counties in Colorado received more than $17.6 million out of a total of $244.3 million distributed nationwide.

Congress created the PILT program in response to a recommendation of the Public Land Law Review Commission, chaired by Representative Wayne N. Aspinall, who represented what was then Colorado's Fourth Congressional District. It reflected a recognition that a system of payments based on acreage was more equitable and reliable than one tied to management decisions such as timber harvests or other uses.

Counties use their PILT payments for a wide variety of purposes, including some—such as law enforcement, fire fighting, and search and rescue—that are directly related to the federal lands within their boundaries and the people who use those lands.

For nearly two decades after the program was established, PILT funding remained level but the value of PILT payments was eroded by inflation. In 1995, Congress amended the law to raise the authorization level. However, since 1995, no budget request—from either President Clinton or President Bush—has requested more than two-thirds of the amount authorized by the PILT Act. As a result, the burden on county taxpayers has not been reduced to the extent that Congress intended when it passed the 1995 legislation.

Our bill would ensure full implementation of that legislation.

HONORING THE 150TH BIRTHDAY OF WRIGHT COUNTY

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor the 150th birthday of Wright County, located in East Central Minnesota. Bordered on the north by the Mississippi River and the east by the Crow River, Wright County was founded on February 20, 1855, 3 years before Minnesota became the 32nd state. The Big Woods, as Wright County was called then, was inhabited by 504 pioneers from across Europe, as well as Native Americans from the Dakota and Winnebago Nations.

Wright County was a part of the Louisiana Purchase in 1803. The Homestead Act of 1862 accelerated settlement of the area, and people arrived from across America and Europe. When the pioneers arrived in Wright

County, they found the ''Big Woods'' moniker to be an apt description of the territory—a place covered with elm, basswood, sugar maple, ash and red oak. The county grew steadily, but travel was difficult because people could only clear a few acres of trees a year. The construction of the railroad had the biggest impact on the county, as farmers could get their goods to market faster and people could move with greater ease. Today, the county has a population of over 100,000 and is one of the fastest growing areas in the state of Minnesota.

Eventually, the Big Woods region came to be called Wright County in honor of Silas Wright, a former Congressman, Senator and Governor from New York State. Buffalo was established as the county seat in 1873. Most of Wright County's early residents were involved in agriculture, and appreciation for the county's vast natural resources carries on today. There are nearly 2800 acres of land devoted to the nearly 30 county parks. Residents also make use of the 298 lakes within the borders of Wright County, swimming and boating in the summer and ice fishing in the winter.

Mr. Speaker, as a proud resident of Wright County, I am pleased to honor a place so rich in Minnesota history and culture on the occasion of its 150th birthday.

TO COMMEMORATE THE ISSUANCE OF THE MARIAN ANDERSON STAMP

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor one of America's most shining and influential artists, Ms. Marian Anderson. The recent issuance of a commemorative stamp in her honor provides an opportunity to recognize her impressive achievements.

Few musicians in history can claim the number of achievements Ms. Anderson can. As an opera singer, she proved to be among the world's best. Her range and ability to communicate a song's emotion were envied. Ms. Anderson often sang in the original language of the songs she performed, feeling that she would better connect with the native audience. By the end of her career she had performed in eight languages and traveled all over the world—living and studying for extended periods of time in Europe. Her voice graced President and Mrs. Roosevelt at the White House and the Inaugural ceremonies for Presidents Eisenhower and Kennedy. After hearing her, the world renowned conductor Arturo Toscanini commented that hers ''. . . is a voice one hears once in a hundred years.'' How true.

During her life, Ms. Anderson witnessed and contributed to some of the greatest changes in history. She lived through two world wars, a depression, and the civil rights movement. As an African-American, female performer during a period of history in which that combination provided particular challenges, she overcame prejudice and social limitations. For example, she was the first black singer to perform on stage at the New York Metropolitan Opera House. One of her most notable concerts was on Easter morning on the steps of the Lincoln Memorial. Broadcast nationwide via radio, Ms. Anderson sang before a crowd of over 75,000 and millions of listeners after she was prohibited from performing at Constitution Hall by the Daughters of the Revolution.

In addition to receiving awards for her musical talent, like the Grammy Lifetime Achievement, she received numerous other honors for her commitment to peace and equality. She was appointed goodwill ambassador to Asia and a delegate to the United Nations. She received the Eleanor Roosevelt Human Rights Award, the United Nations Peace Prize, the NAACP's Sprigarn Medal for outstanding achievement by a black American, and the President's Medal of Freedom.

Clearly, Marian Anderson had a resonating and inspiring voice with the heart and conviction to match. Ms. Anderson's voice was a vehicle of communication, and music her universal language. Hers' represented the voice of so many others who were unable to speak out against the injustices they faced.

I am honored to celebrate the issuance of the Marian Anderson commemorative stamp today. Ms. Anderson is quite deserving of this recognition. In doing this we eternalize the courage, conviction, and talent of this remarkable woman.

THE PASSING OF JON DRAGAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. RAHALL. Mr. Speaker, it is with deep regret that I announce the loss of a true pioneer of whitewater rafting in southern West Virginia. Jon Dragan, dubbed the ''Father of Whitewater Rafting,'' passed away on Saturday at the young age of 62.

Jon came to Fayette County West Virginia in 1964 to explore our wonderful rivers, the New and the Gauley. By 1968 he had opened the first commercial whitewater rafting company on the New River and the rest is history.

It was my great pleasure to work with him in my early years as a Congressman to establish the New River Gorge as a National River and part of the National Park system in 1978. His efforts in the process were instrumental and the end result has been a lasting wonder for southern West Virginia.

Throughout his career he continued to take part in exciting whitewater adventures, all while finding time to help out the community. He was a true public servant to West Virginia, and he leaves behind many people who were glad to know him, many fond memories and a great whitewater rafting industry.

Whitewater rafting is a huge part of the economy in southern West Virginia. It is one of the many wild, wonderful things that bring tourists to West Virginia and the entire industry was started by Mr. Dragan. We owe a great debt to him for all of his hard work and he will forever be remembered in Fayette County and across Southern West Virginia.

TRIBUTE TO MR. JERRY WARTGOW

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to a remarkable individual and a personal friend. Mr. Jerry Wartgow recently announced that he will be stepping down this summer as the Superintendent of Denver Public Schools. He will be sorely missed by all who had the pleasure of working with him in his tireless efforts to improve the quality of education and the lives of Denver area youth.

Jerry is a wonderful man who is truly dedicated to education reform. In his four-plus years as superintendent he relentlessly pursued reforms, a pursuit that sometimes put him at odds with the educational establishment and at loggerheads with state and municipal officials.

Mr. Wartgow's dedication to institutional reform and improving results was matched only by his compassion for the children he worked for every day. Jerry was a believer in the notion of education as a lifetime process. He believed that in order to get long term results in childhood achievement, education has to start early—and he brought that thought process to the superintendent's office.

As he told the Rocky Mountain News last week, ''Economically, the best possible investment is to put money in early childhood education and kindergarten. There's no question about it. That's the best way to go about secondary school reform—to start early.''

Jerry recently also told The Rocky Mountain News that, ''Successful leaders have always been able to resist the pressure to make short-term, quick-fix changes at the expense of sustainable reform.''

Mr. Speaker, without a doubt Jerry has shown himself to be one of those successful leaders.

Rocky Mountain News columnist Mike Littwin recently penned a column about Wartgow that I think did a fine job capturing the kind of man Jerry is, and I would like to submit it here for the RECORD.

When Jerry Wartgow leaves his job as DPS superintendent in June, he'll leave the job undone.

Which is, of course, the only way you can leave that job.

Wartgow will have kept the position for just over four years. In explaining why he's leaving, he notes that the typical urban superintendent lasts only 27 months.

That's not really an explanation—and he didn't offer a better one—but it is a great statistic.

In 27 months as a school superintendent, it's easy to either wear out or to wear out your welcome. Or both.

When Wartgow made his announcement at the Denver School of the Arts in a speech before school principals and staff, he got a standing ovation. That's the way you want to go—before the grumbling gets too loud.

And there is some grumbling, of course: about struggling high schools, about high dropout rates, about potential labor problems, about community schools that are not always accepted by their communities.

In his speech, Wartgow pointed to his accomplishments—one form of education reform following another; money raised, even

if never enough money; a district that the governor twice named most improved—and then he told me what he really thought about how much you can accomplish on the job.

It turns out to be a lesson—get out your paper and pencil—for ''education'' presidents and ''education'' governors and ''education'' mayors and school board members and state legislators and congressmen and, yes, superintendents and everyone else who makes education policy.

And so, of course, Jerry Wartgow's lesson turns out to be a lesson even for Jerry Wartgow himself.

It's simply this: ''Education reform'' and ''quick fix'' don't belong in the same sentence. And politicians are, by nature of their jobs, addicted to the quicker-than-really-possible fix.

Wartgow put it this way: ''We live in a society of instant gratification. People want instant answers, instant solutions, ignoring the complexities of so many of these issues.

''You take societal problems that can't be solved by legislators and they pass them on to the schools. And then they expect the schools to solve them.''

You know the fixes. Vouchers will fix the schools. Or testing will fix the schools. Or merit pay for teachers will fix the schools. Or charter schools will fix the schools. Or getting back to basics will fix the schools. Or—and, yes, this may be an extreme case—dumping Bless Me, Ultima in the trash will fix the schools.

And that's just from one side of the educational divide.

''We've been working on reform of education since 1978,'' Wartgow said. ''We've spent billions of dollars. Every state legislature has had its own reforms. There are hundreds of thousands of pages of legislation.''

In his speech, this is what he asked for from the legislature: no more education legislation.

''I've lived through all the cycles,'' he said. ''You don't give your children soft drinks—you give them fruit juice. Look in the paper today, and there's a story about the dangers of fruit juice.

''It's the same with education reforms. And it's further complicated because people making the decisions are on a different time frame than the students.

''If you're a mayor for four years, or you're an urban superintendent for 27 months, or if you're on the school board, what you're trying to do is to make a statement in the time you're there. If you're a young superintendent, with a family to worry about, you've got 27 months. And if you don't show progress . . .''

It's a story you see played time and again.

''The reform time frame,'' Wartgow said, ''is out of sync with the policymakers' time frame.''

In Wartgow's time frame, he will quit just after a report on secondary school reform is completed. One reason he's leaving, he says, is that he couldn't see himself staying long enough to properly implement those reforms.

''We know that economically the best possible investment is to put the money in early childhood education and kindergarten,'' Wartgow was saying. ''There's no question about it. That's the best way to go about secondary-school reform—to start early.

''But here's the problem: The benefit won't be seen for years. I think that's it. I think that's the issue. I don't have the answer, but I've observed the problem.

''The time frame for everything we know about how long it takes for education reform to take hold is a much longer time frame than policymakers and elected officials live in.''

In the time it takes to go from kindergarten through 12th grade and, with luck, on to college, a student has lived through a couple of mayors, a couple of governors, maybe three or four superintendents, and all with a farewell speech to deliver.

When Wartgow says he doesn't have an answer for this problem, he is being modest. He does, at the very least, have a suggestion, which would fit nicely on a sampler.

''My quote,'' he said, ''is that successful leaders have always been able to resist the pressure to make short-term, quick-fix changes at the expense of sustainable reform.''

Lesson given. Lesson learned?

PAYING TRIBUTE TO SHIRLEY CHISHOLM: AN AMERICAN HEROINE

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I rise today to honor an extraordinary woman in American history. Shirley Chisholm, an outspoken advocate for women and minorities during her seven terms in the House of Representatives, passed on January 1st. This iconoclastic political figure has been lost and forgotten in many of today's civic classes in this country but her ideals have seen a rebirth.

Born in 1924 to parents that emigrated from the West Indies, Chisholm was raised in an American society that told African Americans to stay in their place and women to stay at home. Chisholm vehemently rejected this canon which ultimately shaped and fueled her political career—becoming both the first African American woman elected to Congress and the first black or woman to wage a serious campaign for a major party's presidential nomination in 1972.

Shirley Chisholm excelled in academics at Girls High School in Brooklyn, New York, from which she graduated in 1942. After graduation she attended Brooklyn College where she majored in sociology. It was there that she experienced blatant racism. When black students at Brooklyn College where denied admittance into social clubs, Chisholm formed alternate ones. She would go on to graduate with honors in 1946 but found herself turned away by employers time and time again. During this time many black graduates found it difficult to obtain employment commensurate to their education. It was a culmination of these events in her life that led Chisholm to vow to fight against injustices everywhere. After graduation, she would earn a masters degree in child education from Columbia University and later served as director of the largest nursery school network in New York.

In 1949, Chisholm participated in local politics, helping to form the Bedford-Stuyvesant political league. She also became active in the Brooklyn chapter of the National Urban League and in the National Association for the Advancement of Colored People (NAACP), where she debated minority rights. Chisholm's political career took off in 1964, when she won, by a landslide, her campaign for the New York State Assembly. As an assembly person (1965–1968), she sponsored legislation that instituted programs which provided college funding to disadvantaged youths, and successfully introduced a bill that secured unemployment insurance for domestics and daycare providers. In 1968 Chisholm won a seat in the House of Representatives becoming the first African American woman to be elected to Congress. She found herself one of ten women and nine African Americans in the prestigious body.

Representing an entirely inter-city constituency, Chisholm protested her relegation to the Agriculture Committee, an assignment she considered insulting. She would often criticize Congress for being too clubby and unresponsive. It was during these challenging times that Chisholm exemplified one of the most important characteristics of a pioneer—the determination to strive for more and to not accept "no" for an answer. With a character that she has described as "unbought and unbossed," Chisholm became known as a politician who refused to allow her colleagues, including the white male-dominated House of Representatives, to deter her from her goals. She remarked that, "Women in this country must become revolutionaries. We must refuse to accept the old, the traditional roles and stereotypes." She subsequently served on a number of committees, including the Education and Labor, and campaigned for a higher minimum wage and increased federal funding for disadvantaged communities. In her first term in Congress, Chisholm hired an all female staff and was an unyielding advocate of social justice, women's rights, the underprivileged and people of all races, nationalities and faith.

On January 25, 1972 Chisholm became the first African American woman to campaign for the presidency. She admitted that she stood no real chance of winning but wanted to galvanize minority communities, working class whites and young people into a sizable political force. Chisholm ran as "the candidate of the people," receiving 151 delegate votes at the Democratic National Convention that year.

During the campaign, she experienced resistance from her colleagues, including the Congressional Black Caucus for which she was a founding member, and was attacked four times on the campaign trail. Chisholm's bid for the presidency was not fruitless—her legacy and work has ushered in a generation of exceptional leaders—from presidential candidate Jesse Jackson, to former U.S. Senator Carol Mosley Braun to Democratic Leader NANCY PELOSI.

Shirley Chisholm once commented, "There is little place in the political scheme of things for an independent, creative personality, for a fighter. Anyone who takes that role must pay a price." Mr. Speaker, I believe obscurity is too high a price for Mrs. Chisholm to have to pay. We all owe her a debt of gratitude for the work that she's done to advance the causes of all Americans and for that legacy our country will be eternally grateful.

INTRODUCTION OF A RESOLUTION TO HONOR THE CHILDREN OF AMERICA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, today my fellow colleague from Colorado, Representative BEAUPREZ, and I are again introducing a resolution to honor this Nation's children and express the desire to mark the first Wednesday in March as National Children's Day.

The resolution expresses the sense of the House of Representatives urging the President to proclaim that the first Wednesday of March each year should be named National Children's Day in honor of the future generations of our country.

The Great Sioux Nation can be used as a role model to lawmakers in America as we debate any bill here on the floor of the House of Representatives. They place a high value on the children of the tribe, as they represent the future of the tribe. When important decisions are being made, the Sioux always discussed what the impact of the decision would be, not on the current generation, or the next generation, but the seventh generation out.

The Sioux Nation placed a priority on the future of the tribe, through its children. I believe that it is important that we, as lawmakers, keep the importance of our future in mind as we make decisions everyday here in Congress.

In that spirit, I believe this legislation is fitting as it honors the importance of our Nation's children and the role that we as adults have in the upbringing of a child. Through special attention from the adults in a child's life, that child is more likely to experience success throughout their life. This resolution urges adults to set aside time throughout the day to support a child in their life or community.

I urge my colleagues to support this resolution, and spend some time with a child in their lives.